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Special operations remote advise and assist: an ethics assessment

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Abstract
United States Army Special Forces who deployed to Iraq in mid-2014, and who were seeking to help Iraqi forces to combat Islamic State (ISIL) faced a considerable challenge: how could a force of fewer than 50 operators provide guidance and support to their Iraqi allies (mostly Iraqi Special Forces units who had been trained by U.S. forces prior to the U.S. withdrawal from Iraq in 2011) while also keeping in line with Washington's policy of seeking to avoid any possibility of combat casualties among deployed U.S. Special Forces? Their solution to this dilemma came to be dubbed 'Remote Advise and Assist' (RAA). By cobbling together a system of voice and text communications, cameras, interactive maps and mobile handsets, these Special Forces personnel found they could 'virtually accompany' their Iraqi partners into hot zones where U.S. boots on the ground were forbidden. This approach seems to have been extremely successful, but potentially raises a range of ethical concerns. Against the backdrop of a general account of the ethics of employing surrogate forces, this paper explores the ethical questions raised by the practice of 'Remote Advise and Assist'.

Keywords Special Forces · Remote advise and assist · Iraq · Armed conflict · Information technology

Background

In June 2014 a group of fewer than 50 U.S. Army Special Forces (SF) were deployed to Baghdad Airport in the midst of a rapidly worsening situation in Iraq. The forces of the so-called 'Islamic State' (IS) were making rapid gains in the North and West of Iraq, and conventional Iraqi military forces were falling back in disarray. Though primarily tasked with providing backup to the U.S. Embassy's security team in Baghdad in the event of a security crisis affecting the embassy, the SF team reached out to their former partners from before the U.S. withdrawal from Iraq, Iraq's Special Operations Forces (ISOF, also known as the Golden Division). In contrast to their conventional counterparts, ISOF had maintained combat effectiveness in the face of the IS onslaught, and the SF team were keen to support them in their fight against IS. They were, however, significantly restricted by U.S. Government policy, which prevented them from accompanying ISOF in the 'advise and assist' role that they had previously played. Displaying the creativity for which Special Forces personnel are renowned, the team 'improvised, adapted, and overcame' the problem, and the concept and practice of 'remote advise and assist' (RAA) was born.

The answer to the challenge the SF team faced came in the form of a technological 'fix'. ISOF were already making widespread use of free Android phone apps, ranging from Google Earth to the crossplatform instant messaging and voice over IP (VoIP) app, Viber. The SF team saw that there was an opportunity to draw on that existing technological competence to bring to bear an app developed by the U.S. Government called 'ATAK', which stands for 'Android Tactical Assault Kit'. "This program allows an android phone user to maintain collective situational awareness, communicate and coordinate with other users, quickly tap out commands, text messages, enemy/friendly locations, and even full 9-line calls for fire. It is an exceptionally powerful and user-friendly program that is rapidly evolving within the U.S. military, and specifically within the U.S. Special Operations Command." (Thielenhaus et al. 2016) Recognizing the potential value of a Remote Advise and Assist (RAA) kit build around ATAK and related technologies, the Special Forces commander submitted an urgent request to the Special Operations Command, Central (SOCCENT)

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J3 Operations Technology Directorate to develop and deliver prototype 'Virtual Accompany Kits' using commercial off-the-shelf (COTS) components, which they did within 90 days.

> The prototype kits used Samsung cell phones preloaded with the software program MyTrax, a multinational, releasable, International Traffic in Arms Regulations (ITAR) compliant version of ATAK. The phones worked on the Iraqi domestic cell phone network, but these kits also securely linked the forward cell phones with a portable Broadband Global Area Network (BGAN) satellite communications node, which is a standard issue piece of computer equipment that creates a local computer network for a special operations detachment. The BGAN would then transport data from the cell phones back to an operations center even when the phones were in austere areas out of Iraqi domestic cellular range. Armed with this system, and shortly after receiving authorization to conduct kinetic strikes in support of Iraqi forces, the special forces soldiers and ISOF units went to work (Thielenhaus et al. 2016, p. 100).

According to SF and support personnel closely familiar with these events, this technological solution and the RAA concept behind it were an immediate success. They claim in a paper published in late 2016 that "[t]he first several operational employments of "virtual accompany kit"—enabled, U.S.-advised ISOF operations resulted in hundreds of ISIL enemies killed from coalition airstrikes. To date, the number of enemies killed from Remote Advise and Assist operations has grown into the thousands" (Thielenhaus et al. 2016, p. 100).

Beyond providing a means by which to remotely coordinate coalition fires in support of ISOF, further development of the network provided by the 'Virtual Accompany Kit' technology enabled Combined Joint Special Operations Task Force—Iraq (CJSOTF-I)—which was deployed into Iraq from February 2015—to coordinate the information being received from the individual kits into a comprehensive picture of the battlespace. This "came to be the most reliable source of information on ISOF partner movement in Iraq", providing "timely and relevant positional information to the overall U.S. commander that gave as clear a picture as was possible without American boots on the ground. This ability to better see and understand the Iraqi forces' situation greatly increased the ability of U.S. forces as a whole to support the Iraqi military" (Thielenhaus et al. 2016, p. 101).

Ethics assessment

Unsurprisingly, given the proven utility of RAA, there is considerable enthusiasm for this concept in the U.S. special operations community, an enthusiasm which is likely to spread to other forces, given the current emphasis on 'leveraging indigenous mass'. Before fully embracing the concept, however, it is necessary to consider whether there are any ethical risks associated with this concept which might militate against its use, or which might point to key ethical constraints which must be kept in mind when RAA is employed. Christopher Thielenhaus, Pat Traeger, and Eric Roles, the coauthors of the only published paper outlining the RAA concept, offer this caution:

> A key aspect of the RAA concept is that, while it is a significant enhancement to the special operators' and partner force's ability to command, control, communicate, and integrate, it is not a replacement for a special operator on the ground. In fact, RAA is an enabling concept that is completely dependent upon highly developed relationships and extensive partner force mastery of fundamental military and technical skills. The RAA concept works exceptionally well in Iraq because the ISOF were highly trained throughout a 10-year U.S. investment and combat advisory relationship that is now bearing fruit. Conversely, for a force that has little training and experience, or is learning directly from the participation of U.S. special operations forces, such as a guerilla force in its infancy or a recently created commando unit, the RAA concept is not appropriate for sole, unaccompanied partner use (Thielenhaus et al. 2016, p. 103).

The claim that RAA is 'not appropriate' in the latter set of circumstances flags up that the authors recognize a set of constraints—some of which are likely ethical in nature—on the employment of the RAA concept. Before turning to consider what those constraints ought to be, I begin by addressing the ethical dimensions of the argument for using RAA at all. It is important to note from the outset that my focus in this paper is on ethical issues specific to RAA. As will become clear in the discussion below, there are a number of ethical challenges which are both important and related to RAA, but which are not specific to RAA but are instead broader ethical issues raised by aspects of contemporary armed conflict. These broader challenges are beyond what I can address in this paper, though I do make note of them in order to clarify the scope of the arguments in this paper.

Arguments for RAA

Thielenhaus and his colleagues mark out what they see as the argument in favour of RAA as follows:

> RAA [makes] special warfare a viable option even when direct boots-on-the-ground combat advisory missions are inappropriate or infeasible. The key

> strength and uniqueness of special warfare is working with and through partners or surrogates. The discreet, precise, scalable, and economic nature of Special Warfare makes it a more attractive option than large force structures that are often high cost, inappropriate, counterproductive, infeasible, or may incur significant political risk. When used effectively, special warfare strategies yield disproportional benefits. The RAA concept makes special warfare options more feasible for U.S. policymakers than ever before. A properly resourced RAA effort can bridge the gap between a direct combat advisory mission, such as the U.S. involvement with the Afghan Commandos, and one where U.S. forces are prohibited from being involved directly. The potential type of operation is limited only by the Commander's imaginative use of the technology (Thielenhaus et al. 2016, p. 103).

Drawing on this account, as well as a helpful follow-on communication with one of the paper's authors, it seems reasonable to say that there are essentially three main arguments in favour of employing RAA under appropriate circumstances, namely that RAA can reduce costs, results in reduced risk to own forces, and lowers the threshold for involvement in a conflict. In what follows I will address each of these in turn from the perspective of ethics.

Reduced cost

As Thielenhaus and his colleagues point out in the passage quoted above, one of the things that makes Special Warfare in general an 'attractive option' for decision makers is its relatively low cost when compared to employing large conventional forces. RAA, as one form of Special Warfare, offers this advantage and arguably extends it—while there is some cost involved in equipping indigenous forces with the technology required to make RAA work, this is arguably more economical than deploying and supporting SOF into combat zones. Clearly this kind of fiscal saving is a positive thing for a military force seeking to achieve a great deal with a limited budget. But is this an ethical 'plus' for the RAA concept?

From one perspective, is most certainly is. Military forces, like all parts of a country's government, have a duty to use taxpayers' money with the utmost fiscal responsibility, and so (all other things being equal) wherever there is a way to achieve an objective at a lower cost, that is clearly a good thing. There is, however, an aspect of reduced cost in military operations that has caused some analysts to raise an ethical red flag, namely the contribution that reduced cost plays in lowering the threshold for involvement in a conflict. As there are several factors, in addition to lower cost, which contribute to RAA lowering the threshold for involvement in a conflict, I will consider this issue separately below. First, however, I address the second claim made in favour of RAA, namely that it reduces risk to own forces.

Reduced risk to own forces

It is self-evident that a technological capability which allows SOF to carry out advise and assist missions remotely greatly reduces the risk to the SOF personnel involved. That will seem to many to be obviously a good thing—military forces do, after all, have a responsibility to mitigate risk to their personnel in whatever ways they can, within the constraints of mission objectives. However the use of other risk-reducing military technologies, most notably the employment of armed remotely piloted aircraft (RPA) in recent conflicts, has been met with objections based, in part, on the reduced risk to own forces.

Broadly speaking these objections center on the ideas that (a) it is in some sense morally problematic to use armed force against opponents who are unable to directly fight back against those attacking them[1]; and that (b) it is morally problematic to engage in war without in so doing putting oneself at risk (what we might call the 'skin in the game' objection).

The first of these objections, it seems, we can set aside as inapplicable to the case of RAA. For while there is a SOF operator remotely involved in advising and assisting the indigenous forces engaged in combat, the enemy is not denied the opportunity to fight back in the way that he (usually) is when under attack from an RPA—the members of the indigenous force are, after all, physically present on the battlefield. But perhaps that is too quick. Perhaps the ethical problem here is not so much that the enemy is denied the opportunity to fight back at all, but rather that he is denied the opportunity to fight back against at least one of the parties seeking to do him harm. I will consider this objection below, when I consider what I call the 'human drones' argument.

The second of these objections might, at first glance, seem not to apply, as the SOF operator engaged in RAA is not directly targeting the enemy in the way that, say, a RPA pilot would. The 'Remote Advisor' is instead merely advising indigenous forces, who are the ones directly targeting the enemy. It might, however, be objected that this overlooks the role the Remote Advisor might play in bringing other fires to bear, such as Coalition airstrikes in support of ISOF in the case of the only known operational use of RAA thus far. The Remote Advisor is thus, as part of the wider targeting

[1] For example, Paul W. Kahn, Director of the Orville H. Schell Jr. Center for International Human Rights, has argued that 'riskless warfare' is at heart "a violation of the fundamental principle that establishes the internal morality of warfare: self-defense within conditions of reciprocal imposition of risk"(Kahn 2002).

cycle, engaged in what Peter Ansaro calls 'bureaucratized killing' (Ansaro 2013), a term which neatly captures the sense of disconnected, emotionless engagement with war that many find so troubling. For many analysts the issue at hand is virtue, or something like it. What is lost, it is argued, is the notion of sacrifice (Baggiarini 2015), and with it, the possibility of courage (Calhoun 2011).

What should we make of these concerns? While they do reflect a general sense of unease that is shared by many, they don't stand up particularly well to close scrutiny. While I cannot pursue this issue in any depth in this paper, I contend that Jesse Kirkpatrick is essentially correct when he argues that many of these positions rely on "improperly truncated conceptualizations of courage" (Kilpatrick 2015), and it is also clear that it takes considerable hyperbole, and an attachment to a romanticized notion of warfare, to reach the conclusion that the advent of Remote Operations means that "[w]ar is not war anymore" (Calhoun 2011, p. 377). But perhaps all we need to recognize here is that RAA does not introduce a fundamentally new dimension to the conduct of war—Ansaro's paradigm example of 'bureaucratized killing' is that of "the work of drawing up lists of aerial bombing targets" (Ansaro 2013, p. 198), which is hardly a new activity. If there is a compelling ethical problem here (and there does not, on the face of things, appear to be one[2]), then it is a general one which does not emerge on the heels of the RAA concept but is instead a concern with the nature of contemporary warfare in general.

Lower threshold for involvement in a conflict

The circumstances in Iraq which led to the creation of the RAA concept provide as clear an example as could be needed of RAA allowing for involvement in a conflict where involvement would not otherwise be feasible. Of course, in the Iraq case, the United States was already engaged in the fight against IS, primarily through the application of airpower. But there is little doubt that the combination of low economic costs, reduced risk to own forces, and small political footprint that RAA offers opens up the strong possibility that it will enable involvement in conflicts which would otherwise be untenable. Put otherwise, RAA lowers the threshold for involvement in a conflict. Is this a good thing? Certainly Thielenhaus and his colleagues think that a strong selling point of the RAA concept is that it 'makes special warfare options more feasible for U.S. policymakers than ever before'. But many analysts who have addressed new and emerging military technologies which potentially lower the threshold for engaging in armed conflict, most notably RPAs and offensive cyber capabilities, have expressed strong concerns. Laurie Calhoun, for example, sees this as the end point of a long, and troubling, trajectory:

> What has arisen over the centuries, with the invention of evermore lethal weapons ever-more effective from ever-greater distances, is a progressive diminution of risk to both leaders and warriors. Long gone are the days of Gustavus Adolphus, the seventeenth-century king of Sweden who died on the battlefield with his troops attempting to thwart the takeover of Europe by the Habsburgs. The moment leaders themselves ceased participating in the wars of their waging, the first safeguard against unnecessary wars was lifted, opening the floodgates to vain and even frivolous wars, for the sincere belief in a cause on the part of a commander in enlisting his troops to risk their lives was no longer confirmed by his own willingness to fight and even die (Calhoun 2011, p. 377).

These concerns have been fuelled by the publication of a study by the U.S. Army's Strategic Studies Institute, in which authors James Walsh and Marcus Schulzke conducted "a survey experiment designed to gauge whether American civilians are more willing to initiate wars using unmanned aerial vehicles (UAVs) than using ground forces or piloted aircraft." The study found that "[T]he use of UAVs made participants more likely to support initiating a war, and this was consistent across four principal policy objectives that were the cause for war: counterterrorism, humanitarian intervention, foreign policy restraint, and internal political change" (Walsh and Schulzke 2015).

It is not only academics who have raised concerns about the role remote technologies play in lowering the threshold for war, it is a worry that has been voiced by practitioners as well. For example, General Stanley McCrystal told a conference in London in 2015 that "the increasing use of armed drones and confidence in their capabilities, could make them more palatable to military decision-makers and "lower the threshold" for lethal force." He expressed his concerns that this "lowered threshold for lethal action risked expanding the understanding of what constitutes a war zone, leading to a persistent state of low-level armed violence" (Norton-Taylor and Ross 2015).

[2] This is not to say that RAA does not potentially pose significant challenges of a different nature. For example, Peter Lee points out that the advent of RPAs has posed a very significant challenge to the self-identity and ethos of aircrew. He reports that in numerous interviews with RAF Predator or Reaper operators he has repeatedly asked the question 'When asked, how do you describe what you do in the RAF?' He reports that "Those who transferred from piloting another aircraft type—Tornado, Harrier, Hercules—gave almost identical answers that can be summarized as: 'I am a pilot who now flies the Reaper', as opposed to, 'I am a Reaper pilot' " (Lee 2012). Given the strong ethos of physical strength and endurance, physical courage and martial skill associated with SOF it seems at least worth considering the possibility that if RAA becomes a growing part of the SOF role this might come to threaten that self-identity among SOF personnel.

What are we to make of these kinds of concerns? Certainly it is true that any capability that increases the likelihood of states participating unjustly in wars should be approached with considerable caution. But what seems to be overlooked is that the opposite is true too—any capability which enables states to engage justly in conflicts is a good thing, ethically speaking. Consider, for example, a hypothetical case in which a genocide breaks out in a developing world state. Imagine in this case that there is clear and strong just cause for intervention, but national interest is minimal and, consequently, states' willingness to risk troops and expend treasure is low. In such a situation, where all the other requirements of the *jus ad bellum* are met, if a capability such as armed RPA's, Cyber or RAA—or some combination of remote capabilities—will enable a state to intervene in such a situation in a manner which can meaningfully make a difference, then clearly that is a very good thing indeed. In the same vein, if a capability such as RAA enables just involvement in a conflict at an earlier stage, thereby enabling a conflict to be addressed before it spreads or escalates, that is clearly a good thing too. The fact that a technology lowers the threshold for entry into war does not, in principle, have an ethical valence one way or another—it is an ethically neutral fact until such time as the ethical appropriateness of the war in question is established. Of course we are right, in practice, to be sceptical and back-footed about states getting involved in wars. But the issue here is with the broad responsibility of states to ensure that they use force appropriately, there is not a distinct issue for RAA here. Any military capability that either enables significant overmatch of the enemy or allows for low footprint military operations can lower the threshold for entry into a war. To go further, if lowering the threshold for war were a reason to disallow the capability, we would have to say the same of almost any capability which allows for participation in war, which results in one form of contingent pacifism.[3] Unless one is willing to embrace this outcome,[4] this must be taken to be a *reductio ad absurdum* of the line of argument I have described here.

Ethics-based arguments against RAA

So far I have evaluated the arguments in favour of RAA—reduced cost, reduced risk to own forces, lower threshold for involvement in conflicts—and considered potential counterarguments against them. It seems clear that, as long as RAA is employed to enable just involvement in a conflict, the arguments for RAA are sound. It is possible, however, that there may be other arguments against the employment of RAA which could show that using this capability is, in fact, unethical. At time of writing RAA is sufficiently novel that no such arguments have appeared in the scholarly or professional literature. In this section I consider two arguments which, it seems to me, opponents of the RAA concept might raise. First, I consider the idea that RAA transforms the indigenous partners on the receiving end of the advice and assistance into 'human drones', and that this is in some sense ethically problematic. Second, I consider the possibility that RAA might be a way for SOF to avoid or circumvent controls and accountability.

Human drones?

The broad similarity between RAA and Remotely Piloted Aircraft—or 'drones', as these aircraft are often described in the popular media—gives rise to a possible concern: does RAA turn indigenous partners into 'human drones'? In this conception, instead of remotely controlling a mechanical aircraft or (other vehicle or vessel) that is a platform from which to operate weaponry directed at the enemy, the SOF operator instead 'remotely controls' one or more human beings who are platforms from which to operate weaponry directed at the enemy.

This certainly appears on first blush to be ethically problematic. A central tenet of one of the most influential ethical theories in Western thought, Kantian Ethics, is the second formulation of Kant's categorical imperative: Act in such a way that you treat humanity, whether in your own person or in the person of another, always at the same time as an end and never simply as a means (Kant 1993 [1785]).

Clearly, if RAA turns human persons into 'drones', this would amount to treating those persons as 'mere means', which—following Kant, at least—would be unethical. But of course there is a critical question that must be answered before jumping to such a conclusion. Does RAA, in fact, create 'human drones'? Put in more Kantian terms, does RAA override the indigenous partners' ability to freely exercise their capacity to reason (which Kant takes as the most morally significant feature of human persons)?

On one level this is clearly not the case. RAA provides a technology-based means for SOF to 'advise' and 'assist', not 'control'. This is not some human equivalent to the research projects which are exploring the possibility of fusing electronics with insects to create 'cyborg drones' (Ackerman 2017). In a RAA relationship, indigenous partners retain their autonomy, they can choose whether or not to accept the advice and/or assistance being provided by the SOF adviser.

There may, however, be a weaker but still significant ethical concern lurking in the vicinity. While RAA does not

[3] For an in-depth discussion of contingent pacifism see Alexandra and Dobos (2018).

[4] Even if one is willing to accept contingent pacifism there is another, unexpected challenge—as I have pointed out elsewhere (Baker 2015), there is no reason that this kind of reductive argument could not lead just as easily to contingent *realism*.

transform indigenous partners into 'human drones', might it not be the case that the remote nature of the SOF involvement increases the possibility that indigenous partners could be manipulated into doing things that are not in their interests, but which could achieve objectives for the advising and assisting power? Here we run into the well-known problem of moral hazard. For example, one can imagine a situation in which indigenous forces might be encouraged, via RAA, into an operational engagement in which they will foreseeably (from the vantage point of the SOF Advisor) take significant casualties, in a way that would be unlikely to happen if the SOF Advisor were physically accompanying the indigenous force and sharing the risks of the engagement with them.

This is, I think, an ethical concern with some merit. Nonetheless there are a number of factors that mitigate against it. First, it is important to note that the value of RAA is maximised in the context of long-term advisory partnerships. Clearly, given that indigenous partners retain their autonomy and capacity for reason, those long-term partnerships are unlikely to survive very long if it becomes clear that the SOF advisors are not advising the indigenous partners in a manner which is compatible with the indigenous partners' interests. Second, as discussed below, the proponents of RAA only recommend its employment when there is an existing relationship of trust with the indigenous partners. Where this is in place it is far less likely that the SOF advisor will feel willing to risk the lives of the indigenous force in circumstances that are not compatible with their interests. Finally, it also seems clear that the overall value of the RAA capability will be undermined if an advisor should manipulate an indigenous force in this manner, for if this information gets out, other indigenous partners in other conflicts or in future operations will be far less likely to be willing to partner with SOF advisors employing RAA. None of these considerations rule out the possibility that SOF Advisors will place undue risk on indigenous partners due to the 'distance' that RAA allows, but they are important countervailing factors nonetheless and must be considered to reduce the likelihood of this happening.

Earlier in this paper I held over another potential objection which seems to fit within this broad concern over RAA turning indigenous partners into 'human drones'. This was a worry akin to the objection to RPAs on the grounds that they do not allow the enemy the opportunity to fight back. The concern, in the case of RAA, is that by employing this capability the SOF team denies the enemy the opportunity to fight back against at least one of the parties seeking to do him harm. That is certainly so, but is it ethically problematic?

Perhaps the strongest version of the argument that this is, indeed, problematic, is one that draws on Paul W. Kahn's deep concern for the impact that 'riskless warfare' has on the ethics of war. For Kahn, riskless warfare is at heart "a violation of the fundamental principle that establishes the internal morality of warfare: self-defense within conditions of reciprocal imposition of risk" (Kahn 2002). Might it be argued that the fact that RAA separates the SOF advisor from the battlefield, leaving him to fight through proxy indigenous forces, undermines the 'internal morality of warfare' by removing 'conditions of reciprocal imposition of risk'? If that were the case, that would certainly make RAA very ethically problematic indeed. But I am unconvinced that there is a compelling argument here, or at least not one that is specific to RAA. Since the advent of standoff weaponry and armour, combatants have done everything feasible to enable them to engage the enemy with as little risk to themselves as possible. An artilleryman firing at long range against infantry with no artillery of their own is effectively as removed from risk as an operator of a remote system who is physically located in another part of the globe, but no one has seriously suggested that this undermines the internal morality of warfare. Unless we are to define some geographical limits within which a combatant must stay to be legitimate—limits which must, inevitably, be arbitrary—there is no good way to distinguish between remote engagement in conflict through means such as RAA, on the one hand, and employing traditional standoff weaponry, on the other.

Another way to configure the 'human drones' argument against RAA might be to make the main thrust of the objection focus on the relationship between RAA and fighting by proxy. Following this line of thinking, we can imagine our interlocutor objecting that engaging in armed conflicts via proxy agents is ethically problematic, or at least potentially so, and it follows that RAA, as an enabler of proxy war, is ethically troublesome as well. Here we find ourselves engaged with the ethical challenges of what we might call 'martial surrogacy'. There are, undoubtedly, important issues to be addressed here. This is, however, one of those ethical challenges which is not specific to RAA, and must therefore be set aside for the purposes of this particular paper.

Accountability of SOF

A 2016 report by the Oxford Research Group which evaluated the use of Special Operations Forces by the UK, US, Australia and Canada concluded that there is a problematic lack of transparency and accountability in SOF deployments that is at odds with democratic values (Moran 2016). Put in different terms, the issue here is one of civil-military relations, or more specifically the democratic control of armed forces. This is a very important ethical issue, but it is clearly not specific to RAA but is an ethical question-mark arising from SOF operations in general. That said, it is worth pausing to consider whether there is intrinsically a problem with RAA in this regard, or whether the specific challenge collapses into

the general challenge. It is noteworthy that the first operational use of RAA was explicitly and deliberately driven by a desire to circumvent government imposed limits on the SF deployment into Iraq in June 2014 (limits which we might assume—concerns over the general accountability of SOF aside—reflect, at some level, democratic civilian control over the U.S. military). I hasten to add that I am not suggesting that the team that developed and deployed the first RAA kits did not have authorization to do so—I am sure that they did. But this case does, nonetheless, illustrate the potential use of RAA to side-step government controls or avoid accountability for SOF-directed activities. Is this potential a fundamental problem which rules out RAA altogether?

I contend that it is not. While acknowledging that RAA could be misused in order to negate government controls on military action or avoid accountability for military actions, it need not be used in this way. Whether or not RAA is employed appropriately in this regard is dependent on what accountability and oversight mechanisms are in place. If anything, it seems that RAA provides the opportunity for somewhat greater transparency and accountability than traditional advise and assist missions—the electronic nature of all the communications that take place during the operation of RAA provides for a far clearer record of events than is otherwise possible. This is certainly an issue that authorities must be aware of, and ensure oversight of, but if handled properly it does not amount to a fundamental objection to RAA.

Threshold constraints on the employment of RAA

I have now considered the arguments for the use of RAA and engaged with the strongest ethics-based arguments against the use of RAA that I have been able to imagine opposers of the concept might bring to bear. If my evaluation thus far is sound, it seems that there are some positive ethical reasons for employing RAA, and none of the ethical reasons against employing RAA considered above are independent of more general ethical challenges facing SOF operations in the contemporary operational environment, or else they can be circumvented through appropriate oversight. There seem, therefore, to be no intrinsic reasons to rule out RAA on ethical grounds. That said, and as highlighted at the beginning of the paper, the proponents of RAA have raised the caution that RAA is "not appropriate" where the surrogate force is "a guerilla force in its infancy or a recently created commando unit (Thielenhaus et al. 2016, p. 103)." In a follow-on communication one of the paper's authors, Major Eric Roles, has identified two threshold constraints for the employment of RAA, namely basic proficiency and trust.[5]

[5] Email communication with the author, 28/03/2017.

Proficiency

In explaining why proficiency is a key threshold constraint for the employment of RAA, Major Roles writes that "Before introducing digital aids, partners must prove proficient in the fundamental hard skills for their mission. They must be able to perform the mission tasks with basic equipment and conditions, with minimal dependencies. Premature introduction of [RAA] could adulterate their core training and create inappropriate dependencies" (See Footnote 5). There is clearly an *operational* interpretation of this statement—from this angle, the concern is that introducing RAA to partners before they have developed sufficient tactical and operational proficiencies will stunt that development and render the partner force less operationally effective than they would otherwise be. This is particularly important because in many cases the overall purpose of an advise and assist mission is to develop the partner force to the point at which they are able to operate effectively without ongoing advisory support.

There is also, arguably, an *ethical* interpretation of this proficiency threshold requirement. From this angle, the concern is that introducing RAA to partners before they have developed sufficient tactical and operational proficiencies will introduce a dependency that will make them vulnerable on the battlefield, and put them at undue risk. It is an interesting question as to what degree of ethical responsibility SOF advisors have for the wellbeing of their indigenous partners, but a full evaluation of this issue is beyond the scope of this paper. It is clear enough, however, that responsibility for indigenous partners is not zero, and so this proficiency consideration does carry ethical weight. Still, it must also be acknowledged that there could be rare and unusual circumstances in which a lack of proficiency on the part of the partner force does not rule out RAA. Consider this historical case:

> In September 1940 a Polish Army officer working with the Polish resistance, Witold Pilecki, volunteered for a mission to infiltrate the Auschwitz concentration camp. Using false papers that marked him as a Jewish man, Tomasz Serafiński, Pilecki (a Catholic), allowed himself to be captured by the Germans during a street roundup in Warsaw, and was duly shipped to Auschwitz. Over the next two and a half years he endured the brutal conditions of the camp while working to build up an internal resistance organization—Związek Organizacji Wojskowej (ZOW)—structured to enable communications with the outside world and positioned to take over the camp either in the event of a hoped-for relief attack by the Polish Home Army or the British based Polish 1st Independent Parachute Brigade, or in the event of arms being airdropped into the camp. Pilecki eventually escaped from Auschwitz in April

1943, but no rescue attempt was forthcoming, as both the Polish Home Army and the British believed it to be infeasible (de Sola 2012).

It is both a tragic story and a tale of incredible courageous self-sacrifice. For our purposes, let us imagine some broadly similar set of circumstances in a contemporary setting in which there is an indigenous force in existence (something like Pilecki's ZOW) which has some level of organization, but which is not proficient in the application of military force. Let us further imagine that this force is part of a population which is facing or experiencing mass atrocities, but an external intervention or the deployment of SOF support in-theatre is considered to be infeasible, and there is no serious prospect of rescue coming from any other quarter. Under conditions such as these it seems that it is precisely the lack of military proficiency of the indigenous force that makes the employment of RAA (along with air-dropped weapons) an imperative. Thus, while I agree with Major Roles that proficiency should usually be a threshold condition for the employment of RAA, particular sets of circumstances may, from an ethics perspective at least, negate this threshold requirement. Of course such situations will be rare and unusual, so as an ethical 'rule of thumb' the proficiency constraint is a sound one.

Trust

The second, and arguably more important threshold condition for the employment of RAA identified by Major Roles is trust. In the paradigm model we have of the use of RAA in practice, this trust is based a pre-existing and well-developed working relationship with the indigenous partner, in this case Iraqi Special Operations Forces. Roles contends that "trust is the hallmark of partnered operations", and that trust is important given responsibilities to ensure that the laws of war and other legal and ethical constraints are adhered to (See Footnote 5).

The requirement that RAA should not be used where the SOF advisor cannot be reasonably confident that the indigenous partner will adhere to the laws of war and other relevant legal and ethical constraints is an important one. As I discuss elsewhere, SOF working in advise and assist missions—whether they be in the context of Unconventional Warfare or Foreign Internal Defence—must weigh carefully their responsibilities for the actions of surrogates or indigenous partners. Though legal responsibility for war crimes and other violations of international humanitarian law is reduced by the fact that SOF advisers do not hold a position of 'effective command and control' over their indigenous partners,[6] this does not reduce the broader responsibility to act in a way that minimizes the likelihood of such violations taking place. Here we are addressing "the inherent risks of SOF operations that involve the use of surrogates because of the possibility of unintended consequences" (Bart 2014, p. 514) which are clearly exacerbated in the case of RAA by the fact that the SOF advisor is not physically co-located with the indigenous or surrogate force and is therefore more reliant on the local partner for situational awareness. Put another way, if a local partner is committing atrocities, it is much easier to hide that fact from an advisor who is only linked via a virtual accompany kit than from one who is physically embedded with the indigenous or surrogate force. As Roles rightly states, "if we cannot trust and validate with high confidence, then we may need to limit our partnership, support and exposure" (See Footnote 5).

Trust is therefore clearly important, or at the very least *predictability of behaviour* is important. Here I am reminded of the words of Special Forces officer Peter Dillon who, in a thesis on 'Ethical Decision Making on the Battlefield: An Analysis of Training for U.S. Army Special Forces' dryly noted that "The goal of battlefield ethics is unsupervised predictability of soldier conduct" (Dillon 1992). While this description is very reductionist and is clearly incomplete, it is certainly the case that the goal of battlefield ethics is not less than that. So it follows that one way to establish the level of appropriate and predictable conduct necessary to partner with an indigenous force is through norm transfer and/or validation, which requires the kind of long-term relationship that Thielenhaus, Traeger, and Roles consider to be a vital prerequisite for introducing RAA.

But is a relationship of trust essential, and is it enough? Realistically, interests will often outweigh loyalties.[7] What we have here is an example of the principal-agent problem, or what is sometimes called the agency dilemma. While principal-agent theory was developed primarily in the discipline of economics, it has been adapted to a military context by Peter Feaver, who uses this construct to address the issue of civil-military relations in his book *Armed Servants: Agency, Oversight, and Civil-Military Relations* (Feaver 2003). Feaver points out that most theories of civil-military relations, most notably Samuel Huntington's (1957), focus on 'soft' factors like military professionalism (within which we can usefully include the norms associated with military ethics and adherence to the laws of war). By contrast, Feaver draws on principal-agent theory to develop his own Agency Theory, which outlines key material factors which determine whether appropriate civil-military relations are maintained. While it is beyond the scope of this particular paper, it seems

[6] See Bart (2014).

[7] I am grateful to LTCOL Eric Roitsch, US Army Special Forces, for a very helpful discussion which helped shape this part of the paper.

to me that there would be value in following Feaver's lead and treating the SOF-surrogate relationship as "an interesting special case of the general problem of agency" (Feaver 2003, pp. 12–13).

In the context of civil-military relations Feaver points to a range of monitoring and punishment mechanisms available to civilian principals to enable them to ensure that their military agents are 'working' rather than 'shirking'.[8] Clearly RAA reduces, in one respect at least, the ability of the SOF 'principal' to monitor his indigenous partner or surrogate 'agent'. Nonetheless, as Major Eric Roles helpfully pointed out in response to this point, the reality is that in traditional 'advise and assist' missions the accompanying SOF team members are small in number and not able to be physically present wherever the surrogate force is engaged, so in another important sense RAA provides a technological means through which to expand the ability of the SOF 'principle' to observe and record the actions of the surrogate force. What a consideration of Agency Theory draws our attention to is that it is vital to ensure that there are sufficient other means in place to ensure that where the interests of the SOF advisor's nation diverges from the interests of the indigenous or surrogate force—as is inevitable—the indigenous partner or surrogate 'agent' will nonetheless act in accordance with the advisor nation's preferences, on questions of law and ethics at least.

Conclusion

In his address to the "Resistance and Resilience" Seminar at the Baltic Defence College, in 2014, Major General Gregory J. Lengyel, Commander of United States Special Operations Command Europe (SOCEUR), noted that "[t]he conditions of 2014 are different than those of 1944, and the tools with which unconventional warfare is waged today differ greatly. We must advance from the nostalgic vision of remote guerrilla bases in denied territory and adapt to a world of split-second communications and data transfer, non-violent resistance, cyber and economic warfare, and the manipulation of international law to undermine national sovereignty…"[9] General Lengyel's analysis is undoubtedly correct, and it is equally clear that making this shift requires SOF to engage in a world of considerable ethical complexity. It is thus vital that new capabilities, tactics, techniques and procedures, be subject to careful ethical scrutiny as they are adopted. In this paper I have offered an ethics analysis of the new SOF practice of 'remote advise and assist'—an early step into the new environment Lengyel describes.

I began by considering the arguments that have thus far been put forward for RAA, and considered possible ethical implications and counterarguments. The advantage of reduced cost seems sound, but raised the question of lowering the threshold of entering into an armed conflict, as did the advantage of reduced risk to own forces that RAA offers. In both respects RAA does not introduce a fundamentally new dimension to the conduct of war (given that other standoff systems offer both the same advantages and raise the same ethics questions), and I contend that while we should certainly be cautious about capabilities that lower the threshold for participating in armed conflicts, this cannot be a consideration that rules such capabilities out within the accepted framework of norms for armed conflict, as it collapses into a contingent pacifism position.

I also considered a range of possible ethics-based arguments against RAA. First among these was the concern that RAA could effectively reduce the local forces being advised and assisted to 'human drones'. I argued that the stronger version of this claim does not stand up, given that RAA is a technology-based means for SOF to 'advise' and 'assist', not 'control'. Still, a weaker version of this objection, which raises the well-known problem of moral hazard, has some merit—we cannot rule out the possibility that RAA will be used to direct indigenous forces in a manner that is not in their interests. I argued however, that a number of considerations reduce (though do not rule out) the likelihood of this happening. I then went on to dismiss the potential objection against RAA that it amounts to 'riskless warfare' on the grounds that this is a problem (if indeed there is an ethics problem here) that is not unique to RAA. The question of accountability is important—the possibility that RAA could be misused in order to negate government controls on military action or avoid accountability for military actions is a real one. That said, the issue is less one about RAA in particular than it is about the presence of appropriate accountability and oversight mechanisms. I also noted that, used properly and with appropriate controls, RAA provides a means to enhance accountability, given that the electronic

[8] As I explain elsewhere, Feaver is using these terms in the technical sense of principal-agent theory: "'Working' is relatively unproblematic—an agent is working when she is diligently pursuing the tasks assigned to her by her superior. In the case of the military, the military is working when it diligently seeks to fulfil the wishes of its civilian overseers. 'Shirking', on the other hand, requires more exploration. In the everyday sense, shirking is simply failing to work, and is often associated with laziness and general inactivity. While this may well sometimes apply to the military, it is not however the central meaning of the term as used in agency theory. For the military may be vigorously pursuing military and/or policy goals, but it will still be shirking if those goals do not correspond with the desires of the civilian principal."

[9] Major General Gregory J. Lengyel, opening remarks to the "Resistance and Resilience" Seminar (Baltic Defence College, Tartu, Estonia, 4 November 2014). Quoted in Christman (2017).

nature of all the communications that take place during the operation of RAA provides for a far clearer record of events than is otherwise possible.

Finally, I considered what I called 'threshold constraints' on the employment of RAA. I concurred with Roles that both proficiency and trust are key considerations, though there might in principle be rare and unusual cases where a lack of proficiency does not rule out RAA, and 'interests' may in some cases be more important than trust, making the application of something like Peter Feaver's Agency Theory model to RAA—and the employment of SOF in advise and assist missions in general—an important future research endeavour.

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