

GROUND OPERATIONS WORKSHOP OCTOBER 17 - 18, 2002



GROUND OPERATIONS
Workshop

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PROJECT ON THE MEANS OF INTERVENTION
CARR CENTER FOR HUMAN RIGHTS POLICY

JOHN F. KENNEDY SCHOOL OF GOVERNMENT
HARVARD UNIVERSITY

Cover photos

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PREFACE

On October 17 & 18, 2002, the Project on the Means of Intervention held the fifth in its series of Workshops. The meeting provided an introduction to the humanitarian issues associated with ground operations, the increasing tensions in civil-military coordination, and the emerging issue of targeted killing. The following workshop report captures the essence of the discussion, without attribution of specific comments.

The Project on the Means of Intervention fosters a dialogue between the military and humanitarian communities about timely and challenging *jus in bello* issues. The Project is supported by the Carnegie Corporation of New York and is based at the Carr Center for Human Rights Policy at Harvard University's Kennedy School of Government. The effort reflects my perception of a significant intersection of military concerns about the efficient and effective use of force with humanitarian concerns about minimizing harm to civilians during war. The Project on the Means of Intervention aims to develop a shared understanding of issues at this intersection, and to identify policies and actions that can promote common goals.

Prior workshops have focused upon the U.S. application of air power during the past decade, the targeting process, the assessment and understanding of collateral damage, and other issues. Further information about the Project can be found at <http://www.ksg.harvard.edu/cchrp/PrjInterv.shtml>.

The October 2002 Workshop was held in Washington, D.C. It involved almost sixty participants from the military and international security communities and from human rights and humanitarian organizations. Senior retired military officers, humanitarian relief workers, serving junior officers, human rights activists, and journalists shared their perspectives on humanitarian issues that arise when military forces operate on the ground. The discussion focused on the cases of Israeli military operations in Jenin and the U.S.-led intervention in Afghanistan. In the latter case, participants explored the tension between centralized and decentralized operations, appropriate U.S. strategies of intervention, the impact of introducing ground forces and their relationship to air power, and U.S. interactions with local forces.

The war on terrorism figured prominently in the conversation. Participants sought to understand how the United States could effectively counter an adversary that lacked respect for civilian life and traditional rules of warfare. Many believed that while enemy

behavior complicated the challenge, it did not relieve the United States of the need to act consistently with its own values. Escalating expectations regarding U.S. military action was another recurring topic of discussion. American forces are held to the highest moral as well as legal standards in their application of force, and they increasingly are expected to assume responsibilities that transcend traditional military obligations. These factors reinforced the need for the United States to pay greater attention to the information aspects of warfare, including understanding and explaining its efforts to use force consistent with humanitarian principles.

Our discussion also highlighted important trends and challenges in civil-military relations during military intervention. The reasons cited for increasing tensions in the field and in Washington are unlikely to disappear, and the Project may be able to help the two communities navigate new rules of the road in future operations. In grappling with the issue of targeted killing, the group soberly assessed the challenge facing the United States as it pursues alleged terrorists. While some participants remained unconvinced that a criminal approach toward terrorism should be abandoned, many appeared to conclude that targeted killings could be justified under certain circumstances. Nonetheless, complex moral questions and pragmatic concerns complicate any effort to craft and carry out a policy of targeted killings. It is essential that a wider public engage these issues.

I would like to express deep appreciation for the Carnegie Corporation's continuing support of this effort. Many thanks to Kelley Reese, Kate Benson and Camilla Catenza, each of whom made an important contribution to the October workshop. Thanks also to the new and returning workshop participants for their level of engagement and commitment, which forcefully highlights the need to continue the dialogue.

Sarah Sewall

Program Director, National Security and Human Rights

Carr Center for Human Rights Policy

GROUND OPERATIONS

This report summarizes the discussion at the Carr Center workshop on humanitarian issues and ground combat operations, which was held in Washington, D.C. on October 17 & 18, 2002. The event brought together American and international military and human rights practitioners as part of an ongoing dialogue fostered by the Project on the Means of Intervention, with support from the Carnegie Corporation of New York. In a departure from our previous focus on the application of air power, this meeting provided an introduction to the humanitarian issues that arise in deploying a significant ground force component during armed conflict.

As is the practice in the Project on the Means of Intervention, comments are not attributed to individuals in order to preserve the openness of the exchange. The meeting agenda and list of participants are included in the appendix.

GROUND COMBAT: CHARACTERISTICS AND KEY HUMANITARIAN ISSUES

INTRODUCTORY OBSERVATIONS

It is difficult to describe ground operations in general terms, and it is of limited use to talk about ground forces in isolation. As a matter of doctrine and practice, U.S. surface forces are almost always employed in conjunction with air assets. The character of ground combat can vary enormously, as demonstrated in recent operations involving U.S. forces. From set piece tank battles in desert terrain (Iraq), to house-to-house fighting in densely populated areas (Mogadishu), to the combination of small numbers of special forces troops with U.S. air power and local armies (Afghanistan), ground combat can take many different forms. The purpose of this meeting was to introduce these variations and to identify the key humanitarian issues that arise during ground combat as distinct from air operations.

As part of this exercise, we aimed to shed light on the relative strengths and weaknesses of military intervention strategies that rely exclusively upon air power (Allied Force in Serbia) and those that involve significant numbers of ground forces. A common criticism of the United States' use of air power is that a reliance on bombing from high altitudes (to remain out of range of air defense systems) in effect transfers the risks of war from U.S. pilots onto the civilian population in the target country. One implication of this criticism is that civilians would be safer facing an invading ground force than facing air strikes from 15,000 feet. This meeting aimed to explore the relative risks of ground combat for civilian populations.

The risks that ground operations pose to civilians, both in absolute terms and in relation to the risks of air bombardment, depend upon the circumstances. Discussions helped to identify those situations in which ground operations are most challenging from a humanitarian perspective. A comparative approach reveals that many of the same issues (most notably actionable intelligence) bedevil both air and ground operations. It was pointed out in the discussions that while technology has vastly improved the accuracy of air power, it also can help minimize civilian casualties in ground operations, for example by providing non-lethal weapons options. The challenge of refining doctrine and improving training to increase awareness of and sensitivity to the humanitarian aspects of ground interventions appears to remain a significant challenge for the Army and Marine Corps and for joint urban operations in particular.

As in earlier workshops, discussions reflected the recurring theme that the conduct of military operations involves difficult tradeoffs among mission accomplishment, force protection, and civilian casualties and collateral damage. Force protection was viewed as a central issue in inhibiting as well as shaping operations on the ground.

KEY ISSUES

Intelligence. Intelligence remains a “long pole in the tent,” according to several people. As was stressed during the discussion of Operation Enduring Freedom (OEF) in Afghanistan, U.S. forces are “always surprised” because intelligence is unable to provide a complete picture. Actionable intelligence should incorporate what one participant called “police-type” intelligence (which analyzes the enemy’s objectives, psychology and social fabric) as well as traditional military intelligence (which details the order of battle and target locations, for instance). Several participants stressed that the intelligence community’s emphasis over the past decade on space and advanced technology, at the expense of recruiting human sources, has shortchanged requisite intelligence capabilities and the ability to construct a complete intelligence picture. They also highlighted the need for multiple sourcing in real time, noting that time pressures may prevent U.S. forces from adequate verification before acting upon information.

“There is nothing in the rulebooks about how to respond to women holding babies and machine guns.”

Rules of Engagement (ROE). There was significant agreement among military participants that the formulation of the ROE for ground forces requires greater sensitivity from military commanders and political leaders. First, many argued, ROE for ground forces often lack adequate flexibility for deployment situations. Ground operations can evolve along a spectrum of conflict that includes peacekeeping, combat, and peace building. These changes require that commanders frequently alter ROE, particularly those for generally younger and less experienced infantry troops. ROE should reflect a constant balancing of force protection, mission accomplishment, and protection of civilians.

In addition, it was argued that while ROE should provide a framework for action in ambiguous situations, they often fall short. Some ROE simply fail to provide clear guidance. As one participant queried, how should soldiers interpret guidance to apply “proportionate deadly force?” The Marine Corps reportedly is seeking to borrow from a law enforcement paradigm, training forces to ask when Marines can use deadly force to protect themselves from the civilians they have been trained to respect. The Army

apparently is undertaking an effort to address ROE flexibility and clarity. One participant reminded the group that, while rules may vary and theoretically be very circumstance-specific, when in doubt, “you protect your own people.”

Weapons. There appeared to be a general consensus among military participants that the Department of Defense (DOD) had failed to adequately develop options for weapons that aim to incapacitate rather than kill. Often called non-lethal weapons, these technologies would be better described as “less-lethal” weapons, in the view of several participants. Riot control agents, immobilizing substances, and other technologies still pose risks to civilians and rubber bullets have been proven to be lethal. Participants worried that the term non-lethal could inflate expectations about the use of these options.

In fact, military concerns about inflated expectations were reportedly one reason that the technologies had not received adequate funding and support. At the same time, it was noted that many human rights organizations oppose the development of non-lethal weapons for fear that they will lower the threshold for using force. Nonetheless, many felt that it was far preferable to have such options. Equally important, one commander argued, was getting them to the field; “By the time we asked for non-lethal options, it was too late.” Overall, many participants concluded that the nature of the conflict (e.g. civil war, urban war) was more likely than the types of weapon used to dictate the level of civilian casualties.

“Historical studies prove that ninety percent of all urban engagements occur within fifty meters of friendly and enemy forces and that urban engagements using supporting arms occur less than 250 meters between the same.”

Urban Areas. Conducting military operations within areas of restricted terrain occupied by large numbers of civilians poses a special challenge. In order to dissect those challenges, one panel examined the difficulties associated with urban operations in the Middle East, and specifically studied the recent case of Israeli Defense Forces (IDF) operations in the Jenin refugee camp in the West Bank. A number of reasons were offered to explain the unique difficulties of intervening in the region: the winding and condensed geography of its cities, the density of population in urban areas, the sectarian divisions within each city, the overlapping and shifting personal affiliations, and the historical fear of evacuating property. These realities, it was suggested, lend the advantage to the defenders of such areas (while making civilians useful assets for defenders). This helps explain why, in historical terms, a strategy of brutal annihilation appears to have been most successful in achieving military goals in the urban Middle East.

Operation Defensive Shield, conducted by the IDF in late March/early April of 2002, was a controversial urban operation. Israeli officers were directed to “root out terrorism” and “sear the consciousness of civilians.” According to one participant, this reflected an absence of clear and attainable objectives that contributed to the operation’s significant impact on civilians.

The IDF often was unable to distinguish between civilians and combatants, both in general and because some combatants (such as Palestinian Authority Police) purposefully discarded official uniforms. IDF efforts to find alleged terrorists included relocating hundreds of men temporarily for interrogation, without notifying their families. The use of bulldozers and tanks in highly built up areas almost by definition caused collateral damage, although participants disagreed about whether most damage to homes was purposeful. It was alleged that both sides in the conflict violated medical neutrality and used human shields for military purposes. Israel’s decision to restrict news access allowed sensational reports of civilian carnage to take root worldwide, prompting global condemnation. Subsequent investigations indicated that the operation was far less damaging than claimed, but the lack of real-time reporting or immediate official investigation allows allegations to continue to linger. The decision to bar media access, reportedly intended to allow military forces greater maneuverability, had significant costs.

Participants discussed the challenges of separating combatants from civilians, which seemed to many observers a logical way to reduce the difficulties of urban warfare. However, as one person noted, attempting to remove civilians from a *de facto* battlefield presumes a level of control over the situation that by definition does not exist. Another reported that such efforts can be undermined if combatants meld into a civilian exodus or if civilians are scared to leave their homes. It was also pointed out that attempting such an effort would require dedicating a large number of forces to manage the process. Moreover, evacuating civilians renders a military power effectively responsible for the welfare of these individuals, a burden that consumes resources and poses its own problems. The longer an armed conflict persists, however, the more likely it is that such second-order issues will arise. One participant warned that in any discussion of urban operations, it is a mistake to focus on the behavior of an individual soldier. The appropriate focus is at the command level — “to understand why that guy is in that alley,” given the certain difficulties that he will face.

An international participant wondered if two competing ways of conducting urban operations had evolved: the small power method of hand-to-hand combat (e.g. Israel in the Palestinian territories) and the superpower approach of bombing from the air (e.g. Grozny and Kandahar). One U.S. participant noted that the disastrous Russian campaign

in Chechnya had had a significant impact upon U.S. thinking. Another pointed out that despite the impression that the United States exercises military power largely at high altitudes, a high degree of modern combat occurs at close range. So even if the United States continues to maintain and exploit its advantage in air power, it will need to address the challenge of fighting in populated areas.

Casualty Aversion, Force Protection, and Ground Forces. There was spirited discussion about how the desire to limit risks to U.S. service members factors into decisions about the use of ground forces, and the resulting implications for civilian casualties and collateral damage. One participant described U.S. policy as “force protection über alles,” and called it inappropriate for modern warfare. Participants noted a distinction between force protection and casualty aversion, with many arguing that the former was requisite in the conduct of military operations, but that the latter remained a choice. Casualty aversion, many said, flows from the National Command Authority’s *perceptions* about public tolerance of military casualties rather than from actual public sentiment. Several people cited research and poll results indicating that the American public’s tolerance for the costs of combat depends upon the specific reasons and strategies for using force. Despite debate about the sources and strengths of U.S. concerns about force protection, participants generally agreed that casualty aversion played a significant role in shaping U.S. intervention strategies, and that this was unlikely to change.

At prior meetings, participants had explored the flexibility and accuracy of aerial bombing, along with the political detachment and reduced risk to service members that it offers. These characteristics, and the traditional American reliance on technology and efficiency, contribute to reliance upon air power. Several felt this reliance is justified in many circumstances, and that ground forces in some cases are unnecessary or even encumbering. It was pointed out that ground forces pose their own challenges, including the potential for force escalation and the difficulty of extraction.

One person questioned whether the use of force could be morally justified if political leaders were unwilling to commit ground forces in pursuit of their objectives. If the stakes merit war, he implied, they should justify the risks of deploying forces on the ground. Others felt that force protection concerns unduly influenced decisions about using air power and that the traditional combined arms approach is almost always preferable to relying upon one military branch alone. Participants stressed specific tasks that, in their view, neither air power nor proxy forces could reliably achieve, including driving out dug-in or hidden enemy forces, securing territory, and preventing a massive slaughter of civilians. For these objectives, it was argued, people, rather than munitions, are needed. It

was pointed out that in the coming years, the U.S. Army will rely more heavily on fewer but more lethal soldiers, which implied a possible greater future emphasis on force protection.

Firepower Doctrine and the Air-Ground Interface. Participants debated whether U.S. doctrine with regard to heavy firepower was outdated and possibly counterproductive. There was some consensus that the American tendency to apply heavy fire at the outset of an operation (in order to ensure maximum protection for following ground forces) may be excessive in many modern circumstances. One participant argued that the United States, having failed to alter its ground force doctrine from the past world wars, was simply redefining modern conflicts to fit its doctrine.

“Everything changes [for air power] when you put people on the ground.”

The tension between demonstrating restraint in applying force and assuming greater risks to your forces is not new. Several participants discussed how they had handled such circumstances in Korea and Vietnam. One commander described his decision to remove an enemy mortar with ground troops rather than seek to destroy it by return fire; he feared that returning fire would kill innocent people and further complicate his mission. Another noted the need to change his troops’ course when moving through Cambodian towns in which civilians simultaneously waved and fired weapons at U.S. forces. While such reasoning may hinge on the commanding officer, such choices are not always compatible with mission objectives and force protection. It was suggested that a pilot can simply leave an area if fired upon, whereas ground forces are more likely to feel compelled to blow up a compound if they come under fire. Yet it was pointed out that massive destruction caused by AC-130 gunships in Somalia helped polarize that country, ultimately contributing to the death of U.S. forces pursuing a Somali warlord. In the end, participants recognized that the humanitarian effects of air or ground force depend significantly on the character of its deployment.

The sensitive topic of how ground forces interact with air power arose at several points in the two day meeting. The Army and Air Force in particular continue to struggle with this issue, as was evident in as the deployment of Army air element Task Force Hawk in Operation Allied Force against Serbia and in the coordination of ground elements or conventional units with air power in Afghanistan.

Participants described concerns that in Afghanistan, forward air controllers (FACs) had been forced onto operating SOF teams, disrupting units and sometimes providing individuals with less or different experience to coordinate air strikes. Others suggested that in some cases, the mere presence of ground forces can increase risks to civilians. Even when a handful of troops are deployed to verify intelligence or ensure the precise application of firepower (and minimal collateral damage), their vulnerability may prompt premature or greater use of force than otherwise would be required. It was argued that the desire to minimize risks to U.S. ground forces may have played a role in some cases when U.S. air strikes killed Afghan civilians. Participants implied that the need to protect forces on the ground may have had the unintended effect of leading to civilian loss of life.

Operation Anaconda in Afghanistan raised a related issue pertaining to ground forces. Participants described missteps leading to chaos, leaving so many Allied and U.S. forces at risk that rules governing the application of force seemed almost irrelevant. The need to protect forces can create its own dynamic on the battlefield.

“We created a condition [in Operation Anaconda] where literally anything goes because we had so many kids who were in such trouble and the ROE quite frankly almost went out the window to some degree.”

Operation Anaconda also highlighted the lack of coordinated planning among multiple air and ground forces. With up to twelve different groups on the battlefield in Afghanistan, the balkanization of planning had real operational costs. Some apparent lessons from OEF may only reinforce the independent tendencies of the Services; the Army has concluded that it must (re)learn the lesson to not rely solely on air power; infantry should retain its own firepower by bringing along adequate artillery. The challenge of integrating air and ground forces remains enormous.

Training. It was suggested that the primary concern of those seeking to minimize harm to civilians during ground operations should be at the strategic and operational levels, not at the level of the individual soldier. Nonetheless, several participants noted that the United States remained deficient in its training for conventional forces in the area of urban operations. Special Operations Forces (SOF) receive a broader range of training than their conventional counterparts. As a result, they are more attuned to cultural and political issues, and prepared to operate in a wide array of military and societal contexts. As there is a greater appreciation among policy makers of the need to link tactical actions to national policies, SOF appear to be the weapon of choice. As one observer put it: “SOF will work the village and the infantry will kick down doors.” Conventional units appear less prepared to recognize the long-term, second-order effects of their actions.

Conventional forces tend to practice the “easy stuff,” said one observer, rather than the most difficult scenarios. Part of the challenge lies in recreating a non-sterile, culturally complex training facility and scenario. DOD’s newer urban training centers remain far removed from the scale and messiness of reality. Higher expectations create an additional challenge. The United States is increasingly sensitive to the need to preserve infrastructure and protect civilians during military operations, and this highlights the need for related training of conventional units. There has been a lot of thinking about this problem, it was reported, but few answers have emerged.

Systematic analysis of collateral damage. In prior meetings, we had discussed existing processes that are used to predict collateral damage. Joint computer modeling can be performed well in advance of air strikes against fixed targets in order to allow the most appropriate choice of weapons, avenue of approach, and other factors that could minimize harm to civilians. Workshop participants questioned whether a similar approach might be applied to ground attacks. Such processes might be used to predict the effects of attacks from some platforms and systems against certain targets, several military analysts responded. Since ground operations are fundamentally different from air operations, the utility of computer modeling is limited.

One participant explained the difference as one of targeting versus getting to the target. In ground operations, he said, the bulk of harm to civilians is caused by the movement of forces toward a given target, not by attacking the target itself. This is not to say that ground forces make no effort to minimize collateral damage in this process. When planning an advance, ground forces will seek to avoid known protected persons or sites. In developing a tactical scheme of maneuver, a unit might note areas in which artillery could not be employed for the above reasons. It also would seek to avoid interference with its movements, often including the avoidance of concentrations of civilians. But the advance of ground troops is a dynamic process, a participant underscored, and the bad guys, as well as civilians, often get in the way of the best plans to avoid them. Ground operations resist systems approaches to quantify the course of battle.

OPERATION ENDURING FREEDOM

A number of panels and presentations characterized or analyzed different aspects of OEF in Afghanistan. A recurring theme in the discussion was the extent to which these operations were constantly improvised, as action overtook traditional planning processes. The demand for immediate deployment after the September 11 attacks and the unanticipated rapidity of success may have contributed to operational challenges ranging

from inter-service coordination to adequate planning for dealing with captured Taliban and Al Qaeda personnel. Limited time also exacerbated the usual difficulties with having sufficient strategic lift to move people, equipment, and other resources to the theater. While the speed with which an operation on this scale was launched may have been unusual, many participants stressed the constant improvisational character of war, implying a need to learn lessons that incorporate this reality.

TENSIONS IN CENTRALIZED AND DECENTRALIZED OPERATIONS

OEF was an odd combination of a highly centralized air campaign and highly decentralized ground operations. SOF teams by definition and necessity had extraordinary freedom and latitude in their decision making and movements throughout Afghanistan. Yet Headquarters often sought control of air strikes. Some observers believe that the involvement of higher levels of command affected the morale, and sometimes effectiveness, of the air operations. At the same time, it was observed that OEF demonstrated the success of joint operations at the micro level.

“If the freedom we were given allowed abuses to occur....I don’t have an answer of how to find that middle ground....I’d rather have the freedom to make mistakes than see my men get killed.”

Technology facilitates the imposition of centralized control in military operations, particularly those from the air. As U.S. forces can see more and quickly strike from further away or from unmanned platforms, the requisite amount of time from the identification of a target to the release of munitions has decreased. But if the sensor-to-shooter timeframe has collapsed, human decision making has not. If the ROE drive decisions above the level of the combined air operations center (CAOC), political sensitivities, the multiple time zones of decision makers, or the need for intelligence verification can negate the advantages that technology offers in quickly identifying and destroying a target. Participants discussed the Secretary of Defense’s unusual role in reserving approval of all air strikes on fixed targets in the early phase of the campaign. They noted the demoralizing effect such control can have on pilots. As one person put it, “The flight lead in Northern Watch (over Iraq) has more authority.” At the same time, it was noted that SOF teams on the ground often operated very independently.

The issue of air power ROE proved highly contentious at the workshop. Many argued that there is a significant tension between prosecuting a war and imposing limits on the destruction that can be wreaked. Some opined that the Secretary of Defense’s initial

guidance regarding the protection of infrastructure in OEF was both so restrictive and so complicated that operators needed a “jailhouse lawyer” to understand what they could do. While the infrastructure restrictions were intended to enable rapid reconstruction of Afghanistan, some military participants argued that they impeded effective engagement of emerging targets. For example, destroying bridges would have helped block and isolate small groups traveling in vehicles throughout the country. Killing or capturing key individuals was a central goal in this operation, and thus the larger infrastructure concerns, it was argued, should have assumed lower priority. Yet moral and political concerns were at play too, such as the desire not to alienate local Afghans or further destabilize Pakistan.

Some participants wondered how and why, if political guidance nominally was attuned to humanitarian concerns, Afghan operations often appeared to cause so many civilian deaths. The tradeoffs between mission accomplishment and humanitarian objectives seemed stark, and several felt that the relative success of OEF may obscure this tension. Several people argued that in any subsequent larger war, the tie-in to SOF forces, communications difficulties, and ROE restrictions could create far more significant problems.

STRATEGY

Participants discussed the evolution of U.S. strategy, debating its effectiveness at different stages of the campaign. The U.S. effort began with carrier-based air strikes against fixed targets and some fielded forces. By October, Kabul had become the focus of a “SOF-centric” phase, in which most U.S. air strikes were conducted against mobile or emerging targets. SOF remained the key U.S. element during the clearing and interdiction operations conducted through early spring 2002, when conventional U.S. forces began to join the effort. By September, the focus had turned to stability operations; shortly thereafter, many aircraft were returning with unexpended ordnance.

One participant argued that the Afghan operation initially seemed to suit American strengths in precision weapons and air power. However, he believed that the U.S. failure to rapidly adjust its strategy as the conflict changed, specifically its reluctance to commit ground forces early and in significant numbers, proved to be a significant weakness. As early as December, he argued, Taliban and Al Qaeda forces had dispersed to such an extent that air power had little impact and the unreliability of local Afghan forces had become evident. It was at this point that the United States should have changed its strategy, but it was not until March that it committed significant ground forces in Operation Anaconda. Other participants pointed out the limits on strategic lift, staging facilities, and other

constraints upon the U.S. ability to deploy additional personnel. Some argued that, while surprised by the rapid retreat of Taliban and Al Qaeda fighters, the United States had done the best it could under rapidly changing circumstances.

With regard to the search for leadership, there was significant discussion about limits on the U.S. ability to find individuals. “We’re not very good at getting one guy,” a participant observed. Echoing observations made at earlier workshops, a participant noted that procedures for approving air strikes, coupled with concerns about targeting infrastructure, complicated the possibilities of rapidly engaging leadership targets.

“...High tech weaponry, particularly the air power that the American armed forces have used so well, is a kind of a drug and used in moderate amounts it does wonderful things. But used excessively, it tends to be intoxicating and maybe blur one’s sense of reality. In the end, in the next war, wherever it is, there’s going to have to be a commitment to put men on the ground. It may be unpleasant, but I think it’s a reality we’ll have to face, sooner rather than later.”

GROUND FORCES

The U.S. effort in Afghanistan, according to another participant, demonstrated that even if military operations initially rely on air power, any significant operation ultimately results in ground combat at close range. Target choices become more limited following initial air strikes, and enemies adapt to an air-based strategy. At this point, the United States is likely to require a ground force as capable as that of the enemy. FACs are essential for force protection, he said, but infantry should not rely on air power at the expense of artillery.

Participants spoke about the experience on the ground in Afghanistan as one of “managing ambiguity.” For SOF inserted into the conflict, their role in galvanizing and supporting the efforts of local Afghan forces posed a myriad of challenges, some of which are discussed on page 13. They also bore an immense responsibility for the application of air power. In the Afghan context, it was extremely difficult to differentiate between friend and foe, and between military targets and civilian objects. Sometimes sport utility vehicles (SUVs) were equipped with machine guns, while Taliban fighters might enter a village in a taxicab. The need to carefully evaluate potential targets for air strikes increased pressures for centralized decision making even at the level of a SOF team. The luxury of

time, or of alternatives (e.g. checkpoints further down the road, reserve forces to deploy) might reduce the pressures on a commander to make rapid decisions that might lead to mistakes. Not all U.S. team leaders enjoyed such advantages, and it was noted that an ambush would completely alter a leader's choices.

Under these circumstances, it was stressed, communication between ground and air forces was critical. Participants argued that American intelligence capabilities and precision weaponry could not always substitute for local knowledge or eyes on the ground. Sometimes local Afghans or U.S. ground forces prevented unnecessary attacks that already had been cleared through normal U.S. channels. While the role of FACs traditionally has been to protect U.S. forces, their importance for minimizing collateral damage appears evident.

Participants discussed the challenge of maintaining the integrity of SOF teams and of retaining them throughout different phases of a campaign. It was suggested that their building of rapport with indigenous forces and their knowledge of a given area constituted crucial assets. SOF with experience in a town may be able to simply request access of a local entrepreneur rather than forcibly enter a suspected weapons production facility. SOF teams that know local players can employ a lighter touch than subsequent teams or their conventional successors. Obviously, authorities want to provide relief to deployed units, and the limited number of SOF assets requires that they be replaced in some circumstances with conventional forces, but OEF suggests that the value of retaining teams may be under appreciated.

WORKING WITH LOCAL FORCES

A military strategy that relies upon local fighters to provide the bulk of ground forces raises a host of issues. Many questioned the Afghan forces' military abilities and effectiveness. Others stressed the important moral and legal questions raised by allegations about Afghan treatment of prisoners.

"The one thing we never allowed ourselves to abandon was our humanity."

Participants discussed many of the challenges U.S. forces faced in working closely with Afghan fighters. Americans had to overcome significant language and cultural barriers to build communication and trust with local leaders. U.S. officers had to evaluate not only the military capabilities, but also the motivations and reliability of Afghan forces

in devising an operational plan. American SOF had to make tradeoffs between desired force size and the predicted reliability and discipline of fighters. Even the “vetted” Afghans, famous for celebrating everything with gunfire, wasted ammunition at important junctures. Americans had to train as they fought, and some were surprised by the extent to which they had to “lead from the front” (rather than simply support) in order to accomplish their mission.

It was pointed out that the approach of organizing Afghan military efforts on a tribal and regional basis may have helped minimize collateral damage in the early phases of the war. Rivals were less likely to come into contact with one another. Unless specifically directed otherwise, U.S. forces do not consider themselves obligated to intervene in violence committed by local forces or individuals. Even SOF forces, probably the most sensitive to human rights violations, assume a legal obligation only to report, not to prevent, such acts. Nonetheless, discretion is applied by the commander. One American officer, upon discussing the need to act to prevent massacres on his watch with his troops and then his Afghan allies, successfully obtained their support for this approach. Given that neither international law nor formal training was considered to have imposed such a requirement, it appears that individual attitudes toward these human rights issues matter. As was evident in the discussion about potential responses to hostile fire, the values and initiative of U.S. forces remain important factors in mitigating the effects of war upon civilians.

It must be noted, however, that Americans working with local Afghan forces ultimately lacked control over the actions of their allies. As one person explained, while U.S. forces could threaten to withhold air support, this was the largest stick while the conflict was underway. The degree of responsibility that U.S. forces can and should assume for the actions of their local allies is an issue that participants wished to discuss further.

COLLATERAL DAMAGE AS A WEAPON AND A LIABILITY: REALITY AND “INFORMATION WARFARE” MANAGING INFORMATION

The United States and international press reported several incidents of civilian injury or deaths during OEF. It should be noted that incidents of friendly fire deaths also were reported. In such cases, initial press reports often differed considerably from

subsequent stories, and significant discrepancies of fact and analysis remain in the published record. While U.S. Central Command investigated many of these incidents, some participants felt that the reports made available to the public left many questions unaddressed. The continuing discussion among participants seeking to understand the causes and lessons of individual incidents indicated that neither press reports nor publicly available official reports had resolved the confusion or provided comprehensive analysis of such incidents. Previous workshops have detailed the reluctance of DOD to officially account for civilian casualties and the limitations of relying upon press, non-governmental organizations (NGOs) or foreign governments for accurate information on this topic.

Some participants felt that during OEF, DOD remained unable to effectively address the issue of collateral damage caused by U.S. forces. It was noted that the CAOC had collected and forwarded to the Office of the Secretary of Defense's Office of Public Affairs information that addressed allegations of civilian deaths. However, the information appeared to disappear into a black hole, according to one participant, with the result that allegations were "handled miserably." An officer pointed out that failing to

"Asymmetric warfare is much more profound than the military terminology actually suggests. First of all, their winning strategy is predicated on two ideas: one is that they can provoke you almost with impunity and that they have no reservations in where and what they can attack... their winning strategy is winning the hearts and minds by showing you to be brutal."

properly articulate regret about a tactical mistake could contribute to losing the war.

The question of how individual incidents should be handled could not be disentangled from the larger questions of military strategy and tactics that might lead to civilian casualties. As one observer noted in reference to Israeli operations in Jenin, short-term imperatives may exist for certain actions whose longer-term effects may not serve the national interest. As was the case in prior meetings, many participants opined that the United States needs to standardize procedures and methods for assessing collateral damage and forthrightly address allegations and humanitarian concerns that arise during conflict. More broadly, participants agreed that the information component of warfare had assumed far greater importance in modern operations, and that the challenges in any war against terrorism are both particularly important and difficult.

Some from the NGO community expressed their discomfort with the general DOD approach to communication during war. One person noted that the phrase "psychological operations" seemed highly inappropriate if the goal of such efforts were to win support

from various audiences. Even those elements within the military most directly concerned with sustaining support from local people during military operations use language that is loaded with historical meaning (e.g. “hearts and minds”) and can undermine its message. A participant pointed out that what U.S. forces say and do is not about “people liking us” but rather in service of the campaign’s larger purpose. It was implied that DOD would benefit from developing different ways to act and communicate about protecting civilians during war.

THE DEMISE OF RECIPROCITY

Participants hotly debated whether Western-based moral frameworks applied to opponents in the war on terrorism, whether cultural differences are real or relevant in the conflict, and how such frameworks or differences affected a party’s willingness to harm or allow harm to civilians. Some argued that terrorists were fundamentally different in their disregard for civilian lives, both enemy civilians and their own supporters. Some described their strategy as attacking without restraint in hopes of provoking a ruthless and counterproductive response that could be televised throughout the world. Their goal is to use collateral damage against the United States, one person said, making even one civilian death appear unreasonable given the presumed omnipotence of Western force.

Others pointed out that terrorists and other military actors throughout time have used civilians as targets and shields; the Viet Cong fired from civilian areas and fled. Armed groups and foreign leaders have long exploited their adversary’s self-imposed limitations; Saddam Hussein studied U.S. behavior during Vietnam. Nonetheless, one participant urged, the United States should think less about the enemy’s character and more about its own values and purpose. Another person suggested that while traditional reciprocity may not apply in fighting terrorism, humanity may be a stronger guiding concept than reciprocity.

WHICH STANDARDS?

The challenge facing the United States in responding to terrorism may be less one of the enemy’s character than a change in popular perceptions about the means that are acceptable to employ in any military conflict. The issue of acceptable standards of behavior resurfaced in this session as it has in many prior workshops. One participant relayed with alarm the view of some European generals that in a Western military intervention, it is not acceptable to cause any civilian casualties. Much has been written about such attitudes during NATO operations against Serbia, where limiting casualties of both alliance troops and civilians reflected concerns about public opinion, domestic politics, and alliance cohesion.

In addition, a participant pointed out that the very concept of “humanitarian” war has expanded significantly, beyond the question of whether civilians are harmed by weapons and prisoners are well-treated to encompass such issues as stopping famine, improving conditions in the target country, and protecting civilians from slaughter by their local enemies. Human rights representatives were quick to argue that good intentions on the part of armed forces are not enough. Ironically, military efforts to deliver food alongside munitions, to assist displaced persons or to engage in reconstruction create tensions with the humanitarian community, as discussed in the following section. While narrowly defining military responsibilities has risks, so does adopting a broader definition.

It was widely agreed that public standards or expectations far surpassed any legal definitions applied by the U.S. military, and therefore that meeting public expectations was a more relevant metric than applying a legal analysis to a given operation or attack. Many even questioned whether key international legal definitions (e.g. military objectives) could apply in a war against terror.

There was some discussion of the possibility of applying a “reasonable person” standard to each nation’s military operations, so that national forces could understand the specific cultural or political standard to which they would be held accountable. Such a customized approach would avoid the danger of a lowest-common-denominator approach (which is how one person characterized the value of the existing law of armed conflict). Many in the military took issue with this suggestion, arguing that it would be virtually impossible to define and apply such variegated standards and that it would condone low standards for the less technologically advanced or “moral” nations.

Exploiting weaknesses within enemy society is standard fare in international conflict, and America’s open, values-based, and rule-bound society (and military) presents ample opportunities for enemies. While not arguing that the United States should adopt a lower standard of behavior, one participant warned against portraying Western nations as the “white knights” in the war on terrorism. We ultimately do our cause a disservice, he said, if we avoid accepting and talking about the gray choices we face.

At the same time, many believed that managing U.S. responses to terrorism remained as important as managing perceptions about U.S. actions. The goal of terrorists, several people argued, is to provoke the United States to take action that mobilizes an international backlash. Israel’s experience is illustrative, some suggested, for the state risks falling into an intended trap: being perceived as fulfilling the description its enemies would apply. The United States should paint a larger and more complex picture in describing and discussing its military actions, but be prepared to adjust or explain its strategies and tactics consistent with that framework.

TENSIONS BETWEEN CIVILIAN AND MILITARY HUMANITARIAN OPERATIONS

One of the more sobering points of agreement at the workshop was the observation that civil-military relations recently have become more strained and that this trend appears unlikely to change in the near term.

Participants noted that during the 1990's military and civilian actors often found themselves working side by side performing security, relief, and reconstruction tasks in foreign nations. Their work commonly was conducted in a peace operations or post-conflict framework under the authority of the United Nations (UN) Security Council. The need for greater coordination and cooperation among the myriad of players involved in these parallel activities became obvious. A plethora of field coordination mechanisms evolved and were adapted to each new operation, a cottage industry of civil-military conferences and training evolved (much of it sponsored by the U.S. military), and generally the two communities felt that they had made progress in increasing understanding and coordination of their defined roles and responsibilities.

“NGOs had a major problem with a military dressed like us, driving in identical vehicles....It relates to the safety and security of our staff and the people we're trying to assist.”

Participants argued that instead of continuing incremental progress, relations between communities had taken a significant step backward during OEF. NGO representatives cited two main structural reasons for this. First, the United States and its allies were engaged in “mixed mandate” operations, both unilateral combat lacking formal UN authorization and mixed combat and humanitarian operations conducted alongside more traditional UN-authorized peace operations. NGOs felt profoundly uncomfortable working with the U.S. military in the absence of an internationally-sanctioned and clearly-defined operational framework. The second structural reason for NGO discomfort was the U.S. military's degree and type of involvement in humanitarian relief at every stage of the conflict. U.S. military activities, several NGO representatives felt, had begun to blur the previously-established division of roles and labor between the military and NGO community.

To explain why mixed mandates and blurred roles were problematic, NGO participants stressed that their functions differed from those of the military. NGOs described their actions as lacking “ulterior motives,” whereas they perceived U.S. military activities, including the provision of humanitarian assistance, as serving the aims of a war strategy. Food and reconstruction from the military was provided to supporters of U.S. military efforts, they felt, whereas they claimed to provide aid where it was most needed.

NGOs participants said that their ability to function depends upon local perceptions that NGOs are neutral and independent. When military forces carry out relief work or operate out of civilian institutions (e.g. local hospitals), humanitarian workers feel that their own identity is compromised, particularly when service members do not wear uniforms and drive civilian vehicles while engaged in civil affairs operations. NGOs felt that this behavior by members of the military put their workers at risk. “We were asked by local people if we were U.S. soldiers,” said one NGO representative. In these circumstances, relief workers felt they had become suspect and potential targets, losing the cloak of neutrality they perceive as essential for their work.

*“If you drill down into it, it just doesn’t hold.
We were all there supporting the same people.”*

A military representative challenged the NGO characterization of U.S. relief efforts, arguing that the United States had sought to facilitate, not commandeer, NGO efforts and that both communities had the same humanitarian goals in mind. The military officer agreed that relations had become significantly more tense, both on the ground and, more notably, at respective organizational headquarters in Washington. The officer questioned whether it made sense, given limited military resources, for soldiers to engage in humanitarian assistance. Others, primarily from the SOF community, noted that this type of work often proved essential in facilitating relationships that helped U.S. forces accomplish military objectives. These individuals did not question the legitimacy of their humanitarian assignments but expressed frustration at the perceived failure of the United States to sustain and build upon their grass-roots humanitarian work. They felt that the United States was failing to secure maximum advantage from the humanitarian work performed by U.S. forces.

The issue of U.S. military personnel performing humanitarian functions in civilian garb was particularly contentious, and discussed in some detail. Military participants were able to understand how and why their actions were viewed as threatening. In its most simple and parallel form, this is an issue of “force protection” for NGOs. NGOs learned

that the initial practice reflected not grand design, but ad hoc decision making at the outset of a difficult mission. U.S. military personnel entering Afghanistan to support humanitarian objectives hoped that wearing civilian clothes would be safer and allow them to be more effective in their efforts. This initial practice turned into *de facto* policy that proved difficult to change in Washington.

Participants discussed the novelty but perceived limitations of NGO representation in Central Command Headquarters, suggesting that this procedural innovation could not substitute for the need to develop a deeper understanding of both communities' needs and constraints. A military representative recounted NGO requests for security, strategic lift, and extraction early on in OEF, but noted that NGO priorities could not be accommodated in the initial stages of the military campaign. At the same time, military personnel attempting to support NGO efforts were frustrated by the lack of coordination within the NGO community and the slow pace of NGO efforts. Classification of information within military channels poses an additional challenge to communication. One participant explained that the NGOs were reading in the press information that the military was not permitted to share. This can undermine humanitarian workers' trust in their military counterparts.

Many observed that while personnel on the ground often are forced to develop a relatively workable relationship, policy disagreements are amplified when they reach Washington. Higher-level disputes may in turn complicate guidance to field personnel and affect their ability to work together.

Representatives from NGOs felt that the mixed mandate problem resulted in unclear lines of authority, less transparent and more divergent motives among different actors on the ground, and a degree of partiality that placed at risk their concept of operations. Many people noted the likelihood that "mixed mandates," rather than UN-authorized peace operations, could become the norm during the war on terrorism. Prospective unilateral U.S. intervention in Iraq likely would confront these issues. Civil-military cooperation in Iraq would be more difficult for another reason, too, humanitarian participants reported. Given how few NGO operations currently operate in Iraq, most humanitarian efforts would be starting from scratch. Coordination and effectiveness under these circumstances would be even harder to achieve.

TARGETED KILLING

The group's discussion of targeting individuals raised more questions than it was able to answer. Prior workshops had concluded that as technology improves, U.S. forces pursue ever-smaller target sets. The war on terrorism, with its focus on getting key terrorist leaders "dead or alive," has underscored the interest and urgency associated with a strategy of targeted killings. Participants agreed that this type of military intervention requires far more thought and public debate than occurs at present.

Participants first reviewed the origins, purpose and meaning of a longstanding U.S. Executive Order prohibiting assassination as a matter of national policy. Originally promulgated by the Ford Administration in an effort to forestall related congressional action, the Executive Order has been reaffirmed by successive U.S. administrations. It aims to preclude unilateral actions by individual agents or agencies against foreign public officials and to establish that the United States does not condone assassination as an instrument of national policy.

The Order does not define assassination or the prohibition's application, but at least one internal governmental effort sought to provide further guidance on these issues. It notes that the murder of a private individual for political purposes during peacetime is unlawful killing. During war, the term assassination takes on a different meaning, but targeting individual combatants is not prohibited, as long as the pursuing forces are not "treacherous" and respect the individual's right to surrender. As the government memorandum notes, the Executive Order is not intended to limit lawful self-defense options against legitimate threats to U.S. national security. The document concludes that a presidential decision to use military force, clandestine or overt, against combatant forces of another nation, guerrilla force, or terrorist organization whose actions threaten the United States would not be assassination.

One person argued that it matters enormously which contextual frame — war or peace — applies to terrorists. The criminal frame allows ten guilty people to go free in order to protect one innocent person. The wartime frame, the participant said, allows ten innocent people to die in order to kill one targeted person. It was also pointed out that while the U.S. criminal justice system does not rely upon secret evidence to deprive a person of liberty, the United States in the case of targeted killings might well be relying upon secret evidence to deprive an individual of life. Other participants questioned both the difficulty of capturing, versus killing, suspected terrorists and the claims that it would not be possible to effectively prosecute such individuals. They asked whether adapting the

criminal justice system, including changing the rules of evidence, would be a more suitable alternative to the effective abandonment of the criminal justice process in favor of a policy of targeting killing of alleged terrorists.

Participants offered a case for targeted killings as an element of the war on terrorism. The nature of the terrorist threat precludes the option of waiting until attacked or until proof of the intention to attack can be obtained; therefore preemption is incumbent upon a nation seeking to protect its citizens. They also argued that meaningful alternatives do not exist. In their view, neither conventional military responses or criminal justice responses are likely to be effective in combating significant terrorist threats. Because individuals are the unit in this war, they are the legitimate targets. Targeted killing may well be the most humanitarian option available, minimizing harm to civilians by forestalling attack and by offering the most proportionate and discriminate response option. To the extent that targeted killing poses any legal problems, the participant said, “We need to craft a legal code that takes reality into account.”

A complementary perspective suggested that targeted killing could be justified even under international human rights law as long as certain standards were met. The action would have to be justified as part of an obligation to protect a nation’s population and the state would have to demonstrate why no other options existed for dealing with the threat. The state would need to openly acknowledge its actions and assume responsibility for an investigation of both the planning and conduct of the operation. It was suggested that many human rights groups object less to the principle of targeted killing than to the implementation of such operations. Indeed, many participants argued that though targeted killings could be justified, they pose a host of pragmatic and moral questions that have yet to be fully considered.

“When does the battlefield come into being? Is the terrorist on the battlefield a criminal or is he a soldier? And if he’s not on the battlefield is he a criminal?”

The group considered the possible effects of targeted killing. Killing individuals, particularly those at the level of political leadership, could well trigger escalation and create a political backlash. The threat might actually grow because of the mobilization of support for the target and his cause. Depending upon the role and character of the targeted individual and the method of attack, an attacker could easily lose the moral high ground. If a nation is perceived as having killed someone other than a traditional “combatant,” the country risks its claim to respect civilian life. The same result is possible if innocent

civilians are killed during the attack. The specter of international criminal prosecution could be raised, and relations with the host country or other potential allies may be damaged. If the mission fails, all of these costs could be incurred without the destruction of the intended foe. Even if it succeeds, the negative and unintended consequences may not improve the security of the nation or its citizens.

Participants also noted the extraordinary difficulty of crafting and executing an adequate policy regarding targeted killing. It may be difficult to justify the existence of armed conflict or define who is a combatant in many contexts. Would only terrorist operatives be targets, but not political or religious leaders who incite or direct terrorist acts? How would one establish a clear threshold of threat that would give rise to a claim of self-defense consistent with the UN Charter? What will be the standard of evidence, who will decide it in each case, and who will carry out the killings (U.S. military or intelligence agents? Proxies?). How will oversight and accountability be ensured? Democracies in particular will face challenges in balancing openness and accountability with the requisite secrecy, patience, and willingness to assume public responsibility and accept the consequences of failure.

One person observed that some absolute prohibitions, such as those against torture, are considered acceptable because the cost of violating them — even for the one individually justified case — may be systemic and unpredictable, placing practice on a slippery downward slope. It was suggested that targeted killing ultimately might fall into the category that requires absolutism.

Another participant concluded that while targeted killing could be effective when used selectively in terms of target and frequency, it should be conducted only when other options do not exist and the threat is justifiably real. Another argued that the logic that justifies targeted killing, such as calling a political conflict “war” or designating a political leader as a legitimate military target, can easily be turned against the United States. One person said that the question is not one of weighing costs and benefits, but rather of weighing the relative risks of action versus inaction.

There was a strong consensus that if the United States were to carry out targeted killings, it needed to develop a thorough policy to guide its decisions and a strategy for communicating publicly its intentions, actions, and rationale. As one individual noted, the standard of the most senior person present applies in the absence of clearly defined rules.

CONCLUSION

This meeting was the Project on the Means of Intervention's initial foray into the broad topic of ground operations. As an introductory session, it proved both stimulating and frustrating. The discussions opened up many new areas of dialogue and controversy for participants, but necessarily skimmed the surface of more dense and challenging subjects. Structuring and facilitating further inquiry into some of these discrete but interrelated topics remains a future challenge for the Project. In terms of our larger purpose, we have only begun to understand the relative costs and risks to civilians of air versus ground operations.

Participants did gain a far greater appreciation for both the similarities and differences between the humanitarian challenges involved in the employment of ground and air force. At one extreme, we have computer modeling of collateral damage that might result from preplanned air attacks on fixed targets. At the other end of the spectrum, a soldier in urban conflict faces unpredictable and intimate challenges. Much of what U.S. forces will do, whether it is a pilot seeking to engage an emerging target or an infantry unit closing with enemy forces, will fall somewhere in between these poles. Injecting humanitarian considerations into the planning and conduct of military operations requires spanning a broad spectrum and a variety of avenues of approach to the problem.

These efforts will occur in a more difficult environment for two primary reasons. First, as participants pointed out, humanitarian issues in warfare are seen in more expansive terms than ever before. Preventing violations of human rights or upholding the laws governing armed conflict is not the public's main concern. Increasingly, international publics seem to expect positive humanitarian contributions from those in uniform – feeding and protecting civilians, improving their lives even in the midst of ongoing conflict. Thus, the U.S. use of force is judged by rapidly changing political and popular expectations. Not only will these expectations vary by region or group, they inevitably will be applied differently to actors engaged in combat. The United States always will be held to the highest standards.

The second reason the United States will find it increasingly difficult to incorporate humanitarian considerations into its operations lies in the changing reasons for using military force. The decade of “humanitarian intervention” has been overtaken by the war on terrorism. Military intervention in this context is more likely to resemble war than either UN-authorized peace operations or the coercive diplomacy of the Clinton era. As

such, it is likely to pose the most difficult planning and operational challenges and the most stark tradeoffs among mission accomplishment, force protection, and humanitarian concerns.

At the same time, the war on terrorism lacks a battlefield, pushes actors toward preemption, and blurs the definition of a combatant. There is an increased likelihood that the United States will intervene abroad through the targeted killings of alleged terrorists. These operations pose very difficult questions, and Americans have yet to consider them seriously.

Moreover, terrorist strategies likely include goading an American military response that can then be used to paint the United States as indifferent to civilian suffering. Under these circumstances, it is particularly important that the military means employed to counter terrorist threats take into account the costs of collateral damage and civilian deaths.

Ironically, the U.S. military has responded to NGO criticism by assuming a larger humanitarian role on the ground during ongoing conflicts. This expanded role, along with the unilateral and high intensity character of recent interventions, exacerbates tensions in the civil-military relationship. Given the likely continuation of the war on terrorism, it is particularly important to get this relationship back on a solid footing. Because U.S. forces will be stretched more thinly, the United States will have to rely more heavily on the private voluntary and international sectors to perform humanitarian work in post-conflict situations. The civil-military working relationship is one of the areas that participants felt needed greater attention immediately.

Deeper exploration of the humanitarian dilemmas inherent in ground operations seemed to be another area deserving consideration. Senior military officials clearly recognize the importance of using force consistent with humanitarian objectives. Yet the precise meaning, costs, and feasibility of this approach are tested through actual operations and choices. This meeting touched upon two examples, the IDF operation in Jenin and one U.S. SOF team leader's experience in Afghanistan. Exploring more cases in greater detail would help participants better understand the impact and limits of factoring human rights concerns into ground operations, and the roles of ROE, training, individual choice, bad luck, civilian and enemy behavior, and other factors in causing civilian suffering.

Participants shared a sober appreciation of the dilemmas and risks of targeted killing. There seemed to be broad agreement that this issue looms before the United States in its war against terrorism, and that the nation is ill prepared to articulate a policy framework that would guide the practice. This issue merits more thought and public debate in the coming year.

The war on terrorism does not change any of the essential premises or tensions that drive the Project on the Means of Intervention. Nonetheless, the use of military force to combat terrorism exacerbates certain challenges we have sought to understand through our workshops, poses new questions and problems for discussion, and underscores the Project's importance. U.S. sensitivity to humanitarian concerns in its use of military power is all the more important when the central charge against terrorists is their lack of respect for the lives of innocents.

APPENDIX I: WORKSHOP AGENDA

THURSDAY, OCTOBER 17

8:30 – 9:00 **Continental Breakfast**

9:00 - 9:15 **Welcome and Introductions**

Michael Ignatieff, Director, Carr Center for Human Rights Policy
Sarah Sewall, Program Director, Carr Center for Human Rights Policy

9:15 - 11:45 **PANEL ONE:**

AVOIDING COLLATERAL DAMAGE DURING GROUND OPERATIONS

Brigadier General **David Grange**, USA (Ret.),
McCormick Tribune Foundation
Major General **William Boykin**, USA,
U.S. Army JFK Special Warfare Center
Lieutenant General **Robert Gard** (Ret.),
Vietnam Veterans of America Foundation
Colonel **W. Hays Parks**, Army for Law of War Matters,
U.S. Army Headquarters
Moderator: Sarah Sewall, Carr Center

12:00 - 1:00 **Lunch**

1:00 - 3:15 **PANEL TWO:**

GROUND OPERATIONS IN URBAN ENVIRONMENTS

Noam Lubell, Prisoners and Detainees,
Physicians for Human Rights – Israel
Gal Luft, School of Advanced International Studies, Johns Hopkins
University, and former Lieutenant Colonel, Israeli Defense Forces
Colonel **Norvell (Tex) De Atkine**,
U.S. Army JFK Special Warfare Center
Lieutenant Colonel **Mark Bean**, Joint Advanced Warfighting Program,
Institute for Defense Analysis
Moderator: Major General William Nash, Center for Preventive Action,
Council on Foreign Relations

3:15 – 3:30 **Break**

APPENDIX I: WORKSHOP AGENDA

THURSDAY, OCTOBER 17 CONTINUED

3:30 - 5:45

**PANEL THREE:
SPECIAL FORCES ISSUES**

Nicolas DeTorrente, Médecins Sans Frontières (US)
Major **Kim Field**, US Army Forces Command
George Devendorf, Emergency Operations, Mercy Corps
Lieutenant Colonel **Michael Newton**, Department of Law,
U.S. Military Academy at West Point
Moderator: Colonel **Russell Howard**, Department of Social Sciences,
U.S. Military Academy at West Point

5:45 - 6:45

Reception

6:45 - 9:00

Dinner

Speaker: **Michael Ignatieff**, Carr Center

APPENDIX I: WORKSHOP AGENDA

FRIDAY, OCTOBER 18

8:00 – 8:30 **Continental Breakfast**

8:30 – 10:45 **PANEL FOUR:
TARGETING INDIVIDUALS**

George Friedman, Stratfor, Inc.

Colonel **W. Hays Parks**, Office of the Judge Advocate General,
U.S. Army Headquarters

Francoise Hampson, Department of Law, University of Essex

Ariel (Eli) Levite, Israeli Atomic Energy Commission

Moderator: **Michael Ignatieff**, Carr Center

10:45 – 11:00 **Break**

11:00 -1:45 **PANEL FIVE:
PERSPECTIVES ON OPERATIONS IN AFGHANISTAN**

Dexter Filkins, Istanbul Bureau, New York Times

Captain **Jason Amerine**, Bush School of Government and
Public Service, Texas A&M University

Professor **Conrad Crane**, Strategic Studies Institute,

U.S. Army War College

Moderator: **Len Rubenstein**, Physicians for Human Rights

1:45 – 2:00 **Break**

2:00 – 4:15 **PANEL SIX:
TARGETING CHALLENGES IN OPERATION ENDURING FREEDOM**

Pat (Doc) Pentland, Science Applications International Corporation,
Member, Task Force Enduring Look

Brigadier General **David Zabecki**, American Military University

Michael Vickers, Center for Strategic and Budgetary Assessments

Moderator: **Sarah Sewall**, Carr Center

4:15 – 4:45 **CLOSING REMARKS**

Sarah Sewall, Carr Center

APPENDIX II:

PARTICIPANT BIOGRAPHIES

Captain Jason Amerine

Captain Amerine is currently attending the Bush School of Government and Public Service at Texas A&M University. Upon graduation, he will be an instructor at the U.S. Military Academy at West Point in the Department of Social Sciences. Previously, Captain Amerine commanded Operational Detachment “A” 574, and advised and assisted Hamid Karzai in organizing guerilla forces in the Oruzgan Province of Afghanistan during Operation Enduring Freedom. Previous assignments include 5/87th Infantry, Fort Davis, Panama; Joint Security Force Company, Republic of Korea; and 5th Special Forces Group (Airborne), and Fort Campbell, Kentucky. Captain Amerine holds a BS in Arabic from the U.S. Military Academy at West Point.

Kenneth Anderson

Mr. Anderson is a Professor of Law at American University’s Washington College of Law specializing in international human rights and humanitarian law. He served previously as Director of Human Rights Watch’s Arms Division and on the General Counsel of the Open Society Institute-Soros Foundation. Currently he serves on the board of advisors for Human Rights Watch’s Arms Division and the Landmines Project of the Open Society Institute. He served as legal editor of *Crimes of War*.

Robert Andrews

Mr. Andrews, a former Green Beret and CIA officer, is a Washington novelist. He served as a deputy assistant secretary of defense and as a policy adviser to Secretary Rumsfeld on special operations and low-intensity conflict from July 2001 to July 2002.

Kenneth Bacon

Mr. Bacon is President and CEO of Refugees International, an organization that monitors conditions of refugees and displaced peoples around the world and works with the United Nations, the United States and other governments and non-government organizations to improve responses to humanitarian crises. He previously served as Assistant Secretary for Public Affairs in the Department of Defense and as a Reporter and Editor Columnist for the *Wall Street Journal*. He holds a BA in English from Amherst College and an MBA and MA in Journalism from Columbia University.

Lieutenant Colonel Mark H. Bean, USMC

Lieutenant Colonel Bean is a career Marine who has commanded infantry from the platoon to battalion levels. A 2002 graduate of the National War College, he is the senior Marine at the Joint Advanced Warfighting Program, Institute for Defense Analysis and is focused on urban combat at the operational level of war.

James Bishop

Mr. Bishop is Director for Humanitarian Response at InterAction, where he works with the members of the 160 agency NGO coalition on disaster response abroad. He also is a member of the management committee of the Sphere Project. A retired U.S. Foreign Service Officer, he served as U.S. Ambassador to Somalia, Liberia, and Niger, and as Deputy Assistant Secretary of State for Africa and for Human Rights and Humanitarian Affairs.

Major General William G. Boykin, USA

General Boykin assumed command of the U.S. Army John F. Kennedy Special Warfare Center and School in March 2000. Previously, he served as Commanding General, U.S. Army Special Forces Command (Airborne). Throughout his career, General Boykin has held a variety of assignments on the Joint Staff and the Army Staff, as well as the Joint Special Operations Command. General Boykin is a graduate of the Infantry Officer Basic and Advanced Course, Armed Forces Staff College, and U.S. Army War College. He earned a Master's degree in Public Administration from Shippensburg University.

Holly J. Burkhalter

Ms. Burkhalter is the Director of U.S. Policy for Physicians for Human Rights. Before joining Physicians for Human Rights in 1997, Ms. Burkhalter was for fourteen years the advocacy director of Human Rights. Prior to that she worked in Congress for seven years, including with then-Representative (now Senator) Tom Harkin, and for the House International Relations Committee.

Conrad Crane

Dr. Crane holds the General Douglas MacArthur Chair of Research at the US Army War College. He graduated from West Point in 1974 and retired from the Army in 2000 after 26 years of service, the last nine as Professor of History at West Point. Dr. Crane has written and lectured extensively on military history and policy, dealing with both air power and landpower issues. He has a Ph.D. from Stanford and is also a graduate of the War College.

Colonel Gary L. Crowder, USAF

Colonel Crowder is Chief, Strategy, Concepts and Doctrine Division, Directorate of Plans, Air Combat Command. Previous positions include Chief, Combat Operations, Combined Air Operations Center, Operation Enduring Freedom; Deputy Director of Operations and Battle Staff Director, Balkan Combined Air Operations Center, Operation Allied Force; Director, Combat Plans, Headquarters Joint Task Force Southwest Asia; Chief planner, Operation Desert Fox; and flight commander, Operation Desert Storm. Colonel Crowder is a graduate of the Air Force Academy.

Stephen J. Del Rosso, Jr.

Mr. Del Rosso is a Senior Program Officer for the International Peace and Security Program at the Carnegie Corporation of New York. Previously, Mr. Del Rosso was Program Director of the Chicago Council on Foreign Relations and managed the Pew Charitable Trusts "Global Security" grantmaking program in Eastern and Central Europe. He also served overseas in the Foreign Service, on Secretary of State George Shultz's staff and as program coordinator of the National Democratic Institute for International Affairs.

Colonel Norvell (Tex) De Atkine, USA (Ret.)

Colonel De Atkine is the Director of Middle East Studies at the John F Kennedy Special Warfare Center and School where he has taught for the past 12 years. He is a graduate of the Army Foreign Area Specialist program as a Middle Eastern specialist, obtaining a masters degree in Arab studies from the American University of Beirut. His Middle Eastern assignments alternated with his artillery assignments, including positions in Lebanon, Jordan, Egypt, and with the Trucial Oman Scouts prior to the British withdrawal from the Gulf.

Nicolas de Torrenté

Dr. de Torrenté is Executive Director of Doctors Without Borders/Médecins Sans Frontières (MSF) in the United States. He has worked extensively for MSF, as administrator and head of mission in Tanzania and Rwanda, and as an emergency coordinator in Somalia, Liberia, the Democratic Republic of Congo, Macedonia, and Afghanistan. Dr. de Torrenté holds degrees from the Graduate Institute of International Studies in Switzerland, the Fletcher School of Law and Diplomacy at Tufts University, and received a Ph.D. in International Relations from the London School of Economics.

George Devendorf

As the Director of Emergency Operations for Mercy Corps, Mr. Devendorf is responsible for coordinating and supporting the agency's disaster response efforts worldwide. Prior to joining Mercy Corps, he worked with a variety of relief and refugee assistance organizations, including USAID/OFDA (Kosovo and Macedonia), the International Council of Voluntary Agencies (Bosnia), InterAction (Washington, DC), the International Rescue Committee (Sudan), UN High Commissioner for Refugees, UNHCR (Sudan), and the International Organization for Migration (Philippines).

Bonnie Docherty

Ms. Docherty is a researcher in the Arms Division of Human Rights Watch. Last spring, she took part in a bomb damage assessment mission to Afghanistan as part of a three-person Human Rights Watch team. She received her J.D. from Harvard Law School in 2001 and her A.B. from Harvard University in 1994. Before law school, she worked as a journalist for three years.

William Fenrick

Mr. Fenrick has served as Senior Legal Adviser in the Office of the Prosecutor of the International Criminal Tribunal for the former Yugoslavia since 1994. He is also the Senior International Lawyer and Law of War Adviser to the Prosecutor. From 1992-1994, Mr. Fenrick was a member of the Commission of Experts appointed by the UN Secretary General to examine allegations of war crimes in the former Yugoslavia. Mr. Fenrick is a former Canadian Military Lawyer who served as Director of Law for International Law and Operations and Training.

Major Kimberly C. Field, USA

Major Field is assigned to the Commanding General's Initiatives Group, U.S. Forces Command, Ft. McPherson, Georgia. Previous assignments include J5 (Plans), Coalition Joint Civil Military Operations Task Force, Operation Enduring Freedom; Assistant Professor of International Relations, U.S. Military Academy at West Point; Military Police company commander, Somalia; and Military Police platoon leader, Operation Desert Storm. She graduated from the U.S. Military Academy at West Point and from the Fletcher School of Law and Diplomacy at Tufts University.

Dexter Filkins

Mr. Filkins is the Istanbul bureau chief for *The New York Times*. Since October, he has covered the war in Afghanistan, chronicling the collapse of the Taliban and the American-led effort to bring stability to the country in the war's aftermath. He was a finalist for a 2002 Pulitzer Prize for his coverage there. Before that, he was the New Delhi bureau chief for the Los Angeles Times, for which he wrote extensively about the Taliban, the rise of militant Islam in the region and the conflict in Kashmir. He has a B.A. in Government from the University of Florida and an M.Phil. in International Relations from Oxford University.

Anne Fitzgerald

Ms. Fitzgerald is a policy advisor at Amnesty International. For the last five years, she has worked on issues including the impact of armed conflict on human rights protections, particularly with reference to children and migrant or displaced populations. In her previous post with Amnesty International, she worked largely in Colombia, setting up a protection project in partnership with Colombian NGOs under threat from various factions. She has also worked as a field observer for human rights missions in conflict situations, including Haiti, Guatemala, and Israel and the Occupied Territories.

George Friedman

Dr. Friedman is founder and chairman of Stratfor, a private intelligence company that provides customized intelligence services for its clients. He has briefed widely on security and national defense matters, including senior commanders in all armed services, the Office of Net Assessments, SHAPE Technical Center, the U.S. Army War College, National Defense University and the RAND Corporation. Dr. Friedman has authored many publications in international affairs and business intelligence. Dr. Friedman graduated with a B.A. from the City College of the City University of New York and holds a Ph.D. in Government from Cornell University.

Lieutenant General Robert Gard, USA (Ret.)

General Gard currently is a consultant in education and international security. During his 31-year military career, he served in the Korean and Vietnam wars, as military (executive) assistant to two Secretaries of Defense, and as president of the National Defense University. Dr. Gard was director of the Johns Hopkins University School of Advanced International Studies Center in Bologna, Italy, for five years, and president of the Monterey Institute of International Studies for nearly 11 years. He holds a PhD in Political Economy and Government from Harvard University.

Colonel Charles Garraway

Charles Garraway is a Colonel in the United Kingdom Army Legal Services, specializing in international law. Trained as a criminal barrister, he has extensive experience during his Army career of military justice and operational law. He was the senior Army lawyer deployed to the Gulf in 1990/1991 and for the last six years has headed the Army International Law office in the Ministry of Defence in London. He is a Visiting Professor at King's College, London.

Brigadier David L. Grange, USA (Ret.)

General Grange began serving as the executive vice president and chief operating officer of the McCormick Tribune Foundation in 1999. Prior to that, he served for 30 years in the U.S. Army, concluding his service as Commanding General of the 1st Infantry Division. During his military career, General Grange served as a Green Beret, Ranger, Aviator, Infantryman, and as a member of Delta Force. Assignments and conflicts took him to Vietnam, Korea, Grenada, Russia, Africa, former Warsaw Pact countries, Central and South America, the Balkans, and the Middle East, to include the Gulf War. General Grange is also a national security analyst for CNN and WGN-TV/Radio.

Roy Gutman

Mr. Gutman is a *Newsweek* Defense Correspondent in the Washington Bureau. He previously spent many years as *Newsday's* Foreign Correspondent. He is a Pulitzer Prize winner for international journalism, author of *A Witness to Genocide*, and founder of "The War Crimes Project." He also edited the unique journalists' handbook, *The Crimes of War*.

Francoise Hampson

Ms. Hampson is a faculty member in the Law Department at the University of Essex. Previously, she taught at the University of Dundee, Scotland, for eight years. She is a member of the UN Sub-Commission on the Prevention of Discrimination and Protection of Minorities and a Governor of the British Institute of Human Rights. She holds a law degree from the University of Newcastle upon Tyne.

General Charles A. Horner, USAF (Ret)

General Horner retired from the United States Air Force while serving as the Commander-In-Chief of the North American Aerospace Defense Command (NORAD) and the United States Space Command, and commander of Air Force Space Command. During his career he led tactical fighter wings, air divisions, and the Air Defense Weapons Center prior to being assigned to command Unified Space Command/NORAD. General Horner was also commander of United States Central Command Air Forces. During Operations Desert Shield and Desert Storm he was in command of all U.S. and allied air assets.

Colonel Russ Howard

Colonel Howard, a career Special Forces officer, is now a professor and department head at the United States Military Academy. As a Special Forces officer, Colonel Howard served at every level of command including, (A) Detachment Commander, 7th Special Forces Group to Group; (B) Detachment Commander, 1st Special Forces Group; Battalion Commander, Special Warfare Center and School; and Commander, 1st Special Forces Group. Colonel Howard holds degrees from San Jose State University, the University of Maryland, the Monterey Institute of International Studies, and Harvard University and is finishing a Ph.D. in International Security Studies at the Fletcher School of Law and Diplomacy.

Michael Ignatieff

Dr. Ignatieff is Director of the Carr Center of Human Rights Policy and Carr Professor of Human Rights Practice at Harvard University. He has researched ethnic war in Serbia, Croatia, Bosnia, Rwanda, and Afghanistan. His recent work combines eyewitness accounts of modern war with an historian's insight into human conflict. He is the author of *Virtual War: Kosovo and Beyond* (Metropolitan Books, 2000).

Thomas A. Keaney

Dr. Keaney is the executive director of the Foreign Policy Institute and senior adjunct professor of strategic studies at the School of Advanced International Studies at Johns Hopkins University. Previous positions include professor of military strategy, National War College; researcher/author, Gulf War Air Power Survey, where he was co-author of *The Summary Report* and *The Effects and Effectiveness of Air Power*. His most recent publication is *Armed Forces in the Middle East, Politics and Strategy*, 2002. He is a graduate of the National War College and holds a B.S. from the U.S. Air Force Academy and M.A. and Ph.D. degrees in History from the University of Michigan.

Lorelei Kelly

Ms. Kelly is a Special Projects Fellow in the U.S. House of Representatives on the staff of Congresswoman Lynn Woolsey. In 1998, she founded and continues to direct "Security for a New Century" a bipartisan study group for Congressional staff. Her home institution is the Henry L. Stimson Center, an independent think tank located in Washington, D.C. Lorelei came to D.C. from the Stanford Center on Conflict and Negotiation at Stanford University.

Sean Krausert

Mr. Krausert is CAUSE Canada's Program Director responsible for its overseas development activities. CAUSE Canada is a humanitarian relief and development organization with field operations in West Africa (Sierra Leone and Ivory Coast) and Central America (Guatemala and Honduras). Further, Mr. Krausert has created and implemented a grassroots conflict resolution process using drama called Peace Theatre.

Ariel (Eli) Levite

Dr. Levite assumed the position of Principal Deputy Director General (Policy) at the Israeli Atomic Energy Commission in September 2002. He previously spent two years as a Visiting Fellow at the Center for International Security and Cooperation (CISAC). Previous positions include Deputy National Security Advisor (Defense Policy), Head, Bureau of International Security, Israeli Ministry of Defense, Senior Research Associate and Director, Project on Israeli Security, Jaffee Center for Strategic Studies, Tel-Aviv University. Dr. Levite completed six years of military service, rising to the rank of Major in the Israeli Defense Forces reserves. He holds a bachelor's degree from Tel-Aviv University, and an M.A. and Ph.D. from Cornell University.

Noam Lubell

Mr. Lubell is Project Director, Prisoners and Detainees at Physicians for Human Rights - Israel. He is also a Legal Counsellor on International Law and holds an LLM International Human Rights Law, from the University of Essex, in the United Kingdom. Mr. Lubell has researched and written on the subjects of non-state groups in internal armed conflicts, conscientious objection, child soldiers, the right to health in the Occupied Territories, and detention conditions in Israel.

Gal Luft

Mr. Luft is a doctoral candidate at the Department of Strategic Studies at the Paul H. Nitze School of Advanced International Studies (SAIS), Johns Hopkins University. As a former lieutenant colonel in the Israel Defense Forces, he commanded battalions in southern Lebanon, the Golan Heights, and the West Bank and Gaza Strip including in the districts of Jenin, Ramallah and Rafah. Luft is the author of *The Palestinian Security Forces: Between Police and Army* and articles in *Foreign Affairs*, *Commentary Magazine*, and *Middle East Quarterly*. He is currently writing a book on coalition warfare.

Michael McClintock

Mr. McClintock joined the Lawyers Committee for Human Rights in June 2002 as director of program. Before, he was with Human Rights Watch. He served as a researcher and research director for Amnesty International from 1974 to 1994. In addition to his human rights writing, he is the author of *Instruments of Statecraft: U.S. Guerrilla Warfare, Counterinsurgency, and Counterterrorism 1940-1990* (Pantheon, 1992). He is a graduate of Ohio University and the University of Wisconsin.

Colonel David E. McCracken, USA

Colonel McCracken is Director for Strategy & Initiatives, Office of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict. Previous positions include Professor, National War College; Chief, Special Operations Division, Office of the Joint Chiefs of Staff; and Commander, 3d Special Forces Group (Airborne). Colonel McCracken holds a BS from the U.S. Military Academy at West Point, an MPA from Oklahoma University, and was a National Security Fellow at Harvard University.

Charles McLaughlin

Mr. McLaughlin is a consultant in the Boston Office of McKinsey & Company, a global management consulting firm. Prior to joining McKinsey, Mr. McLaughlin served as a U.S. Army Special Forces officer and later as Executive Director of Harvard's Russian Investment Symposium. Currently, he is a member of the Council on Foreign Relations, the Council for Emerging National Security Affairs, the boards of two nonprofit organizations, and the U.S. Army Reserve.

Major General William L. Nash, USA (Ret.)

General Nash has extensive experience in peacekeeping operations both as a military commander in Bosnia and, most recently, as a civilian administrator for the United Nations in Kosovo. He is a veteran of Vietnam, Operation Desert Storm and has 34 years of Army service. Since his retirement in 1998, General Nash has been a Fellow and Visiting Lecturer at Harvard's John F. Kennedy School of Government, an Adjunct Professor at Georgetown University and Director of Civil-Military Programs at the National Democratic Institute for International Affairs.

Lieutenant Colonel Michael Newton, USA

Colonel Newton is an Assistant Professor in the Department of Law at the U.S. Military Academy at West Point. Previous positions include Senior Advisor, United States Ambassador-at-Large for War Crimes Issues; U.S. representative, U.N. Planning Mission for the Sierra Leone Special Court; Special Advisor, Office of War Crimes Issues; and Faculty Member, International and Operational Law faculty, Judge Advocate General's School. Colonel Newton graduated from the U.S. Military Academy at West Point and holds a Juris Doctor from the University of Virginia School of Law and an L.L.M. from the University of Virginia.

Colonel Hays Parks, USMCR (Ret.)

Colonel Parks served with the First Marine Division in the Republic of Vietnam (1968-69) in infantry and judge advocate assignments. He has been the Special Assistant to The Judge Advocate General of the Army for Law of War Matters since 1979. He was a legal adviser for the 1986 air strike against terrorist targets in Libya. In 2001 he became the fifth person in the history of the United States Special Operations Command to receive that command's top civilian award, the U.S. Special Operations Command Outstanding Civilian Service Medal.

Pat (Doc) Pentland

Dr. Pentland is Senior National Security Analyst and Associate Director of the Aerospace Center with the Strategies Group of Science Applications International Corporation (SAIC). He is currently a study member of Task Force Enduring Look, which is the Air Force's official effort to document the lessons learned from Operation Enduring Freedom. Previously Dr. Pentland served as the Study Group Coordinator for the U.S. Commission on National Security/21st Century. Prior to becoming a civilian analyst, Dr. Pentland served for 21 years in the U.S. Air Force, retiring as a Colonel, where he participated in Operations Desert Storm, Provide Comfort, and Southern Watch.

Dinah PoKempner

Ms. PoKempner is General Counsel for Human Rights Watch. She supervises advocacy on all matters of international law and policy for Human Rights Watch, including establishing international legal tribunals, setting international standards, drafting legislation, and legal reform initiatives in various countries. She has conducted field research on human rights in Cambodia, Hong Kong, Vietnam, China, and former Yugoslavia.

Dana Priest

Ms. Priest is a Journalist for the Washington Post, where she has worked for 14 years in a variety of positions, including Assistant Foreign Editor. Since 1995, she has written about the U.S. military, first as the Pentagon correspondent and now as an investigative reporter. Ms. Priest was a guest scholar at the US Institute of Peace and a recent recipient of the MacArthur Foundation Research and Writing Grant. She is currently working on a book about the military's expanding influence over American foreign policy and its implications for civil-military relations.

Mary Richardson

Ms. Richardson is Project Manager at the Harvard Program on Humanitarian Policy and Conflict Research (HPCR). Prior to joining HPCR, she was a consultant with McKinsey and Co. and worked for several years in the non-profit sector. She is past co-chair of a project providing legal research support to the International Criminal Tribunals for the former Yugoslavia and Rwanda and worked in Liberia with an international primate conservation program. Ms. Richardson has a degree in geography and environmental studies from Williams College and a J.D. and a LL.M. in international law from Duke University.

Leonard Rubenstein

Mr. Rubenstein has been Executive Director of Physicians for Human Rights (PHR) since 1996. A graduate of Harvard Law School, Mr. Rubenstein has spent fifteen years in the field of advocacy for human and civil rights. Before coming to PHR, Mr. Rubenstein was the director of the Bazelon Center for Mental Health Law in Washington. He has lectured and written extensively on disability rights, human rights, and medical ethics. He has also served as an Adjunct Professor at Georgetown University Law Center.

Sarah Sewall

Ms. Sewall is Program Director at the Carr Center for Human Rights Policy at Harvard University. She served as Deputy Assistant Secretary of Defense for Peacekeeping and Humanitarian Assistance during the Clinton Administration and also as Senior Foreign Policy Advisor to Senate Majority Leader George J. Mitchell. She has taught at Harvard and Stanford Universities and recently edited (with Carl Kaysen) "*The United States and the International Criminal Court: National Security and International Law.*"

Paul B. Stares

Dr. Stares is director of the U.S. Institute of Peace's Research and Studies Program. He has authored or edited nine books including most recently *Rethinking Energy Security in East Asia*; *The New Security Agenda: A Global Survey*. Previously, he was associate director and senior research scholar, Center for International Security and Cooperation, Stanford University, senior research fellow, Japan Institute of International Affairs; director of studies, Japan Center for International Exchange; senior fellow, Brookings Institution; NATO fellow; scholar-in-residence, MacArthur Foundation Moscow Office; Rockefeller international relations fellow; and adjunct professor, Georgetown University. He received his Ph.D. at the University of Lancaster.

Michael Vickers

Mr. Vickers is Director of Strategic Studies at the Center for Strategic and Budgetary Assessments. Mr. Vickers has lectured extensively on transformational change in the conduct of war. Previous positions include Co-Director, Strategic Studies Program, Johns Hopkins School of Advanced International Studies; and advisor, Defense Science Board Summer Study. In 1997, he chaired a major Under Secretary of Defense for Policy study on strategies for transforming the US military to exploit the emerging military revolution. A former Special Forces Officer and CIA Operations Officer with extensive operational experience, Mr. Vickers holds an MS in strategic studies and economics from Johns Hopkins University and an MBA from the University of Pennsylvania's Wharton School.

Colonel Ken Watkin

Colonel Ken Watkin (BA, LLB, LLM) is a Canadian Forces legal officer who has served in a variety of legal advisor and operational law positions. Most recently he was the Deputy Judge Advocate General/Operations. Colonel Watkin has also served as the senior legal advisor to the Canadian Navy and the advisor to a joint military/civilian Board of Inquiry investigating Canadian Airborne Regiment Battle Group operations in Somalia and as the Director of Law/Training. Colonel Watkin is presently a Visiting Fellow at the Harvard Law School Human Rights Program.

Ruth Wedgwood

Ms. Wedgwood is Edward B. Burling Professor of International Law and Diplomacy, Johns Hopkins University, School of Advanced International Studies. Previous positions include Professor of Law, Yale University Law School; Director of Studies, Hague Academy of International Law; National Security Study Group (Hart-Rudman Commission on Security in 2025); Secretary of State's Advisory Committee on International Law; advisor to the Secretary of Defense on international law issues in the war on terrorism; Stockton Professor of International Law, U.S. Naval War College; amicus curiae, International Criminal Tribunal for the former Yugoslavia; federal prosecutor; and Supreme Court law clerk. She holds a J.D. from Yale University Law School and a B.A. from Harvard University.

Brigadier General David T. Zabecki, USAR

General Zabecki assumed command of the 7th U.S. Army Reserve Command (ARCOM) on 31 March 2002. Previous assignments include Deputy Chief, Army Reserve (Individual Mobilization Augmentee), Office of the Chief, Army Reserve; Chief of Staff and Deputy Chief of Staff for Operations, 7th ARCOM; and Deputy Chief of Staff for Operations, U.S. Army Reserve Europe Mobilization Support Center during NATO's Operation Joint Endeavor. Prior to joining the USAR in Germany, BG Zabecki served in the Illinois National Guard. In his civilian career, BG Zabecki is an editor and free-lance writer specializing in Military History and an Assistant Professor of Military History at American Military University.



PROJECT ON THE MEANS OF INTERVENTION

SARAH SEWALL
PROGRAM DIRECTOR

KELLEY REESE
RESEARCH ASSISTANT

Through the Project on the Means of Intervention, the Carr Center for Human Rights Policy aims to advance our understanding of humanitarian challenges that arise in the context of using military force. The effort, which is supported by the Carnegie Corporation of New York, brings active duty and retired officers from the United States military and other security specialists together with members of the human rights and humanitarian communities in a series of workshops to explore how human rights considerations are factored into, and affected by, military intervention.

The way that military force is used receives far less attention in policy circles than does the question of when states should intervene militarily. Yet the means of military intervention have dramatic implications for the security of civilians in the target country, the security of intervening forces, and the effectiveness of the intervention itself.

Some Project participants view military interventions as concerned with force protection and mission accomplishment at the expense of protecting vulnerable civilians in the target country. Others see humanitarian constraints, whether legal or political in nature, as unduly complicating the use of force and compromising its effectiveness. By bringing these perspectives together, the project hopes to illuminate a range of topics while exposing participants to competing views. A central question for this project is the degree to which moral and pragmatic interests may overlap in applying force consistent with humanitarian principles. The workshop series began in 2001, and has included discussions on air power, targeting, collateral damage, and ground operations.

The project aims to illuminate a set of issues that have become increasingly important during the last decade. It intends to foster more critical and nuanced thinking among participants and their associated institutions, and to promote understanding between the military and human rights communities both in the policy process and ultimately on the ground. Ultimately, the project aims to affect the way nations intervene militarily, making the use of military power more consistent with humanitarian principles.



THE CARR CENTER FOR HUMAN RIGHTS POLICY

MICHAEL IGNATIEFF
DIRECTOR

MICHELLE GREENE
EXECUTIVE DIRECTOR

The mission of the Carr Center, like the Kennedy School, is to train future leaders for careers in public service and to apply first-class research to the solution of public policy problems. Our research, teaching and writing are guided by a commitment to make human rights principles central to the formulation of good public policy in the United States and throughout the world.

Since its founding in 1999 through a gift from Kennedy School alumnus Greg Carr, the Center has developed a unique focus of expertise on the most dangerous and intractable human rights challenges of the new century, including genocide, mass atrocity, state failure and the ethics and politics of military intervention.

In approaching such challenges, we seek to lead public policy debate, to train human rights leaders and to partner with human rights organizations to help them respond to current and future challenges. We also recognize that the solutions to such problems must involve not only human rights actors, but governments, corporations, the military and others not traditionally conceived of as part of “human rights” efforts. Thus, we seek to expand the reach and relevance of human rights considerations to all who influence their outcomes.

The Center uses its *convening power* to create a safe space for human rights organizations and other policy actors to engage in constructive self-criticism and to forge new partnerships.

The Center uses its *research capacity* to evaluate the human rights policies of the United States and other governments and to analyze the dilemmas that need to be resolved when human rights principles are brought to bear on major public policy choices.

The Center uses its *teaching capacity* to inspire future leaders to make respect for human rights principles a central commitment of democratic leadership.

PROGRAMS

AMERICAN EXCEPTIONALISM

This colloquium series explores the unique nature of American rights culture and America's longstanding habit of exempting itself from international human rights obligations and international legal frameworks. Leading scholars from a variety of fields explore the origins and impact of "American Exceptionalism" in areas ranging from freedom of speech to economic and social rights. The series has produced a vibrant intellectual exchange among many of America's leading scholars in preparation for an edited volume on the causes and consequences of this exceptionalism, edited by Michael Ignatieff.

NATIONAL SECURITY AND HUMAN RIGHTS

This unprecedented initiative, led by Sarah Sewall, brings U.S. military officers and other security experts together with members of the human rights and humanitarian communities in a series of workshops to discuss how humanitarian considerations are affected by, and factored into, military operations. The program fosters dialogue and promotes critical thinking among participants and their associated institutions. Publications and public conferences bring substantive analysis from this program to a wider audience.

RESPONSES TO GENOCIDE AND MASS ATROCITIES

Publication of Samantha Power's groundbreaking book, *"A Problem from Hell": America and the Age of Genocide* (Basic Books, 2002), marked the culmination of the Carr Center's extensive research project on U.S. policy responses to genocide in the 20th century. The Carr Center continues to explore legal, political, and military responses to mass atrocity through the program, and has hosted numerous speakers at the Kennedy School to analyze national and international mechanisms geared to curb atrocity.

NONGOVERNMENTAL ORGANIZATION (NGO) EFFECTIVENESS

The Carr Center's research into human rights nongovernmental organization effectiveness has led to facilitative efforts in conferences on topics from the role of human rights NGOs in reporting on the war in Kosovo to how human rights NGOs can increase their advocacy around the global AIDS crisis. Research has also led to critical analyses of human rights NGO work in publications by Carr Center faculty and staff.

THE SOCIAL PSYCHOLOGY OF CONFLICT ESCALATION

This program examines the application of social psychology of conflict to human rights policy. Led by Carr Center faculty affiliate Professor Keith Allred and sponsored by the Carr Foundation, the program's project on resolving the Nez Perce/local government conflict in Idaho applies conflict resolution research to a dispute between a tribal government and surrounding city and county governments.

COMPREHENSIVE SECURITY AND SUSTAINABLE DEVELOPMENT

This initiative, led by Professor Sanjeev Khagram, produces cutting-edge research, teaching, and practitioner engagement on the shift from a globalization model focused narrowly on national security and economic growth to one designed to achieve comprehensive security and sustainable development.

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