

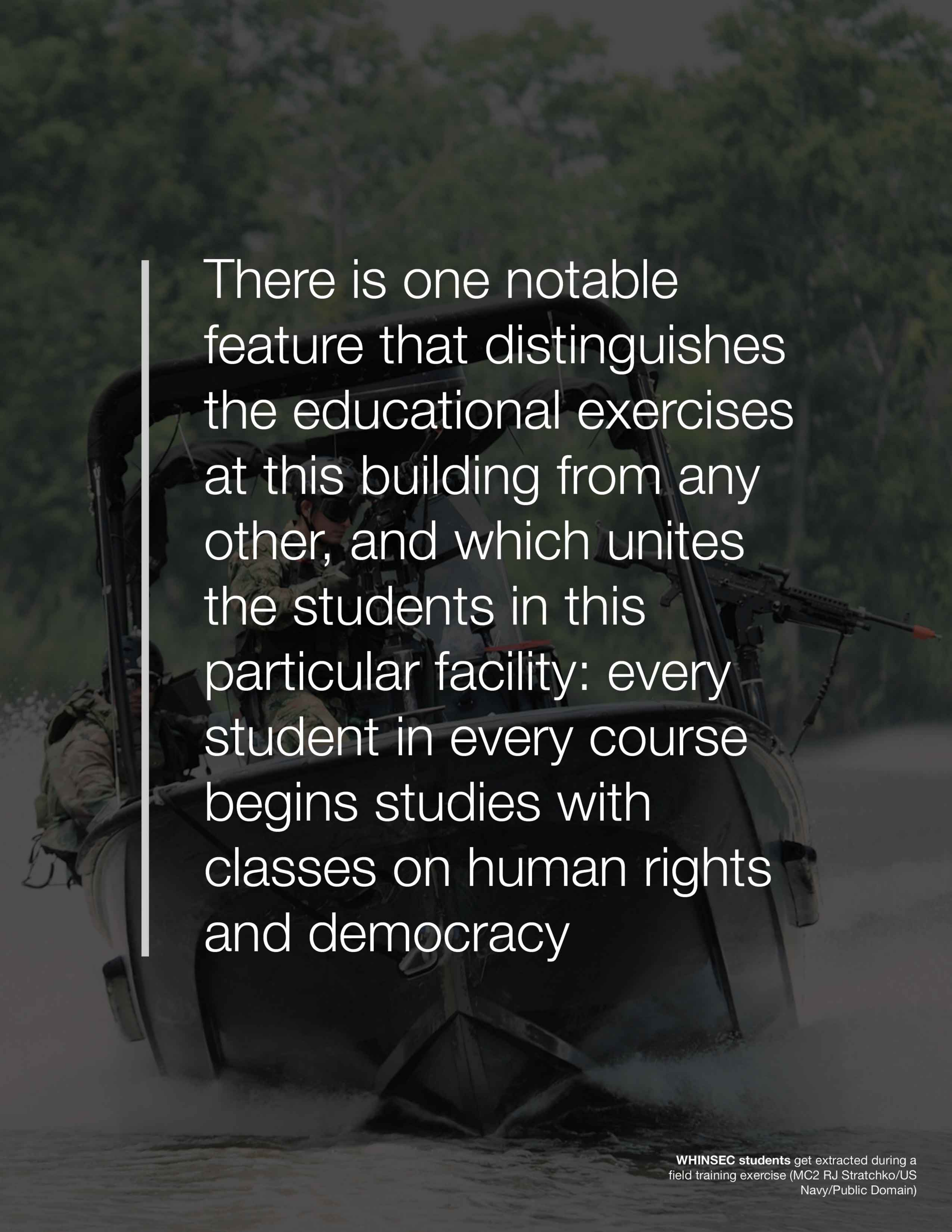
FLETCHER SECURITY REVIEW

Summer 2017 | Vol. 4 No. 1



Human Rights, Democracy, and Ethics at the
Forefront of Education of Public
Security Forces in the Western Hemisphere: The
WHINSEC Experience

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In a fairly humid, subtropical section of the United States, there is a site where sporadic gunfire sometimes rattles the windows of buildings nearby. At times, plaintive howls can be heard through those windows: the wails of wounded officers lying on neatly trimmed fields under the bright sun, waving their arms desperately to attract the attention of medics converging on a nearby field ambulance. Meanwhile, scores of military officers, civilian officials and law enforcement personnel inside the buildings barely notice, and all resist the presumably well-ingrained temptation to spring into action. Ignoring the noise outside is certainly understandable, for the sounds are from just some of many training exercises on the Army's sprawling military base at Fort Benning, Georgia. The military officers, civilian officials and law enforcement personnel are students at one of the base's facilities, the Western Hemisphere Institute for Security Cooperation (WHINSEC), and are deadly serious about their studies – on countering transnational threats, UN peacekeeping operations, and intelligence analysis of transnational operations, among other courses offered. But, there is one notable feature that distinguishes the educational exercises at this building from any other, and which unites the students in this particular facility: every student in every course begins studies with classes on human rights and democracy, as delineated by the U.S. experience.

The U.S. Congress mandated that distinguishing feature upon establishing the Western Hemisphere Institute for Security Cooperation. Unlike other professional military schools, Congress included a provision specifying a key aspect of WHINSEC's educational function. 10 U.S.C. § 2166(d)(1) provides: "The curriculum of the Institute shall include mandatory instruction for each student, for at least 8 hours, on human rights, the rule of law, due process, civilian control of the military, and the role of the military in a democratic society." The students who attend WHINSEC are sent by the member states of the Organization of American States (OAS), which also has a strong interest in promoting peace, security, and democratic values.

In addition to the founding act, Congress' annual appropriations process also serves to guide the programs of instruction offered at WHINSEC. Hewing to the parameters of U.S. security assistance programs, in particular the International Military Education and Training program, the United States seeks to:

- Further the goal of regional stability through effective, mutually beneficial military-to-military relations through increased understanding of security issues and the means to address them and improved defense cooperation among the United States and foreign countries;
- Provide training that augments the capabilities of participant nations' military forces to support combined operations and interoperability with U.S. forces; and
- Increase the ability of foreign military and civilian personnel to instill and maintain democratic values and protect internationally recognized human rights in their own government and military.¹



NAVSCIATTS students extract WHINSEC students in a field training exercise (MC2 RJ Stratchko/US Navy/Public Domain)



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The underlying architecture to achieve security cooperation is by no means a static exercise involving legislators and policy makers in Washington once a year, but instead is a highly dynamic process, with input starting from the countries involved, then moving to the U.S. Embassy country teams, usually led by the senior defense official/defense attaché, followed by numerous congressional hearings for final appropriation, leading to implementation and subsequent review.² This iterative process helps guarantee the programs offered meet the needs identified as being of mutual interest to bilateral partners as well as to the United States.

In the sixteen years since its creation, WHINSEC has had the opportunity to develop a robust and comprehensive program of instruction on the topics of human rights and democracy, in accordance with its statutory

mandate. Nevertheless, times change, political priorities change, and most importantly, needs change.

Many of those changes and regional trends have been obvious to government officials and other experts alike for quite some time. Over fifteen years ago, some experts warned that throughout the Caribbean and Latin America, “reversals of democracy in some countries will be spurred by a failure to deal effectively with popular demands, crime, corruption, drug trafficking, and insurgencies.”³

Some of the changes in regional priorities were led by international agreement on desired ways forward. After the United States Senate ratified the Inter-American Convention against Corruption on July 27, 2000, the U.S., the OAS, other member States to the Convention,

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A guest instructor debriefs WHINSEC and NAVSCIATTS students after a field training exercise (MC2 RJ Stratchko/US Navy/Public Domain)

and civil society representatives worked together to implement the Convention and fight corruption. Efforts were undertaken to “encourage and support anticorruption activities by hemisphere militaries through the U.S. Southern Command and Western Hemisphere Institute for Security Cooperation.”⁴ As one concrete result of this effort, an overview of the Convention now forms part of the common democracy curriculum at WHINSEC.

WHINSEC’s educational approach has strived not only to address these trends, but has sought to get ahead of the curve on the core issues of human rights and democracy. Thus, in WHINSEC’s engineer operations course, which teaches the use of conventional demolitions that support counterdrug operations (in other words, giving students a chance to blow things up), training is also provided on humanitarian demining operations, as well as on rebuilding after natural disasters in support of civilian authorities.

BUT, DOES IT MAKE A DIFFERENCE?

WHINSEC has been found to have made “enormous strides in inserting human rights and democracy educa-

tion into its curriculum, and is reported to have exceeded minimum required hours of instruction.”⁵ In June 2016, WHINSEC took yet another step, creating a Center for Human Rights and Democracy. The Center draws from existing resources, including the International Operations Law course, which instructs on international human rights and humanitarian law requirements. Classroom lessons for this course cover the UN’s Basic Principles on the Use of Force and Firearms, the UN’s Code of Conduct for Law Enforcement Officials, as well as several other documents setting out international norms. The Center’s mission is to promote, through international programs and partnerships, the education and training of human rights, the rule of law, due process, humanitarian law, ethics and democratic principles.

In part, this new Center responds to the reality of many countries in the region, which increasingly have turned to their military forces to temporarily support law enforcement activities. Besides new technical challenges to training (so that military personnel do not accidentally stomp on potential evidence at crime scenes, or conversely, so that law enforcement personnel do not compromise military functions such as intelligence-gathering activities, as examples), there should be a growing

recognition for the need to cultivate respect for the rule of law, and the need to be champions of human security. This is not a new concept. As Alexander Hamilton noted over two centuries ago in the Federalist Papers, the ordinary administration of criminal and civil justice “is the most powerful, most universal, and most attractive source of popular obedience and attachment. It is that which . . . contributes, more than any other circumstance, to impressing upon the minds of the people, affection, esteem, and reverence towards the government.”⁶

What is new is how to apply the concept to the changing circumstances found in the hemisphere. It may be just as likely that a Dominican Republic border control official engaged in disaster recovery walking along a fence bordering Haiti, or an Army squad leader patrolling in the jungle near the Colombian coast on a counter-narcotics operation, will be responsible for detaining a minor child with a possible claim to be fleeing from persecution. They, and others, might do their jobs better with some knowledge about the OAS, or better yet about the Inter-American Court of Human Rights, and even better to know about that Court’s advisory

and even better to know about that Court’s advisory opinion defining States’ obligations to protect the rights of migrant children and families,⁷ not to mention other general obligations to civilians.

Of course, not every official in the Western Hemisphere will be able to attend a course at WHINSEC, nor is there any guarantee that those who are able to and do, will remember every topic or reading assigned. For this reason, initial energy for WHINSEC’s Center for Human Rights and Democracy is concentrated on building the capacity of the current faculty, and stimulating research and investigation of timely issues.

DEALING WITH DIFFERING CONCEPTS OF NATIONAL SECURITY

One of the challenges in designing human rights programs of instruction in the Americas has been, perhaps paradoxically, the well-established relevance highlighted in U.S. policy and doctrinal documents. In the latest publication of its National Security Strategy, dating from 2015, the Obama Administration outlined endur-



44th United States President Barack Obama discusses strategies with his National Security team (Pete Souza/Public Domain)

ing national interests: security of citizens and allies; an open international economic system; respect for universal values; and a rules-based international order.⁸ Yet, Latin American countries, by and large, have balked at U.S. definitions and security priorities for the hemisphere, instead preferring to emphasize plans for economic development, or to fight crime and corruption.⁹ In some countries in the region, the absence of military forces, geographic isolation, or other factors rendered superfluous a need for defining or refining a national security strategy. Others duly adapted to the evolving concepts of total war, including facing down internal as well as external threats, only to suffer through debilitating coups, repressions, or dictatorships.

Even so, one common outcome throughout the region has been heightened awareness of the need to protect human rights and promote democratic values. WHINSEC's new Center for Human Rights and Democracy plans to take advantage of the rich history in the region, and among its students, by developing case studies of human rights, democracy, or ethical problems for academic investigation. Other activities, such as research on national security policy issues, may frame analysis for political leaders and working-level practitioners to guide decisions and make policy more effective in the future.

CONCLUSION

One of the best ways for the United States to continue to make progress on its core national interests, or more pro-actively for WHINSEC to maintain its operational proficiency, is to keep up a dialogue with the representatives from the region about topics as important to shared national interests as human rights and democratic values. A glance at the engagement calendar suffices to show that WHINSEC personnel sustain extensive contacts throughout the region, keeping the Institute relevant to U.S. foreign policy objectives while responding to the evolving

definitions of the national security priorities of all the countries in the hemisphere. Such consultation between States and communities of interest should continue. One possible area of exploration may be the academic community.

Recognizing the multi-faceted nature of many of the issues in this hemisphere, WHINSEC's work also is continuing with non-governmental organizations, such as with representatives from the International Committee of the Red Cross. Those representatives may share additional, ground-level insights about current trends affecting countries' security interests, and have valuable suggestions for innovative approaches to resolve many issues.

Future changes in defining national security interests, both for the United States and for its closest neighbors, are all but inevitable. The United States, thanks to its long history of advancing universal values, should continue to lead the way to promote U.S. interests, leveraging shared regional interests in development and human security.

¹ *Foreign Military Training*, Fiscal Years 2015 and 2016: Joint Report To Congress Vol. 1, Department of State and Department of Defense, pp. II-1,2, accessed at <https://www.state.gov/documents/organization/265162.pdf>.

² *Security Cooperation Programs*, Fiscal Year 2016, Defense Institute of Security Cooperation Studies, rev. 16.0, accessible online at http://www.disam.dsca.mil/documents/pubs/security_cooperation_programs_160127.pdf.

³ *Global Trends 2015: A Dialogue about the Future with Nongovernment Experts*, National Intelligence Council, 2000, p. 78, accessed at https://www.dni.gov/files/documents/-Global%20Trends_2015%20Report.pdf.

⁴ *Third Annual Report to Congress on the Inter-American Convention Against Corruption*, United States Department of State, Bureau of International Narcotics and Law Enforcement Affairs, April 1, 2003, accessible online at <https://www.state.gov/j/inl/rls/rpt/31198.htm>.

⁵ *Cameranesi v. U.S. Department of Defense*, No. 14-16432, 2016 U.S. App. LEXIS 17714 (9th Cir. Sept. 30, 2016), from Annex 3 in Secretary of Defense Annual Report to Congress on the Activities of the Western Hemisphere Institute for Security Cooperation 25 (2007). Annual reports can be accessed online at <https://database.faca.gov/committee/histories.aspx?cid=1860&fy=2002>.

⁶ Alexander Hamilton, *The Federalist Papers : No. 17*, (Independent Journal: New York, 1787), accessible online at <https://www.congress.gov/resources/display/content/The+Federalist+Papers#TheFederalistPapers-17>.

⁷ Inter-American Court of Human Rights Advisory Opinion, *Rights and Guarantees of Children in the Context of Migration and/or in Need of International Protection*, OC-21/14, 19 August 2014, accessible online at http://www.corteidh.or.cr/docs/opiniones/serica_21_eng.pdf.

⁸ *National Security Strategy*, The White House, February 2015. Accessed at https://obamawhitehouse.archives.gov/sites/default/files/docs/2015_national_security_strategy_2.pdf.

⁹ Vanda Felbab-Brown, "United States National Security Policy in Latin America: Threat Assessment and Policy Recommendations for the Next Administration," *Brookings Institution*, October 2008, accessed at https://www.brookings.edu/wp-content/uploads/2016/06/national_security_policy_felbabbrown.pdf.

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The opinions, findings and conclusions stated herein are solely those of the author and do not necessarily reflect those of the Western Hemisphere Institute for Security Cooperation, the United States Department of the Army, or the United States Department of State.