

The Question of Military Tactics Resulting in a High Percentage of 'Accidental' Civilian Deaths

Background

When considering the question of military tactics resulting in a high percentage of “accidental” civilian deaths, the Geneva Convention outlines a useful framework for defining legitimate and illegitimate uses of military force based on proportionality of unintended consequences. Such tactics must:

1. Have a discrete military objective or target,
2. Not intentionally target civilians, and
3. Ensure that the collateral damage incurred is proportionate to the strategic advantage gained when operations against military targets are not possible without incurring civilian casualties.

Historically, military tactics that exploit, or at best ignore the inherent vulnerability of civilians have been condemned for the disproportionate and sometimes enduring harm to civilian life. Allied bombing of civilian infrastructure and the use of incendiary devices in World War II deliberately targeted non-combatants much like carpet bombing in Vietnam attempted to target small groups of guerilla fighters hiding among a large civilian population. In modern times, the indiscriminate use of air power and other munitions in Middle Eastern conflicts has drawn criticism from much of the international community.

Tactics used by the United States and the United Kingdom during the Iraq War led to massive civilian casualties due to imprecise targeting and the use of cluster bombs that blanket entire areas with submunitions. The military incursion in 2004 on the Iraqi town Fallujah saw the additional use of white phosphorus, an incendiary also used in the Vietnam War, and air power in an urban setting. To a lesser extent, NATO aerial bombing campaigns of insurgent buildings in the War in Afghanistan have also been criticised for causing high civilian casualties. Israel has also been accused of using incendiaries such as white phosphorus in Palestinian territories against Hamas militants and intensive missile attacks on civilian infrastructure in Lebanon against Hezbollah.

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New challenges in the modern era have defied conventional notions of acceptable practices that stem from the application of Western military philosophy to changing modes of warfare. Major powers today seek to limit engagements by establishing rapid military dominance and eliminating opposition through tactics that sometimes also incur high civilian casualties. Carl von Clausewitz first wrote in his book *On War* of the use of disproportionately large force to seize decisive victories, a theory that would manifest itself in the Powell Doctrine named after the former US Secretary of State. US and NATO military strategy in the Middle East has been guided by the Powell Doctrine,

such that the heavy civilian casualties that arose during Operation Desert Storm and in the first months of the War in Afghanistan can be directly attributed to the indiscriminate aerial blitz on military and civilian institutions. Elements of this theory can also be found in the tactics employed by the Israeli Defence Force (IDF) to overwhelm Hamas forces and destroy infrastructure necessary to mount future resistance. Conversely, territories and nations such as Afghanistan or the Palestinian Authority in Gaza that are subject to such tactics have often protested that accidental civilian deaths come secondary to achieving military objectives with little or no input from host countries.

Complicating the application of disproportionate force is the increasingly asymmetrical nature of warfare between state and non-state militaries. In the face of superior military strength, non-state actors such as insurgencies and guerilla forces prefer to avoid direct military engagements; hiding among civilians allow them to actively recruit new members and leverage international conventions on the status of civilians in war for protection. One report, “The Psychological Asymmetry of Islamist Warfare” accurately describes the advantage that all insurgent groups exploit:

“By rejecting the entire Western concept of the rules of war...groups turn the adherence of Western military powers to restrictions on battlefield conduct into not just a disadvantage, but one that can be relied upon in a conflict, whether confronting U.S. peacekeepers in Mogadishu, NATO units in southern Afghanistan, or Israeli soldiers in Gaza.”

Employed by the dominant military power to target combatants hiding among civilians, counterinsurgency tactics necessarily cause higher civilian casualties through indiscriminate targeting or fighting in populated areas. Such tactics are often justified on the basis of military expediency in civil wars or internal conflicts involving non-state actors: the United States employed cluster bombs in areas held by the Viet Cong in Laos, Cambodia and Vietnam; the Russian Federation targeted civilian villages to deter Chechen rebels; Sri Lanka indiscriminately shelled Tamil forces known to hold civilian hostages; NATO forces currently conduct air strikes against Taliban insurgents in civilian areas. Though controversial in international human rights legislation, militaries employ such tactics to minimize harm to their own troops and potentially civilians that would occur from direct engagement. At the heart of this resolution will therefore be the re-evaluation of conventional notions of warfare as delegates balance civilian protections against new military necessities.

During debate, delegates representing regions with a foreign occupying presence conducting military maneuvers within a territory such as Afghanistan or the PLO should be particularly concerned with exercising control over which military tactics are used. Conversely, nations with a strong international military presence such as members of the NATO coalition and particularly the United States should be heavily involved in defending such practices, as should states currently facing insurgent groups or facing internal rebellion such as Israel. When constructing resolutions, delegates should specify which military practices are legitimate and

consider re-enforcing established international conventions by constructing mechanisms such as the ICC to deter and penalize what are understood as war crimes.

Sources

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