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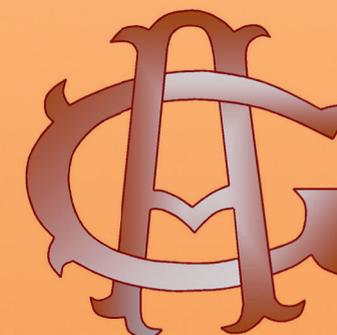
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U.S. TACTICAL CHALLENGES IN IRAQ AND AFGHANISTAN: FINDING THE PROPER BALANCE BETWEEN FORCE PROTECTION AND COLLATERAL DAMAGES

Desafíos tácticos de EE. UU. en Iraq y Afganistán: encontrando el equilibrio adecuado entre la protección de la fuerza y los daños colaterales

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Resumen: Las fuerzas armadas estadounidenses en Irak y Afganistán se enfrentaron a un difícil desafío. Los soldados y los infantes de marina necesitaban combatir una fuerza viciosa e irregular de los insurgentes talibanes. Al mismo tiempo, había que tomar el mayor cuidado para evitar las bajas civiles. Evitar daños colaterales fue más fácil decirlo que hacerlo. Altos líderes militares estadounidenses como el Almirante Mike Mullen, el General Stanley McChrystal y el General David Petraeus implementaron una serie de cambios doctrinales para evitar las bajas civiles. Pero cambiar la mentalidad y el adiestramiento de los soldados norteamericanos no fue una tarea rápida, especialmente cuando las restricciones en el uso de la fuerza pusieron en riesgo al personal estadounidense.

Palabras claves: Convenios de Ginebra, Ley de conflicto armado, Uso de la fuerza, Irak, Afganistán, Estados Unidos, Talibán.

Abstract: U.S. military personnel in Iraq and Afghanistan faced a difficult challenge. The soldiers and marines needed to combat a vicious, irregular force of insurgents. At the same time, utmost care had to be taken to avoid civilian casualties. Avoiding collateral damages was easier said than done. Senior U.S.

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military leaders like Admiral Mike Mullen, General Stanley McChrystal, and General David Petraeus implemented a number of doctrinal changes to avoid civilian casualties. But changing the mindset and training of U.S. soldiers was not an overnight task, especially when restraints on the use of force put U.S. personnel at risk.

Key words: Geneva Conventions, Law of Armed Conflict, Use of Force, Iraq, Afghanistan, United States, Taliban.

INTRODUCTION

U.S. forces faced a number of important strategic and operational challenges in Iraq and Afghanistan: urban warfare, government corruption, tribal alliances, illegal drug trafficking, terrorism, and doctrinal counterinsurgency issues. One of the biggest tests of the long wars in Iraq and Afghanistan is how U.S. military leaders managed the delicate balance of avoiding civilian collateral damage while simultaneously allowing adequate rules of force protection for U.S. military personnel.

Soldiers and Marines suffered major casualties from roadside bombs, Taliban snipers, and suicide attacks that sometimes infiltrated the depths of government bulwarks in Kabul and Baghdad. Coalition truck convoys were particularly vulnerable. Two-thirds of U.S. casualties in Iraq and half of US casualties in Afghanistan were caused by improvised explosive devices (IEDs) buried along the roads.

TACTICAL CHALLENGES OF CONTEMPORARY URBAN WARFARE

Needless to say, security missions often put United States service members in danger. The counterinsurgency strategy partially implemented in Afghanistan in 2006 and Iraq in 2007 forced U.S. soldiers and marines to patrol the streets on foot, provide security on lengthy highways, set up outposts in places far from any immediate relief from the ground force, and to search for insurgent leaders in suspected houses.

Despite the challenging operating environment, top U.S. leaders acknowledged that the fastest route to victory was through the population. Avoiding harm to civilians would generate legitimacy and cooperation among the population. This, in turn, would produce military intelligence for coalition forces, reduce insurgent influence and support among the population, and provide an opportunity for struggling governmental institutions to get organized. In the short term, it was a zero-sum game: greater efforts to avoid collateral damage meant a greater risk to the U.S. military. But in the long run, U.S. officials realized, such efforts would shorten the war and save American lives.

The United States faced a savage enemy. The militants did not wear uniforms, were mixed among the population, and could not easily be distinguished from innocent civilians. In addition, the insurgents showed little regard for the laws of armed conflict. Frequently, they used human shields, operated from mosques and schools, launched terrorist attacks on civilians, and tortured or killed their captives.



Image 1. Angry Iraqi protesters confront U.S. soldiers.

Caption: U.S. soldiers in Iraq, well trained in the Law on Armed Conflict, were not prepared for the type of police operations required in a counterinsurgency strategy. Photo credit: Associated Press, Murad Sezer.



Image 2. U.S. soldiers detain suspected insurgents in 2004.

Caption: U.S. troops in Iraq conducted thousands of home searches in an attempt to find weapons and insurgent leaders. To minimize civilian casualties, soldiers were ordered to announce their presence and intent to enter, a requirement that many believed sacrificed their element of surprise. Photo credit: Chris Hondross, Washington Post.

Public perception also placed great pressure on U.S. political and military leaders to protect Afghan civilians. According to the results of the survey, the perceptions of many Arab countries were that the United States did not make great efforts to protect civilians. According to a Pew Global Attitudes survey in June 2003, most citizens of the Arab countries considered that the United States “did not go to great lengths” to avoid civilian casualties in Iraq. This opinion was practically unanimous in Jordan (97%) and in the Palestinian Authority (95%) and is widely shared in Morocco (91%), Turkey (88%), Indonesia (83%) and Pakistan (81%)¹.

Avoiding collateral damage was easier said than done. In these difficult conditions, soldiers had to take additional risks to avoid harming non-combatants. When there was an encounter with militants in an urban area, the soldiers often had to hesitate to confirm the identification of their target before deciding what action was appropriate. Hesitancy meant the difference between life and death. Some military forces, at this time of decision, resorted to force protection of their own unit rather than practicing the self-control necessary to prevent civilian casualties.

SENIOR U.S. LEADERS’ TACTICAL GUIDANCE

Senior DOD officials acknowledged that human rights violations and civilian casualties endanger the entire U.S. mission. To minimize civilian casualties, Admiral Mike Mullen, Chairman of the Joint Chiefs of Staff from October 1, 2007 to September 30, 2011, encouraged U.S. forces to use discipline and discretion while operating in areas of civilian population. “Each time an errant bomb or a bomb accurately aimed but against the wrong target kills or hurts civilians, we risk setting our strategy back months, if not years. Civilian casualty incidents... hurt us more in the long run than any tactical success we may achieve against the enemy,”² he said.

1 Pew Global Attitudes Survey, link: <http://www.pewglobal.org/2003/06/03/chapter-1-post-war-opinions/>
Also see Kahl, Colin H, “How We Fight,” *Foreign Affairs*; 85, 6 (Nov/Dec 2006), p. 83.

2 Landon Lecture Series Remarks. Adm. Mike Mullen, chairman of the Joint Chiefs of Staff, Kansas State University, Manhattan, Kansas Wednesday, March 03, 2010.

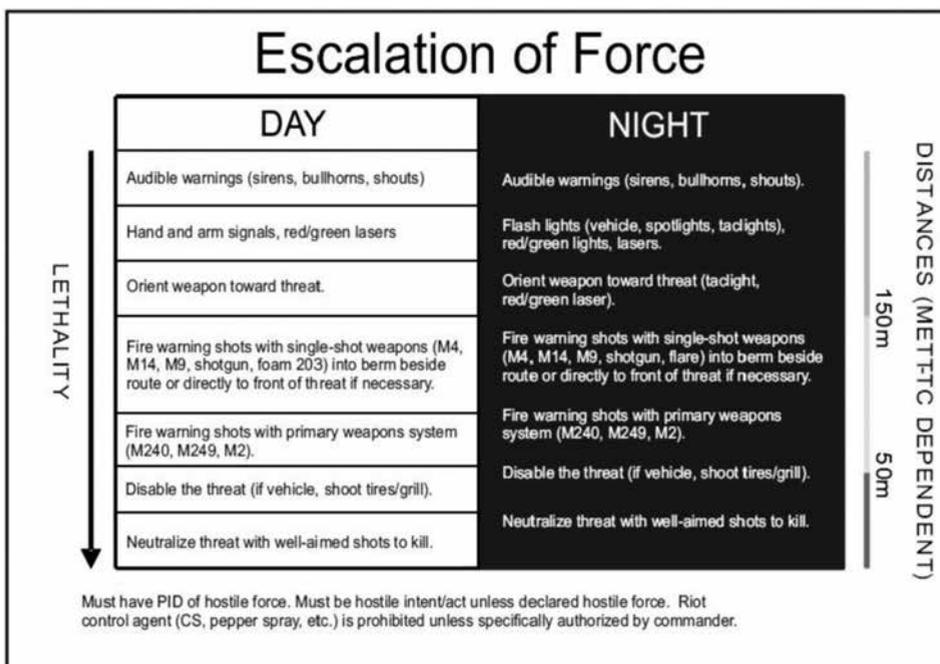


Image 3. Escalation of force techniques.

Caption: Initially, U.S. forces were not very familiar with escalation-of-force techniques. In 2004 and 2005, Army leaders developed guides for the use of force for both day and night operations. Graphic by the author.

In Afghanistan, General Stanley McChrystal, Commander of the International Security Assistance Force (ISAF) and Commander of the United States Forces Afghanistan (USFOR-A), was under intense pressure from the U.S. and Afghan governments to minimize collateral damage during night raids. Shortly after taking power in June 2009, McChrystal acknowledged the greater risk that his population-centered strategy would entail for U.S. forces in Afghanistan. As one of his first orders, he tasked commanders to use more discretion and restraint with the use of force. “I recognize that the carefully controlled and disciplined employment of force entails risks to our troops but excessive use of force resulting in an alienated population will produce far greater risks,”³ he said.

3 U.S. military operations in Afghanistan and Iraq are governed by the Law of Armed Conflict (LOAC), not human rights law. The author uses these examples and anecdotes to demonstrate the human rights challenges associated with such operations. See ISAF Commander Counterinsurgency Guidance, http://www.nato.int/isaf/docu/official_texts/counterinsurgency_guidance.pdf.

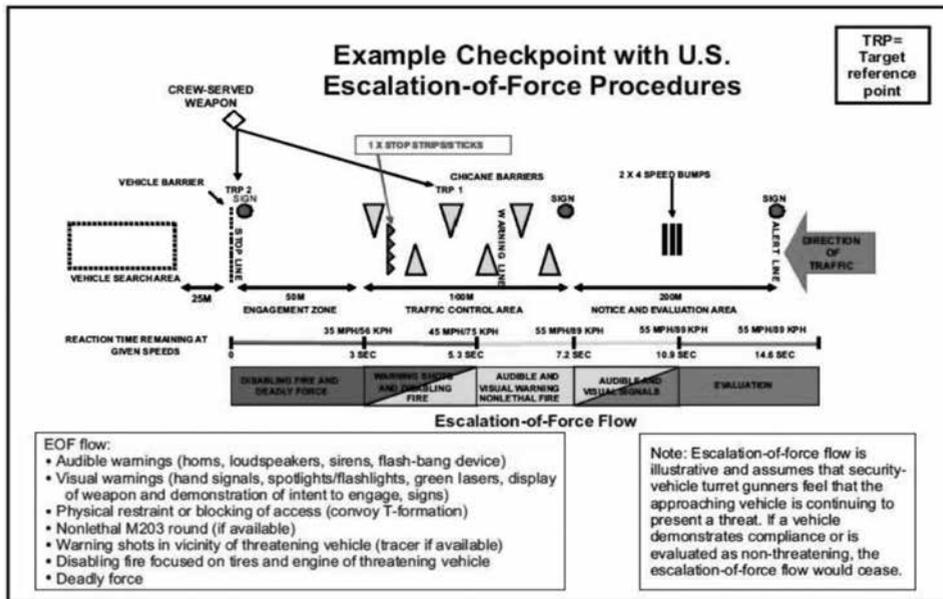


Image 4. Escalation of force procedures for vehicles.

Caption: Control points and roadblocks were frequently the source of incidents of collateral damage until Army leaders promulgated guidelines for establishing barriers and use of force guidelines. Graphic by the author.

McChrystal's predecessor, General David McKiernan, ISAF Commander from June 3, 2008 to June 15, 2009, had also struggled with reducing civilian casualties in Afghanistan, while ensuring protection of U.S. forces. His failure to do so may have led to his sudden departure in 2008, the first commander of the American battlefield sacked since President Truman fired General Douglas MacArthur in 1951. For example, on May 4, 2009, 100-147 Afghans were killed by U.S. airstrikes on the reported Taliban positions near Granai (also known as Bala Buluk). McKiernan was relieved of his command just over a month later. When asked about McKiernan's dismissal, Secretary of Defense Robert Gates and Joint Chief of Staff Admiral Mullen were vague.

Arriving in Afghanistan shortly after McKiernan was relieved, McChrystal called for a cultural change among the troops, telling them that "we must change our way of thinking, acting and operating"⁴. McChrystal ordered his Special Operations Forces (USSOF) to announce their intention to enter buildings where suspected insurgents were hiding. USSOF forces had to "call" before entering an Afghan residence to give residents the opportunity to surrender

4 McChrystal was ISAF Commander from June 15, 2009 to June 23, 2010. See McChrystal's Frank Talk on Afghanistan, CBS 60 Minutes interview, Sept 24, 2009. Also reported in Fred Kaplan, *The Insurgents* (New York: Simon and Schuster, 2013), pp. 325-326.

or avoid civilian casualties when USSOF members made a forced entry into the building. Some United States Special Forces found the rule frustrating. It removed the important element of surprise, gave the suspects time to arm themselves, and sometimes even created more opportunities for collateral victims. "When there were more rules, it became more difficult," one operator said. The "soft knock" tactic was continued by McChrystal's successors, Generals Petraeus and John Allen⁵.

- Well marked checkpoints or roadside inspection stations (marked with local language warning signs, barricades to force vehicles to slow, flare signals and laser to alert drivers).
- Requirement of positive visual identification before using force.
- Developed a list of no-strike areas to include schools, mosques, hospitals, critical infrastructure, power plants, water treatment facilities, etc. List developed with the assistance of non-governmental organizations such as Doctors Without Borders, the International Committee of the Red Cross, and Amnesty International.
- Prohibition of firing artillery into urban areas (permission of superior officers required).
- Use of precision guided munitions in urban areas.
- Use of low-performance or low-explosive artillery when targeting insurgents to minimize damage to surrounding property.
- Installation of software in artillery to prevent accidental firing toward no-strike targets. Permission of superior officer required to override manually.
- "Soft knock" technique before entering the house.
- Solatia (consolation payments) for damages to private property or for injuries or deaths occurring during U.S. operations.

Table 1. Examples of techniques used by the United States to prevent civilian casualties and property damage in Iraq and Afghanistan.

List developed by author from various sources.

McChrystal's successor, General David Petraeus, arrived in Afghanistan in July 2010. Petraeus earned his reputation for pacifying Mosul (part of the dangerous Anbar province) in the early stages of the Iraq war. He also co-authored with General James Mattis (now the Secretary of Defense) the Counterinsurgency Manual, which he implemented in Iraq in 2007. After his arrival in Afghanistan, he asked U.S. soldiers to demonstrate "courageous restraint" and "disciplined use of force" to reduce civilian casualties. Civilian

5 See COMISAF Night Operations Tactical Directive, 01 Dec 2011. See also Mark Mazzetti, "SEAL Team 6: A Secret History of Quiet Killings and Blurred Lines," *New York Times*, June 6, 2015.

casualties threatened the entire relationship between Karzai and the coalition... and undermined the perception of the coalition's commitment to securing and serving the people," Petraeus said⁶.

The policies of Petraeus and McChrystal generated a chorus of criticism that they were insensitive to the increase of U.S. battlefields deaths⁷. The restrictions on the use of force imposed on service members were perceived as "handcuffing" U.S. soldiers and increasing the risks they took during the fighting against Taliban militants. But Generals McChrystal and Petraeus understood that respect for human rights was necessary to achieve strategic objectives. Restrictions on U.S. soldiers and marines could increase risks for U.S. personnel in the short term, but could save lives in the long run. By protecting the population from unintentional uses of force, U.S. personnel would gain the confidence of Afghans and obtain critical and actionable information against the Taliban and other militants. This, in turn, would allow U.S. forces to gain strategic momentum and ultimately shorten the war and save American lives. McChrystal put the importance of human rights in emphatic terms. "We are going to lose this [expletive] war if we do not stop killing civilians," he said⁸.

CONCLUSION

The concerns of Generals Petraeus and McChrystal in Afghanistan capture the challenges facing military forces in contemporary conflicts, particularly in urban environments. The population, not the enemy, is the center of gravity in many modern conflicts. Military forces, unless trained and educated in the discretionary use of force, may commit law of armed conflict or human rights violations. This may happen unintentionally because of legitimate force protection concerns of soldiers that override worries about avoiding collateral damage. However, soldiers need to understand that inadvertent human rights violations negate any other hard fought tactical achievements by their units. Consequently, military forces may win tactical engagements but strategic advances will remain elusive. Such errors may prolong the conflict, heightening

6 General David Petraeus, Tactical Directive, NATO/ISAF, Aug 4, 2010; Kolenda, 7.

7 See, for example, C. J. Chivers, "General Faces Unease Among His Own Troops," *New York Times*, 22 June 2010; Charles J. Dunlap, "Could Airstrikes Save Lives in Afghanistan?," *Washington Post*, October 22, 2010; Thomas Harding, "'Courageous Restraint' Putting Troops Lives at Risk," *The Telegraph*, July 6, 2010; John Hayward, "Impossible Rules of Engagement: Zero Civilian Casualties" in ISIS Battle," *Breitbart*, June 25, 2015; Christopher D. Amore, "Rules of Engagement: Balancing the (Inherent) Right and Obligation of Self-Defense with the Prevention of Civilian Casualties," *National Security Law Journal*, George Mason University, 2013. Also reported in Christopher D. Kolenda, "The Strategic Costs of Civilian Harm," Open Society Foundations, June 2016.

8 Kolenda, op. cit., p. 29.

the risk to service members and increasing military casualties over the long term.

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