Regular Monthly Issues

With this issue, we return to regular monthly publishing of an issue of Small Wars Journal to complement the ongoing online ASAP single article publishing. Additional revenge issues will be posted for the rest of 2010 soon.

This September, 2010 issue reprints select articles and provides an index of all articles published during the month. We will be adding more features to the monthly issue over time, as well as updating its stark, bare bones functional design. Also look for lots more usability and presentation features on the site in the coming weeks and months, all in an effort to make it more useful to you and better showcase the great content our contributing authors and site commenters provide.

-- SWJ

The Fallacies of Fourth and Fifth Generation Warfare

by Derek K. Barnett

In evaluating current warfighting trends (and reconciliatory attempts to understand said trends), it appears the conceptual model of Fourth-Generation Warfare (4GW) (and, by extension, Fifth-Generation Warfare (5GW)) has achieved a level of dominant preeminence to the point of doctrinal establishment. Granted, there are frequent (and cogent) counterarguments against inherent 4GW precepts, but said arguments appear to face an almost uphill battle as 4GW/5GW concepts have permeated through the irregular warfighting spectrum, becoming established as “common knowledge.” As these terms have become commonplace, frequently spoken with self-assured absolutism, it is rather troubling that these concepts of future warfare, intended to reveal (as proponents argue) the myopic stasis of “conventional” understanding, have themselves become a closed and limited paradigm. Thus, the inherent problem with 4GW/5GW (and the difficulty in countering these concepts) is the nature of their own conventionality.

One of the single greatest misconceptions of the theory of 4GW is the overly-simplistic reconciliation of the history of warfare into four, distinctly delineated (and linearly evaluated) categories (or five, as 5GW has conceptually developed), the first culminating just two centuries ago. Such a view provides only the most superficial of treatments regarding the history of warfare, any deep examination of which reveals those elements of each “generation” appear/disappear/reappear on the world stage as circumstances dictate. Of course, the tools have changed and it appears that proponents of 4GW/5GW theory placed too much weight on the value of said tools (i.e. the tools dictate the concepts). While it is true that tools can augment concepts, those basic attributes of any discipline, the most “core” of concepts, don’t change and ar-

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guably dictate the development and implementation of said tools.

Furthermore, a great deal of value is placed on the seeming modernity of 4GW’s underlying theory, to include its conceptualization. As Hammes states: “Fourth generation warfare uses all available networks -- political, economic, social, and military -- to convince the enemy’s political decision makers that their strategic goals are either unachievable or too costly for the perceived benefit...The only medium that can change a person’s mind is information. Therefore, information is the key element of any 4GW strategy.”² However, any student of Sun Tzu can see these same arguments within his overarching strategic view. For but one example, Sun Tzu placed inordinate value on spies,³ demonstrating his understanding of the value of information, not solely as a commodity in warfare but a politically powerful force in its own right. Granted, development of information-based technology puts one into a position of re-elucidation when evaluating historical strategic philosophy but both “crusaders” and “conservatives” (as conceived by Bacevich,⁴ particularly when considered within the context of 4GW/5GW theoretical environment) can find value in these arguments of antiquity. Furthermore, historic examples abound illustrating the practice of this theory (without necessarily codifying it), particularly as demonstrated through a prescuroy conceptualization articulated by Arreguin-Toft: direct attack and barbarism vs. direct defense and guerrilla warfare strategy [emphasis mine],⁵ both of which are illustrations of exactly what Hammes states, using all available resources to convince decision makers on both (or all) sides that their strategic goals are unachievable (e.g. The [little-known] Lusitanian War).

the enemy’s policymakers.”6 Such an argument, though, fails to consider the myriad examples of the manifestation of this same phenomenon throughout antiquity. The development and utilization of ninja within Japan during the period of clan warfare (assassination being a most powerful tool to “change the minds of enemy policymakers”) where polities transcended the definitive hierarchy normally, regressively applied serves as a most cogent illustration of this,7 as does the employment of mercenaries throughout the history of European warfare [the size and scope of “global” engagement matters not as these polities concerned themselves with what they believed the loci of their worlds to constitute]. Even 4GW’s “unrestricted” extension, 5GW, is not unique, for the concepts addressing its current (still as of yet fully defined) understanding can be found within Sun Tzu, Machiavelli and other historic strategic philosophers.

While speaking in 4GW/5GW terms provides conceptual convenience given its aforementioned preeminence, the underlying theory of 4GW/5GW is far too often taken for granted as an absolute. Perhaps, then, the biggest problem with 4GW/5GW is related to the mantra “change merely provides the illusion of progress.”8 As has been stated, 4GW/5GW reconciles a most complex topic far too simplistically, attempting to conceptually organize a basis of understanding in order to counter an enemy that, by 4GW’s very definition, defies conceptual organization. In doing so, 4GW falls into the conventional future-centric (sans historical context) logic that it (falsely) claims to be antithetical to. 5GW then focuses on total-resource exploitation, with an emphasis on digital tools, which is not all that dissimilar to the net-centric cyber-warfare concept already developed that 4GW/5GW advocates have been incredibly critical of. Thus, 4GW/5GW theory is an inherently conventional argument masquerading as the “next new thing.” Ultimately, 4GW/5GW allows proponents to engage in critical theory: they argue against the “status quo” without presenting a true alternative. And, if the strategic/doctrinal community continues to constrain itself within such apocryphal thought traps, regardless of their intent, it will continue to be surprised and stymied by the activities of insurgents, terrorists and otherwise.

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8 Colonel Robert Blevins, USA, Interview by author, 20 January 2008, Ft. Leavenworth, KS.
Military operations have always been subjected to the effects of disruptive powers far beyond the control of the field commander. From the court intrigues of the past to today’s domestic catfights, politics has definitely never stopped at the water’s edge. Events such as the recent series of WikiLeaks scandals and Rolling Stone’s expose on General Stanley McChrystal are evolutionary, rather than revolutionary in nature.

Nevertheless, analysts and pundits have pointed out that modern information technology and media have allowed elements beyond the military’s direct control—so-called “super-empowered” individuals—greater opportunities to alter state policy through disruptive actions. However, neither WikiLeaks nor the McChrystal scandal significantly altered war policy. Momentary disruption, no matter how severe, does not matter if the basic policy remains unchanged. Both cases suggest that we ought to have a more tempered view of technology, individual influence, and change.

The Strategic Corporal and Policy

Despite the stress on the coordinated usage of all instruments of national power and information and narrative seen in many defense and military publications, incidents such as the WikiLeaks “Collateral Murder” Apache gun camera video or Rolling Stone journalist Michael Hastings’s politically explosive profile of General Stanley McChrystal still seem to shock and surprise. It is bizarre that an institution that stresses adaptability so much would find itself so flummoxed by either WikiLeaks or a magazine journalist—especially since neither are unprecedented.

Fortune and well-placed individuals have always played an important role in military operations. Nor is the idea of the “strategic corporal” limited to the Three-Block War. Freak accidents such as the capture of the original 1940 German campaign plan for the invasion of France have certainly changed the course of history. Robert Doughty, examining platoon and company-level tactics during the thrust across the Meuse noted that the Wehrmarcht’s strong supply of strategic corporals operating at the point of the spear helped the risky “Sickle Cut” plan succeed. 9

Nevertheless, the WikiLeaks scandals and the Rolling Stone article illustrate that more and more individuals removed from the battlefield are attempting to directly influence it. While press coverage, activism, and scandal have been a constant of modern military operations for at least two centuries, many have noted that modern information technology and 24-hour media magnifies the effect of small incidents, pushes greater power to smaller groups and individuals, and creates greater public relations risks for military forces. Media mostly alters—or attempts to alter—policy by influencing public opinion or the opinions and actions of political elites. However, we can also observe limited direct battlefield flowdown effects, like the riots recently provoked by a Florida pastor’s threat to publically burn the Koran.

How should we make sense of this? Clausewitz, as usual, explains it all. As Antulio Echevarria noted, most misunderstand Clausewitz’s famous statement that war is “politics by other means:”

“Clausewitz’s varied use of Politik and the context in which he wrote indicate that he signified three things with the term. First, it meant policy, the extension of the will of the state, the decision to pursue goals, political or otherwise. Second, it meant politics as an external state of affairs—strengths and weaknesses imposed by geopolitical position, resources, treaty, etc.—and as a process of internal interaction between key decisionmaking institutions and the personalities of policymakers. Last, it meant a historically causative force, pro-

viding an explanatory framework for examining war’s various manifestations over time.”

What this means in practice, Echevarria explains, is that Clausewitz’s multidimensional explanation of politics is “situational and cultural, objective and subjective” encompassing both geopolitical considerations as well as the influence of domestic politics and the “spirit of the age.” One cannot examine the Union’s conduct of the American Civil War, for example, without factoring in Abraham Lincoln’s need to balance the logic of military operations with steps that would bolster his own electoral fortunes and maintain a fragile political coalition. Thus, the popular phrase “politics stops at the water’s edge” and the political epithet that one side is “playing politics” is quite misleading. Perhaps the one-dimensional concept of war implicit in these phrases actively handicaps us when we try to analyze, study, and plan strategic communication.

Of course, actually determining whether or not a given media operation altered policy is difficult to determine in practice. Often times a negative incident could be simply a minor tipping point in a long process of information attrition. It could also play into an ongoing domestic political dispute among policy elites or mesh with some long-burning domestic issue. But it would be shortsighted to claim that media does not have a significant effect on policy and can sometimes substantially undermine it. The debate, as we will explore, is how much (or whether or not) technology and globalization have shifted the disruptive effect centralized media once exclusively enjoyed to individuals.

The Concept of the Super-Empowered Individual

We often see the phrase “super-empowered individual” or related concepts in debates over globalization, politics, media, and war. The basic idea is simple: the individual has much more power to create a difference—negative or positive—than he or she did in the near past. Thomas Friedman, who coined the term “super-empowered individual” in 2002, has argued repeatedly that globalization has radically “flattened” the globe, enabling individuals to decisively influence global systems.

Similarly, Thomas P.M. Barnett introduced the phrase “system perturbation.” This refers to disruption of system function and invalidation of existing rule sets on a national or global scale. According to Barnett, the key requirements to reach super-empowerment are comprehension of a complex system’s connectivity and operation; access to critical network hubs; possession of a force that can be leveraged against the structure of the system; and, of course, a willingness to harness such force.

Former US Marine Corps and Air Force officers T.X. Hammes and John Robb have introduced similar, albeit more military-focused, concepts. Robb’s 2007 book Brave New War introduced the concept of “global guerrillas” who leverage economic and industrial bottlenecks to maximize their own power. Similarly, T.X. Hammes has written about the potential of individuals armed with weapons of mass destruction and cutting-edge technologies. General Charles Krulak’s concept of the “strategic corporal” in the Three-Block War also shares some similarities with the super-empowered individual.

Since it is difficult to nail down a common definition of this amorphous concept, we propose that a super-empowered individual is an individual or

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11 Echevarria II, 78.


small group possessing the knowledge and/or access to critical nodes in complex social systems, and the power and willingness to leverage such to either change the system’s rule set or at least a strong challenge to it. This clear definition will provide a better basis for evaluating the claims of the literature, both in the political-military world as well as economic and technological contexts.

Unfortunately, there are many problems, both theoretical and practical, with the concept of the super-empowered individual. First, there is a paucity of real-life examples of super-empowered individuals in action, and examples such as the Nigerian guerrilla group Movement for the Emancipation of the Nigerian Delta (MEND) tend to be overused. The discussion, contingent on many technologies that have not reached maturity yet, is mainly theoretical and future-oriented. Additionally, there is the problem of causation in the explanation of individuals and system effects.

American politics and national security strategy drastically changed after the September 11 attacks, but does that make Osama Bin Laden a super-empowered individual? Surely the outcome depended more on internal American domestic politics, the outcome of which could have led to a variety of possible responses to al-Qaeda’s terrorism. Similarly, can we say that al Qaeda has significantly furthered its agenda? The processes set in motion by al-Qaeda’s 9/11 attacks led to a set of blows that have nearly destroyed the organization, and relatively few Muslims have heeded al-Qaeda’s call to rise up against Middle Eastern rulers. For all of his rhetoric, Bin Laden’s harried and bloodied organization hardly appears to be super-empowered.

Another interesting question is whether or not an individual could become accidentally super-empowered. Certainly, one might make the case that Gavrillo Princip, the Serbian nationalist who assassinated Archduke Franz Ferdinand in 1914, was a super-empowered individual. After other members of the Serbian nationalist group, the Black Hand, made an unsuccessful attempt to assassinate the Archduke, Gavrillo Princip serendipitously happened to cross paths with the Archduke’s car en route to visit the survivors of the previous attempt. With two bullets, Princip assassinated the Archduke and his wife Sophie, Duchess of Hohenberg.

Scholars have advanced a number of different explanations for the origins of World War I, which include the alliance system, the July 1914 crisis itself, great power rivalries, diplomacy, economics, domestic politics, pre-existing war plans and military capabilities, and war fever. But because of the geopolitics of the continent and the nature of the alliance system, one might call the tension between Austria and Serbia a critical node in European diplomacy due to the respective commitments of France, Germany, and Russia. While the arrangements and obligations between major and minor powers were never as static and predetermined as they are portrayed in popular history, they certainly mattered. Princip did not anticipate the chain of events that followed or attempted to cause them, but could it be said that he played a substantial role in altering the rule set of a system due to his access to a pivotal system node? Or, given the sheer complexity of the European geopolitical situation and the multitude of plausible structural explanations advanced in the (now 90 year-old) scholarly debate over the causes of World War I, is this too simplistic an interpretation?

WikiLeaks’ information war against the US government as well as Micheal Hastings’ Rolling Stone profile provide several case studies that also raise similar questions of causation and influence. They also demonstrate that information-empowered non-state actors, while capable of disruption, have great difficulty actually altering policy.

WikiLeaks’ Mouse-Click Insurgency

During 2010, the non-governmental organization (NGO) WikiLeaks dumped a massive amount of classified military information into the public domain. In April, WikiLeaks released gun camera footage from an Apache helicopter which recorded the deaths of two Reuters employees. Additionally, in July, WikiLeaks released a trove of classified field reports from Afghanistan, dubbed the “Afgan War Diary”. Though an investigation is undoubtedly underway, it is believed that these secrets were provided by US Army Private First Class Bradley Manning.

Both of these releases caused a tremendous sensation. In particular, the graphic combat video, which WikiLeaks crudely titled “Collateral Murder,” gave audiences a disturbing view of the horrors of war. Moreover, the “Afgan War Diary” was marketed as the 21st century equivalent of the infamous “Pentagon Papers” of the 1970s. Yet, nei-
ther incident caused anything more substantial than a momentary disruption and public relations fiasco. The situation is far from over, as WikiLeaks has threatened to release more damaging information the future. Nevertheless, it is an interesting case study of an non-state actor attempting to directly use technology to alter policy -- and Wikileaks’ failure to do so suggests that such actors face serious limitations.

What is WikiLeaks’ purpose for leaking classified US military information? In a recent Der Spiegel interview, WikiLeaks founder Julian Assange declared that his objective was to undermine US policy. When asked if he believed that his leaked data would influence decision makers, Assange responded that his material “shines light on the everyday brutality and squalor of war. The archive will change public opinion and it will change the opinion of people in positions of political and diplomatic influence. [...] there is a mood to end the war in Afghanistan. This information won’t do it alone, but it will shift political will in a significant manner...” Elsewhere, Assange declares that the “most dangerous men are those who are in charge of war. And they need to be stopped.”

These statements, as well as Assange’s TV interviews and writings, are indicative of a classic “have-not” belief system rooted in suspicion of the power of governments and national security agencies. WikiLeaks portrays itself as a 21st century version of the Pentagon Papers, using the power of information to spur public reaction against individuals and organizations it views as unjust. The United States in particular is distinctly over-represented in recent WikiLeaks leaks, providing further evidence of Assange’s animus towards the American government.

John Robb has highlighted a technical paper written by Assange, which has been leaked by WikiLeak's predecessor Cryptome. In this paper, “State and Terrorist Conspiracies,” Assange theorizes that modern governments and large corporations are essentially organized conspiracies that depend on secrecy to carry out their policy aims. He envisions a conspiracy as a closed system that communicates through links of varying strength. Some conspirators are on the periphery; others are central to the plot. The conspiracy as a whole is a living organism that processes external information, circulates it around the conspiratorial group, and then acts on it to produce policy.

Assange, however, sees a way that the conspiracy can be disrupted: “We can marginalise a conspiracy’s ability to act by decreasing total conspiratorial power until it is no longer able to understand, and hence respond effectively to, its environment. We can split the conspiracy, reduce or eliminating important communication between a few high weight links or many low weight links.” Traditionally, Assange writes, this would be done through coercive physical actions such as kidnapping or assassination. But an modern conspiracy can be disrupted by making it incapable of receiving and processing information by “deceiving” or “blinding it.” In practice, this would mean putting pressure on crucial links, or severing links. By doing so, the organism’s very life functions would be disrupted and it would be incapable of comprehending or controlling its environment.

To illustrate, Assange asks his readers to consider what would happen if one of these parties gave up their mobile phones, fax and email correspondence -- let alone the computer systems which manage their subscribers, donors, budgets, polling, call centres and direct mail campaigns? Answering his own question, Assange concludes that his opponents would immediately fall into an organizational stupor and lose to the other. This paper suggests that WikiLeaks’ operations are not solely intended as a means of influencing public opinion and policy elites. They might also be intended to make civilian and military national security officials and operators feel insecure about their communications, turning up the pressure on the internal dynamics of what Assange views as a closed system ripe for disruption.

WikiLeaks intended to realize these ambitious objectives through the tactical exploitation of information access to relevant leaks. Private First Class Bradley Manning’s contact with WikiLeaks is

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19 Ibid.
22 Assange, 2-3.
23 Assange, 4.
24 Assange, 5.
25 Assange, 5-6.
an example of the organization’s strategy of information access. The “Robin Sage” case also illustrates a method of social engineering that WikiLeaks and other organizations might employ. A vulnerability tester created a fake Facebook profile of a pretty female defense analyst named Robin Sage, friending influential people who shared personal information with her, invited her to conferences, and even encouraged her to apply for jobs. The latter episode also demonstrates the age-old “honey trap” is unlikely to ever go out of style; it’s safe to say that men will think with the wrong portion of their anatomy until the end of time.

WikiLeaks’ grandiose aims, however, are out of step with its means. It grossly overestimates the ability of one small organization to acquire decisive leaks, influence public and elite opinion, and undermine the Department of Defense -- a clumsy but immensely structurally redundant organization. WikiLeaks’ leaks have also not done anything to substantially alter public or elite opinion about Iraq or Afghanistan or pose a formidable challenge to policy. (It should also be noted that, as this article goes to press, WikiLeaks’ top leadership is experiencing immense internal turmoil, largely as a result of the “Afghan War Diary”.)

However, the purely disruptive effect of WikiLeaks’ leaks is undeniable. The 2007 Apache gun camera video dominated the news and briefly spurred heated debate. Additionally, though the “Afghan War Diary” reveals little new about the progress of the Afghanistan War, it does enable Taliban targeting of Afghans who collaborate with the International Security Assistance Force (ISAF). It could very well have a chilling effect on others considering future cooperation. While WikiLeaks is currently undergoing internal organizational turmoil, future organizations with more efficient methods of information access could conceivably release information with even more of a disruptive effect.

WikiLeaks-type organizations can cull necessary information through efficient and secure exploitation systems and rapidly disseminate images and data to the general public and media. Their distributed systems and decentralized organization also largely insulate them from retaliation -- provided that the adversary is a Western state. The Russian mafia, for example, might take a different view of how to deal with WikiLeaks should a leak identify a crucial business practice or give a MTV Cribs-style tour of a kingpin’s private dacha.

On the Cover of the Rolling Stone

If the WikiLeaks fiasco is a case study of an actor knowingly trying to alter a system through disruptive actions, the McChrystal case shows a more accidental disruption. The personal motivations of the Rolling Stone reporter are not clear, but it is doubtful that he started with a plan as elaborate as Assange’s. Nevertheless, the crisis created by the McChrystal profile dwarfed the WikiLeaks scandals by several orders of magnitude.

In April 2010, a volcanic eruption in Iceland grounded flights throughout Europe, leaving thousands stranded. Among them was General Stanley McChrystal -- the commander of international forces in Afghanistan -- and his staff. Delayed in Paris, they decided to make the best of the situation, with the group spending the evening at a local pub. In their company was a reporter from Rolling Stone magazine, Matthew Hastings, who had previously covered the war in Iraq. Inexplicably, General McChrystal’s staff allowed Hastings to observe the group with their guard down during a raucous evening. Throughout the night, they made a number of off-the-cuff remarks, including derogatory comments about civilian officials involved in the war effort, such as Vice President Joe Biden. The comments from General McChrystal and his staff made their way into an article entitled “The Runaway General.”

Events quickly spiraled out of control. Several news organizations received advanced copies of the article on the evening of Monday, June 21st 2010, with an apology from General McChrystal following a few hours later. By Tuesday morning, June 22nd, news organizations reported that Gen. McChrystal was recalled from Afghanistan by President Obama. By the morning of June 23rd, General McChrystal was relieved of command. The magazine wouldn’t even hit the newstands until two days later, on June 25th.

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Noah Shachtman of the Brookings Institution believes that “[t]he fact so many of us are networked together enabled the information to spread speed-of-light fast. That turned what might have been a slower-burning flame into an instant conflagration.” Indeed, by the night of June 23rd, the word “McChrystal” was one of the top ten topics on Twitter.29 (On a more personal note, we both use Twitter and watched many of our friends and colleagues consume, retweet, and argue over information related to the McChrystal scandal.)

In an article in the Philadelphia Inquirer published later in June, Shachtman noted that Hastings’ story struck a critical node in American public opinion: its underlying anxiety and frustration with the war in Afghanistan, already in its ninth year. Certainly, the “Afghan War Diary”, released by WikiLeaks the next month, also played into, and possibly even exacerbated the public’s worries about the progress of the war. Moreover, a Gallup poll indicated that support for the war in Afghanistan, already on the wane, had dropped even further after the Afghan War Diary and the incident with General McChrystal.30

Yet, the Rolling Stone profile did not significantly alter public opinion, policy, or the military’s conduct of the war. Indeed, General McChrystal’s immediate superior, General David Petraeus, was placed in overall command of forces in Afghanistan. When future histories are written about the Afghan war, will the McChrystal incident be listed as a significant factor in the ultimate outcome? It is likely that, compared to other things such as the September 9, 2001 assassination of Ahmad Shah Massoud, the complex role played by regional states such as Pakistan or India, or the influence of US counterinsurgency doctrine, the McChrystal affair will be little more than a footnote.

One interesting precedent is the tension between Civil War commander General George McClellan and President Abraham Lincoln during the Civil War. McClellan’s private letters and diaries contained vituperative criticism of the President and his aides that make the offending quotes from McChrystal’s aides seem tame in comparison. He was also not shy about voicing his criticisms to sympathetic newspaper editors and using the media as a conduit for his policy views, but he was never particularly blatant enough about it to give Lincoln an excuse to relieve his command.31 A McChrystal-style profile would have had the same consequences 150 years ago.

The key difference, however, lies not only in the rapidity of communication but also in the way that the national security blogosphere and media network set up a feedback loop. National security insiders, reporters, and bloggers drove the conversation by constantly debating it and regurgitating whatever scraps of new information came to light. Meanwhile, the 24-hour news media and its array of talking heads amplified the disruptive effect by setting up a brief, but intensely gripping drama. While not entirely revolutionary, the dynamics are certainly significant -- and can be traced to the pen of one journalist.

Conclusion

While the concept of power increasing to the individual is valid in light of social, political, and economic change, the question is whether or not this shift is significant or decisive. Neither of the recent events profiled in this article show a significant change in policy resulting from the actions of “super-empowered individuals.” However, both the WikiLeaks and McChrystal examples demonstrate there is certainly a disruptive potential.

Large organizations may be tempted to try to crack down on individual usage of technology -- such as milblogs or social media forums -- in an attempt to prevent future incidents. Excessive measures, however, are unlikely to foil future WikiLeaks or McChrystal-style incidents. Instead, they may stifle lower-level innovation and initiative. The challenge, as always, will be devising competent security and control measures to mitigate the risks without creating yet more unnecessary red tape and bureaucracy.

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31 McPherson has a good deal of material on the acrimony of this relationship in Tried by War.
In May, 2007 I deployed to Iraq to become the Commanding General responsible for accelerating the growth of the Iraqi Security Forces in size, capability, and confidence. Prior to deploying, I made a series of rounds in the Pentagon and on Capitol Hill. I was met with more condolences than congratulations. The general feeling, no pun intended, was that the war was lost and it was only a matter of time before we would admit our defeat and withdraw. I am getting the same “all is lost” attitude about Afghanistan from what I read and hear around the Washington, D.C. Beltway. We were too quick to declare defeat in Iraq then, and it’s too soon to declare it in Afghanistan now.

We are at a crossroad in Afghanistan, no doubt about that, but the future -- success or failure -- is not predestined. Our enemy may have a vote, but so do we. What we do, primarily in Afghanistan but based upon decisions in Washington and other Capitols, in the next 12 months will determine our future direction.

Afghanistan is not a “war of choice” as some have recently declared it. It is a war of necessity derived from our self defense. The choice has been how we execute the war that came to us with the 9/11 attacks.

Unfortunately, the war was characterized as a “Global War on Terror.” It was never that. The war that was thrust upon us is a war against Al Qaeda, their ideology, and their affiliates -- one of whom had been, and may still be, the Afghan Taliban.

Our initial operations in Afghanistan did evict the Taliban and force Al Qaeda into Pakistan, did not finish the job. The eviction was temporary. By itself, it could not accomplish the strategic goal of self defense because inherent in eviction is the notion of prevention.

Prevent what, though? First, prevent Al Qaeda from returning to use Afghanistan as a base to attack the US and our allies. Second, and a necessary consequent, prevent the formation of an Afghan government that would allow such a return -- otherwise, we will have to be there in some capacity much longer than we want or is necessary.

The Bush administration chose to define prevention only in the first sense. They chose not to commit resources -- troops, funding, attention -- to the second prevention task. So we spent nearly a decade doing half the job. Why they made that choice is immaterial except for historians and pundits. Wikileaks shows the results of this choice: the Afghan situation that we are now in. We must deal with reality as it is, not as it could or should have been.

The Obama administration correctly understands the necessity of both senses of “prevention.” Hence at West Point the President articulated our strategic aims as denying al Qaeda a safe haven, reversing the Taliban’s momentum and denying it the ability to overthrow the government, and strengthening the capacity of Afghanistan’s security forces and government. To accomplish these aims, the administration understands that we must take the fight to the Taliban. War is not won on the defense.

Our self defense demands both senses of prevention. Walking away from our own self defense would be strategic folly. So, the essential strategic matter before us now concerns “how” to accomplish both senses of prevention.

We must ask ourselves some hard questions. Is it the case that a return of the Taliban equates to a return of Al Qaeda? If so, why? If not, why not—since the two were essentially connected in 2001 and have been close since? What are the alternative Afghan political arrangements that would accomplish both senses of prevention? Which would be "good enough"? What kinds of security and diplomatic actions are necessary to facilitate the creation of the "good enough"? How long will these actions be necessary? How will they likely improve, or degrade, over time? What kinds of American and allied commitment is necessary to affect
these security and diplomatic actions? Do we, the United States and allies, have the strength of will to make these commitments? If not, how do we explain the billions of “sunk cost” to our citizens? And how do we explain the “wasted” lives and sacrifice? Further, how do we assess the psychological gain to Al Qaeda, their affiliates, and the attractiveness of their ideology? Finally, what does such a gain mean to our security and that of our allies?

We can act in the next 12 months to improve the situation in Afghanistan. We can get to a point where a way forward that assures our self defense, and that of our allies, by accomplishing both senses of “prevention.”

In Pakistan, we can help the Pakistani government and military sustain their offensive operations against Al Qaeda and the Pakistani Taliban. And we can insist on separating Pakistani Intelligence Services from insurgents inside Afghanistan. In Afghanistan, on the security front, we can maintain aggressive attacks on Al Qaeda in Afghanistan and their supporters. We can also create the conditions for favorable negations by (1) finishing the counter offensive in Kandahar and Marja, if possible before the winter, then making daily life better for the local Afghans, however incrementally; (2) continuing the counter offensive; (3) killing as many of insurgent leaders as possible throughout Afghanistan—attrition of one’s enemies helps one’s negotiating position; (4) continuing to accelerate sufficient Afghan National Security Forces, with emphasis the Army and Afghan National Civil Order Police and on local police only where areas are free from Taliban influence; (5) using “local forces” where they can be incorporated properly into a national Afghan force—army or police; and (6) securing as much of the Afghan population along the East and South as is possible, making daily life better for local Afghans, but not taking more than what we can do properly.

On the Afghan political front, we can identify which Taliban can be incorporated into an Afghan political arrangement that assures both senses of prevention and are acceptable to Afghans. We can also help create a center-to-periphery political arrangement that fits the Afghan history and culture and is, therefore, sustainable in Afghanistan. We need not be bound by imposed solutions that work only in other social, political, and cultural settings. We may be able to unveil this arrangement by the end of this year; then work to alter whatever political or legal documents necessary.

In Europe, we can continue to strengthen allied resolve with respect to what is necessary near-term and work our way forward as an alliance. European success matters, to them and to us. And in the region, we can ensure that the AF-Pak solution that emerges does not put India in a more questionable security situation or Iran in a stronger one.

The essential strategic matter is not “how do we get out.” Rather, it is “how do we assure our self defense given the realities we face.” To consider courses of action that do not assure our own security is, again, the height of strategic folly.

This matter is not a political one -- Republicans vs. Democrats, doves vs. hawks -- though some will want to make it that. It is a national matter. This matter is not about “fixing Afghanistan.” It is a matter of securing our strategic self defense.

If we can accomplish the above in the next 12 months, opportunities that are not visible now will emerge. Our actions matter with respect to which future evolves. The future is dynamic, not static. And we are part of the dynamic.

“Stay the course” or “withdraw” is a false dilemma. As in all previous wars, we must adapt as necessary to achieve our strategic aims, but achieve our aims we must.

We backed away from both senses of prevention before, and we are now reaping the consequences of that decision. We need not back away again.

I certainly understand that “Afghanistan is not Iraq,” and I have operated in enough countries in my 37 year career that I know solutions that work in one context cannot be applied uniformly to another. I also know the difference between having resolve and being obstinate. But this much is clear: with respect to our national self defense, all is not lost until we give up. We rang the death bell too early with respect to Iraq, and we are now ready to ring it too early with respect to Afghanistan. We can adapt, we can persevere, and we can succeed in securing our nation.

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tions with airborne, ranger, light and mechanized infantry units around the world. He was commissioned a second lieutenant of infantry from Gannon University as a Distinguished Military Grad-
uate in 1971, and he retired from service on September 1, 2008.

A Rifleman’s War

by Staff Sergeant Jeffery Wall

I recently returned from leave to discover that the Battle Command Knowledge System (BCKS) had linked to an article about what really happened at the Battle of Wanat in Afghanistan. I read the article with serious focus as things relating to my profession are of interest to me.

Having been around a bit longer than the average guy in the Army, I though some introductory historical perspective might be helpful. One could make comparisons of the fight at Wanat to both the Defense of Rorks Drift 22 -- 23 January 1879 in the Transvaal [134 men of primarily the 24th Regiment of Foot [South Wales Boarders] against the two day, one night multiple human wave assaults by the Zulu Impi [3000 -- 4000 men] that had not been engaged at Isandlawana] and/or the Defense of Beechers Island 17 -- 19 September 1868 outside of what is now Wray Colorado (Major Forsyth USA and 48 Army Scouts engaged by Cheyenne and Arapaho warriors -- whose numbers vary, but no less than 200 Plains Indians, some report as many as 700).

In common with the Battle of Wanat, both of these historical cases saw “western Soldiers” engaged by an outnumbering enemy considered to be less sophisticated and/or well equipped than the soldiers were. In all three instances, the “western soldiers” were victorious -- that is they were not overrun but in all three cases it was a very close run thing. A primary distinction however could be said to be the presence of supporting arms at Wanat that were not available at either Rorks Drift or Beechers Island.

While Rorks Drift can be viewed simply as a “Holy Cow, there are a lot of those guys” type of fight in that they had no other option but to fight as hard as they could, Wanat and Beechers Island have as a common theme the Army’s struggle to find a way to fight a counterinsurgency campaign. The struggle against the Plains Indians has the aspect of a settled, agrarian society in conflict against a warlike tribal society -- as does the Battle of Wanat, which saw Soldiers of a settled society pitted against a warlike tribal society of Pashtuns. Moreover, Beechers Island resulted from an experiment to see if fighting the Plains Indians “the Plains Indian way” would work for the Army. Essentially this was a “Let’s use a hit and run raid” against the Indian’s methodology.

It didn’t work too well then and obviously something didn’t work well at Wanat. We will explore this writer’s opinions as to what didn’t work well starting now...

What did work well at Beechers Island was the fact that the Army Scouts -- chosen men -- were all expert riflemen and they used their skills (starting with Major Forsyth’s opening head shot on an Indian) throughout the fight to successfully standoff multiple assaults by mounted warriors from improvised defensive positions. They didn’t have such a technological advantage that they could fire indiscriminately; they had to aim their rifles. And no supporting arms were available.

So where am I going with this?

Simple. Afghanistan has become a rifleman’s war.

Because we are fighting a counterinsurgency campaign against a tribal warrior society we have and increasingly continued to limit the use of supporting arms. Machineguns are even proscribed in villages and cities for fear of inflicting innocent civilian casualties.

The result is that we must rely more and more on our riflemen to engage and defeat the enemy. We know that 52% of the fights in Afghanistan begin at 500 meters and go out from there.

Recent publications by Dr. Lester Grau (Foreign Military Studies Office) indicate that a majority of the fights in Helmand Province are between 500 and 900 meters.

The problem is that we don’t teach soldiers to engage with their rifles at those ranges any more.
If Major Thomas Ehrhart’s monograph “Increasing Small Arms Lethality in Afghanistan: Taking Back the Infantry Half-Kilometer”\textsuperscript{32} is correct, the Army gave up teaching marksmanship as a primary Soldier skill in 1958\textsuperscript{33}, then thinking that all future wars would be waged either atomically or by armored forces where infantrymen would mop up, engaging at close range a defeated and demoralized enemy who had been pulverized by supporting arms and armor.

No one anticipated a counterinsurgency campaign against mountain and desert tribesmen in the Hindu Kush Mountains and deserts of Afghanistan.

Vietnam tended to reinforce the misconception of rifle marksmanship being of secondary importance as much of the fighting there was at close range -- either because of the thick vegetation and/or because the enemy grabbed us by the belt buckle\textsuperscript{34} and engaged at such close ranges that we could not bring our supporting arms to bear. By the way, this is essentially what happened at Wana. The “Anti Coalition Forces” (ACF) came in close with superior numbers to try to deny us the use of supporting arms.

Again, back then no one anticipated a counterinsurgency campaign against mountain and desert tribesmen in the Hindu Kush Mountains and deserts of Afghanistan.

In either case, near or far, we now must rely on our riflemen to do the work. The trouble is they are not trained for it. Employed as I am at the California Pre-mobilization Training Assistance Element on what is known as Team Rifle, I am one in a squad sized unit tasked with training California Guardsmen (and those of other States who come through here) in rifle marksmanship as well as the M9 pistol and the machineguns M2, M240B, M249 and Mk19. We are most frequently given one day to present Preliminary Marksmanship Instruction (PMI) and 4 or 5 days on the ranges for all of these weapons -- with 1 day on the rifle range. According to 1\textsuperscript{st} Army standards we are to -- ideally -- train a rifleman going to war with 58 rounds of ammunition -- 18 to zero\textsuperscript{35} and 40 to qualify on the “Pop up Target Range”.

Let me say that again -- 58 rounds.

What is not trained when Soldiers are sent to war after having fired only 58 rounds? Well let’s see -- long range marksmanship, range estimation, the effects of wind and gravity on trajectory, short range marksmanship, gun handling skills such as rapid magazine changes and enough practice to cement these skills - all things that might help in Afghanistan.

In the civilian world one might call this “criminally negligent”.

In his seminal work A Rifleman Went to War, Captain Herbert W. McBride noted that trained riflemen observed the battlefield for targets, found them and engaged them while untrained riflemen simply put their rifles up over the lip of the trench and pulled the trigger. He further noted that it was the untrained rifleman who usually ran out of ammunition while the trained riflemen did not. Captain McBride also noted that he was shooting rifles in earnest by the age of 12 and shot them with regularity all of his life but it wasn’t until he was in his thirties that he would dare call himself a rifleman as he felt he had not yet attained sufficient knowledge and ability -- 18 years of nearly weekly practice before he would dare claim to be a rifleman. [Hmm, that’s food for thought about what it really takes to be good with a rifle.] If you are in any way associated with infantry combat and have not read Captain McBride’s book, you really need to.

So we are sending Americans off to war with minimal rifle marksmanship training to engage an enemy on his turf with inadequate skills.

Inadequate skills you ask? Can’t be! Consider: The popup target qualification course is all fired with a battle sight zero out to 300 meters. No allowance is made for wind other than “hold a little this way or a little that way.” No training in reading the wind is given, no formulaic method is taught for wind estimation or how to calculate a wind adjustment even though the rifle itself has a half a minute of angle windage adjustment capability. Worse still is that many Soldiers don’t even attempt to shoot the 300 meter targets preferring to save those rounds to ensure a hit on the closer range targets. They have no idea what adjustments

\textsuperscript{32} Increasing Small Arms Lethality in Afghanistan: Taking Back the Infantry Half-Kilometer, A Monograph By Major Thomas P. Ehrhart United States Army Approved for School of Advanced Military Studies, United States Army Command and General Staff College Fort Leavenworth, Kansas, 2009

\textsuperscript{33} Ibid., 16

\textsuperscript{34} Steel My Soldiers Hearts, The Hopeless to Hardcore, Transformation of the U.S. Army, 4th Battalion, 39th Infantry Vietnam, Col David Hackworth and Eilhys Englandm, Rugged Land Inc., 2002

\textsuperscript{35} Using 18 rounds or less, attain battlesight zero for a rifle by achieving five out of six rounds in two consecutive shot groups within a 4-centimeter circle.
need to go on their rear sights to engage at 400, 500 or 600 meters. What we have then are soldiers whose effective engagement range capability (call it the EERC) is 200 to 225 meters.

You remember earlier I noted that 52% of the fights in Afghanistan begin at 500 meters?

Presumably you see the problem -- the disconnect if you will -- between the reality of the war in which we are engaged and our training regimen.

I must point out that as much as we hate to have “our way” compared as similar to the old Red Army’s way of doing things, they tried to keep the enemy in Afghanistan (and Chechnya for that matter) away from them - meaning outside 300 meters - so they could pound them with supporting arms because their soldiers couldn’t shoot.

We have chosen to reduce civilian casualties by limiting supporting arms. So be it. That means we must have infantrymen who can engage to 500 meters – if not 600 meters - with their service rifles. This takes time and ammunition. The Army must also codify the Squad Designated Marksman (SDM) and regain a capability it did away with in 1960. The SDM can fill a lot of the current rifle ability void but, surprise, surprise, it takes time, ammunition, equipment and training to create an SDM.

Here is a good place to note that our doctrine on SDMs [what little there] needs to change. Currently the SDM fills the gap from 300 to 500m with snipers then picking up the range from 500 to 800m. There aren’t enough snipers so SDMs really need to be trained to fire to 700m.

Let’s do some math...

One SGLI payment is $400,000.

One M855 cartridge costs about $0.25. For sake of argument, say it takes 3,000 rounds to train a Soldier to engage targets really well from 0 to 500 yards (yards vs. meters is intentional here, most Known Distance Ranges are laid out in yards):

- 3,000 x $0.25 = $750 for the ammunition for 1 Soldier
- $400,000/$750 = 533 Soldiers trained to really effectively engage an enemy with rifles via an increasingly difficult and stressful training regimen.

That’s about a battalion’s worth of Soldiers. Does anyone not think that training 533 Soldiers to employ their rifles really well will save at least one Soldier’s life?

In the cussing and discussing that occurs around here as a result of our training experience we would break out the ammunition as follows:

- 1200 rounds -- 0 to 100 yards (this is the range zone where the pucker factor is greatest; where the shooting skills must be instinctive, i.e. based on “muscle memory”).
- 300 rounds -- 100 to 300 yards [this is really the easy distance, little gun handling under pressure is required and little adjustment for wind and gravity are needed.]
- 1500 rounds -- 300 to 600 yards (this is the range zone that requires practiced analytical ability; where the Soldier must know his Dope [data of previous engagements], range estimation, wind estimation & wind adjustments and be able to apply these factors).

Then on top of that we need to take an additional 10 to 14 days and another 1500 rounds to train the SDM. Why you ask would it take that much more time and that much more ammunition? A few reasons suffice to answer those questions:

Past 500 yards, the wind effects are so much greater that it is almost a different shooting world.

High angle fire -- Eastern Afghanistan is the land of the Hindu Kush Mountains. They are tall and steep. Gravity affects trajectory very differently when bullets are fired steeply uphill or steeply downhill. Soldiers who are required to make more precise shots need to know how to alter their Dope accordingly.

Moving targets -- The enemy rarely stands still. 'Nuff said.

Night fire -- If we say that the night is ours, the SDM must be able to make his shots during periods of limited visibility.

Earlier I mentioned that we usually have 1 day on the rifle range. In contrast, Modern Army

36 Ehrhart, 20
37 Ideally a magnified optic greater than 4 power and with a better reticle than exists in the Trijicon ACOG; an optic such as or similar to the Leupold 2.5-8X30mm scope with a mil-dot or Tactical Milling reticle is far more preferable based on our experience and testing
38 10 to 14 days with 1500 rounds per student and access to both a known distance range to 600 yards and an unknown distance range to at least 700 yards.
Combatives is mandated at 24 hours or 3 days of training for deploying Soldiers. While I understand there is a need to train Soldiers that fighting and grappling come with the territory, the militaries of the world have been trying to get away from hand to hand combat for something like 5,500 years. And while it still happens [rarely], the infantryman does far more of his personal killing with his rifle than anything else. Moreover -- and let me go out on a limb here -- if we really trained Soldiers to be proficient with their rifles, there would be even fewer hand to hand engagements.

What am I saying? I am saying that the Army has its training priorities way out of alignment from reality.

We are in a rifleman’s war. We need to realize this and train for it. If nothing I have written has struck a chord with you, do some research and study the battles of Majuba Hill and Laing’s Nek. Riflemen did all of that.

Once again -- no one anticipated a counterinsurgency campaign against mountain and desert tribesmen in the Hindu Kush Mountains and deserts of Afghanistan.

But that is what we have got whether we like it or not. Trying to make the enemy fight our style of war hasn’t worked in nearly 9 years. He isn’t likely to change to what we want anytime soon. Why should he? What he is doing is working for him. Our own doctrine states that an insurgency that survives and grows is winning. Well, the Taliban have survived and grown. We need to face reality and adapt. Real rifle training is one basic and important way to do just that.

The Coalition lost 104 Soldiers in Afghanistan during June 2010. How many more before we train to the reality of this fight?

Jeffrey Wall, now a Staff Sergeant in the California Army National Guard, is a 1976 graduate of VMI, and a former infantry officer in the Marine Corps who commanded infantry and weapons platoons, a rifle company and guard forces and other companies of up to 600 Marines. He retired as an independent business man in 2001 and fought his way back into the service after 9/11. Since then he has served as an ETT in Afghanistan in the Eastern Operating Zone at company through brigade levels. At the California PTAE he has trained hundreds of Soldiers in rifle and pistol marksmanship as well as machinegun gunnery. A Distinguished Pistol Shot, he has “leg points” toward distinguished with the rifle and is a qualified sniper. He is the 2010 All Army Combat Marksmanship Open Champion.

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**Drone Attacks and Just War Theory**

_by William O’Hara_

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The philosopher Cicero once wrote: *Silent enum leges inter arma* -- or laws are inoperative in war.\(^{39}\) Despite the temptation in the age of technology to utilize new combative innovations to their full and most exact advantage, we must not fall prey to the falsehood presented by our Roman ancestor.\(^{40}\)

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\(^{40}\) This has been evidenced throughout history. For example, the musket with its previously unmatched range and accuracy was effectively limited to conventional projectiles, as customary and codified law prevented the use of more hazardous munitions. *See Declaration Renouncing the Use, in Time of War, of Explosive Projectiles Under 400 Grammes Weight, Saint Petersburg, 29 November / 11 December 1868*, available at http://www.icrc.org/IHLNISF/INTRO/t30?OpenDocument.

With a new capability for waging war comes the requirement of determining in what capacity that capability should be utilized within the confines of a modern limited war. It is with this in mind that the United States tactic of targeted killing utilizing unmanned aerial vehicles (termed drones) must be evaluated. While the Obama administration insists that they have been following all laws of war in the execution of their strikes, not all of the international community agrees.\(^{41}\)

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\(^{41}\) “This Administration has carefully reviewed the rules governing targeting operations to ensure that these operations are conducted consistently with law of war principles”. See Harold Hongju Koh, Legal Advisor, U.S. Department of State, Address at the Annual Meeting of the American Society of International Law, (Mar. 25, 2010). Conversely, the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions thought the
Utilizing the most fundamental principles of the law of war – Just War Theory (JWT) – this paper aims to frame the discussion surrounding targeted killing. Much of the international law applicable to drone attacks are derived from JWT, but current interpretations of that law are often quite diverse, from the hawkish to the overtly pacifistic. Some insist that the standing law indicates that drone strikes should be nearly unlimited; others argue that the practice should be conducted on a significantly limited basis. This paper will utilize thought from contemporary JWT scholars and the underlying purpose of limited war in an attempt to find a common ground in statutory interpretation.

While JWT offers guidance on both when to use force and how to use force, this paper will focus on the latter, commonly recognized as the jus in bello principles of distinction and proportionality used to conduct a limited war. Part I of the paper will provide a synopsis of JWT jus in bello development and principles, and how it has been adopted into both customary international law and international treaties. Part II of this paper will first apply JWT derived standing law to a standard example of drone targeted killings. Subsequently, JWT principle and law will be applied to two different case studies in which the utilization of drones threatens to breach the boundaries of JWT, while providing guidance as to where hard lines on the jus in bello application of drones should be drawn. The case studies serve one purpose – to create a fertile environment for different interpretations of jus in bello principles (codified into law) to be discussed. These interpretations, as mentioned earlier, are often disparate; in such cases, the original purposes of JWT, and contemporary scholarship on the subject will hopefully help highlight the proper opinion.

Part I: Just War Theory: Historical Background and Contemporary Implementation

The germinal theologian in JWT is commonly thought to be St. Augustine, a Christian bishop who lived around 400 A.D.42 While he contributed nothing to the formation of the jus in bello principles that we will later discuss, his thoughts on sovereign authority were quite formative in the creation of jus ad bellum, which is a commonly used in determining when to use force.43 St. Thomas Aquinas was the first philosopher to make any tactile contribution to the jus in belli components of JWT.44 He produced a largely jus ad bellum-centric codification of canon law in the mid-twelfth century that established three principles of a just war: (1) sovereign authority, (2) just cause, and (3) right intention.45 It was from the third principle of right intention that jus in bello principles were derived from by later philosophers.46

Following in the natural law tradition, Aquinas defined just intention as “one must intend to promote the good and avoid evil.”47 During the Reformation, Francisco de Victoria, along with Francisco Suarez and Hugo Grotius, elaborated on Aquinas’s meaning of just intention to create a clearer standard for jus in bello, and also added a new JWT innovation.48 To these philosophers, promoting good and avoiding evil required a certain amount of regulation regarding how war was conducted, which lead to the formulation of the principles of proportionality and distinction.49 Victoria’s innovation contribution came in the stipulation that both opposing forces must adhere to jus in bello principles, due to the risk that assumed just cause might empower a combatant nation to disregard any regulation over the conduct of their campaign.50

A. The Meaning and Development of Proportionality and Distinction

The principle of distinction began to normalize around three hundred years after St. Thomas Aquinas added the “just intent” criterion to St. Augustine’s original requirements.51 Victoria generalized that “innocents” shouldn’t be killed, and Grotius elaborated one hundred years later that wom-

43 Raines, supra note 4, at 222.
44 Id.
45 Id. at 223.
46 Id. at 222.
47 Supra note 5, at 24.
48 Raines, supra note 4, at 223.
50 Murnion, supra note 5, at 27.
en and children should be spared. The first distinction between a man carrying a weapon and an unarmed one was made by Jean-Jacques Rousseau. He held that soldiers are state actors, and upon surrender of arms revert to becoming “mere men”, and immune from harm.

Proportionality, too, was derived from Aquinas’s principle of just intent. Aquinas developed a theory of proportionality in the context of self-defense; in order for the use of force to be just, it must not be excessive. Grotius elaborated on Aquinas by turning this into a general principle of law.

Ironically, the first true codification of the jus in bello principles did not come in the form of a treaty between the great powers of western Europe, where the underpinnings of JWT were developed, but rather were drafted and implemented by a German immigrant named Francis Lieber at the request of a Union Army general during the American Civil War. True to the roots of St. Thomas Aquinas’s just intention criterion, Lieber emphasized the protection of the unarmed citizen who “is to be spared in person, property, and honor as much as the exigencies of the war will admit”, in other words to promote the wellness of noncombatants, and to avoid the evil of the innocent loss of life. The proportionality principle was also addressed, although slightly more obliquely, as it was referred to in the capacity of banning cruelty and certain weapons. The document, known as the Lieber Code, was surprisingly influential, heavily impacting the St. Petersburg Declaration in 1868, and the Brussels Declaration on chemical warfare shortly thereafter. While not addressed at the original Geneva Conventions of 1949, the jus in bello principle of distinction and proportionality were included in 1977 in Additional Protocol I.

Contemporary JWT scholars have continued the theoretical pursuits of the early Christian philosophers, often on consistent vectors. Michael Walzer, in his seminal work Just and Unjust Wars, defends the principle of distinction in modern warfare. His argument rests on the premise that immunity from attack is an extension of the principle of military necessity; it is unjustifiable to attack civilians because no legitimate military advantage can be gained by doing so. By becoming a member of the military, the former civilians gain the dubious distinction of being a valid military target and lose their noncombatant immunity. Walzer also notes that proportionality is a largely utilitarian calculation; the attacking force must attempt to balance the benefit accrued from destroying the valid target due to military necessity against the harm to individual civilians and the permanent interests of mankind.

B. Modern Statutory Implementation of Distinction and Proportionality

Protocols I and II of the 1949 Geneva Convention addressed several oversights in the original conference, namely the lack of codified jus in bello principles, such as distinction and proportionality. In reference to distinction, the statutory language can generally be divided into two categories based on purpose: (1) language defining legitimate military targets (objects) or (2) language defining the distinction between combatants and noncombatants (people).

According to Article 52(2) of Protocol I, a valid military target is subject to a two-part test. First, the object must make an “effective contribution” to
enemy military action, meaning that the target must by its location, nature, purpose or use benefit the enemy. Second, the object must by its destruction, capture or neutralization, offer a definite military advantage to the targeting force. By negative inference, all other targets are civilian objectives and therefore have a protected status. Civilian objectives (and their resultant immunity) cannot be used as a shield for the enemy military, and in places of worship, homes, or schools there is a presumption against the fact that it is making an effective contribution to the enemy military. Also codified in the Geneva Convention is a prohibition against indiscriminate attacks. This provision bans attacks that are “of a nature to strike military objectives and civilians or civilian objects without distinction” (emphasis added), which typically results from either a lack of proper targeting or the inability to accurately guide an attack to the desired target.

Out of the same vein, there are similar distinctions when targeting individuals vice “objects”. A civilian is any person not categorized as a combatant in the Third Geneva Convention Article 4:

(1) a member of the regular armed forces of a belligerent party;
(2) a member of militia and volunteer corps fulfilling the following conditions:
(a) to be commanded by a person responsible for his subordinates;
(b) to have a fixed distinctive emblem recognizable at a distance;
(c) to carry arms openly;
(d) to conduct operations in accordance with the laws and customs of war; and
(e) to be linked to a party to the conflict;
(3) an inhabitant of a non-occupied territory who, on approach of the enemy, spontaneously takes up arms to resist invading troops...

The civilian, in contrast to the combatant, enjoys significant protections, such as not being subject to the use of force or reprisal. Importantly, the civilian loses this protection “unless and for such time as they take a direct part in hostilities.”

In addition to addressing the lacking principle of distinction, Additional Protocol I also codified the jus in bello tenant of proportionality. Proportionality is often seen as complementing the principle of distinction, and deals largely with the prevention of unreasonable amounts of civilian deaths. Article 51(5)(b) augments the prohibition on indiscriminate attacks:

The following types of attacks are to be considered as indiscriminate: ...(b) an attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated.

While proportionality is also mentioned as a principle in Article 57(b), Article 51(5)(b) implies that any attack that causes civilian damage in excess to the military advantage anticipated automatically becomes an indiscriminate and therefore prohibited attack.

C. Proportionality and Distinction in Customary International Law

While Additional Protocol I of the Geneva Convention has codified the principles of distinction and proportionality, several notable countries (including the United States, Israel, Iran, Pakistan, Turkey, and Iraq) have not ratified the addition. The influential International Committee of the Red Cross (ICRC), however, published a review in 2005 that designated the previously highlighted rules of Additional Protocol I regarding distinction and proportionality as customary international law, arguably making it binding on non-ratifying states. It did so based on two main criteria: (1) state practice, and (2) belief that such practice is required. In effect, this means that the ICRC re-

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69 Protocol I, supra note 24 art. 52(2).
70 See Protocol I, supra note 24 art. 52(1).
71 See Protocol I, supra note 24 art. 52(3).
72 See Protocol I, supra note 24 art. 51.
73 Protocol I, supra note 24 art. 51(4); See also Heike Spieker, Civilian Immunity, Crimes of War, http://www.crimesofwar.org/thebook/civilian-immunity.html.
75 Protocol I, supra note 24 art. 52(2),(6).
76 Protocol I, supra note 24 art. 51(3).
77 Protocol I, supra note 24 art. 51(5)(b).
78 None of the above parties are listed as ratifying Protocol I. International Committee Of The Red Cross (2005). http://www.icrc.org/ihl.nsf/ReadForm?id=470&ps=S.
80 Id. at 5.
cognizes that states have been using these laws already, as evidenced by how they conduct their strikes and within their internal rules and regulations. It is arguable that this acknowledgement of state practice took into account how states executed targeted killing, as the practice originated before the study was published.\textsuperscript{81}

\textbf{Part II: The Principles of Distinction and Proportionality Applied to United States Targeted Killing Practices}

Before exploring the nebulous boundaries of drone killing tactics, it is useful to establish how the JWT principles and statutory codification interact with the standard practice. First will be an example of an idealized drone strike which clearly illustrates the principles of distinction and proportionality. With such a baseline established, the first case study will be an example of a strike that challenges the JWT principle of distinction, and yields the opportunity to explore different perspectives on the principle. The second case study will be the application of the principle of proportionality to a situation in which proportionality is subject to legal interpretation, and therefore difficult to evaluate.

\textbf{A. Drone Strike I: A Clear Illustration of Distinction and Proportionality}

The suspected U.S. drone attack on March 17\textsuperscript{th}, 2010 in Pakistan is a fairly standard example of the practice.\textsuperscript{82} The strike was aimed at a Taliban stronghold in North Waziristan, which is part of Pakistan’s resistive tribal region.

Accounts of the attacks vary by news source, but all agree that the targets of the attack were active insurgents.\textsuperscript{83} There were no reported civilian casualties from this strike, and the collateral damage consisted of a destroyed house and two destroyed vehicles.\textsuperscript{84}

\textbf{1. Distinction: Combatant or Civilian?}

Based on the Third Geneva Convention, Article 4, to be classified as a combatant (and therefore be a lawful target) an individual must satisfy certain criteria.\textsuperscript{85} While we know little about the individuals targeted on March 17\textsuperscript{th}, it is highly likely that they did not fall into the category of “combatant”, as none of the required criteria are satisfied. Most likely, they were not members of the Pakistani (whom we are not at war with anyway) army, nor were they members of a militia wearing a fixed emblem.\textsuperscript{86} Neither do they satisfy Art 4(6), which references the spontaneous resistance to an invading power, because the civilians would have had enough time to form a regular military unit to resist.\textsuperscript{87} As such, it is reasonably clear that these individuals are not combatants in the sense described by Article 4, and therefore fall into the civilian category by negative inference. Indeed, most interna-

\begin{itemize}
\item \textsuperscript{81} Certainly, the practice of targeted killing via cruise missile had been employed for decades prior to the ICRC study. There have also been drone strikes at least since 2002. See Phillip Smucker, \textit{The Intrigue Behind the Drone Strike}, The Christian Science Monitor, (2002), http://www.csmonitor.com/2002/1112/p01s02-wome.html.
\item \textsuperscript{83}http://www.google.com/hostednews/afp/slideshow/ALeqM5gNLqP0dthWK0HwREeqpgG3Kd3dX_Q?index=1&ned=us
\item \textsuperscript{84} A French publication stated that the attacks killed 7 insurgents, but were unable to verify if any of them were high level Taliban fighters. A Pakistani publication stated that the fighters were linked to Hafiz Gul Bahadur, a leader of resistance against coalition forces. Chick, supra note 43.
\item \textsuperscript{85} Id.
\item \textsuperscript{86} Geneva Convention III, supra note 35.
\item \textsuperscript{87} Id.
\item \textsuperscript{88} [an inhabitant] of a non-occupied territory who, on approach of the enemy, spontaneously takes up arms to resist invading troops without having had time to form themselves into regular armed units, provided they carry arms openly and respect the laws and customs of war. Id.
\end{itemize}
tional scholars agree that insurgents do not qualify as combatants.\textsuperscript{89}

While civilians are not lawful targets under the Geneva Convention, the “insurgents” targeted on March 17 are unlikely to enjoy civilian immunity.\textsuperscript{90} Civilians lose their protected status “for such time as they take a direct part in hostilities.”\textsuperscript{91} While we know little about the actual nature of the activities that the targeted individuals participated in, for the purposes of this discussion it is not unreasonable to assume (based on the consensus reporting by multiple news agencies) that the insurgents had recently participated in the execution of a hostile act and were armed. This fits a “direct part in hostilities” neatly. It is from this exception that the phrase “unlawful combatant” is derived, for the civilian, one who typically enjoys a protected status, is operating as a combatant.\textsuperscript{82} As such, in this particular situation the JWT principle of distinction, as expressed in Additional Protocol I, is satisfied.

2. Proportionality: Collateral Damage Weighed

According to the Christian Science Monitor, the collateral damage resulting from the two strikes on March 17\textsuperscript{th} was small – only one hose and two vehicles were destroyed.\textsuperscript{93} Per Article 51(5)(b) of Additional Protocol I, there must be a balancing determination made for a military strike to be proportionate.\textsuperscript{94} In this case, the damage to civilian objects must be made against the “concrete and direct military advantage anticipated” from killing the insurgents.

The legal community generally agrees that this decision is made on a case-by-case basis, using the standard of a reasonable military commander.\textsuperscript{95} The specifics of this particular example make it highly likely that the criterion of proportionality was satisfied. The military advantage anticipated is quite tangible – if the Pakistani news publication is to be trusted, a high level leader of anti-coalition forces now has less human capital at his disposal.\textsuperscript{96} This advantage, weighed against the loss of one house and two vehicles, yields a situation where the incidental damage is not excessive in relation to the military advantage gained. Certainly, the situation would be more complex if the civilian objects destroyed were more meaningful, such as a mosque or a school, which have their own protected status that would need to be considered.\textsuperscript{97}

B. Drone Strike II: A More Nuanced Explanation of Distinction

During the week of December 11\textsuperscript{th}, 2009, an alleged U.S. drone struck in Pakistan, reportedly killing Saleh al-Somali.\textsuperscript{98} According to U.S. officials, al-Somali was an active operations planner for Al-Qaeda who was in charge of all operations outside of the Afghanistan/Pakistan region, and was likely in charge of operations against Europe and the United States.\textsuperscript{99} As an operative, al-Somali took guidance from senior leadership and “translated it into operational blueprints for prospective terrorist attacks.”\textsuperscript{100} He rose through the ranks of the Al-Qaeda propaganda division, but there is no indication that he physically led any attacks against coalition forces. In the multiple media outlets that reported the attack, there was no mention of civilian casualties.\textsuperscript{101}

\textsuperscript{90} Protocol I, supra note 24 art. 51(2),(6).
\textsuperscript{91} Protocol I, supra note 24 art. 51(3).
\textsuperscript{92} Knut Dörmann, International Committee Of The Red Cross, \textit{The Legal Situation Of “Unlawful/Unprivileged Combatants”} 2 (2003). Found at http://www.icrc.org/Web/Eng/siteeng0.nsf/iwpList553/88140B29D25A47EFC1256D0B0046F105
\textsuperscript{93} Chick, \textit{Drone Strikes}, supra note 44.
\textsuperscript{94} Protocol I, supra note 24 art. 51(5)(b).
\textsuperscript{97} Protocol I, supra note 24 art. 52(3).
\textsuperscript{99} Id.
\textsuperscript{100} Id.
1. Distinction: Planning as a “Direct Participation in Hostilities”, and Temporal Problems

Non-combatants have immunity from attack “unless and for such time as they take a direct part in hostilities.”\(^{102}\) The legality of the strike will turn on the interpretation of this provision, in two ways. First, the determination must be made regarding the action of planning; is planning (a non-violent activity) included in “a direct part in hostilities”? Second, assuming that planning is included, if al-Somali was not planning at the moment he was targeted had his status reverted back to civilian immunity because of the “for such a time” clause?

The leading international scholar advocating a narrow interpretation of a “direct part in hostilities” is Professor Antonio Cassese who argues that there is only one situation in which a civilian may be justly attacked: he or she must be openly carrying a weapon or bomb.\(^{103}\) If a person does not respond to summons made to ascertain whether they have explosives on their person, they may also be targeted.\(^{104}\) The justification for such a standard is to prevent abuse and honest mistake in the targeting process. Allowing a government to make a determination about a civilian and kill them without any manifest evidence of hostilities (exemplified by a weapon) creates a “slippery slope” that is vulnerable to abuse.\(^{105}\) Also, attacking an individual in civilian clothes (carrying no weapon) is likely to result in a high amount of honest mistakes, potentially making the practice of targeted killing indiscriminate. Al-Sadir, presumably unarmed, would be exempt from targeting under this narrow interpretation of “direct part of hostilities”. Furthermore, even if planning could be included in the interpretation, al-Sadir would regain his immunity when he ceased the activity.\(^{106}\)

In general, the ICRC commentary on Additional Protocol I agrees with a relatively narrow interpretation of the “for such time as they take a direct part in hostilities”, but not to the extent that Professor Cassese advocates. While not limited to carrying weapons, the ICRC argues that for an action to be hostile, the action itself must “adversely affect the military operation or military capacity” of the opposing force.\(^{107}\) This translates into a contextual determination of “but for” causation, and “causal proximity” of the act to the foreseeable consequences.\(^{108}\) While a coordinated insurgency would likely not be effective without planning (satisfying “but for” causation), planning may not have the causal proximity required. The phrase “direct participation” certainly implies that indirect participation (typically indicated by a lack of causal proximity) would not yield a loss of immunity.\(^{109}\) Typical examples in indirect participation are acts such as providing food for the military, distributing propaganda, or designing weapons.\(^{110}\) The ICRC states, however, that the “identification and marking of targets, the analysis and transmission of tactical intelligence to attacking forces, and the instruction and assistance given to troops for the execution of a specific military operation” satisfy the causal criterion.\(^{111}\) Certainly, the act of planning an attack is more analogous to the latter than providing food or designing weapons. As such, it is very likely that under the ICRC commentary, civilians that plan hostilities lose their immunity from targeting.

The ICRC also weighed in on the temporal issues found in the language “for such a time.”\(^{112}\) Civilians “lose protection against direct attack for the duration of each specific act.”\(^{113}\) “Duration” encompasses all aspects of the hostile act, from the preparation of the act to the return from executing the act.\(^{114}\) Under this guidance, while planning may very well classify al-Sadir as participating directly in hostilities, the fact that he was likely unengaged in planning at the time of the attack makes his targeting illegal.

Conversely, there are those that argue for a broader interpretation of both the definition of “a direct part in hostilities” and the temporal language found in Additional Protocol I. This cohort of scholars is perhaps best represented by Professor Michael Schmitt, who argues that the interpretation of Additional Protocol I language should be done with the underlying mission of the law in

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107 International Committee Of The Red Cross, Interpretive Guidance On The Notion Of Direct Participation In Hostilities Under International Humanitarian Law 48 (2009)[hereinafter Direct Participation in Hostilities].
108 Id. at 59.
109 Id. at 54.
110 Id.
111 Id. at 56.
112 Id. at 19.
113 Id.
114 Id.
mind – to protect civilians. His counter-intuitive argument focuses on the practical elements of warfare, and the ramifications of drawing too narrow of a line when interpreting who civilians are. For example, with respect to qualifying what “hostilities” are, he states that:

Suggesting that civilians retain their immunity even when they are intricately involved in a conflict is to engender disrespect for the law by [legal] combatants endangered by their activities.

This would, in effect, result in more civilians being subject to attack due to the resentful nature of the legal combatants. Furthermore, he views a narrow interpretation of hostilities as an incentive for civilians to become involved with the conflict, knowing that they can plan, provide weapons, or logistical support with impunity. This school of thought also applies to the temporal question; by allowing civilians to self-select into and out of combatant status a “revolving door” of protected/unprotected status is created. To Schmitt, this can do nothing more than engender disrespect for the law by the legal combatants who are always subject to attack, and provide an incentive for civilians to become involved in the fight.

Therefore, narrow interpretations of Additional Protocol I undermine the purpose of the law by subjecting more civilians to attack, degrading their protected status. Under Schmitt’s guidance, al-Sadir, in his role as a planner, would be subject to attack after (or before) the action of planning had taken place.

Just war theorists have tended to agree with a broader interpretation of the language “unless and for such time as they take a direct part in hostilities.” According to Walzer, when classifying citizens as targets, “the relevant distinction is... between those who make what soldiers need to fight and those who make what they need to live, like the rest of us.” Applying that to al-Qaeda, those civilians that provide food or clothing are immune from targeting. Those civilians that support the capability to fight, whether that means planning or supplying weapons, are subject to attack. In reference to the “revolving door” phenomenon that occurs under the narrow ICRC interpretation, the JWT focus on the purpose of limited war allows for a broader interpretation. Those that conduct “war-like activities” are always subject to attack because of their military necessity; doing so will end the war more quickly with the least expenditure of “time, life and money.”

In summary, both the definition of “a direct part in hostilities” and the temporal language “for such a duration” can be interpreted in several different ways. Those that argue for a narrow interpretation do so in the belief that it will protect civilians in the most effective way. Those that interpret it broadly tend to believe the opposite - that a narrow interpretation will counter-intuitively lead to more civilian casualties. Finally, just war theorists tend to look at it from the perspective of ending the war in the quickest manner possible, which can include targeting civilians that have set themselves apart from other civilians by contributing to the military capacity to fight. The JWT interpretation is most analogous to the broad interpretation by Schmitt. Certainly, one of the underlying purposes of limited war is a pragmatic one – to end war quickly. To do so requires that militaries be able to act in their regulated (subject to JWT principles) self-defense. In that respect, a narrow interpretation will likely yield a longer conflict with more eventual casualties.

C. Drone Strike III: Proportionality as a Matter of Metrics

In August of 2009, the U.S. launched a drone attack on a home that Baitullah Mehsud was reportedly staying in with his second wife. A Pakistani intelligence officer confirmed that Mehsud’s torso had been severely damaged, and shortly thereafter President Obama confirmed that the U.S. “took out Mehsud.” The attack killed Mehsud, his wife, seven bodyguards, his parents-in-law, and one other officer, totaling 12 individu-
According to The New Yorker, the U.S. attempted to kill Mehsud on 16 different occasions with drone strikes. On March 17, 2009, David Kilcullen, the individual largely responsible for the U.S. implementation of counter-insurgency doctrine (COIN) wrote in The New York Times that the U.S. was killing approximately 50 unintended targets for each intended target.

There are three main hostile incidents that have been attributed to Mehsud. First, he was the primary suspect in the September 2007 bombings in Rawalpindi which killed 25. Second, he has been blamed for the planning and coordination of the assassination of Benazir Bhutto, the former Pakistani prime minister who was again running for the position. Third, he claimed credit for planning the March 2009 attack on a police academy in Lahore, Pakistan. Perhaps the most important “achievement” of Baitullah Mehsud lay in his coordination of an estimated 80 percent of the suicide bombings in Afghanistan, which have killed countless numbers of civilians and combatants. Lastly, at the time of his death he was in charge of an estimated 12,000 local fighters and close to 4,000 foreign fighters.

According to Additional Protocol I, the principle of proportionality prohibits an attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated.

Any attack that does not fit these criteria is deemed to be indiscriminate, and banned from being executed. The ICRC’s commentary on the principle of proportionality states that “the factors for assessing proportionality, in particular the notion of military advantage and that of collateral damage, are to be considered only in the short term.” The purpose of this limited temporal interpretation is to equal the competing forces; without this interpretation civilian life would be measured against the long-term war effort of a nation as opposed to the immediate military impact. The ICRC commentary will be the construct that this drone attack will initially be evaluated within. The second construct will be from the JWT perspective. Using the known facts surrounding Mehsud as a leader and the amount of civilians killed, a reasonably accurate determination regarding the attack’s proportionality can be made under the two different interpretations.

1. Proportionality in Isolation

In accordance with the ICRC guidance, the concrete and definite military advantage from killing Mehsud is likely to be two-parted. First, after the drone strike, there is simply one less individual fighting against the Pakistani government and coalition forces. Second, there is the recognition that Mehsud was no ordinary insurgent. While it is publically unknown what Mehsud had been planning before he was killed, it is likely that the hostile attack – some of which had been spectacular successes - has been delayed, impeded, or thwarted.

On the other side of the pendulum is that fact that 11 individuals were killed in this strike, in addition to Mehsud. While it is likely that some fraction of the 11 had lost their civilian immunity due

128 Id.
133 Id.
134 Id.
to their actions, it is equally likely that innocent civilians were also in their ranks (such as Mesud’s second wife). While the death of civilians (in this case under 11) is a high price to pay to kill one man, Mehsud, as previously mentioned, had certain characteristics that make killing him far more significant. Looking at the attack from the limited viewpoint the ICRC advocates, there is little doubt that the strike was proportionate.

2. JWT Cumulative Proportion – A Sliding Scale?

In contrast to the ICRC, JWT generally advocates a much broader interpretation of proportionality.39 According to Walzer, when balancing military gain and civilian harm, “we are to weigh... not only the immediate harm to individuals but also any injury to the permanent interests of mankind, against the contribution that mischief makes to the end of victory.”40 This means that when weighing military advantage, the evaluation is done from wider lens. When weighing casualties in an attack, it is also done from a more holistic perspective.

Under JWT, the impact of killing Mehsud is much more significant, as it takes into account both primary and secondary military effects. Mehsud was commonly thought to be an effective envoy between the different factions of al-Qaeda and the Taliban throughout Pakistan and Afghanistan.

He has taken an oath of allegiance to Afghan Taliban leader Mullah Mohammad Omar. He is close to al-Qaeda’s top leadership in the Af-Pak border region and to Qari Tahir Yaldashev, leader of the Islamic Movement of Uzbekistan. He is also well-connected to the Punjabi militant groups that have long been operating in Indian-occupied Kashmir. And he maintains cordial ties with the Haqqani network, widely considered by Western officials to be one of the most dangerous groups of veteran jihadists in the region and the bridge between the Pakistani and Afghan Taliban movements.41

By eliminating Mehsud, the U.S. tangentially impacted Al-Qaeda operations in both Afghanistan and Pakistan, despite Mehsud’s singular role as external operations coordinator. Replacing him is another secondary effect, as it is unlikely that another leader will have as much success planning suicide bombings or high profile attacks in both Pakistan and Afghanistan without such a network of connections. The significance of successfully striking a high value target is important to the war effort in other ways as well; if one of the most important, and presumably well protected of the insurgents can be killed, it is a clear message that others can and will be targeted as well. The resulting effect is two fold: first, it makes operations of hostilities more difficult for insurgents when they cannot be seen in the open or communicate effectively. Second, it incentivizes the local populace to stay away from the insurgents, as the insurgent’s cause is more likely to be seen as a losing one, and because there is the constant threat of attack from coalition forces.

The competing force of civilian casualties is likewise quite different under a JWT interpretation of proportionality. Instead of looking singularly at the impact of the event itself, a wider perspective is required to accurately determine whether the strike was proportional. It must be remembered that this very same action had occurred 15 times previously, never with the successful death of Mehsud.42 Using metrics provided by David Kilcullen and Andrew Exum, it is quite possible that upwards of 700 unintended individuals had been killed while pursuing Mehsud.43 Of those, approximately 66 percent are likely to be civilians that have lost their immunity.44 Therefore, it is likely that over 200 innocents died in order for the U.S. to kill Mehsud.45 Indeed, under a wide lens, with each passing strike where civilians were killed (and Mehsud lived), the individual targeting of Mehsud became increasing disproportionate, and therefore closer to being indiscriminate.

Under JWT, the result is a much heavier weight on the side military advantage, but also an increased weight on the side of civilian harm. It is ambiguous which side of the pendulum is heavier, but recent history would tend to say that the attack was disproportional. A workable analogy would be the Israeli strike in 2002 that targeted the senior Hamas leader Salah Shehada. An F-16 dropped a

139 Walzer, supra note 26, 129.
140 Id.
141 Ali, supra note 93.
142 Mayer, supra note 87.
143 Kilcullen & Exum, supra note 89. 15 (strikes) * rate of 50 unintended casualties per strike = 750 unintended casualties.
145 750 unintended casualties * 34% civilians = 255 unintended civilian deaths.
2,000 pound bomb on the apartment building that he was presumed to be staying in, which also damaged and killed civilians nearby. The civilian death count was significantly lower than the estimated one computed in the case of Mehsud, but the international community, including the United States, criticized the attack as at the very least being “heavy handed”.

The counter-argument, of course, is practical in nature. Repeated attempts to kill Mehsud would never have been undertaken if he had not been an extremely high value target. The fact that there had been failed attempts with civilian casualties did not make his death any less of a priority to the coalition strategy. In this respect, the ICRC interpretation makes practical sense. Under JWT, if a target is particularly evasive, he will eventually gain immunity when the amount of civilian deaths breaches the military value of his death. The limited view outlook of the ICRC, not taking into account previous instances of civilian deaths, would allow for continued prosecution.

Despite the practicality of the ICRC interpretation, it does not interpret the proportionality in a manner that promotes the principles of limited war. Under JWT, the purpose of proportionality is to help conduct a restrained war, one that is not perpetuated through “provoking reprisals” or “causing bitterness that will long outlast” the conflict. While the military advantage of killing Mehsud never changed with the continued attempts, the attacks likely engendered the outrage of the population, which tends to violate the underlying purpose of limited war. Just as the ICRC interpretation makes practical sense (by not providing a safe harbor after a certain threshold of civilian deaths is reached), the JWT interpretation does as well – perhaps at some point the military advantage gained by killing Mehsud was curtailed due to the bitterness (and resulting reprisals) that the civilian deaths inspired.

**Final Thoughts**

The principles of distinction and proportionality are integral to the premise that wars should be conducted in a limited fashion. Derived from theologians in the just war and natural law traditions, these principles have made their way into statutory law, as exemplified by Additional Protocol I of the Geneva Conventions. But what is the best way to interpret these provisions? Does one trust the ICRC guidance, or guidance provided by either hawkish or pacifistic legal scholars? This paper’s answer was to evaluate which perspective best fit the construct of JWT. While perhaps not always the perfect answer, it is a useful guide in sorting through the various interpretations of distinction and proportionality held in international law.

Now, more than ever -- with the Obama administration’s use of targeted killing so prevalent - does this dialogue about drone attacks need to occur.

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146 Fisher, supra note 50, at 743.
147 Daniel Byman, Do Targeted Killings Work?, 85 Foreign Aff. 95, 95 (2006).
The Mumbo-Jumbo of Design: Is This the Army’s EBO?

by Andrew B. Nocks

If the early problems of learning design were hampered by the lack of any written accounts of design methodology, the current problem facing students of design is the proliferation of books, doctrinal manuals, and journal articles on the subject. While these sources share a common core, there is significant divergence in terminology, and varied emphasis on the philosophical versus practical aspects of design. This is actually a very good sign that design discourse is alive and well, but it can make entry into the subject more daunting.150

The United States Army (and Joint Community) has been on a Design path before. In 2002, the United States Air Force began its campaign to explain to the broader joint community the power and value of the emergent concept of Effects-based Operations (EBO). In a condition setting white paper, it stated upfront that “…the concept of EBO is not well understood and requires further elaboration to ensure it is used properly. EBO is not a new form of warfighting, nor does it displace any of the currently recognized forms of warfare. EBO is a way of thinking or a methodology for planning, executing, and assessing operations designed to attain specific effects required to achieve desired national security outcomes.”151

The joint community embraced what the Air Force was selling and EBO began its proliferation across the services, to include the United States Army. “While EBO is not a joint or Army doctrinally approved concept, many commanders have found EBO beneficial, and incorporated aspects of the concept into their decision-making and staff process. Effects-based operations is both a way of thinking about operations and a set of processes and procedures for planning, executing, and assessing operations.”152 After a period of several years and continuous dialogue, discussion and debate internal and external to the Army, in July 2008 General James N. Mattis, USMC, who commanded the U.S. Joint Forces Command (USJFCOM), issued a decree that EBO in and of itself was dead as a foundational concept for joint or service operations. General Mattis stated “After a thorough evaluation, it is my assessment that the ideas reflected in EBO, ONA,153 and SoSA154 have not delivered on their advertised benefits and that a clear understanding of these concepts has proven problematic and elusive for US and multinational personnel... It is my view that EBO has been misapplied and overextended to the point that it actually hinders rather than helps joint operations.”155

While the joint community started to address the confusion caused by EBO as directed by the USJFCOM Commander’s issued guidance; it can be argued that unknowingly the Army was simultaneously creating a similar circumstance with its efforts to explore, introduce and formally integrate design and design theory into the Army’s foundational doctrine. Over the course of the last several years, just like EBO, design became a “tangential” effort to expand and enhance already known and prevailing doctrinal concepts like operational art and operational design, battle command, the operations process, planning and military decision making. Unfortunately (and unintended), even with the greatest of noble intentions, once again an emergent concept started to gain a foothold in the theorist and tactician communities that has potentially led us back to exactly where we ended up with EBO; a concept that is misunderstood, misapplied and causing confusion within the formation.

As a learning organization, the Army and more specifically the leaders responsible for its direction continually and consistently assess, evaluate and

153 ONA – Operational Net Assessment
154 SoSA – System-of-Systems Analysis
adapt our doctrine to the changing conditions of our world, current and anticipated. In the early 1990s the Army introduced Battle Command as a combat function in FM 100-5, Operations (June 1993). In this early doctrine, Battle Command was qualified as the role of the commander to “visualize the battlefield, assess the situation, and direct the military action required to achieve victory.”\textsuperscript{156} FM 100-5 (1993) also described decision making and leadership as critical aspects of [battle] command.

In the late 1990s and early 2000s, the Army began a major effort to reorganize its formations and codify new foundational doctrine sufficient to the anticipated future operational environments. As part of this effort, a new Battle Command model was introduced in FM 3-0, Operations (June 2001) that deliberately addressed the components of Battle Command as “visualize, describe and direct.”\textsuperscript{157} In the description of visualize, the doctrine stated that “To visualize the desired outcome, commanders must clearly understand the situation in the battlespace... This framing of the battlespace takes place during mission analysis (see FM 5-0).”\textsuperscript{158} Additionally, FM 3-0 (2001) stated that “upon receipt of a mission, commanders consider their battlespace and conduct a mission analysis that results in their initial vision, which they continually confirm or modify. Commanders use the factors of METT-TC, elements of operational design, staff estimates, input from other commanders, and their experience and judgment to develop their vision.”\textsuperscript{159}

Subsequently FM 6-0, Mission Command: Command and Control of Army Forces (August 2003) deliberately refined the model to “visualize, describe, direct, and lead.” FM 6-0 (2003) stated that “Commanders use the activities of visualizing the battlespace, describing their commander’s visualization to subordinates, directing actions to achieve results, and leading the command to mission accomplishment as their decision making methodology throughout the operations process.”\textsuperscript{160} FM 6-0 (2003) further amplified the description of visualization and stated that “Military operations never take place in a vacuum; they always occur within a context. Commander’s visualization begins with an already established situational understanding.”\textsuperscript{161} [See Figure 4-1, FM 6-0 (2003) -- this is the same chart as Figure 5-1, FM 3-0 (2001)\textsuperscript{162}][For reference in the remainder of this article, it is worth highlighting several points related to battle command’s history; first -- even though both manuals did not deliberately include understanding as part of the initial battle command models, both acknowledged and addressed the foundational concept of situational understanding in their descriptions and amplification of visualization, second -- in both manuals, there was acknowledgment that the anticipated operational environments would be more complex than traditional military tactical problem sets and the aspect of visualization graphically referenced the Elements of Operational Design (EoD), a traditional joint and operational echelon planning construct for use to inform the commander’s visualization and development of an operational approach to address the defined military problem, third -- even though lead was formally included in FM 6-0’s (2003) definition of battle command, it was implied graphically in the FM 3-0 (2001) model, and fourth -- both FM 3-0 (2001) and FM 6-0 (2003) graphically portrayed continuous assessment as part of the battle command models]

As we continued to gain operational experiences resultant from our involvement in forward theaters like Afghanistan and Iraq (post-invasion), it became more and more apparent that commanders and staffs at the lower echelons were operating

\textsuperscript{158} Ibid, 5-3.
\textsuperscript{159} Ibid, 5-3.
\textsuperscript{160} U.S. Army Field Manual (FM) 6-0, Mission Command: Command and Control of Army Forces (Washington, DC: Government Printing Office [GPO], 11 August 2003), 4-0 and 4-1.
\textsuperscript{161} Ibid, 4-2.
\textsuperscript{162} Ibid, Figure 4-1.
in complex, unfamiliar environments and faced with problem definition traditionally belonging at the strategic and operational echelons. With this growing sense that we needed to equip the lower echelon commanders and staffs with broader thinking models, the first formal introduction of comprehensive design theory in Army doctrine occurred in December 2006 with the publication of FM 3-24, Counterinsurgency. The field manual devoted an entire chapter to design theory entitled Designing Counterinsurgency Campaigns and Operations. Per FM 3-24 (2006), Chapter 4 “... describes considerations for designing counterinsurgency campaigns and operations. For Army forces, this chapter applies aspects of command and control doctrine and planning doctrine to counterinsurgency campaign planning. While campaign design is most often associated with a joint force command, all commanders and staffs need to understand it.”

It is important to highlight the specific point made in FM 3-24 (2006) that “campaign design” is most often associated with the joint force command, but all commanders and staffs need to understand it. This caveat stems from a still existent, but dated doctrinal stipulation professed by the U.S. Army Combined Arms Doctrine Directorate (CADD) that only Joint Force Commanders prepare “campaign” plans. The Army has since moved away from this limiting factor and acknowledges that the nature of current operations requires forces at all echelons to have a “campaign mindset” in the sense that they must understand and visualize “complexity over extended time.” Our early orientation to facilitate this “understanding of campaign design” focused on two specific aspects of joint doctrine, operational art and operational design. As defined in Joint Publication 5-0, Joint Operation Planning, “Operational art is the application of creative imagination by commanders and staffs -- supported by their skill, knowledge, and experience -- to design strategies, campaigns, and major operations and organize and employ military forces.” Concurrently, “operational art encompasses operational design -- the process of developing the intellectual framework that will underpin all plans and their subsequent execution. The elements of operational design are tools to help supported JFCs and their staffs visualize what the joint operation should look like and to shape the commander’s intent.”

Informed by this “emergent” direction in FM 3-24 (2006), once again our Army service doctrine began a positive evolution to better prepare leaders at the operational and tactical levels to operate in these complex and ill-defined environmental conditions. Consequently, our capstone doctrine and thinking began to emphasize a more complete and comprehensive understanding of the operational environment as a key and critical aspect of Battle Command in order to inform the commander’s visualization. Ultimately, when FM 3-0, Operations (February 2008) was published, the Army redefined Battle Command as, “the art and science of understanding, visualizing, describing, directing, leading, and assessing forces to impose the commander’s will on a hostile, thinking, and adaptive enemy. [See Figure 5-1, FM 3-0 (2008)] Battle Command applies leadership to translate decisions into actions -- by synchronizing forces and warfighting functions in time, space, and purpose -- to

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165 Ibid, IV-4.

166 U.S. Army Field Manual (FM) 3-0, Operations (Washington, DC: Government Printing Office [GPO], 27 February 2008), Figure 5-1.
accomplish missions. Battle Command is guided by professional judgment gained from experience, knowledge, education, intelligence, and intuition. It is driven by commanders.\textsuperscript{167} Comparable to design thinking, FM 3-0 (2008) specifically stated that “Understanding is fundamental to battle command. It is essential to the commander’s ability to establish the situation’s context. Analysis of the enemy and the operational variables provides the information senior commanders use to develop understanding and frame operational problems.”\textsuperscript{168}

Consistent with FM 3-24 (2006), FM 3-0 (2008) also formally included a single chapter devoted to operational art in order to emphasize the importance of design activities in support of the commander’s understanding and visualization of complex operational environments. [See Figure 6-4, FM 3-0 (2008)]\textsuperscript{169} To that end, both of these additions to our capstone doctrine were augmented by the introduction of additional planning factors beyond the traditional military planning considerations of METT-TC entitled the Operational Variables. [See CGSC Intermediate Level Education P930 Lesson Graphic -- Understanding the Operational Environment\textsuperscript{170} “Military planners describe the operational environment in terms of operational variables... Joint planners analyze the operational environment in terms of six interrelated operational variables: political, military, economic, social, information, and infrastructure. To these variables Army doctrine adds two more: physical environment and time. As a set, these operational variables are often abbreviated as PMESII-PT. The variables provide a view of the operational environment that emphasizes its human aspects. Since land forces operate among populations, understanding the human variables is crucial. They help describe each operation’s context for commanders and other leaders. Understanding them helps commanders appreciate how the military instrument complements the other instruments of national power. Comprehensive analysis of the variables usually occurs at the joint level; Army commanders continue analysis to improve their understanding of their environment. The utility of the operational variables improves with flexible application; human societies are very complicated and defy precise “binning.” Whenever possible, commanders and staffs utilize specialists in each variable to improve analysis.”\textsuperscript{171} This amplification of understanding and operational art within FM 3-0 (2008) became the dominant informing activities of Battle Command and its application in the current, multi-dimensional operational environments for all echelons: strategic, operational and tactical.

As the remainder of the Army began to embrace and internalize the philosophies described by the newly defined Battle Command model (understand, visualize, describe, direct, lead and assess), simultaneously there was an undercurrent of “bigger thinking” and a dominating perception began to develop that our traditional Army problem solving processes informed by Battle Command and operational art were inadequate to sufficiently address the complexities of today’s operational environments. The first formal introduction of this “bigger thinking” was described in a newly developed and released U.S. Army Training and Doctrine Command (TRADOC) pamphlet entitled, Commander’s Appreciation and Campaign Design (CACD) (January 2008). As stated in the forward, “The complexity of today’s operational environment requires a different approach to problem solving. It requires the commander’s direct participation in a heavily inductive reasoning process up-front. This process must produce a well-framed problem hypothesis and an associated campaign design -- a conceptual approach for the problem. This appreciation of the problem and the design of a solution can then be handed off to a deductive reasoning process executed by the staff under the commander’s direction that, in turn, produces executable plans and orders for implementation.”\textsuperscript{172}

\textsuperscript{167} Ibid, 5-2.
\textsuperscript{168} Ibid, 5-4.
\textsuperscript{169} Ibid, Figure 6-4.
\textsuperscript{170} See U.S. Army, Command and General Staff School, Center for Army Tactics, Intermediate Level Education (ILE) P930 Preparatory Course, Supporting Lesson Slides, Lesson_2_US_Army_Doctrine_(Version_11-01_with_notes)
\textsuperscript{171} Ibid, 1-5.
The implications within this description that our Battle Command model and standing problem solving processes were lacking are numerous, and thus began the deliberate and snow-balling effort to formally incorporate broader design concepts and design theory into our doctrine.

Led by the U.S. Army’s School of Advanced Military Studies (SAMS), multiple writings and descriptions of design and design theory began to openly proliferate across the formation. Most notably, in the March-April (2009) issue of Military Review, the then serving SAMS Director, Colonel Stefan Banach, published two separate articles that became a condition setter for the way forward for deliberate integration of design theory into our capstone doctrine.

In the Art of Design article, Colonel Banach and co-author Dr. Alex Ryan state, “At SAMS, we believe the art of design is a way of thinking more than it is a theory, process, or product.”173 Once again, we were poised to introduce “a philosophy” as opposed to tangible, easily understood concepts and principles beyond those of our current doctrine. Colonel Banach and Dr. Ryan specifically describe how “A philosophy of design tailored to military operations, called systemic operational design, has been developed within a largely verbal tradition by retired Israeli Brigadier General Shimon Naveh.”174 They go on to say that “Systemic operational design provides an important foundation for military design, even if some members of our community of practice have struggled to employ many of its intricacies when faced with real-world problem situations.”175 The inability of “some members of our community” to employ the intricacies of design sounds a lot like the challenges acknowledged by the Air Force as they prepared to better educate and inform the joint community in regards to what EBO was (and was not) as described in the EBO White Paper (2002).

That brings us to where we are today. The recently published FM 5-0, Operations (2010) includes a dedicated chapter that is the formal extension of the design effort from the last several years. The first significant concern is the struggle of Army doctrine traditionalists to understand how the “philosophy” of design enhances and goes beyond our current doctrine. Our problem solving processes as described in FM 5-0 (2005) reinforced by Battle Command and operational art in FM 3-0 (2008) are well-known, time-tested and correctly viewed as a hallmark of the Army’s planning and problem solving competencies. However, the formal introduction of design theory is creating a perception that these “new” design concepts are the panacea to our problem solving challenges in complex, multi-dimensional environments.

In the article, Educating By Design, Colonel Banach stated that “Some design concepts have already been written into Army doctrine while others are conflated with planning tasks. Fully developing design theory, separating design tasks from those of planning in doctrine, and implementing new design fundamentals without losing the essence of the art of design is the challenge at hand.”176 The design proponents specifically acknowledge that there must be a distinction between design, its ideas and purpose(s) and those of our standing doctrinal practices. In the companion article, Art of Design, Colonel Banach and Dr. Ryan stated that “For design to be useful in the military domain, it must complement and interact with existing planning doctrine. This means the interface between design and planning needs to be clearly specified.”177

This concern is well founded. In his Commander’s Perspective on Effects-based Operations and Related Concepts, a precursor to the published EBO guidance, General Mattis highlighted the challenge in the joint community to adequately understand the relationship between Effects-based Approach (EBA) and standing doctrinal practices. He described how “In early 2005, USJFCOM began a transition from EBO to effects-based approach (EBA), described in a February 2006 non-authoritative Commander’s Handbook for an Effects-based Approach to Joint Operations. The handbook reinforced the importance of understanding the operational environment, setting the correct conditions for success, and relying on the commander’s judgment and intuition. But the handbook did not overcome the community’s impression that EBA was intended as a replacement for proven planning and intelligence processes.”178 Interestingly, as the serving Army formation studies and becomes familiar with FM 5-0 (2010), we are in fact starting to see similar struggles develop

174 Ibid, 106.
175 Ibid, 106.
177 Banach and Ryan, 106.
as an outcome of the formal introduction of design into our published doctrine and more specifically, a prevalent lack of understanding of how design informs (and relates to) Battle Command, the operations process, planning, problem solving and decision making.

In an attempt to underscore the friction between design concepts and their relationship to planning and traditional military problem solving, FM 5-0 (2010) describes the design-military decision making process (MDMP) interface as, “Depending on the situation -- to include the complexity of the problem -- commanders conduct design before, in parallel with, or after the MDMP.” In an effort to address these challenges, it appears that the design proponents and doctrine writers defaulted to an already understood frame of reference, Battle Command. FM 5-0 (2010) provides the following definitions of planning and design. “Planning is the process by which commanders (and the staff, if available) translate the commander’s visualization into a specific course of action for preparation and execution, focusing on the expected results (FM 3-0). Put another way, planning is the art and science of understanding a situation (understand), envisioning a desired future (visualize), and laying out an operational approach to achieve that future (describe). Based on this understanding and operational approach, planning continues with the development of a fully synchronized operation plan or order that arranges potential actions in time, space, and purpose to guide the force during execution (direct) [items in parentheses added by author].”

Clear and distinct to each definition is the use of Battle Command components which in and of itself has led to some of the confusion in regards to what design is, what it is not and how it compliments and reinforces Battle Command, the operations process, planning and traditional military problem solving.

A final challenge presented to the force in regards to the formal introduction of design is the typical desire to have something tangible for use and application during military problem solving. In other words, “what does right look like?” In the Art of Design article, Colonel Banach and Dr. Ryan state that, “... a methodology for design has not been described in any detail. [Brigadier General (retired) Huba] Wass de Czege rightly declares that design being a “way of thinking” as opposed to a tangible process with specific, attainable and qualified outcomes. Even though there have been great efforts to address this particular issue with the introduction and integration of design, the community continues to wrestle with the relationship between design and planning.

This directly results in a related design-planning interface challenge, and that is to answer the question, “how do we effectively communicate the idea of design in contrast to our current planning doctrine?” In the Educating By Design article, Colonel Banach stated “a major criticism and stumbling block in moving design forward has been an inability to define terms and use ordinary language.” In an attempt to address these challenges, it appears that the design proponents and doctrine writers defaulted to an already understood frame of reference, Battle Command. FM 5-0 (2010) provides the following definitions of planning and design. “Planning is the process by which commanders (and the staff, if available) translate the commander’s visualization into a specific course of action for preparation and execution, focusing on the expected results (FM 3-0). Put another way, planning is the art and science of understanding a situation (understand), envisioning a desired future (visualize), and laying out an operational approach to achieve that future (describe). Based on this understanding and operational approach, planning continues with the development of a fully synchronized operation plan or order that arranges potential actions in time, space, and purpose to guide the force during execution (direct) [items in parentheses added by author].”

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180 Banach and Ryan, 108.
181 Banach and Ryan, 107.
183 Ibid, 3-1.
184 Banach and Ryan, 106.
time and effort to specifically address this issue resulting in the recently published Art of Design, Student Text Version 2.0. This document is a critical reflection of design and design theory as much as it is an informative reference that may further enhance design understanding. The SAMS Student Text states, “Broadly speaking, the two biggest changes to design since its introduction in 2005 are simplifications of the design lexicon and alternative approaches to the delivery of design education. Both are intended to lower barriers to entry for practitioners by finding easier paths to the same goal: learning a methodology for shared critical and creative thinking and acting within problematic operational situations. While care must be taken not to diminish design to the point where it is neither critical nor creative, there is great merit in improving the accessibility of design, so that more professionals can make use of this approach to coping with complex operational challenges.”

This is important because unlike EBO, General Mattis directly embraced design and design theory and issued the following guidance in a USJFCOM memorandum, “Established joint process, such as operational design and joint operation planning, provide a fundamentally sound problem-solving approach. However, staffs have been too often apply these processes mechanistically, as if progressing through a sequence of planning steps would produce a solution. I would expect this habit to be common particularly in organizations where a commander reacts to these problems rather than leads them. “Over-proceduralization” inhibits the commander’s and staff’s critical thinking and creativity, which are essential to finding a timely solution to complex problems. An approach that does not emphasize thinking and creativity is incomplete. My assessment is that our current doctrinal approach to foster clear, careful thinking and creativity, particularly early in design and planning, is insufficient and ineffective.” So if we formally “over-proceduralize” the design process, we might find ourselves right back at square one just like we did with EBO.

In conclusion, this article is not intended to criticize the efforts of many great Americans to improve upon our U.S. Army service doctrine and its purpose of creating more competent, confident and capable leaders serving in today’s and tomorrow’s complex operational environments. However, the U.S. Army seems to be creating a similar dilemma just like EBO that is challenging our already understood Battle Command model and confusing our trusted and proven approaches to solving military problems. In response to these growing issues, if we entertain the idea that design is no more than a conceptual (as opposed to tangible) process of identifying and evaluating relevant considerations that help put the situation into context (understanding), ultimately enabling the Commander and staff to make judgment on action(s) required and the application of resources (visualization), then it seems reasonable to conclude that design in simple terms is actually an element of Battle Command. With this perspective, we may be better off placing continued and future emphasis on amplifying Battle Command and its relationship to the operations process, planning and problem solving as opposed to trying to formalize the design process. If not, when we make major adjustments to our core processes to the point of causing confusion, we should remember the USJFCOM Commander’s concluding comments in regards to the unanticipated 2nd and 3rd order effects of the proliferation of EBO throughout our joint force, “Concepts and experimentation are intended to be innovative and must be pushed to their extremes. Most experiments fail, yet through failure springs success. That is acceptable and is part of the price we pay for unregulated and open minded, disciplined experimentation. That said, I want us to be mindful of the lessons of the past 7 years. If we made one mistake, it was that we fast-tracked some operational concepts and allowed them to gain inappropriate influence while unproven by history, experimentation, and current operations.”

Lieutenant Colonel Andrew B. Nocks, U.S. Army, Retired, serves as an Assistant Professor in the Center for Army Tactics, U.S. Army Command and General Staff School. He holds a B.S. from the United States Military Academy and a M.S. in Administration from Central Michigan University. He served in numerous command, operations and planning positions during his 22 years of active duty service. His last operational assignment was with the 3rd US Army, Coalition Forces Land Component Command’s (CFLCC) Deep Operation Coordination Cell (DOCC) during OEF-1.

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187 Mattis,108.
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“Bring It On” Worked
by James R. Van der Velde

Through accident or design, mostly through accident and blunt trauma, the war in Iraq was brutal, costly in lives and money, and heavy-handed, but dealt al-Qa’ida a severe blow -- hopefully a fatal one and even better, a self-inflicted blow. By creating such a rallying cry for the West’s alleged ‘war against Islam,’ thousands of al-Qa’ida fighters were directed to Iraq where they trained and committed terrorist acts. These acts killed the perpetrators, of course, and killed thousands of innocent Muslims and many Americans, and Coalition soldiers and civilians. But the attacks revealed al-Qa’ida’s brutish nature, its willingness to kill Muslims, and its goal of achieving chaos and totalitarian rule in pursuit of deposing ‘apostate regimes’ and restoring a new Caliphate (under al-Qa’ida rule, of course) -- all of which undermined its legitimacy.

Throwing the Book at the Taliban: Undermining Taliban Legitimacy by Highlighting Their Own Hypocrisy
by Colonel Gregg Kleponis

My language assistant, Hamid came to me just the other day to express a safety concern he had for both he and his family. I paid attention because in the five plus months I have known him he never seemed to worry about security. In fact, one of the first things I noticed when arriving in Afghanistan was the lack of fear our Language Assistants, Cultural Advisors and local partners showed when working with us. This is in marked contrast from my observations during three years in Iraq where we lost more than a few interpreters to assassination. Hamid and I have traveled to various provinces throughout the country with the Deputy Minister and we have walked the streets of Kabul, in relative safety. What suddenly changed this? What did I see in his eyes that day that I had seen in the faces of my Iraqi Interpreters? I recognized it as fear and at last the real possibility that the enemy could and would take reprisals on those Afghans who assist us whom they most loathe -- interpreters.

He brought to my attention a communiqué allegedly released by Mullah Mohammad Omar, the leader of the Afghan Taliban, issuing new orders to his commanders in Afghanistan, and obtained by NATO. A NATO spokesman stated that Omar issued the orders from Pakistan, calling on Taliban commanders to capture or kill Afghan civilians working for foreign forces or the Afghan government. This would represent a reversal of a previous order issued by Omar in 2009 directing the Taliban to avoid targeting civilians. In Hamid’s words, “Sir they changed the rules!” I had no idea what he was talking about; rules for terrorists and insurgents? I then remembered that I had first heard about the Taliban’s so called Rule Book from Dr. David Kilcullen, the noted Counterinsurgency theorist and adviser, over lunch at the Army Navy Club in Washington a few weeks prior. He also made mention of it in his book *Counterinsurgency* but only as a passing reference. The idea of a Rule Book for insurgents so intrigued me I decided to find out just what was in it, why it was issued, and how (knowing our experience with the Afghan National Security Force’s [ANSF] habit of disregarding or selectively apply rules) how the Taliban was doing in the compliance arena. I also had to ask myself that if a 25 year old ethnic Tajik living and working in downtown Kabul “knew” the rules, how pervasive among the population was this knowledge and how could it be leveraged?

Professional Military Education for the United States Army Special Operations Forces (Part Three)
by Bradford Burris

One way to educate United States Army Special Operators is by allowing organizational design and individual competencies to form the nucleus of a professional military education curriculum routinely evaluated against assessment variables such as the emerging strategic context, the requests of Theater Special Operations Commands (TSOC) or other customer units, and the feedback of deployed operators. This essay recommends an Army Special Operations Command-focused educational development process applicable to the career-long education and utilization of Special Forces, Civil Affairs, and Psychological Operations professionals.

To make these recommendations, I consider why the organizational structure of the Army Special Operations Forces (ARSOF) should differ from that of their General Purpose Forces counterparts and identify the expected ARSOF mission set for the next twenty years as well as the professional competencies required to execute this expected mission set. I then offer a series of suggestions for how the recommended changes could be implemented.

Unlike the majority of academic thought papers that analyze and present data in a dry and mechanistic fashion, this essay presents several ideas for consideration utilizing the literary medium of fiction. The characters used to convey the ideas herein are figments of my imagination; any relationship to any actual former or future special operator is purely unintentional. What you take away from the following pages will depend on your desire to infer practical concepts from the nascent thoughts presented by members of the USASOC PME working group that, while it does not exist in reality, you will nonetheless find hard at work in the following paragraphs.
Reflections on Algeria’s Islamist Experiences
by CDR Youssef Aboul-Enein, MSC, USN

The revolutionary history of Algeria is inextricably linked to Islamist symbols and activism. It is important to comprehend that Islam tends to be exploited by Near East revolutionary movements as a means of exerting societal control. Upon its independence from France in August 1962, Algeria’s religious clergy, who were long-suppressed by French colonial authorities, called for a rejection of secularism as practiced by the ideals of the French Revolution. The ideals of the French Revolution in its pure form, is a rigid secularism that has no place for God in government life. This form of French ultra-secularism, known as laïcité (laicism), rejects the mention of God in currency, and the invocation of God before and after public speeches. It is a battle being fought in France today pitting the rights of an individual to dress as they please, against attempts to pass legislation on the dress of practicing Muslim citizens. Of course, secularism is not monolithic, thus the attempt to apply laicism in the Muslim world has been met with natural aversion, and Islamist movements reacted strongly to such uncompromising interpretations of secularism.

Download the article: Reflections on Algeria’s Islamist Experiences, Past and Present

One Cell Phone at a Time: Countering Corruption in Afghanistan
by Dan Rice and Guy Filipelli

American commanders are preparing for a major offensive in Afghanistan to attack one of the most formidable enemies we face in country: corruption. Despite sincere efforts to promote governance and accountability initiatives, Afghanistan has slipped from 112th to 105th place on Transparency International’s global corruption index. One reason the international community has been unable to effectively tackle corruption in Afghanistan is that our own reconstruction efforts perpetuate the problem. As Secretary of State Hillary Rodham Clinton recently acknowledged, “Corruption, frankly... is not all an Afghan problem.” Money appropriated to secure and stabilize the country is too easily siphoned and redirected as it changes hands, inevitably making its way to local power-brokers, insurgent networks, and offshore bank accounts, rather than the individuals who need it most. One solution to this problem lies in the palm of our hands: the mighty cell phone.

When Americans first entered Afghanistan in 2001 there was little infrastructure and no banking system in an entirely cash economy. Nine years later it is still a cash economy and 97% of the country remains “unbanked”, but Afghanistan’s thriving telecom industry offers a way to minimize graft. From a standing start, Afghanistan now boasts a cellular network of 12 million cell phones in country of 28 million. Mobile technology is the largest legal, taxpaying industry in Afghanistan and the single greatest economic success story in the country since the fall of the Taliban. The existing network also offers a proven way to help defeat corruption.

Download the article: One Cell Phone at a Time

Afghanistan: It’s Not Over
by Lieutenant General James M. Dubik

In May, 2007 I deployed to Iraq to become the Commanding General responsible for accelerating the growth of the Iraqi Security Forces in size, capability, and confidence. Prior to deploying, I made a series of rounds in the Pentagon and on Capitol Hill. I was met with more condolences than congratulations. The general feeling, no pun intended, was that the war was lost and it was only a matter of time before we would admit our defeat and withdraw. I am getting the same “all is lost” attitude about Afghanistan from what I read and hear around the Washington, D.C. Beltway. We were too quick to declare defeat in Iraq then, and it’s too soon to declare it in Afghanistan now.

We are at a crossroad in Afghanistan, no doubt about that, but the future—success or failure—is not predestined. Our enemy may have a vote, but so do we. What we do, primarily in Afghanistan but based upon decisions in Washington and other Capitols, in the next 12 months will determine our future direction.

Afghanistan is not a “war of choice” as some have recently declared it. It is a war of necessity derived from our self defense. The choice has been how we execute the war that came to us with the 9/11 attacks.

Unfortunately, the war was characterized as a “Global War on Terror.” It was never that. The war that was thrust upon us is a war against Al Qaeda, their ideology, and their affiliates—one of whom had been, and may still be, the Afghan Taliban.

Download the Full Article: Afghanistan: It’s Not Over

The Art of “Campaigning” to Inform and Influence
by Brigadier General Huba W. de Czege

The purpose of this article is to benefit Corps, Division, and Brigade commanders and their staffs who know through experience and education that the purpose of military action is, in every case, to affect the behavior of various groups of human beings in the mission environment toward some greater purpose. They also know that mission successes depend, among other things, on successfully “Informing” the decisions of those who are supporters (or potential supporters) of the aims of the command’s military operations, and on “Influencing” the decisions of those who are, or could be, implacable foes and irreconcilable adversaries. No human endeavor is more difficult than this. And no human endeavor this important is more worthy of careful study.

Download the Article: The Art of “Campaigning” to Inform and Influence
Khashan Tawanestan! “We Can, We Will!”: Shaping the Battlefield in Afghanistan in Dari and Pashto
by LT Sean “Shoe” Stevens

How does a nation conduct a successful counterinsurgency (COIN) operation in a country in which it does not speak the local language? Can we facilitate the development of a transparent, corruption-free Government of the Islamic Republic of Afghanistan (GIRoA) without being able to communicate directly with its people? These are questions that I wrestled with time and time again during my deployment to Afghanistan. I witnessed first-hand a remarkable dearth in the ability of Operation Enduring Freedom (OEF) forces to communicate with Afghans. This lack of language abilities in both American military and civilian forces impedes our counterinsurgency campaign. As my tour in Afghanistan progressed, this realization motivated me to attempt—in some small way—to remedy this problem. As a result, I personally taught Dari to hundreds of military members and civilians, and created a six-lesson syllabus for future teachers to follow. While I experienced small successes as a result of my efforts, they were insufficient to overcome the dearth of language capability that threatens to undermine OEF.

Download the Article: Khashan Tawanestan

Department of Defense Special Branch: An Organizational Proposal for Counter-threat Operations In Low-Intensity Conflicts
by Matthew R. Modarelli

The United States military must develop a single, enduring organization for gathering and acting upon threat information in low intensity conflicts. Around the globe, current and future strategic partners of the United States are mired in bloody and relentless internal wars for stability and legitimacy of government. Since the early 19th century, the US has played an important role in irregular warfare abroad and as the government continues to identify and pledge assistance to struggling nations, that role will expand and grow. With a growth in low intensity conflict missions comes an exponential need to adapt and apply successful information gathering methods from past conflicts. For the US, victory in today’s low intensity conflicts will depend largely on our capacity to enable partner nation counter-threat operations (CTO) conducted primarily by indigenous law enforcement agencies. To succeed in current and future low intensity conflicts, an enduring Department of Defense Special Branch dedicated to the complex mission of working with indigenous special police units and security agencies to gather and exploit threat information must be established.

Download the Article: DoD Special Branch

Nine Years After 9/11: Assessing the War on Terror
by Colonel Joseph J. Collins

It has been nine years since terrorists struck the United States in New York, Pennsylvania, and at the Pentagon, killing nearly 3,000 Americans. Few Americans, especially those of us who were in the Pentagon or near the World Trade Center that day will ever forget it. A modern day Pearl Harbor, 9/11 was a day that radically changed our national security strategy. The smoke, fire, and casualties were stark reminders that the United States had failed to deal adequately with an emerging threat. Nine years of war have followed those attacks. The lives of the agents, police officers, and members of the Armed Forces who fight the war on terrorism -- as well as their families -- have been changed forever.

The costs of this war have been high. Over 5,600 American service members have been killed, and 1,050 of our Western allies have perished. Over 38,000 Americans have been wounded; countless stress and brain trauma injuries must also be added to that human toll. The number of Iraqi, Afghan, and Pakistani dead -- mostly at the hands of terrorists or insurgents -- dwarfs the Western total. The wars in Afghanistan and Iraq alone have directly cost the US taxpayer over a trillion dollars.

This anniversary is an appropriate time to think about where we have been and where we need to be headed in this epic struggle to accomplish the U.S. goal to “disrupt, dismantle and defeat Al Qaeda and its allies.” Much good work has been done, but the nature of the war on terrorism -- the common euphemism for the war against Islamist extremism in its many varieties -- is changing, and the United States needs to chart a new course for the future. It will help any assessment to divide the war on terrorism into four interdependent campaigns: the worldwide campaign, the one on the home front, and the campaigns in Iraq and Afghanistan.

Download the Article: Nine Years After 9/11

Design and the Prospectus for Deviant Leadership
by Christopher R. Paparone

As a follow on to the short essay, “Design and the Prospects of a US Military Renaissance,” (published in Small Wars Journal in May 2010 ), it is also important to pay some attention to the potential impact of design philosophy on the institutionalization of leadership – rephrased, what is the “ideal” leadership model in the context of military design science? Several authors have attempted to reconceptualize organizational leadership to a postpositivist view (postpositivism is the underlying philosophical paradigm shift associated with “design”). The purpose here is to summarize postpositivist views of leadership by three noteworthy authors that are arguably very important to the design mindset: Ron Heifetz of Harvard University, USA; Donna Ladkin of Cranfield University, UK; and, Keith Grint of Warwick University (and formerly of the Defence Academy), UK. This essay will explore the impacts of postpositivist leadership defined by these authors in the context of military approaches to design.

Download the Article: Design and the Prospects for Deviant Leadership
Teaching New Dogs Old Tricks: Can the Hamlet Evaluation System Inform the Search for Metrics in Afghanistan?
by David Gayvert

After years of tracking and reporting various pacification metrics without a uniform methodology or purpose, in 1967 the US implemented the Hamlet Evaluation System (HES) as a critical element in a comprehensive reporting schema that came to include a number of US and Vietnamese metric reports. Although it went through a number of modifications, HES remained in force for the remainder of US active involvement in the conflict, and notwithstanding other meaningful data sources, came to be regarded by many as the single most reliable means of assessing trends in Vietnam pacification efforts. While it had short-comings and its share of detractors, a number of independent studies confirmed that HES was a well-designed and implemented system that met accepted tests of validity and reliability, and provided commanders and policy-makers solid data upon which to base decisions.

Nine years into fighting the Afghan insurgency, neither the US nor its coalition partners have developed a similar uniform means to measure counterinsurgency (COIN) progress. Notwithstanding the hundreds of post-9/11 analyses touting lessons learned, parallels and contrasts between US experiences in Vietnam and the current conflict in Afghanistan, none seems to have considered the development and implementation of HES as potentially instructive in the quest for developing useful measures of current COIN effectiveness. Meanwhile, debate continues over how to track improvement in Afghanistan -- which metrics are valid and reliable, how to collect, normalize and interpret them, and how to get all relevant organizations to agree to a common standard.

This essay argues that a conceptually simple approach like HES may hold elements of solution to the vexing problem of metrics for COIN in Afghanistan. It does not suggest that a “HES for Afghanistan” should necessarily replace current data collection and analysis efforts, nor that the metrics and methodology employed in HES can be seamlessly overlain or incorporated into existing intelligence and reporting structures. It does suggest that a careful examination of the development, implementation, modification, and validation of HES may yield clues for those seeking to put in place meaningful measurements of COIN progress in Afghanistan.

Download the Article: Teaching New Dogs Old Tricks

A Rifleman’s War
by Staff Sergeant Jeffrey Wall

Afghanistan has become a rifleman’s war.

Because we are fighting a counterinsurgency campaign against a tribal warrior society we have and increasingly continued to limit the use of supporting arms. Machineguns are even proscribed in villages and cities for fear of inflicting innocent civilian casualties.

The result is that we must rely more and more on our riflemen to engage and defeat the enemy. We know that 52% of the fights in Afghanistan begin at 500 meters and go out from there.

Recent publications by Dr. Lester Grau (Foreign Military Studies Office) indicate that a majority of the fights in Helmand Province are between 500 and 900 meters.

The problem is that we don’t teach soldiers to engage with their rifles at those ranges anymore.

Download the Full Article: A Rifleman’s War

What the Afghan War Diary Really Tells Us About the Changing Dynamics of the Conflict
by Javier Osorio and Christopher Sullivan

The major news headlines that followed the release of the Afghan War Diary, a collection of tens of thousands of leaked field memos from Afghanistan, describe how U.S. forces are battling an increasingly resilient and well-armed Taliban army. Coverage in the New York Times featured two major stories – an intensive review of events at Combat Outpost Keating, where U.S. forces defended themselves against an ever-growing and more violent Taliban enemy, and the analysis of a half dozen significant incidents highlighting the changing dynamics of the conflict. Coverage in the Guardian, meanwhile, focused on 200 “key events” that documented significant increases in the Taliban’s fighting capacity. Indeed, from these reports it appears as though U.S. efforts in Afghanistan are, at best, maintaining an uncomfortable status quo. At worst, the war is being lost to Taliban forces, whom we now know have been receiving aid from Pakistan.

But how can we draw inferences about a war involving more than 100,000 American soldiers and nearly 10 years of combat based solely on a smattering of documents hand selected by reporters? By purposefully choosing to report just a few hundred documents released as part of the War Diary, and ignoring the broad swaths of data contained in the rest of the records, the existing reporting has opened itself up to charges that the coverage is biased towards the perspective given off by those hand selected documents. A better strategy for understanding what the War Diary can tell us about how the war is faring would be to analyze all of the records and let the data speak for itself.

A statistical analysis of the more than 76,000 events so far released by Wikileaks reveals that the war is not faring as reported on in the major newspapers. The picture revealed is actually much worse.

Download the Article: What the Afghan War Diary Really Tells Us
Hezbollah in the Tri-Border Area of South America
by Cyrus Miryekta

Hezbollah, Lebanon’s Iran-sponsored Shi’i Muslim terrorist organization, has established global networks in at least 40 countries. Its growing presence in South America is increasingly troublesome to U.S. policymakers, yet there are few experts on Hezbollah and fewer still on Hezbollah Latino America. Hezbollah’s operatives have infiltrated the Western Hemisphere from Canada to Argentina, and its activity is increasing, particularly in the lawless Tri-Border Area (TBA) of Brazil, Argentina, and Paraguay. This research was conducted to expose the actions and objectives of Hezbollah in the TBA. The majority of US officials and operators believe that Hezbollah’s terrorist wing is separate from its political wing, but these are misconceptions from people who “mirror-image” the American experience when assessing Hezbollah. Unfamiliarity with the organization makes these assessors vulnerable to its propaganda, which is a severe problem that permeates the US government and its operatives. People who think Hezbollah is or could be compartmentalized or disunited are not familiar with the organization and perceive Hezbollah through the lens of the organization’s extensive propaganda effort. Hezbollah has a large operational network in the TBA, which generates funds for the party, but its primary mission is to plan attacks and lie dormant, awaiting instructions to execute operations against Western targets. The following is a look at Hezbollah’s modus operandi, an analysis of how operational its networks in the Tri-Border Area are, as well as some possible solutions to this threat. First, is an examination of how Hezbollah traditionally operates to establish the context.

Download the Article: Hezbollah in South America

Approaching Doctrinal Training the Army Way
by Morgan Sherran

Our forces were exquisitely trained for the Gulf War. Everyone knew their roles in executing AirLand doctrine. The forces could move forward, backward, left, right and vertically. Each service was able to create the necessary effects at the proper time and place. Specific units trained for the breaching operations, with follow-on operations as their secondary responsibility. They created the breaches while other units passed through and exploited. The exploiting units knew how to breach, but their primary task was to expand and exploit the breach. They were using different tools drawn from the same bag; and they trained these tasks in the standard Army way.

Recent history demonstrates that our bag of tricks is incomplete. Army units should have COIN and Stability capability as part of their repertoire. The secret to that is training. The Army can do anything that it properly trains Soldiers and leaders to do. We can look at our own history for guidance.

Download the Article: Approaching Doctrinal Training the Army Way

Rebuilding the Force: Unconventional Advisory Forces in Counterinsurgency
by Patrick James Christian

The United States Military strategy is in the midst of the largest disarray since the ending of the cold war with global communism in the early 1990s. US Ground forces are now split between two competing and divergent missions: Counterinsurgency Warfare and the projection of High Intensity Combat (HIC) capabilities to its potential adversaries. Even as Army and Marine brigade commanders prepare for their missions in Iraq and Afghanistan, they try to retain one set of HIC skills while learning an entirely new skill-set necessary for the unconventional nature of countering insurgent warfare. Most senior conventional brigade commanders do not believe that they can do both successfully, and their use in one (COIN), renders them less than capable in the other (HIC). Finally, the sheer financial costs of breaking and rebuilding conventional force units for their (mis)use in COIN advisory missions will certainly result in decreased COIN mission performance as well as decreased levels of deterrence of the remaining political states hostile to US interests and objectives. Given the reality that our military and diplomatic forces will be tasked with operating in both the unconventional and conventional theaters of conflict for decades to come, a rebalancing of forces against these mission sets is now a stark requirement that we must accomplish sooner rather than later.

Download the Article: Rebuilding The Force

A Remembrance of 9/11
by Stephen Phillips

Editor’s Note: Small Wars Journal is privileged to present this account of the events at Ground Zero from the perspective of a U.S. Navy EOD Technician working with the Secret Service at the U.N. General Assembly.

Five men stood together on the New York subway car as it headed toward the World Trade Center. Any passengers who noticed them would mark their similarities; athletic builds, short haircuts, and each one wearing the exact same black backpack. A first guess might be that they were missionaries, that their bags were filled with Bibles and proselytizing literature. These men were in fact on a mission, not to convert souls, but to protect heads of state. Their packs did not contain religious paraphernalia, but carried tools of the trade for bomb disposal.

The U.S. Secret Service utilizes military Explosive Ordnance Disposal (EOD) Technicians to provide bomb search services. Thus, EOD Technicians often wear civilian clothes and carry Department of Defense credentials while assisting the USSS in providing a safe environment for the president, presidential candidates, or visiting heads of state. One of the busiest times for the latter mission is during the U.N. General Assembly when dozens of kings, queens, presidents, and prime ministers descend into New York for two weeks of talks. This event occurs annually in September.

Boatswain’s Mate First Class Jim Prewitt and Sonar Technician Surface Second Class James “Billy” Little were two of the five men from EOD Mobile Unit Six heading to World Trade Center Seven (WTC 7) to receive a briefing on their assignments for the U.N. General Assembly. Earlier that morning the pair found a place to eat a big breakfast within walking distance of their hotel. Pre-
witt was amazed as he watched Little consume platefuls of food. He knew that the two sailors were connected for this mission by design. Though clearly seasoned, Little was the junior of the two. Prewitt, though not yet a chief petty officer, had achieved recognition as a Master EOD Technician. In fact, when Billy Little was a student at Naval School Explosive Ordnance Disposal, Prewitt was one of the instructors. Such an encounter is not uncommon in EOD. In a small, select community, instructors often find themselves serving with former students. This is an extra incentive to ensure everyone who emerges from the curriculum with an EOD “crab” -- the breast insignia worn by all EOD Techs - is capable. Thus, while watching Little eat a second helping, not a single concern crossed Prewitt’s mind about the two of them working together in the most dangerous of environments. As they headed for the subway forty minutes later, events were unfolding that would thrust them into such an environment -- Ground Zero of 9/11.

Download the Article: A Remembrance of 9/11

Fighting for a Narrative: A Campaign Assessment of the US-led Coalition’s Psychological and Information Operations in Afghanistan
by Oleg Svet

Despite increases in military and civilian personnel to Afghanistan, the United States is losing in a field crucial to the counterinsurgency’s long-run success: the battle of perceptions. Information and psychological operations have failed to substantially gain support for US-led efforts or gain credible legitimacy for the host nation’s government. Two reasons have contributed to this failure, both unrelated to political or military realities on the ground. The first is that communication methods used by the Coalition often do not reach a majority of Afghan citizens. The second is that the specific messages and general themes that actually make it to Afghan audiences frequently fail to resonate.

This paper analyzes Coalition and Taliban efforts to shape the battle of the narratives through information operations (IO) and psychological campaigns (PSYOP). Geographically, the scope of this paper is Afghanistan and to a lesser degree Pakistan; temporally, attention is paid to more recent efforts, although early operations are referenced as well. The paper first provides an analysis of Coalition and Taliban efforts aimed at influencing the information environment. Next, it offers a general background on the role of information operations in counterinsurgency and insights on Afghan society drawn from anthropology. Finally, drawing on the analysis presented in the first two sections, the paper proposes ways in which the Coalition’s psychological and information operations in Afghanistan can be improved. The three main recommendations are that the US-led Coalition (1) use more traditional and accessible methods of communication; (2) incorporate ethnographic data into its messages; and (3) focus the overall narrative on the country’s tribal and socio-cultural legacies rather than religious aspects.

Download the Article: Fighting for a Narrative

When Relief Aid Becomes Counterproductive: A Study of Intervention in the Congo (2007-2008)
by Marc-Andre Lagrange

Conventional wisdom assumes that insurgencies can be suppressed through the introduction of money and humanitarian assistance into a conflict region. Sometimes, these efforts are counterproductive. Sometimes, the more aid and assistance an external actor introduces, the more the situation is complicated. This essay will describe one such example through my own observations as a humanitarian assistance worker in the Congo from 2007-2008. The purpose of this essay is to describe when humanitarian assistance is counterproductive and introduce a model to assist practitioners working in similar environments.

Download the Article: When Relief Aid Becomes Counterproductive

Comparisons in Nation Building: Korea & Iraq
by Jonathon Stafford

As the American experiment in nation building winds down in Iraq, a perception is slowly being created that combat operations in Iraq are largely over and that the United States is on its way from largely disengaging from Iraq. As the hull in violence in Iraq continues an increasing number of American leaders and opinion makers from both sides of the political debate on Iraq are declaring that the country is stabilizing and becoming a democratic state. For example US President Barack Obama has said:

"Every mission that’s been assigned, from getting rid of Saddam to reducing violence to stabilizing the country to facilitating elections, you have given Iraq the opportunity to stand on its own as a democratic country. That is an extraordinary achievement."

Some media pundits have even declared Iraq a “victory” and speculate that US military operations in the country are largely over. Each side of the political debate has their own reasons for declaring stabilization and victory in Iraq. Despite the political calculations behind these views, should these claims of stabilization and “victory” in Iraq be heeded?

The best way to determine if Iraq is on a glide path to becoming a US allied democratic state or the biggest foreign policy blunder in US history is by comparing the country to other historical nation building efforts the United States has conducted in recent history. Often times the war in Iraq is compared to America’s failed effort in nation building in Vietnam. However, many forget that America’s efforts in nation building amidst an ambiguous and unpopular war actually pre-dates the Vietnam Conflict. America’s first nation building effort amidst an unpopular war was not in Vietnam, but rather in Korea.

Download the Article: Comparisons in Nation Building

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The Fallacies of Fourth and Fifth Generation Warfare
by Derek K. Barnett

In evaluating current warfighting trends (and reconciliatory attempts to understand said trends), it appears the conceptual model of Fourth-Generation Warfare (4GW) (and, by extension, Fifth-Generation Warfare (5GW)) has achieved a level of dominant preeminence to the point of doctrinal establishment. Granted, there are frequent (and cogent) counterarguments against inherent 4GW precepts, but said arguments appear to face an almost uphill battle as 4GW/5GW concepts have permeated through the irregular warfighting spectrum, becoming established as “common knowledge.” As these terms have become commonplace, frequently spoken with self-assured absolutes, it is rather troubling that these concepts of future warfare, intended to reveal (as proponents argue) the myopic stasis of “conventional” understanding, have themselves become a closed and limited paradigm. Thus, the inherent problem with 4GW/5GW (and the difficulty in countering these concepts) is the nature of their own conventionalism.

Download the Full Article: The Fallacies of Fourth and Fifth Generation Warfare

Drone Attacks and Just War Theory
by William O’Hara

The philosopher Cicero once wrote: Silent enum leges inter arma – or laws are inoperative in war. Despite the temptation in the age of technology to utilize new combative innovations to their full and most exact advantage, we must not fall prey to the falsehood presented by our Roman ancestor. With a new capability for waging war comes the requirement of determining in what capacity that capability should be utilized within the confines of a modern limited war. It is with this in mind that the United States tactic of targeted killing utilizing unmanned aerial vehicles (termed drones) must be evaluated. While the Obama administration insists that they have been following all laws of war in the execution of their strikes, not all of the international community agrees.

Utilizing the most fundamental principles of the law of war – Just War Theory (JWT) – this paper aims to frame the discussion surrounding targeted killing. Much of the international law applicable to drone attacks are derived from JWT, but current interpretations of that law are often quite diverse, from the hawkish to the overtly pacifistic. Some insist that the standing law indicates that drone strikes should be nearly unlimited; others argue that the practice should be conducted on a significantly limited basis. This paper will utilize thought from contemporary JWT scholars and the underlying purpose of limited war in an attempt to find a common ground in statutory interpretation.

While JWT offers guidance on both when to use force and how to use force, this paper will focus on the latter, commonly recognized as the jus in belli principles of distinction and proportionality used to conduct a limited war. Part I of the paper will provide a synopsis of JWT jus in bello development and principles, and how it has been adopted into both customary international law and international treaties. Part II of this paper will first apply JWT derived standing law to a standard example of drone targeted killings. Subsequently, JWT principle and law will be applied to two different case studies in which the utilization of drones threatens to breach the boundaries of JWT, while providing guidance as to where hard lines on the jus in bello application of drones should be drawn. The case studies serve one purpose – to create a fertile environment for different interpretations of jus in belli principles (codified into law) to be discussed. These interpretations, as mentioned earlier, are often disparate; in such cases, the original purposes of JWT, and contemporary scholarship on the subject will hopefully help highlight the proper opinion.

Download the Full Article: Drone Attacks and Just War Theory

Plan Mexico? Towards and Integrated Approach in the War on Drugs
by Alfonso Reyes

The illegal drug trade has been present in Mexico since the beginning of the twentieth century when prohibition of the opium trade started. Since then, the social harm of the illegal drug trade in all its forms has been constantly increasing. Today, the most obvious example of the social harm of the illegal drug trade in Mexico is drug-related crime. As a result, Mexican authorities have launched a frontal attack against the drug cartels in an effort to reduce drug-related violence. However, the results of these efforts have not been as expected. One of the main problems that Mexican authorities face in their war on drugs is the lack of a well-coordinated anti-drug strategy to fight the illegal drug trade. Further, the efforts made by the Mexican government are based on a supply-reduction approach that has proved ineffective both in Mexico and around the world over the last century because it is not aimed at the social roots of the illegal drug trade. Thus, Mexico’s war on drugs has become a never-ending story. This thesis traces this history and then proposes a broader integrated approach based on attacking the roots of the illegal drug trade in Mexico.

Download the Article: Plan Mexico?

Iraq: Finding a Victory
by Gene C. Kamena

When the President announced the end to combat operations in Iraq; Operation Iraqi Freedom ended, but is our mission in Iraq finished? As one of over a million veterans who served and fought in Iraq, I cannot help but ask, “Did we win and was this effort worthwhile?” We were the seven and half years of American commitment worth the cost in terms of lives, national treasure, and disruption to families? Today, it feels like a hollow victory; fifty thousand fellow Americans are still in Iraq, the Iraqi government is in turmoil, and violence is on the rise. In this war where nothing was as it appeared, the enemy at night acted as your friend during the day, and liberators were often painted bad as people in the international media. Alas, it may be fitting to have an inconclusive end to our involvement in Iraq.

Download the Article: Iraq: Finding a Victory
The Use of Pseudo-Operations in AFPAK Theater
by Ronald Holt

What would be the effect if we had small integrated groups of former Taliban and US Special Operators working together, masquerading as Taliban, living off the villagers as the Taliban do, and feeding USSOCOM actionable HUMINT?

This short paper is designed to be a “thought-piece” with the purpose of stimulating “out of the box” ideas. Pseudo Operations involve recruiting and training ex-insurgents to operate as insurgents and produce intelligence, cause enemy casualties, and create distrust between the local population and the insurgents. Such on the ground intelligence gives a deeper picture of enemy intentions, infiltration routes and support amongst the local population. Real-time intelligence can lay the groundwork for successful direct actions missions. Sometimes pseudo-operators will disguise themselves as members of adjacent countries’ military in order to operate in enemy sanctuaries. In this paper I will argue that Pseudo-Ops might be of use given the current situation in AFPAK and particularly in southern Afghanistan and in areas of Pakistan such as North Waziristan or even Baluchistan.

Download the Article: The Use of Pseudo-Operations in the AFPAK Theatre

Hezbollah: The Party of God
by Roy Keyes

Viewed as both hero and villain, Hezbollah is possibly the most dangerous terrorist organization in the world today. Hezbollah’s worldview is fueled by the perception that the Muslim world is experiencing a period of deep crisis and as a result, members of the organization are encouraged to strike at the forces of evil in the world in order to accelerate the final battle between Muslims and the West (Hezbollah Dossier, 2009).

Download the Article: Hezbollah: The Party of God

The Iranian Ballistic Missile Threat And A “Phased, Adaptive Approach” to Missile Defense in Europe
by John D. Johnson

Iran’s position in the Middle East is unique. Iran is a Persian country surrounded by Arabs and other non-Persian ethnic groups. Iran is a Shia Muslim country surrounded by mostly Sunni Muslims and some Christians. It sees the presence of Western militaries in neighboring countries such as Iraq and Afghanistan. As such, Iran perceives an existential threat. Feeling threatened, Iran continues to develop offensive and defensive military capabilities including long-range ballistic missiles and proxy groups, and probably views a nuclear-armed ballistic missile as a credible deterrent against an external attack.

The threats posed by Iran’s ballistic missiles and the nexus of Iran’s ballistic missile and nuclear weapons programs are of great concern to the U.S., NATO, and the international community. While Iran claims its missiles are defensive in nature and its nuclear program is for peaceful purposes, insufficient cooperation and transparency on Iran’s part leaves these claims open to serious debate.

Given Iran’s military capabilities and ambiguous intent, the international community has gone to great lengths to engage Iran diplomatically. The U.S., NATO members and Middle Eastern countries have also engaged in threat mitigation activities including non-proliferation efforts, economic sanctions and the deployment of missile defense systems.

In September 2009, President Barack Obama announced a new U.S. missile defense policy for Europe called the Phased Adaptive Approach (PAA). The new U.S. approach is largely based upon the growing threat posed by Iran’s ballistic missile capability.

At the Lisbon Summit in November 2010, NATO will consider the Iranian ballistic missile threat and decide whether to make missile defense of Alliance territory a NATO mission.

This article examines NATO and U.S. perspectives of the threat posed by Iran’s ballistic missiles, reviews missile defense policies, and makes recommendations related to NATO missile defense policy as follows:

- NATO should make missile defense a NATO mission at its November Summit.
- NATO should merge the U.S. PAA capabilities with NATO’s Active Layered Theatre Ballistic Missile Defence (ALTBMD) capabilities to create one overarching NATO missile defense shield.
- NATO members should agree to provide funding and to make national contributions to the overall missile defense shield (e.g., Aegis-capable ships and the purchase of SM-3 missiles for those ships).
- NATO should increase cooperation with Russia on missile defense, particularly where PAA plans are being laid to place future missile defense infrastructure in Eastern Europe.
- NATO should intensify nuclear and missile nonproliferation strategies vis-à-vis Iran; the U.S. and NATO must engage countries such as Russia, Turkey, China and India to find common ground on the implementation of UNSC sanctions.

This article first looks at perspectives of the Iranian ballistic missile threat, followed by a review of NATO and U.S. missile defense policy for Europe, and concludes with several analytical findings.

Download the Article: The Iranian Ballistic Missile Threat
The Mumbo-Jumbo of Design: Is this the Army’s EBO?
by Andrew B. Nocks

The United States Army (and Joint Community) has been on a Design path before. In 2002, the United States Air Force began its campaign to explain to the broader joint community the power and value of the emergent concept of Effects-based Operations (EBO). In a condition setting white paper, it stated that “the concept of EBO is not well understood and requires further elaboration to ensure it is used properly. EBO is not a new form of warfighting, nor does it displace any of the currently recognized forms of warfare. EBO is a way of thinking or a methodology for planning, executing, and assessing operations designed to attain specific effects required to achieve desired national security outcomes.”

The joint community embraced what the Air Force was selling and EBO began its proliferation across the services, to include the United States Army. “While EBO is not a joint or Army doctrinally approved concept, many commanders have found EBO beneficial, and incorporated aspects of the concept into their decision-making and staff process. Effects-based operations is both a way of thinking about operations and a set of processes and procedures for planning, executing, and assessing operations.” After a period of several years and continuous dialogue, discussion and debate internal and external to the Army, in July 2008 General James N. Mattis, USMC, who commanded the U.S. Joint Forces Command (USJFCOM), issued a decree that EBO in and of itself was dead as a foundational concept for joint or service operations. General Mattis stated “After a thorough evaluation, it is my assessment that the ideas reflected in EBO, ONA, and SoSA have not delivered on their advertised benefits and that a clear understanding of these concepts has proven problematic and elusive for US and multinational personnel…. It is my view that EBO has been misapplied and overextended to the point that it actually hinders rather than helps joint operations.”

Download the Full Article: The Mumbo-Jumbo of Design

The Troubles in Northern Ireland: Conflict Resolution and the Problem with Being “Reasonable”
by Imogen Baxter and Robert Crawford

Recent events have brought a stark warning that, when it comes to peacemaking and the resolution of conflicts, pinning hopes on goodwill, or asking people to be ‘reasonable’, is just not enough. The morass between Israel and the Palestinian territories, in Afghanistan, or in Iraq, illustrate that every week. Now we have had another reminder, much closer to home, from an old foe. There have been multiple incidents related to dissident Republican terrorist groups. Indeed, there has been a significant surge in dissident activity throughout this year, including widespread rioting in Catholic areas of Belfast in July. On 14 August, a bomb detonated in a wheelie bin in Lurgan, injuring three children. Beforehand warnings were given of a bomb being placed near a school; the suspicion is that the device exploded prematurely, it being intended to kill the police officers searching in response to the school threat. That night, police officers investigating warnings of other devices were attacked by petrol bombs and missiles. On 16 August, Patrick Mercer MP expressed the view that Oglaigh na hÉireann, a splinter group from the Continuity IRA, aim to renew attacks on British targets. When faced with this kind of situation, it is all too easy to simply cross our fingers and hope for the best. It is similarly tempting to shout ‘Oh, come on!’ at the television screen. But hoping for ‘reasonableness’ as a means of resolving conflict is inadequate, and Northern Ireland illustrates this point well; perhaps too well.

One of the worst fallacies in contemporary public life is the plea that if only people were more ‘reasonable’, problems could be resolved to everyone’s satisfaction. The academic Professor Mary Kaldor, in a major book on modern war, actually contends that ‘No solution is workable based on the political goals of the warring parties … Once the values of inclusion, tolerance, and mutual respect are established, the territorial solutions will easily follow.’ The unstated assumption in this view of the world is that if we approach a problem in a spirit of conciliation and willingness to see the other side’s point of view, a successful compromise can be found. But this underestimates the sheer difficulty of reconciling conflicting interests; of bridging gaps; and locating solutions. Look at the ongoing border tensions involving Venezuela, the Columbian government, and the FARC rebels. Clearly, human reason can only take us so far. The blunt truth is that people will disagree over really important things, and are sometimes willing to fight, and kill, each other. In its implications this is tragic, and saying it often provokes hostility. But realising its essential truth should be part of debate in a mature democracy. It is comforting to think that if we were only more reasonable everything would be alright. Unfortunately it isn’t true.

Download the Article: The Troubles in Northern Ireland

Three Wickets and a Bulldozer: Overcoming Afghanistan’s Geopolitical Barriers
by James C. Larsen and Scott Kesterson

This strategic and operational-level proposal discusses some of the important dynamics at play in Eastern and Southern Afghanistan, as observed by the authors from 2002 - 2009. It identifies key, positive catalysts that have been largely overlooked or under emphasized by the Coalition, its international and interagency partners, and the Afghanistan National Security Forces. The authors believe that these catalysts, if applied in a geographically focused and integrated manner, rapidly expand social networks across tribes, increase the amount and fidelity of human intelligence, and multiply areas of influence to overcome Afghanistan’s geopolitical boundaries. This proposal offers an Afghan-centric and network-centric approach to counterinsurgency that ultimately leads to insurgent defeat in Afghanistan and the Federally Administered Tribal Area of Pakistan, as well as a unified Afghanistan with rule of law and economic prosperity.

Success demands a network-centric strategy that creates integrated and expanded social networks through linked centers of commerce. The coalition needs a unified and inter-dependent strategy with an end game. The strategy must be simple and consistent with Afghan culture and thinking. Furthermore, the strategy should shift from a mirror imaging Western social and cultural paradigms of the 21st century, and chart progress in terms of starting points and relevant progress with the context of Afghan culture. To this end, success is about exploiting that which goes too often unobserved with audacity and creativity to attack and erode the enemies’ strengths and minimize ancient tribal structures.
Achieving an end game is ultimately not found in the application of kinetic warfare, but rather in the folds of daily life.

Download the Article: Three Wickets and A Bulldozer

Terrorism, COIN and National Security
by Francisco Jose Moreno

As a reaction to the 9/11 attacks, the United States invaded Afghanistan to kill or capture Osama bin Laden and to destroy his organization. The pursuit of bin Laden and Al Qaeda soon became a battle against the Taliban and as time passed the original mission receded into the background.

The Taliban lost control of the government, but it did not wither away. As the search for terrorists in Afghanistan turned into an all-out war against the Taliban, the 9/11 connection became increasingly difficult to retain. New reasons for staying in Afghanistan were then offered. In March 2003 the U.S. undertook the invasion of Iraq. While the new explanations for the Afghanistan war had been a stretch, the attack on Iraq obeyed no discernible logic and the attempts to justify it were mere fabrications. Despite the repugnant character of his regime, Saddam Hussein had no involvement with 9/11 and, as far as anyone has been able to show, posed no threat to any vital American interest.

The balance sheet of American actions in Afghanistan and Iraq is not a positive one.

Download the Article: Terrorism, COIN, and National Security

A Culture of Inclusion
by Captain Nathan Finney

Observers and commentators on modern American foreign policy have consistently identified that collaboration between the elements of national power appear to be punctuated by years of uncoordinated programs and internecine fighting. In the past the U.S. approach (to foreign policy) was a rather messy amalgam of the dominant preoccupations of the Department of Defense, State Department, and USAID, oftentimes in that order. Broadly speaking, the Pentagon views fragile and post-conflict states primarily through the national security prism, as part of a larger counterterrorist and counterinsurgency agenda, with a particular focus on the Muslim world; the State Department is preoccupied with transforming a wider range of weak and war-torn states into effective democracies; and USAID regards state weakness as a developmental challenge to be addressed by working with local actors to create the institutional foundations of good governance and economic growth.

In response a 3D (defense, diplomacy, and development) approach is a recent concept described by senior U.S. government officials, including the Secretary of Defense in his Landon Lecture at Kansas State University and the then Secretary of State-select in her testimony before the Senate Appropriations Committee. This approach highlights the need for an increased focus on balancing defense, diplomatic, and developmental elements of national power. It provides “a national security tool chest that has been enhanced with a wide variety of capabilities which would flow from the integration of our nation’s soft power.”

Download the Article: A Culture of Inclusion

Mission and Morality: Tough Choices for Advisors, Mentors and Team Leaders
by Gene C. Kamena

In a recent article published in Foreign Affairs, Robert M. Gates, our Secretary of Defense, stated “Within the military, advising and mentoring indigenous security forces is moving from the periphery of institutional priorities, where it was considered the province of the Special Forces, to being a key mission for the armed forces as a whole.” The number of military advisors, mentors and special team leaders, directly involved in training our allies continues to grow and will be of keen interest for some time to come.

Advisors and team leaders undergo specialized training and for the most part are prepared to face the challenges of their duties. However there is one shortfall, a gap so to speak, in the training of advisors, mentors and team leaders (grouped and termed “advisors” for the purposes of this article.) Advisors often confront crime, corruption and immorality (CCI) on the part of our host nation partners -- a task requiring more attention, research and resources.

Download the Article: Mission and Morality

The Afghan National Security Force: A Progress Report
As Prepared Remarks to the NATO Military Committee
by Lieutenant General William B. Caldwell, IV Commanding General, NATO Training Mission-Afghanistan

If we do not continue to resource the training mission in Afghanistan, we will definitely delay transition.

Tactical gains on the battlefield will not be enduring without a self-sustaining Afghan Security Force. To create this force, we must professionalize the police, army, and air forces; create viable logistics and medical systems; and improve the infrastructure and the institutions that train and educate them...above all, we MUST have the trainers to develop them. We cannot meet our goals without the resources to achieve them. As our Secretary General said recently, “no trainers, no transition.”

This transition to Afghan lead is critical to Afghanistan and requires Afghan soldiers and police that are capable of independent security operations and have the capacity to generate and sustain their own forces. To do this, we must support the Afghan government in the development of this capacity, while building systems to set the conditions for transitioning the lead ...in other words ...developing the Afghan National Security Force is transition.
As SACEUR said earlier this month while visiting us in Afghanistan, “Training is Job One.” Our most urgent need to accomplish this job is getting the coalition trainers required. We are at a critical stage in the development of the Afghan National Security Force. This past year our focus was on generating quantity...combat formations, battalions that we sent into the fight. But now, we must create a force that can generate, equip, and sustain itself to serve and protect its people; therefore, we must build the critical support formations over the next year, and professionalize this force. Accomplishing this will require additional NATO institutional trainers with special skill sets...skill sets to create and develop Afghan logisticians, maintainers, communicators, intel analysts, and the leaders this security force requires. The majority of this increase occurs in the six month period between this December... and next May.

If we do not resource this critical phase of the mission...and resource it soon...the Afghan National Security Force will not be self-sufficient... in time to begin the process of transition next year. If they are not self-sufficient, then we... cannot transition...

Read LTG Caldwell’s Full Prepared Remarks to NATO’s Military Committee

Design for Napoleon’s Corporal
by Dale C. Eikmeier

This explanation of FM 5-0’s Design is for the Everyman, or as the title suggests the proverbial Napoleon’s Corporal. It is for those with a need to use Design but lack a 100 plus hours of specialized Design instruction. The focus here is on the “how to” techniques of Design rather than its cognitive theories. More simply this is about telling time, not building a watch. The techniques offered are only suggestions or aids, not prescriptions. These techniques are meant to serve as start points or considerations as the Design process starts and hopefully contribute to a better Design outcome.

Download the Article: Design for Napoleon’s Corporal

WikiLeaks, Media, and Policy: A Question of Super-Empowerment
by Adam Elkus and Captain Crispin Burke

Military operations have always been subjected to the effects of disruptive powers far beyond the control of the field commander. From the court intrigues of the past to today’s domestic catfights, politics has definitely never stopped at the water’s edge. Events such as the recent series of WikiLeaks scandals and Rolling Stone’s expose on General Stanley McChrystal are evolutionary, rather than revolutionary in nature.

Nevertheless, analysts and pundits have pointed out that modern information technology and media have allowed elements beyond the military's direct control—so-called “super-empowered” individuals—greater opportunities to alter state policy through disruptive actions. However, neither WikiLeaks nor the McChrystal scandal significantly altered war policy. Momentary disruption, no matter how severe, does not matter if the basic policy remains unchanged. Both cases suggest that we ought to have a more tempered view of technology, individual influence, and change.

Download the Full Article: A Question of Super-Empowerment

Penny Packets Revisited: How the USAF Should Adapt to 21st Century Irregular Warfare
by Ben Zweibelson

This white paper will argue that C2DE in irregular warfare conflicts should be replaced with decentralized control, decentralized execution (DCDE) in a ‘penny packets revisited’ format utilizing lessons drawn from the French military in Algeria. This is a three part argument and requires the Air Force to adapt turbo-prop platforms in lieu of their preferred F-22s/F-16s and decentralize them at locally positioned forward operating bases within each irregular area of operations requiring ground assets. Lastly, the Combined/Joint Force Air Component Commander (C/JFACC), Joint Air Tasking Cycle, Joint Air and Space Operations Plan, Air Operations Directive, and Master Air Attack Plan all need significant dismantlement and refinement in irregular conflict environments for this ‘penny packets revisited’ to work.

Download the Article: Penny Packets Revisited

“Right Tech” Solutions for USAF Security Force Assistance
by Mike Lydon

To conduct the SFA mission the USAF needs the ways and means to engage some of the fragile, failed or failing states that can still generate international threats within their ungoverned spaces. Some are key regional states that are proximate to strategic resources and transportation corridors. The USAF effectively mentored many developing nations following WWII using US aircraft. Now even USAF ‘surplus’ F-16A cost over $90M. When the National Domestic Product of a nation is the same as one aircraft, the rational choice is to do without.

What do Cambodia, Eritrea, Guyana, Mauritania, Mongolia, Pakistan, Paraguay, Peru, Sri Lanka, Tanzania, Kenya and Zambia all have in common? These countries bought the Chinese Harbin Y-11 light utility aircraft over the last few years. The aircraft can haul 17 passengers or up to 2 metric tons over a 1000 km. It’s in the same class as a Caravan or King Air. The question to ask from these sales is not how to buy the company stock, but who taught those pilots how to fly? Who do the partner nations call when they need advice and whose values and influence was transferred in the process?

For the USAF, Airpower and SFA is a ticket out of constant employment of our US forces, aircraft and tax dollars. The USAF must build the capability to directly engage, teach, and support the smaller, poor nations that need our expertise, helping them to defeat local or global terrorist networks and stabilize their local regions.

Download the Article: Right Tech Solutions for USAF SFA

smallwarsjournal.com
The Village Engagement Center: Stabilizing One Village at a Time
by M. Shands Pickett

The International Security Assistance Force (ISAF) understands the need to develop “local knowledge, cultural understanding, and local contacts” in order to implement a successful counterinsurgency strategy in Afghanistan. And it has developed a handful of brigade-level tools like Agriculture Development Teams (ADTs), Provincial Reconstruction Teams (PRTs), Operational Liaison Teams (OMLTs), and Police Operational Liaison Mentor Teams (POMLTs) to work directly with the local population and build connections between Afghans and the Government of the Islamic Republic of Afghanistan (GIRoA). Each ISAF forward operating base (FOB) typically has most, if not all, of these teams on-base.

However, ISAF’s brigade-level assets are hamstrung by a forward operating base-centric footprint. To partner effectively with Afghans, the various teams (or “functional enablers” in ISAF parlance) must establish a presence in the villages they hope to assist—a whole-of-place concept called the Village Engagement Center (VECs). Only full-time interaction outside the base gates with both local Afghans and GIRoA counterparts will give ISAF’s functional enablers the village-level contextual knowledge necessary to create meaningful change. This is an idea with precedence from the Marines’ Combined Action Program (CAP) in Vietnam to a program, the Village Stability Platform (VSP), currently operated by Special Operations Forces in Afghanistan. The Village Engagement Center is not another new capability but is instead an organizing principle for existing assets. It pushes those functional enablers off of ISAF bases, thereby helping Afghan communities to resist insurgent pressures while increasing their stake in GIRoA’s success.

Download the Article: The Village Engagement Center

Breaking Ranks?
by Lieutenant Colonel Paul Yingling

There is no constitutional principle more important to a democracy than civilian control of the military. Unless the armed guardians of the state remain strictly subordinate to civil authority, no other liberty can long remain safe. In “Breaking Ranks: Dissent and the Military Professional.” (Joint Force Quarterly) Lt. Col. Andrew Milburn challenges this vital constitutional principle, arguing that “there are circumstances under which a military officer is not only justified but also obligated to disobey a legal order.”

Milburn bases this argument on three propositions. First, that a military officer’s commission and professional standing “grant him moral autonomy and obligate him to disobey an order he deems immoral.” Importantly, Milburn defines an immoral order as one “likely to harm the institution writ large – the Nation, military, and subordinates.” Second, that “the military professional’s obligation to disobey is an important check and balance in the execution of policy.” Finally, that “the military officer must understand that this dilemma demands either acceptance of responsibility or wholehearted disobedience.”

The first proposition elevates military officers to the status of morally autonomous actors ultimately accountable only to their own consciences. Unlike other government officials, Milburn’s military professional may substitute his judgment for the will of the public as expressed in law and the lawful orders of elected or appointed leaders. The benchmark by which Milburn’s morally autonomous professional makes such a judgment is the individual officer’s morality. Milburn’s moral criteria are particularly interesting -- the wellbeing of the Nation, the military and subordinates are co-equal priorities. Indeed, Milburn asserts that military officers have “sworn to defend the Constitution and safeguard the welfare of his subordinates.”

Download the Article: Breaking Ranks?

The Fight for Marjah: Recent Counterinsurgency Operations in Southern Afghanistan
by Brett Van Ess

In early 2010, in response to violent and rampant insurgent operations in the long-held Taliban stronghold of Marjah, located in central Helmand province, the International Security Assistance Force and the Government of the Islamic Republic of Afghanistan began implementing a population-centric counterinsurgency campaign. This strategy stands in contrast to the counternarcotics and counterterrorism focus in Marjah from 2001 to late 2009. Initial elements of this new campaign plan were implemented in February 2010 when Operation Moshtarak began in Marjah.

This paper details the counterinsurgency (COIN) operations in Marjah over the last year. The first section of the paper provides a background on operations in Marjah from prior to 2009 and an explanation of the structural organization of insurgent forces in Marjah. The second section of the paper describes Operation Moshtarak, the February 2010 assault on Marjah. This section details efforts by ISAF and Afghan forces to clear insurgents from their stronghold in Marjah as well as the actions by insurgent fighters to target ISAF forces and to maintain their influence over the population through intimidation. The paper concludes with a discussion of governance and policing efforts in Marjah. Counterinsurgent forces struggled to form a legitimate political authority and police force capable of convincing the local population that a new governing authority would bring security to Marjah. The case study of Marjah provides useful examples of successful and failed tactics and policies for future COIN operations in southern Afghanistan.

Download the Full Article: The Fight for Marjah