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THE ETHICS OF WAR AND PEACE IN NIGERIA: A PHILOSOPHICAL INVESTIGATION INTO NATIONAL SECURITY AND INSURGENCE

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Abstract

The paper did set out to examine the philosophical evaluation of peace, war, national security, and ethics, particularly in the context of Nigeria's counter-insurgency efforts. The ethical evaluation of war and peace became germane in national security discourses in Nigeria, especially, when cognizance is given to the ongoing fight or counter insurgency efforts of the Nigerian state. National discussions in Nigeria had raised concerns about the moral justification or underpinnings to the counter insurgency efforts, the ethical implications of military actions, and how these factors influenced or enhanced the pursuit of sustainable peace. Grounded in ethical theories such as "Just War Theory" and "Human Rights Theory", thus, the paper exploring the complexities of Nigeria's security challenges, including the role of the military, government policies, and socio-political factors that underpinned both the insurgency and counter-insurgency strategies. Again, the study further examined whether Nigeria's response aligned or agree with ethical principles or merely reflected a pragmatic approach to mitigating the consequences of prolonged conflicts. It also considered the ethical obligations of the state toward its citizens and the necessity of peace-building efforts beyond military intervention. The examination led the papers to several conclusions that includes military action was sometimes necessary, ethical considerations thus needed to be guided by justice and accountability. From the conclusions, the paper arrived at the recommendations canvass herein.

Keywords: Ethics, War, Peace, National Security, Human Rights, Just War Theory, Counter-Terrorism, Insurgency, Peace Building.

1. Introduction

All through history, the discussion over wars had remained intriguing and complex especially when it comes to justification and reasons for the war. How can

mankind prohibit the war or reduce the incidences of war had remained some part of the eternal questions. War over time had remained an “ill wind” that blows “no man any good” thus the quest by humankind for the “perpetual peace”. To this end, great thinkers like St Augustine, Aquinas, Kant and Walzer joined in on the debate / discussion, with each of these thinkers helping out or offering their perceptions to the debate over war - Just war doctrine (justice after war), jus post - Bellum, and unjust war (Jus in Bello) Justice during war – How should war be fought. The crux of the matter is that the debate on how war should be fought or what should be the ideal response to war would still transcend generations of humankind. The bottom line is that - can war be wished away from the cosmic of mankind? If yes, what are the modalities for achieving this? Furthermore, can a war be just and be unjust at the same time? This question had become necessary, especially, when cognizance is given to the manner in which the Nigerian state had gone about its counter insurgency efforts. The counter insurgency efforts of the Nigerian state had caused serious human rights violations in the North East, North West, North Central parts of the country. The Nigerian state, since the year 2019 had been contending with insurgency launched by the Boko Haram Jihadist. The conduct and deeds of the Jihadist had call into questioning the co-operate existence of Nigeria in their thoughts and deeds. The impunities associated with the activities of the Jihadist (Boko Haram) elicited a reciprocal actions by the Nigerian state, thus, the great debate/ discussion at the level of society in Nigeria that centres on the questioning whether the war or the counter insurgency efforts of the Nigerian states fits into the mole of “just” or “unjust war”.

The calling into questioning or interrogation of the counter insurgency efforts of Nigeria did inadvertently set the tone for the paper, thus the onerous task of the paper doing a philosophical or ethical examination of war and peace. Again, the thrust of the paper demand going back to the very beginning of the just and unjust war theory, thus, Mclean’s (1995) thoughts became the starting point of the discussion for this paper with the thoughts that a “war” can be just if the “war” can be held to be justly caused and humanely conducted. But the question which Mclean (1995) failed to answer in his analysis is - who determines whether a war justly caused and humanely conducted? Classical Greek thoughts on the subject is represented most graphically in Thucydides “History of the Peloponnesian war” accepted war as an inherent aspect of politics but the early Christians were conciliatory and practiced abstention from politics. The Roman Empire once converted to Christianity had to reconcile the pacifist teaching of the Christ with the demands of politics, power, and war, thus, Augustine advancing the thoughts that the acceptance of political realities was inevitable for Christian living in a “fallen world”. The theme – just war and unjust war doctrine was developed by saint Aquinas (early Christian that accepted the realities of politics) who distinguished between the “just” and “unjust war” using two set of criteria, the justice of the cause (jus ad bellum) and the justice of the conduct (jus in Bello). The two elements of just cause and just conduct have continued to dominate international discussion till date.

With the passage of time and the increasing interdependence amongst individuals and states couple with other underlining factors like the advances in science and technology, it had become most difficult to rationalize ‘war’ and what the definition war is. The attempt at bringing to bear what the definition “war” is, prompted scholars like Clausewitz (2004) to posit that “war” is only a part of political

intercourse, therefore, by no means an independent thing in itself, but a continuation of political intercourse with a mixture of other means in order to maintain said advantage or victory. The core thesis of Clausewitz (2004) analysis was that after the treaty of Westphalia (1648) and the emergence of the state system, war became the prerogative of states or sovereigns, that by international law are considered equals, therefore, no one state would or can be presumed to be a judge whether another's actions in (relation to war) can be declared a "just cause" or not. By all intent and purposes, the salient point to note is the fact that, the concept of "just war" disappeared from international law with states becoming the primary actors in global international relations. This was due to the fact that the "interest dockets" of States were filled to the brim, including those responsibilities (interest) of declaring war amongst other responsibilities, thus, states were bounded to honour agreements and respect the independence and integrity of other countries. Also, states must genuinely try; seeking and resolving conflicts or war differently by peaceful methods. Again, it is pertinent to note that, where war occurs, it set in motion a series of legal consequences that are unleashed and this comes to the fore in the course of the war or between the warring parties. One of such legal consequences is the subject of neutrality. The fact that "war" may be regarded as just by any ethical standards does not mean it will in any way affect the legality of force as an instrument of sovereign state nor alter in any way the various rules of war. On the subject of neutrality that may spring into action at the commencement of the war may not be affected. The crux of the matter is that once a war has commence, the reason(s) for the war become almost inconsequential, especially, when attempts are being made to rationalize whether the reasons are "just" or "unjust". The doctrine of "just and unjust war" doctrine, like an open vein, was acknowledged and alluded to by Shaw (1997) in his analysis that posited, thus, the doctrine of just war arose with the increasing power of Christianity and declined in the outbreak of the inter Christian religious wars due to the coming into being or the establishment of an order of secular sovereign states. Though, war became a legal state of affairs that permitted force to be used which inadvertently allowed for a series of regulator conditions to be recognised. To this end, Shaw (1997) noted that there exist various other methods of "employing force" that falls short of war, with all the legal implications and consequences regarding neutrals. In this context (the usage of force in the other way) the conduct or the usage of force that falls short the consideration of war entails reprisal and pacific blockades. These activities are either undertaken in order to assert or enforce rights or to punish wrong doers. The salient point to note in the analysis of Shaw (1997) is the simple acknowledgement of the historical imperatives to the "coming into being" of the "just" and "unjust war" doctrines, which are in tandem with the thoughts of Michael (1995), Clausewitz (2004). But the yawning gap notice in these scholarly declarations of both Shaw (1997) and Michael (1995) caused Kapoor (2009) to attempt filling the noticeable void by providing the paper with an explicit definition of "war" when he noted *inter alia*:

When difference between state reach a point at which both parties resort to force, or one of them acts of violence which the other chooses to look upon as a breach of peace, the relation of war is set up, in which the combatants may use regulated violation against each other, until one of the two has been brought to accept such terms as his enemy is willing to grant.

The views and definition of "war" by Kapoor (2009) did subtly reference the

outbreak of “war” before any critical appraisal of whether the war was “just” or “unjust” can be done, thus, causing Starke (1989) to add his opinion to the discussion with the claim that “war” in its most generalise sense is understood as a contest between two or more states primarily through their armed forces, with the ultimate purpose/ aim of each contestant (s) or each contesting groups being to vanquish the other or others and impose Its own conditions of peace. This explicit position and definition of war is what Oppenheim, (1953) cited in Kapoor (2009) and Harris (2004) corroborated with a simple phrase that the chief objective of “war” is to “overwhelm the enemy” and impose conditions upon it. But by all intent and purposes, in modern period or current global system, war takes place between armed forces of belligerent states, but also the citizens of states concern or that are involve in the war also suffer from attacks too. The most glaring example of this is the dropping of atomic bombs on Nagasaki and Hiroshima during the Second World War, which caused unprecedented destruction in the annals of the World. The import of the dropping of the atomic bomb on the thrust of logic being advanced by the paper is that with the passage of time, the execution of warfare had undergone some degree of transformation, thus, modern war not conforming to the “old definition of war.” For the reason of “war” being time honoured, it is not uncommon to find the following impacting on the modern definition of war - (1) growth of the numbers of combatants (2) growth of numbers of non-combatants engaged in the war preparation (3) The development of serial warfare (4) Economic measures (5) The advent of totalitarian states.

These factors at the level of society had helped in the maintenance of the blurred lines noticed in the definitions war. But the snag here is that the First World War did marked the end of the balance of power system and in the same vein did raised an old concern and question bordering on the “ just and unjust war theory”- the concern of bringing some internationally accepted decorum to the conduct of wars. Further concerns was in the direction of efforts at rebuilding international affairs upon the basis of a general international institution that would oversee the conduct of the world community and to ensuring that aggression cannot happen again. The creation of the League of Nations reflected a completely different attitude and approach to the problems of force in the international system /order. The covenant of the league declared that members should submit disputes likely to lead to rupture in the global system to arbitration or judicial settlement or inquiry by the council of the league. In no circumstances were members to resort to war until three months after the arbitral award or judicial decision or report by the council. This was intended to provide a cooling off period for passions to subside and reflect the view that such a delay might well have broken the seemingly irreversible chain of tragedy that linked the assassination of the Austrian Arch Duke in Sarajevo with the outbreak of general war in Europe.

The league member agreed not to go to war with members complying with such as arbitral award or judicial decision or unanimous report by the council. The league system did not, it should be noted, prohibit war or the use of force, but it did set up a procedure designed to restrict it to tolerable levels. To this end, Kapoor (2009) Harris (2004) and Shaw (1997) all acknowledged that there were deep concerns among states/Nation and managers of the current global system over how wars can be either eliminated, prohibited, or to be conducted with best decorum and reduction of collateral damages. Therefore, Shaw (1997) arguing, It was a constant challenge of the

inter war years to attempt closing the gaps in the laws concerning the prohibition of war and this resulted ultimately in the signing of the 1928 general treaty for the denunciation of war (the Kellogg- Briand pact). The parties to this treaty condemned recourse to war and agreed to denounce it as an instrument of national policy in their relations with one another. In view of the fact that the widespread acceptance of this treaty pinpoints the clear intent of states that prohibition or the resort to war is now a valid principle of international law. However, this does not mean that the use of force in all circumstances is illegal. From the stand point of Shaw's (1997) analysis and those of other scholars, the worries or concerns over war precede them, thus, the recurring decimal, especially, from the global perception that there was the existence of the yearning and craving in the reduction of war to its barest minimum on the part of humankind, thus, Harris (2004) corroborating the views of Hall who noted *inter alia*:

International law has no alternative but to accept war, independent of justice of its origin, as a relation which the parties to it may set up if they choose and to busy itself only in regulating the effects of the relation. This view which came to be more or less generally accepted by international lawyers in the course of the nineteenth century marked the definite abandonment of the claim of the classical jurist to distinguish between bellum lustum and bellum iniustum.

As long as states /Nations continues to exist, the problems of war would remain, but the crux of the matter is whether Jus ad Bellum (Justice before war) and Jus in Bello (was the war fought justly) can be considered to be Universal (universal principle). The question of universality of the principles is debatable, but the pertinent question remains, whether wars can be wished away by humankind or war can be conducted with decorum?

Philosophical Evaluation of Jus Ad Bellum (Justwar), Jus Ad Bello and Jus Post Bellum

The advocates or protagonist of “just war” doctrine or principles believed that war must be conducted along the following lines (1) war must be for a morally legitimate reason (e.g. self-defence, protection of innocents (2) war must be executed with the right intentions which means the goal must be to promote justice, not sect interest or revenge (3) a recognized political authority can declare war (4) war must be the frail option after diplomacy fails (5) war should have a reasonable chance of achieving its goals (6) the benefits war must outweigh the harm caused. If wars are to be conducted along the above stated lines or dictates what happens after the execution of the war, thus, the advocates of jus ad bellum in the same vein raked up the principle of jus post Bellum (what happens after the war). These principles primarily talk about post war settlements which must follow these lines – fair peace settlement. The defeated should not be humiliated (2) Reconstruction efforts should be made for rebuilding (3) war crimes trials – leaders responsible for atrocities should face justice.

Reducing these principles to the level of society in the international system, one glaring reality is the fact that states that have been involved in any form of war(s) in their history would always lay claim to the rightness or correctness of their position in executing the war irrespective of the outcome of war. For example, the 9/11 2000 incidence in the United States of America where an estimated 3000 Americans lost their lives due to actions taken by a non-state actor (Al - Queada) work against the United States. This singular actions of Al- Queada, caused the then president George

W Bush (Jr) to declare himself a “war president” with the intent of accessing the “emergency powers” of the president in the United states of America’s constitution. With that done, the president went ahead in invoking the “pre-emptive war logic” and the “Axis of evil rhetoric’s” during the course of “war on terror” and to assuage the American nation and to express the intent that any state or groups of states/ individuals deemed culpable in the attack will face the full wrath of America power and retaliation . Both the Axis of evil and pre – emptive war logic did provide the president of the United States of America the amble reasons and leverage for the invasion of Afghanistan and Iraq. In Afghanistan, the Americans came to the Starke reality that the “Taliban’s have the watch, while the Americans had the time”. The Taliban’s were patient enough for the Americans to carry out their retaliatory actions and to exhaust themselves financially and militarily too. The exhaustion is what culminated in the withdrawal of American troops. This particular invasion elicited several questions bordering on the principles of Jus ad bellum, Jus post Bellum and international law. This action(s) of the United States of America in Afghanistan elicited the great debate of the time, as to whether, it was a “just war” or an “unjust war”. This debate tore the international system into two – those in support and those against. With the benefit of hindsight, this particular war falls short of the dictates of a “just war”, but at the time (post 9/11 2000) what matters the most to the majority of scholars with European biases and the political managers of the American state was the collective desires of American citizens in paying back the terrorists in “their own coin”. America’s global dominance was greatly ruffled, with little known non state actor (AI – Queada) calling into questioning the United states of America’s modalities of managing social justice and its inequalities in the current global system. The group never took into cognisance the issue of decorum while they conspired to attack the United States of America. The question then is why should the United States of America care about decorum in its retaliatory action? The germane issue or the pivotal issue was that the entire premise for the retaliatory actions of the United States of America and her allies were based on false premise of certain states being in possession of weapons of mass destructions (WMDs). The entire “war” or “global war on terror” had left the global system with more question than answers. Some of the questions boarder on philosophical and moral foundations of the war. Again, the collective desires of the Americans did rake up the issue of “core values” of states which in most cases underpins every war humankind had witnessed and fought in modern times. The accelerated inter-dependence and complexities of the modern times, including the elevations of the rules of realism - had even made the acceleration and the quest for the perpetual peace most inevitable. Simply put, all ethical standards attempts to bring some moral underpinnings as espoused by Jus ad Bellum and ad post bellum in the execution of “war”. Thus, humankind setting up the United Nations and the international court of Justice which is an organ of the United Nations (UN) saddled with the responsibilities of arbitrating and adjudicating in cases amongst states. There is the new addition which is the international criminal court (ICC). All of these global institutions are to help humankind administer jus ad Bellum, Jus in Bello and Jus post Bellum at the operational level of society in the international system. The truth of the matter is that all efforts of these institutions had been skewed in favour of the leading states, (powerful states) at the detriment of less powerful states in the international system, for the reason of “power” and “might”. To this end, international adjudication and arbitration became an important instrument or tool in

the hands of the powerful states used in manipulating and interfering into affairs of states without power, in order to gain control of these less powerful states and the international system at large. That being said, the pertinent question here is - do we (global citizens and states) throw away all the efforts and gains of these global institutions away with the bad water? Obviously not, especially, when cognizance and juxtaposition is done on the thrust of this paper - the philosophical evaluation of the counter insurgency efforts of the Nigerian state - whether it is just or unjust. The salient fact worthy of noting is that, the thrust of the paper gains energy from the already established position and posture of the global system which *inter alia* had accepted the occurrence of war being inevitable, for the reasons, of difference emanating from the complexities and interdependence of states in the global system, thus, the need for effective management of war or the bringing of some ethical standards to bear on wars. The desire of bringing some form of ethical standards into wars did cause or prompted the carefulness of the paper in taking a position on the subject matter or in discussing states and their position on the subject matter of wars. To this end, the United Nations in its charter 21, Article 2(4) noted *inter alia*:

All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any states, or in any other manner inconsistent with the purpose of the United Nations.

This provision, by all intent and purposes, is regarded now as a principle of customary international law and as such is binding upon all states in the world community. The reference to force, rather, than war is beneficial in the sense of it covering situations in which violence yet falling short of the technical requirements of the "state of war". To this end, Shaw (1997) in substantiating this logic relied on Article 2(4) of the United Nations charter which was explicit and elaborated as a principle of international law. Under this article, firstly, wars of aggression constitute a crime against peace for which there is the responsibility under international law. Secondly, states must not threaten or use force to violate existing frontiers (including demarcation or armistices lines) or to solve international disputes. Though states are under a duty to refrain from acts of reprisal involving the use of force. The nexus between Article 2(4) of the United Nations and the thrust of the paper is that the UN attempted to bring in some form of decorum into the conduct of wars which *inter alia* was what the just and unjust war doctrine envisioned for humankind. By all intent and purposes, all the doctrine of just and unjust war doctrine attempted achieving is to bring some form of international moral standards into the conduct of wars with a philosophical inclination. All that the doctrine sought to achieving is either the elimination of the savagery associated with wars or the reduction of the savagery to the barest minimum, thus, Kapoor (2009) describing the efforts of UN at making the doctrines work at the operational level of states effectively as "limited war" doctrine.

The docket of the unjust - war doctrine, by all intent and purposes, must violates one or more principles of the just war theory (doctrine) before it can be considered unjust, thus unjust war docket is highlighted by the following- aggressive war that includes wars of conquest or imperialism (e.g colonial wars), pre-emptive war (attacking based on suspicion rather than clear threats), total war - indiscriminate destruction without regard for civilians and their rights.

of the Nigerian State

It is common knowledge across the Nigeria and the world, the question of terrorism had remained a recurring decimal in the sense of how best to curb terrorism, for states in Africa like Kenya, Tanzania, Nigeria etc have all experienced the acts of terror. Nigeria had been experiencing terror and unleashed by the Boko Haram Jihadist since 2009. The Boko Haram also known Jamaatu Ahlisunnah Lidda AWAFIWAH JIHAD was founded by one Mohammad Yusuf whose adherents took up arms against the state with the mantra “Western education is sin”. The group had inter alia blamed the Nigerian state for the death of their leader whom they claim die in the custom of Nigerian authorities. Simply put, the state was accused of extra Judicial killing in this instance, thus the radicalization of the group. The group had continually confronted the state with their demand of extending sharia across the “length” and “breadth” of the country. From 2009, till date, the group had consequently stood up to the military of the Nigerian state through the deployment guerrilla tactics and the co - opting of other militant groups in their wars against the state of Nigeria. The group is also involved in human trafficking and kidnapping gun running, extorting of citizenry, though, terror and terrorism tactics without recourse to human rights or any ethical standards in their dealings with Nigerians. The conduct of the group (Boko Haram) runs contrary to the principles of “just war”. The question here is that how should the state respond to the conduct and activities of the group that had called into questioning the corporate existence of Nigeria. For a group that sees itself as being above the laws of a sovereign state of Nigeria. Nigeria had made serious over chores to the group for a peaceful resolution. The conduct and activities of the group is crude and violent, thus, lacking any finesse of morality and decorum. Eminent and respected Nigerians were listed on the federal government team, but the group rebuff the Nigeria’s gestures. The “carrot and stick” approach of government caused a great uproar amongst the citizenry, as the group has caused great dislocation across the North East part of Nigeria. It is estimated that North East of Nigeria has two million internally displaced persons, with communities erased by the group. The issues that had confronted the Nigerian state during the course of its counter insurgency efforts was the effective assessment of the role of religion (Islam) in the entire operations of the group. Other problems faced by the Nigerian state includes how the state should deal with the insurgency and should the state take into cognizance the principles of *jus Ad Bellum* and *Jus post Bellum* in dealing with the group.

The crux of the matter is whether “peace” in all its ramifications is desirous enough by both parties. On the part of the Jihadist that had totally ignored all gestures for peace and principles of human right, it becomes difficult to rationalize their posture towards peace. The view point of scholars and managers of the Nigerian state and of those demanding the state to respect the principles of *Jus ad Bellum* in dealing with the group (Boko Haram) is at variance to each other. Again, it should not forget that the group had dealt with Nigerians without recourse to the principles demanded of the state. Nigerians had been sold and trafficked across the globe by the group, leaving families in despair. The Nigerian state had asked a simple but a pertinent question, whether any state would sit back and watch its sovereignty being eroded by a non-state actor that is a “faceless group”. Faceless in the sense that there is no known leadership ever since the government claimed the destruction of the

“quasi leadership”.

2. Conclusion and Recommendations

It is a given that “war” is an accepted phenomenon in the lives of modern states, thus, the need for a united front in tackling the abuses, destruction and savagery associated with it. The early identification of the correlation between War and Peace by some of the great philosophical thinkers of old still finds relevance in the current global system. The primary essence of the just and unjust war doctrine is to bring some decorum or internationally accepted moral standards into the conduct of wars, if wars had been accepted as part of the existence of states and humankind in a highly interdependent world like ours today. This efforts had been acknowledge in the United Nations charter and in several other international documents. The recurring decimal in all of these documents is the subtle referencing of peace having direct correlation to social Justice, thus, William and Dan (2006) declaring:

Jus post bellum efforts to promote justice for crimes committed against peace and for war crimes Aims that punishment fits the crime. Therefore, post bellum justice at the end of the war requires synthesis of rights intention criterion and proportionality principle since there is an intricate relationship between the three conditions of just war doctrines, both are paramount for justice... post bellum justice at the end of war requires right intention. Right intentions aims at waging of war for right reason. Augustine, Aquinas and Hugo Grotius (1583 – 1645) recommend undertaking war specifically for the right reason.

For the Nigerian state the counter insurgency efforts was launched for the right reason – saving the corporate existence of Nigeria, thus, being devoid of greed and fear. Same cannot be said for the group (Boko Haram), thus government efforts being right and just. Again, the just and unjust war doctrine, by all intent and purpose, admonishes states in a subtly manner to take cognisance on how they treat and handle dissenting voices both locally and internationally before taking to the use of force or going into wars.

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