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(SWIRMO). 1,300 words

### **How Russian values, culture and norms can support the application of IHL/LOAC and how that is used in training to promote IHL/LOAC.**

Slide 1. Law including **IHL** provides assurance that others will not defect from mutually beneficial arrangements. IHL is mutually beneficial, but we usually have little assurance that others will follow it. This is a kind of prisoner's dilemma situation in international setting. Since in international law we cannot rely on external enforcement, our only hope is internal enforcement. This is exactly the point of our conversation at this panel. Neither IHL nor LOAC work by itself. It is naïve to hope that as soon as the parties sign the binding agreements or we manage to smuggle in the appropriate clauses of rules to insert it in domestic ROE, the IHL will thrive. To think so would be an exercise in formalism if not futility. The norms, at both levels of generality (principles and rules) and of both modes of derivation (customs and treaties) can only work if there is an agent who has sufficient motivation to stick to the norms. The normative background matters.

Slide 2. I will refer to this normative milieu using the conceptual scheme of **matryoshka nesting doll**. Normative background should be regarded as a sequence of shells one nested inside the other. The outer shell exerts immediate but short-lived influence and the inner shell the most lasting, but not that palpable influence on the behavior in terms of military ethics. The sequence of shells is the following.

1. Emotional shell (the outer one)
2. Ideological shell
3. Educational shell
4. Cultural shell
5. Ethical shell (the utmost inner one)

I will touch upon each of the shells.

Slide 3. **Emotional shell.** The emotional external normative layer is the most volatile and the most physically palpable. One can hardly expect that the bearers of arms will follow the norms of war, if they are ill clad, ill fed and frightened to death. That was exactly the case with the Russian army in Chechnya in 1994-1996. The 18-year-old conscripts, who were thrown into battle like cannon fodder were so ill-supplied that they did not even have gloves to protect themselves from arctic colds. No surprise the army was just a frightened crowd, which fired at everything, which moved. Hardly any education in IHL would have helped. That resulted in enormous loss of lives not only of civilians but of the soldiers as well. To give the opposite example. The Russian engagement in Syria and battle of Aleppo of 2016 was well arranged in terms of supply, order and discipline. As a result, not only the war was reasonably clean at the Russian side. The Russian army introduced a humanitarian know-how. Russian and Turkish diplomats negotiated a plan to evacuate the last rebels and their supporters from the enclaves in Aleppo. They were bussed to rebel lines on the western edge of the city. Hundreds of pro-governmental supporters from two besieged enclaves near Idlib city were moved the other way into Aleppo. Russian soldiers, backed by monitors from the ICRC coordinated the evacuation.

Slide 4. **Ideological shell.** What I call ideological shell is a bunch of entrenched political values imposed on the military by the political leadership. The former Soviet army was propelled by communist ideology and propaganda. Now we are witnessing a return of some kind of official ideological hard core propaganda in the army. The only difference is that the Soviet propaganda was based on communist ideology (universal to the great extent). The contemporary propaganda in the Russian army refers to the duty to protect the motherland. This is a kind of, so to say, thin propaganda. The danger with the thin propaganda is that it backfires. The duty to protect your motherland may make perfect sense if the motherland provides social justice, rule of law and human rights, not to mention decent living standard. This kind of misbalance must be taken into consideration. Since the army cannot be isolated from society, the propaganda may trigger general irritation and state of dismay, which creates emotional condition unfriendly to the appropriate conduct in terms of IHL.

Slide 5. **Educational shell.** Education transcends ideology. The army, which consists of educated individuals is much more susceptible to the norms of IHL/LOAC and will not violate it even if some current political trend demands it. The general educational level in Russia is still very high, but unfortunately is currently declining due to the continuous reduction of spending on education and the decline of living standard. This poses a problem, which should be dealt with. In some countries, like in the UK it is dealt by means of introducing the general universal foundation of natural rights, which works as general framework for all military education. Perhaps in Russian we still lack this kind of universal touchstone in military education. Although it may be easily provided by the Russian culture.

Slide 6. **Cultural shell.** The traditional Russian culture is deeply linked to military values. I will refer only to the basic trends. Russia is a crossing point of several world religions: Christianity, Islam and Buddhism. We have an entrenched tradition of pacifism, stemming from Christianity and Tolstoy. We also have a tradition of sacred war. Even the Great Patriotic War is depicted as a sacred war of all Soviet States against the invaders. This tradition is promulgated by philosophers as diverse as Leontiev, Danilevski, Soloviev, Dostoyevsky and Ilyin. I will need a lecture series to expand at a minimal extent on it. In Russia, we never had deep philosophically backed tradition of cynical political realism. War was always regarded as something transcending considerations of narrow political gain. At the same time both traditions equally promulgated the duty to protect noncombatants and to avoid excessive harm to the enemy. That should be regarded as a unique cultural trend and a good point of departure for teaching military ethics and IHL.

Slide 7. **Ethical shell.** There is also something, to which I can refer to as the deepest ethical layer, traditional ethics of war and peace, which is not easily palpable and escapes any clear-cut categorization. On my opinion the traditional Russian ethics of war and peace is rather different from both the Western European just war theory, stemming from saint Augustin and Islamic holy war tradition, based on Koran. The Russian tradition fortunately rejects Augustinian doctrine of just war. I have to

remind that just war theory was vehemently rejected by the founder of ICRC – Henry Dunant. The Russian traditional, both religious and secular tradition of rightful war is much more friendly to the idea of moral equality of combatants. War can never be totally asymmetric in the sense of making one side completely just and the other side completely wrong. Just war and justified war are not the same. If war is justified, it may also be justified to the enemy at least to some extent. Which is why this approach bears a modest countenance and even the enemy deserves compassion. Only God has a monopoly on truth and it is up to him to deliver the laurels of victory. It is our duty as warriors to protect noncombatants and it is our duty not to inflict harm exceeding the military necessity. I think that is the very core of the traditional ethical approach, which still gains ground in Russia and this ground is widely shared by all Russian major religious confessions. The contemporary Russian military culture has healthy and steadfast foundation in terms of IHL/LOAC, which may withstand political and ideological whirlwinds.

**Slide 8. Teaching of IHL/LOAC and military ethics.** The teaching of IHL in Russian military academies is rather systematic and the quality is improving gradually. It may be further improved although. On my opinion the current state of teaching is still missing incursions into deeper legal and ethical theory, simulation role games and case studies. That of course may be improved in the course of time.