
Counterinsurgency Law

NEW DIRECTIONS IN ASYMMETRIC WARFARE

William Banks

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AGENCY OF RISK: THE COMPETING BALANCE BETWEEN PROTECTING MILITARY FORCES AND THE CIVILIAN POPULATION DURING COUNTERINSURGENCY OPERATIONS IN AFGHANISTAN¹

Chris Jenks²

Introduction

Leaders prepare to indirectly inflict suffering on their Soldiers and Marines by sending them into harm's way to accomplish the mission. At the same time, leaders attempt to avoid, at great length, injury and death to innocents. This requirement gets to the very essence of what some describe as "the burden of command." . . . *Ultimate success in [Counterinsurgency Operations] is gained by protecting the populace, not the [military] force. . . . [yet] combatants are not required to take so much risk that they fail in their mission or forfeit their lives.*³

In 2010, nine years into Operation Enduring Freedom in Afghanistan, casualties among both Afghan civilians and members of the U.S. military were at their highest levels to date. Taliban⁴ insurgents employing suicide and improvised explosive devices directly caused the vast majority of those casualties. Yet attitudes and perceptions among both the Afghan population and the U.S. military reflect differing conceptions of blame and responsibility. Afghans blame the mere presence of the United States as the underlying cause for Taliban attacks and resulting civilian casualties, while members of the U.S. military question whether self-imposed limitations on employing force has led to increasing numbers of U.S. service members wounded and killed.

One of the origins of this angst is the degree and manner by which risk is borne by the two groups, Afghan civilian and U.S. military, as a result of the ongoing counterinsurgency operations. At the strategic level, military doctrine, including the language in the quotation above from the U.S. military's 2006 counterinsurgency manual, provides fundamental principles that govern the conduct of military operations and, in so doing, shapes the parameters of this risk. Moving from the strategic level through the chain of command to the tactical level, the soldier and marine on the ground, the contours of risk are operationalized through the war-fighting command promulgating rules of engagement and, in Afghanistan, the tactical directive.

The tactical directive "provides guidance and intent for the use of force by" U.S. and coalition military forces operating in Afghanistan.⁵ Previously classified to protect the force and still classified in parts, beginning in 2008 three successive commanders of the International Security Assistance Force (ISAF) in Afghanistan have made portions of the directive public.

The 2008 tactical directive stressed minimizing death or injury of innocent civilians and reinforced the idea of proportionality, "requisite restraint, and the utmost discrimination in our application of firepower."⁶ This iteration, however, did not place any specific limitations on the certain types of force, relying instead on "[g]ood tactical judgment" to minimize civilian casualties.⁷ In contrast, the 2009 directive dictated that "use of air-ground munitions and indirect fires against residential compounds is only authorized under very limited and prescribed conditions..."⁸

The 2009 tactical directive "de-emphasized airstrikes, artillery and mortars. This transferred some of the risk in skirmishes from Afghan civilians to Western combatants. In the past, American patrols in contact often quickly called for and received fire support. Not anymore. Many firefights are strictly rifle and machine gun fights."⁹ In accordance with this perspective, in not providing the fire support that otherwise may be available, the tactical directive increased engagement times with the enemy, which in turn heightened the risk to troops on the ground. The resulting concern of some U.S. service members wasn't so much that the tactical directive transferred risks away from the civilians to the U.S. military, but that it transferred risk away from the enemy.¹⁰ Yet, a 2010 review of the tactical directive "found no evidence that the rules restricted the use of lifesaving firepower" or even "a single situation where a soldier has lost his life because he was not allowed to protect himself."¹¹

At first blush, the current iteration of the tactical directive, which General David Petraeus issued in 2010, differs only slightly from the 2009 version. And those differences seem little more than an alternatively worded means to the same conceptual end—the importance of protecting the Afghan population. But the 2010 tactical directive seemingly alters the risk relationship and balance between Afghan civilians and the U.S. military. The 2009 directive expressly acknowledged that "the carefully controlled and disciplined use of force entails risk to our troops," recognizing

that protecting the force must, on some level and at some times, be subordinate to protecting the civilian population. In partial yet profound contrast, the 2010 tactical directive lists protecting Afghan civilians and the men and women in uniform as coequal moral imperatives.

Utilizing both the tactical directive and doctrinal concepts from the counterinsurgency manual, this chapter will explore the allocation of risk between the military force and Afghan civilian population. The chapter first reviews civilian and military casualty figures and then uses those numbers as a touchstone against which to consider each group's perception of the risk they face.

To set the conditions for that comparison, the chapter discusses the allocation of risk outlined in recent counterinsurgency doctrine and how that allocation translates from the conceptual or strategic level to the operational reality of soldiers and marines in harm's way at the tactical level. This chapter examines whether that translation is conceptually consistent and tactically viable.

While the concept of the U.S. military accepting increased risk in order to protect the civilian population is codified as doctrine, how well is the military translating, and training, that doctrine? As one commentator stated, "[n]o one wants to advocate loosening rules that might see more civilians killed. But no one wants to explain whether the restrictions are increasing the number of coffins arriving at Dover Air Force Base, and seeding disillusionment among those sent to fight."¹² This chapter seeks not to provide that explanation but to prompt a discussion on whether there is consistency in risk tolerance between U.S. military counterinsurgency doctrine and the execution of that doctrine at the tactical level in Afghanistan.

I. CIVILIAN AND MILITARY CASUALTIES AND THEIR CAUSES¹³

A. Civilian Casualties

According to the U.N. Assistance Mission in Afghanistan (UNAMA), 2,777 civilians were killed in 2010 as a result of the ongoing conflict in Afghanistan, a 15 percent increase from 2009.¹⁴ This follows a four-year trend in which each year more civilians were killed in Afghanistan than the year prior.¹⁵ In terms of wounded civilians, UNAMA documented 4,343 conflict-related injuries in 2010, a 22 percent increase from 2009.¹⁶

While the total number of civilian casualties has been increasing, in both 2009 and 2010 the percentage of civilian casualties caused by pro-government forces (including the Afghan, U.S., and coalition militaries) *decreased*.¹⁷ In 2010, UNAMA claimed that pro-government forces were responsible for 440 civilian deaths or 16 percent of the total, a 26 percent decrease from 2009.¹⁸ Pro-government forces were also purportedly responsible for 400 civilian injuries or 9 percent of the total, a 13 percent decrease from

2009.¹⁹ In terms of the manner by which Afghans are wounded or killed by coalition forces, UNAMA stated that “[a]erial attacks claimed the largest percentage of civilian deaths caused by Pro-Government Forces in 2010, causing 171 deaths (39 percent of the total number of civilian deaths attributed to Pro-Government Forces).”²⁰ However, that figure represents a 52 percent decrease in Afghan civilian fatalities stemming from coalition air strikes from 2009.²¹

Conversely, anti-government elements, such as the Taliban, were responsible for 2,080 deaths in 2010 or 75 percent of the total civilian deaths, a 28 percent increase from 2009.²² This continues, and widens, the trend recognized by UNAMA in 2009, that “more civilians are being killed by AGEs than by PGF.”²³ Anti-government elements injured some 3,366 civilians or 78 percent of the total, a 21 percent increase from 2009. Anti-government element suicide and improvised explosive device attacks caused the greatest overall number of killed and wounded Afghan civilians.²⁴

B. U.S. Military Casualties

Not until 2008 did U.S. troop levels in Afghanistan exceed 30,000.²⁵ But by November 2009, there were 68,000 troops in Afghanistan and roughly 100,000 by mid-2010. Such variance either skews quantitative comparison, or at a minimum renders statistical analysis of U.S. casualty rates over time beyond the scope of this chapter. Accordingly, this section will refer to U.S. casualty data from only 2010 to provide a frame of reference and comparison and not as the basis for empirical analysis.

In 2010, 499 U.S. troops were killed in Afghanistan.²⁶ Improvised explosive devices were responsible for 268 of those fatalities, or roughly 54 percent.²⁷ In terms of injuries, 5,173 U.S. service members were wounded in Afghanistan in 2010.²⁸

C. Casualty Comparison

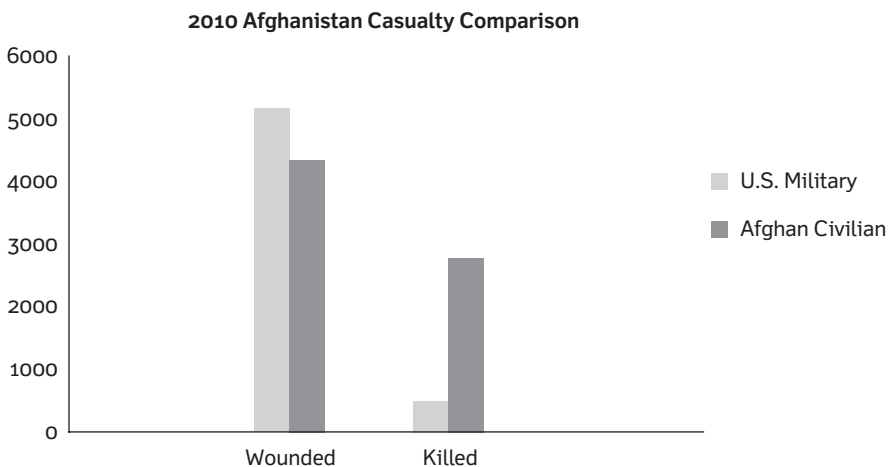


FIGURE 6.1

2010 Causes of Death for Afghan Civilians

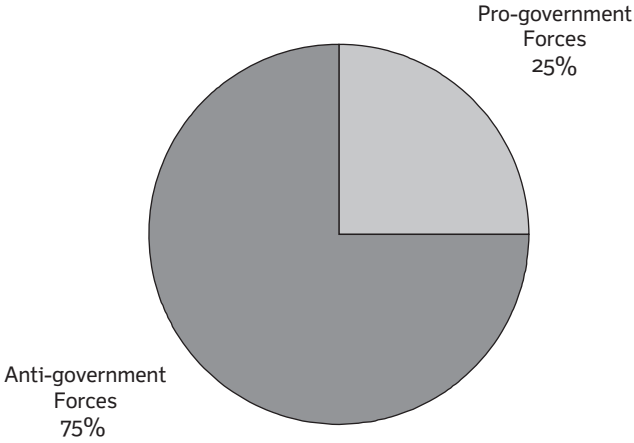


FIGURE 6.2

2010 Causes of Wounds to Afghan Civilians

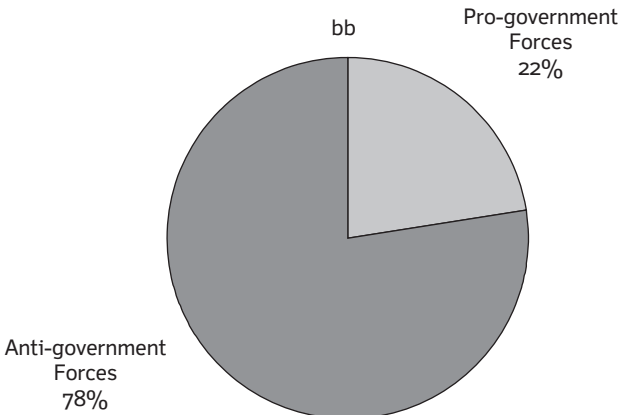


FIGURE 6.3

Using 2010 for comparison purposes, and speaking only in total numbers and ratios, more U.S. forces were wounded, 5,173, than the total number of Afghan civilians wounded, 4,343. Within that total number, the United Nations claims that U.S. and coalition forces were responsible for wounding 400 Afghan civilians. Thus, U.S. forces were wounded almost eleven times for every one instance when they wounded an Afghan civilian.

But the fatalities discussion is almost flipped. In 2010, 2,412 Afghan civilians were killed compared to 499 U.S. service members.²⁹ Within that total number, the United Nations claims that U.S. and coalition forces were responsible for the deaths of 440 Afghan civilians. Thus, U.S. forces were killed at roughly the same ratio by which they killed Afghan civilians.³⁰

That comparison provides a reference point for a normative discussion on how the two sides, Afghan civilian and U.S. military, perceive the risk that the casualty rates depict, the extent to which those perceptions are consistent with the numerical indicia of risk, and ultimately how that impacts the overall counterinsurgency effort. From the perspective of the U.S. military, examining U.S. service member perceptions of risk requires first briefly reviewing the modern doctrine by which the United States purports to conduct counterinsurgency campaigns, filtered through the ISAF and actualized through the tactical directive.

D. U.S. Military Counterinsurgency Doctrine

In 2006, the U.S. Army and Marine Corps filled a doctrinal gap that spanned two decades or more by issuing a publication exclusively devoted to counterinsurgency operations, the type of armed conflict soldiers and marines were—and are—fighting in Iraq and Afghanistan.³¹ The publication provides principles and guidelines for counterinsurgency (COIN) operations, including lessons learned thus far in Iraq and Afghanistan and those learned and to some extent forgotten, or at least neglected, from Vietnam.

The doctrine details a variety of guidance on the risk relationship between military forces and the civilian population, including the following:

- “The military forces’ primary function in COIN is protecting the populace.”³²
- “The importance of protecting the populace, gaining people’s support by assisting them, and using measured force when fighting insurgents should be reinforced and understood.”³³
- “In conventional conflicts, balancing competing responsibilities of mission accomplishment with protection of noncombatants is difficult enough. Complex COIN operations place the toughest of ethical demands on Soldiers, Marines, and their leaders.”³⁴
- “Limiting the misery caused by war requires combatants to consider certain rules, principles, and consequences that restrain the amount of force they may apply. At the same time, combatants are not required to take so much risk that they fail in their mission or forfeit their lives. As long as their use of force is proportional to the gain to be achieved and discriminates in distinguishing between combatants and noncombatants. Soldiers and Marines may take actions where they knowingly risk, but do not intend, harm to noncombatants.”³⁵

The doctrine also identifies paradoxes of counterinsurgency operations, including:

- “Sometimes, the more you protect your force, the less secure you may be.”³⁶
- “Sometimes, the more force is used, the less effective it is.”³⁷
- “The more successful the counterinsurgency is, the less force can be used and the more risk must be accepted.”³⁸
- “Sometimes doing nothing is the best reaction.”³⁹

The doctrinal guidance on the use of force in a counterinsurgency is markedly different than in conventional armed conflicts where the focus is to “concentrate the effects of combat power at the decisive place and time.”⁴⁰

The counterinsurgency doctrinal guidance is then filtered through the International Security Assistance Force mission, which is

[i]n support of the Government of the Islamic Republic of Afghanistan, ISAF conducts operations in Afghanistan to reduce the capability and will of the insurgency, support the growth in capacity of the Afghan National Security Forces, and facilitate improvements in governance and socio-economic development in order to provide a secure environment for sustainable stability that is observable to the population.⁴¹

The question then becomes: how should the United States reduce the capability and will of the insurgency? And the answer is both through offensive or kinetic operations as well as through denying the insurgency the ability to operate by improving governance and socioeconomic development. Protecting the civilian population is inextricably linked to both. The tactical directive provides the means, or parameters on force as a means, to accomplishing the mission, shaped by the counterinsurgency doctrine.

II. TACTICAL DIRECTIVE

After revising the tactical directive in the summer of 2009, General Stanley McChrystal made portions public “to ensure a broader awareness of the intent and scope” of his guidance to the force.⁴² While there had always been limitations on the use of force by U.S. military forces in Afghanistan and at least one prior version of the tactical directive released to the media, General McChrystal’s modifications sparked discussion and controversy, much of which has continued and remained not just unresolved but unaddressed by the U.S. military.⁴³

As discussed in the introduction of this chapter, contrary to his predecessor, General McChrystal allowed the use of air-to-ground munitions and indirect fires under “very limited and prescribed conditions.” In his iteration of the directive, General McChrystal acknowledged the implicit trade-off inherent in limiting the use of force at the tactical level in support of the broader strategic goal of Afghan civilian support.

We must fight the insurgents, and will use the tools at our disposal to both defeat the enemy and protect our forces. But we will not win based on the number of Taliban we kill, but instead on our ability to separate insurgents from the center of gravity—the people. That means we must respect and protect the population from coercion and violence—and operate in a manner which will win their support.

This is different from conventional combat, and how we operate will determine the outcome more than traditional measures, like capture of terrain or attrition of enemy forces. We must avoid the trap of winning tactical victories—but suffering strategic defeats—by causing civilian casualties or excessive damage and thus alienating the people.

While this is also a legal and a moral issue, it is an overarching operational issue—clear-eyed recognition that loss of popular support will be decisive to either side in this struggle. The Taliban cannot militarily defeat us—but we can defeat ourselves.

*I recognize that the carefully controlled and disciplined employment of force entails risk to our troops—and we must work to mitigate that risk wherever possible. But excessive use of force resulting in an alienated population will produce far greater risks. We must understand this reality at every level in our force.*⁴⁴

Some U.S. service members were critical of the 2009 tactical directive. As a junior U.S. Army officer in Afghanistan queried:

[m]inimizing civilian casualties is a fine goal, but should it be the be-all and end-all of the policy? If we allow soldiers to die in Afghanistan at the hands of a leader who says, “We’re going to protect civilians rather than soldiers’ what’s going to happen on the ground? The soldiers are not going to execute the mission to the best of their ability. They won’t put their hearts into the mission. That’s the kind of atmosphere we’re building.”⁴⁵

One noncommissioned officer sent an e-mail to a member of the U.S. Congress complaining that the rules of engagement (ROE) which flowed from the tactical directive were “too prohibitive for coalition forces to achieve sustained tactical success.”⁴⁶ Another noncommissioned officer commented to a reporter that he “wish[ed] we had generals who remembered what it was like when they were down in a platoon.... Either they have never been in real fighting, or they forgot what it’s like.”⁴⁷ One news story quoted U.S. service members in Afghanistan as complaining that the tactical directive “handcuffed” them.

The directive’s limitations on the employment of indirect fire and close air support received much of the frontline criticism. One marine infantry officer said he had stopped requesting air support during ground engagements as the approval process was too time consuming and tethered him to a radio. Moreover, the officer claimed that air support didn’t arrive, was late when it did arrive, or that pilots were hesitant to conduct the requested air strike of ground targets. Alternatively, some units describe “decisions by patrol leaders to have fellow soldiers move briefly out into the open to draw fire once aircraft arrive, so the pilots might be cleared to participate in the fight.”⁴⁸ While those are perhaps anecdotal and isolated examples, they occurred within a time

frame in which both U.S. military and Afghan civilian casualty rates increased. And while at the same time the percentage of Afghan casualties caused by the U.S. military significantly decreased, there does not appear to have been a corresponding increase in Afghan civilian perceptions of safety, security, and the legitimacy and utility of the U.S. military presence in their country. From the Afghan civilian perspective, that the casualty-producing entity is predominantly the Taliban is little comfort and does not constitute protection. From the U.S. service member perspective, if the Afghan civilians refuse to place blame for civilian casualties on the entity actually causing them, and the only real beneficiaries of U.S. restraint are the enemy, then why should those service members accept more risk?

The criticism of the tactical directive seemed to reach its zenith in the spring and summer of 2010. In the spring came word of an ISAF proposal to award a medal to U.S. service members for “courageous restraint for holding fire to save civilian lives.”⁴⁹ According to an ISAF statement: “[w]e routinely and systematically recognize valor, courage and effectiveness during kinetic combat operations. . . . In a COIN campaign, however, it is critical to also recognize that sometimes the most effective bullet is the bullet not fired.”⁵⁰ As one story noted, “[a] combat medal to recognize a conscious effort to avoid a combat action would be unique.”⁵¹ The courageous restraint effort, which would seemingly recognize the tactical application of some of the counterinsurgency doctrinal points listed above, was short lived.

By the summer, one U.S. Army colonel claimed the troops “hated” the tactical directive and that “right now we’re losing the tactical-level fight in the chase for a strategic victory.”⁵² At this point and unrelated to the tactical directive, General McChrystal resigned as the ISAF commander.⁵³ But the tactical directive loomed large in the interim while General Petraeus was awaiting confirmation to succeed General McChrystal. At his confirmation hearing, General Petraeus submitted an opening statement acknowledging that some U.S. service members were concerned over the tactical directive:

Our efforts in Afghanistan have appropriately focused on protecting the population. This is, needless to say, of considerable importance, for in counterinsurgency operations, the human terrain is the decisive terrain. The results in recent months have been notable. Indeed, over the last 12 weeks, the number of innocent civilians killed in the course of military operations has been substantially lower than it was during the same period last year. And I will continue the emphasis on reducing the loss of innocent civilian life to an absolute minimum in the course of military operations.

Focusing on securing the people does not, however, mean that we don’t go after the enemy; in fact, protecting the population inevitably requires killing, capturing, or turning the insurgents. Our forces have been doing that, and we will continue to do that. In fact, our troopers and our Afghan partners have been very much taking the fight to the enemy. Since the beginning of April alone, more than 130 middle and upper-level Taliban and other extremist element leaders have been killed or

captured, and thousands of their rank and file have been taken off the battlefield. Together with our Afghan counterparts, we will continue to pursue relentlessly the enemies of the new Afghanistan in the months and years ahead.

On a related note, I want to assure the mothers and fathers of those fighting in Afghanistan that I see it as a moral imperative to bring all assets to bear to protect our men and women in uniform and the Afghan security forces with whom ISAF troopers are fighting shoulder-to-shoulder. Those on the ground must have all the support they need when they are in a tough situation. This is so important that I have discussed it with President Karzai, Afghan Defense Minister Wardak, and Afghan Interior Minister Bismullah Kahn since my nomination to be COMISAF, and they are in full agreement with me on it. I mention this because I am keenly aware of concerns by some of our troopers on the ground about the application of our rules of engagement and the tactical directive. They should know that I will look very hard at this issue.⁵⁴

In early August 2010, General Petraeus issued an updated tactical directive. In the first paragraph of the revised directive, General Petraeus cautioned that “[s]ubordinate commanders are not authorized to further restrict this guidance without my approval.” This requirement sought to address concerns that the issue with the tactical directive under General McChrystal was not so much the limitations he imposed, but that those limitations were a floor, not a ceiling, and that several layers of command between ISAF and a U.S. Army or Marine Corps unit in contact were adding additional restrictions or requirements.

But contrary to General McChrystal’s express acknowledgment of the limitations on the use of force equating to increased risk for U.S. service members, General Petraeus’s version placed protecting Afghan civilians and the force on the same level.

We must balance our pursuit of the enemy with our efforts to minimize loss of innocent civilian life, and with our obligation to protect our troops. Our forces have been striving to do that, and we will continue to do so.

*In so doing, however, we must remember that it is a moral imperative both to protect Afghan civilians and to bring all assets to bear to protect our men and women in uniform and the Afghan security forces with whom we are fighting shoulder-to-shoulder when they are in a tough spot.*⁵⁵

This language seems, if not inconsistent with counterinsurgency doctrine, an avoidance or obfuscation of the subordinate relationship between protecting the force and the civilian population which the doctrine emphasizes and the harsh consequences that flow from that subordination during use-of-force situations.

Yet, the current tactical directive is not receiving as much open criticism as its predecessor, at least from U.S. service members. Its impact on the “hearts and minds”

of the population is unclear though. Despite the report that in the third quarter of calendar year 2010 anti-government elements caused 90 percent of Afghan civilian deaths and injuries, in the minds of many Afghans the true cause of the casualties was ISAF's presence in Afghanistan.⁵⁶

Even with the changed wording the tactical directive emphasizing protecting civilians, those civilians feel, or think, otherwise. This is apparently due in part to continuing challenges ISAF faces in strategic communications—a 2010 poll revealed that 40 percent of those interviewed believed ISAF was in Afghanistan “to destroy Islam or to occupy or destroy the country.” Additionally, “only 8 percent of interviewees in the south knew the story of the 9/11 attacks and as a result had no understanding of the justification for the conflict with the Taliban and al Qaeda.”⁵⁷ Further supporting an argument that Afghan perceptions of their safety and future in Afghanistan are not positive, beginning in 2008 and continuing through 2010, more Afghans were seeking asylum in foreign countries than at any point since the 2001 U.S. invasion.

As one commentator aptly noted, “[a]n American counterinsurgency campaign seeks support from at least two publics—the Afghan and the American. Efforts to satisfy one can undermine support in the other.”⁵⁸ Overt, or at least publicized, U.S. military criticism of the current directive seems to have abated. But is that indicative of greater acceptance of the implicit risk trade-offs the directive represents? A lesser dislike of the current directive's requirements than those in prior versions? Or is the absence of overt comment simply masking continued divergence between doctrinal counterinsurgency guidance and tactical realities on the ground? General McChrystal subordinated the military to the civilian population in terms of risk allocation. General Petraeus seemed to consider them coequal. What then of the U.S. Army platoon leader who, prior to leading his soldiers on patrol in Afghanistan, told them, “[w]e are going to go up there and take care of each other. That is going to be our number one priority.”⁵⁹ Thus, at the same point in time the operational commander considered protecting the military and civilian population equally important while the tactical leader on the ground considered force protection more important. The first needed step is to recognize this cognitive dissonance. From there, the task becomes reassessing how the U.S. military operationalizes counterinsurgency doctrine.

III. TRANSLATING AND TRAINING DOCTRINE

The counterinsurgency doctrine lays out competing interests, protection of the force and of the civilian population. On the one hand, the doctrine claims that “ultimate success in [Counterinsurgency Operations] is gained by protecting the populace, not the [military] force”⁶⁰ while “[a]t the same time, combatants are not required to take so much risk that they fail in their mission or forfeit their lives.”⁶¹

The U.S. military acknowledges that “[e]thically speaking, COIN environments can be much more complex than conventional ones” and that “[t]he fortitude to see Soldiers and Marines closing with the enemy and sustaining casualties day in and day out requires

resolve and mental toughness in commanders and units. Leaders must develop these characteristics in peacetime through study and hard training. They must maintain them in combat.⁶²

There have now been three iterations of how doctrinal concepts of risk allocation in counterinsurgency are implemented through the tactical directive and a wide range of service member responses. There are a few lingering questions regarding the evolution of this doctrine, primarily: Are the implications of this tactical directive conceptually consistent with doctrine, and has the military discussed the ethics of risk allocation necessary to conduct counterinsurgency operations?

The service member complaints about the tactical directive and the short-lived nature of the courageous restraint medal suggest a disconnect between doctrine and practice. What kind of discussions is the military fostering through its professional military education and other training? The U.S. Army's Center for the Army Profession and Ethic (CAPE) provides one example.⁶³ One of the CAPE training vignettes involves a new platoon leader who overhears one of his noncommissioned officers telling the soldiers in the platoon that protecting each other, that ensuring every member of the platoon returns home uninjured, is their mission. While the vignette sets the conditions for the very discussions this chapter suggests, CAPE training is relatively new, is not widespread, and, more important, not required. One commentator, a U.S. Army officer who served as a platoon leader in Afghanistan, recently wrote in *Army Magazine* that the lack of operationally contextualized ethics training amounted to a structural weakness.⁶⁴ The officer claimed that "we need to begin shaping a different future with a community conversation about ethics, anger and how best to prepare ourselves for war."⁶⁵

That U.S. service members are in harm's way in Afghanistan and are also trying to protect the civilian population is implicitly understood—within the military. Outside that group, there is a perception that the military has shifted the risks of war to contractors and that Americans on the whole are indifferent to foreign national civilian casualties.⁶⁶ But is there an explicit training component in place that will ensure all service members in the U.S. military have a shared understanding when doctrine espouses the dichotomy that "[u]ltimate success in [Counterinsurgency Operations] is gained by protecting the populace, not the [military] force, . . . [yet] combatants are not required to take so much risk that they fail in their mission or forfeit their lives?"⁶⁷

The U.S. military inculcates its service members with the concepts of selfless service and duty, among other values.⁶⁸ The military ethos at its core focuses on service members looking for the safety and welfare of their fellow service member—the proverbial, but in combat literal, soldier or marine on your left and right. While that focus is understandable and even commendable, without frank and candid discussions on where and how risk is apportioned and accepted in counterinsurgency operations, is the military unintentionally sowing the seeds of dissonance?

2008 Tactical Directive—General McKiernan

1. We are here to win and that victory is an Afghan victory; a victory which creates a secure population which enjoys freedom of movement, effective governance, viable institutions, and economic progress. We must always keep in mind that what we do and how we do it must support the Afghan people and the Government of the Islamic Republic of Afghanistan (GIROA). We must continue to take the fight to the enemy in partnership with the ANSF to defeat the insurgency and provide security to the population. The way we act, the techniques we use, and the means we employ must serve to protect and defend the Afghan public and reinforce their confidence in GIROA and the forces fighting on their behalf. We will take a comprehensive approach wherein ISAF operates in a complementary way with GIROA and the ANSF. With that as background, I direct as follows:

2. The support of the Afghan people for the GIROA and their collective support for ISAF are critical to defeating the insurgency we are fighting. We have that public support at the national level. We cannot take it for granted and must strive to deepen and broaden it.

3. We must partner and conduct combined operations with Afghan National Security Forces (ANSF) in support of Afghan objectives to the maximum extent possible. ISAF independent operations must be the exception.

4. Our actions both on and off the battlefield are important to our success. We must maintain our professionalism at all times, and always keep in mind the consequences of our actions. Respect for the Afghan people, their culture, their religion, and their customs is essential:

- a. Unless there is a clear and identified danger emanating from a building and to do otherwise would threaten our ANSF partners and ourselves, all searches and entries of Afghan homes, mosques, religious sites or places of cultural significance will be led by ANSF. All responses must be proportionate and the utmost of care should be taken to minimize any damage.

- b. All personnel will demonstrate respect for Afghans, Afghan culture, Afghan customs, and Islam in their actions and words. On the road and in vehicles, ISAF personnel will demonstrate respect and consideration for Afghan traffic and pedestrians.
- c. In order to minimize death or injury of innocent civilians in escalation of force engagements, Commanders are to set conditions through the employment of techniques and procedures and, most importantly, the **training** of forces to minimize the need to resort to deadly force. Signals, signs, general and specific warnings (visual and audible) must be unambiguous and repeated to ensure the safety of innocent civilians.

5. We are engaged in a counterinsurgency in an extremely demanding environment. We are fighting an enemy that often cannot be identified before he has struck and then once he has, he hides among the civilian population. The battle is often waged among civilians and their property. We must clearly apply and demonstrate proportionality, requisite restraint, and the utmost discrimination in our application of firepower. No one seeks or intends to constrain the inherent right of self defense of every member of the ISAF force. However, Commanders must focus upon the principles which attach to every use of force—be that self defense or offensive fires. Good tactical judgment, necessity, and proportionality are to drive every action and engagement; minimizing civilian casualties is of paramount importance.

6. Whenever we believe we may have caused civilian casualties or civilian property damage we will immediately investigate the incident. If it is determined ISAF caused those casualties or that damage, ISAF will immediately acknowledge that fact. Acknowledgement by media, key leader engagement, by shura or other means, must happen at each level of command as appropriate. There must be a battle drill in place at each tactical level of the organization, and all investigations will be in cooperation with our Afghan partners.

7. We presently have the momentum on the battlefield and should endeavor to maintain it. In equal measure we must maintain the support of the Afghan people. We must remember that ultimately the solution in this war will be political, not military action. As such, we must always be cognizant of the consequences of our actions and public perceptions. I have every confidence in the dedication and competence of the members of our force to operate effectively within this challenging environment. Do not hesitate to pursue the enemy, but stay true to the values of integrity and respect for human life. Living these values distinguishes us from our enemies. There is no tougher endeavor than the one in which we are engaged. I direct this guidance to be briefed and explained to every Soldier, Sailor, Airman, Marine, and Civilian (including contractors) of the force as soon as practical.⁶⁹

2009 Tactical Directive—General McChrystal

Our strategic goal is to defeat the insurgency threatening the stability of Afghanistan. Like any insurgency, there is a struggle for the support and will of the population. Gaining and maintaining that support must be our overriding operational imperative—and the ultimate objective of every action we take.

We must fight the insurgents, and will use the tools at our disposal to both defeat the enemy and protect our forces. But we will not win based on the number of Taliban we kill, but instead on our ability to separate insurgents from the center of gravity—the people. That means we must respect and protect the population from coercion and violence—and operate in a manner which will win their support.

This is different from conventional combat, and how we operate will determine the outcome more than traditional measures, like capture of terrain or attrition of enemy forces. We must avoid the trap of winning tactical victories—but suffering strategic defeats—by causing civilian casualties or excessive damage and thus alienating the people.

While this is also a legal and a moral issue, it is an overarching operational issue—clear-eyed recognition that loss of popular support will be decisive to either side in this struggle. The Taliban cannot militarily defeat us—but we can defeat ourselves.

I recognize that the carefully controlled and disciplined employment of force entails risk to our troops—and we must work to mitigate that risk wherever possible. But excessive use of force resulting in an alienated population will produce far greater risks. We must understand this reality at every level in our force.

I expect leaders at all levels to scrutinize and limit the use of force like close air support (CAS) against residential compounds and other locations likely to produce civilian casualties in accordance with this guidance. Commanders must weigh the gain of using

CAS against the cost of civilian casualties, which in the long run make mission success more difficult and turn the Afghan people against us.

I cannot prescribe the appropriate use of force for every condition that a more complex battlefield will produce, so I expect our force to internalize and operate in accordance with my intent. Following this intent requires a cultural shift within our forces—and complete understanding at every level—down to the most junior soldiers. I expect leaders to ensure this is clearly communicated and continually reinforced.

The use of air-to-ground munitions and indirect fires against residential compounds is only authorized under very limited and prescribed conditions (specific conditions deleted due to operational security).

(NOTE) This directive does not prevent commanders from protecting the lives of their men and women as a matter of self-defense where it is determined no other options (specific options deleted due to operational security) are available to effectively counter the threat.

We will not isolate the population from us through our daily conduct or execution of combat operations. Therefore:

Any entry into an Afghan house should always be accompanied by Afghan National Security Forces (ANSF), with the support of local authorities, and account for the unique cultural sensitivities toward local women.

No ISAF forces will enter or fire upon, or fire into a mosque or any religious or historical site except in self-defense. All searches and entries for any other reason will be conducted by ANSF.

The challenges in Afghanistan are complex and interrelated, and counterinsurgencies are difficult to win. Nevertheless, we will win this war. I have every confidence in the dedication and competence of the members of our force to operate effectively within this challenging environment. Working together with our Afghan partners, we can overcome the enemy's influence and give the Afghan people what they deserve: a country at peace for the first time in three decades, foundations of good governance, and economic development.⁷⁰

2010 Tactical Directive—General Petraeus

This directive applies to all ISAF and US Forces-Afghanistan (USFOR-A) forces operating under operational or tactical control...Subordinate commanders are not authorized to further restrict this guidance without my approval.

Our counterinsurgency strategy is achieving progress in the face of tough enemies and a number of other challenges. Concentrating our efforts on protecting the population is having a significant effect. We have increased security in some key areas, and we have reduced the number of civilian casualties caused by coalition forces.

The Afghan population is, in a number of areas, increasingly supportive of the Government of the Islamic Republic of Afghanistan and of coalition forces. We have also seen support for the insurgency decrease in various areas as the number of insurgent-caused civilian casualties has risen dramatically. We must build on this momentum.

This effort is a contest of wills. Our enemies will do all that they can to shake our confidence and the confidence of the Afghan people. In turn, we must continue to demonstrate our resolve to the enemy. We will do so through our relentless pursuit of the Taliban and others who mean Afghanistan harm, through our compassion for the Afghan people, and through the example we provide to our Afghan partners.

We must continue—indeed, redouble—our efforts to reduce the loss of innocent civilian life to an absolute minimum. *Every Afghan civilian death diminishes our cause.* If we use excessive force or operate contrary to our counterinsurgency principles, tactical victories may prove to be strategic setbacks.

We must never forget that the center of gravity in this struggle is the Afghan people; it is they who will ultimately determine the future of Afghanistan...Prior to the use of fires, the commander approving the strike must determine that no civilians are present. If unable to assess the risk of civilian presence, fires are prohibited, except under of

the following two conditions (specific conditions deleted due to operational security; however, they have to do with the risk to ISAF and Afghan forces).

(NOTE) This directive, as with the previous version, does not prevent commanders from protecting the lives of their men and women as a matter of self-defense where it is determined no other options are available to effectively counter the threat.

...Protecting the Afghan people does require killing, capturing, or turning the insurgents. Indeed, as I noted earlier, we must pursue the Taliban tenaciously. But we must fight with great discipline and tactical patience.

We must balance our pursuit of the enemy with our efforts to minimize loss of innocent civilian life, and with our obligation to protect our troops. Our forces have been striving to do that, and we will continue to do so.

In so doing, however, we must remember that it is a moral imperative both to protect Afghan civilians and to bring all assets to bear to protect our men and women in uniform and the Afghan security forces with whom we are fighting shoulder-to-shoulder when they are in a tough spot.

We must be consistent throughout the force in our application of this directive and our rules of engagement. All commanders must reinforce the right and obligation of self-defense of coalition forces, of our Afghan partners, and of others as authorized by the rules of engagement.

We must train our forces to know and understand the rules of engagement and the intent of the tactical directive. We must give our troopers the confidence to take all necessary actions when it matters most, while understanding the strategic consequences of civilian casualties. Indeed, I expect our troopers to exert their best judgment according to the situation on the ground. Beyond that, every Soldier, Sailor, Airman, and Marine has my full support as we take the fight to the enemy.

...Partnering is how we operate. Some civilian casualties result from a misunderstanding or ignorance of local customs and behaviors. No individuals are more attuned to the Afghan culture than our Afghan partners. Accordingly, it is essential that all operations be partnered with an ANSF unit and that our Afghan partners be part of the planning and execution phases. Their presence will ensure greater situational awareness. It will also serve to alleviate anxiety on the part of the local population and build confidence in Afghan security forces.

I expect every operation and patrol to be partnered. If there are operational reasons why partnership is not possible for a particular operation, the CONOP approval authority must be informed...

Partnership is an essential aspect of our counterinsurgency strategy. It is also an indispensable element of the transition of security responsibility to ANSF.

Again, we need to build on the momentum we are achieving. I expect every trooper and commander to use force judiciously, especially in situations where civilians may be present. At the same time, we must employ all assets to ensure our troopers' safety, keeping in mind the importance of protecting the Afghan people as we do.

This is a critical challenge at a critical time; but we must and will succeed. I expect that everyone under my command, operational and tactical, will not only adhere to the letter of this directive, but—more importantly—to its intent.

Strategic and operational commanders cannot anticipate every engagement. We have no desire to undermine the judgment of tactical commanders. However, that judgment should always be guided by my intent. Take the fight to the enemy. And protect the Afghan people and help our Afghan partners defeat the insurgency.⁷¹