

Afghanistan, Assessment of ISAF Strategy

N.B. As per the disclaimer, neither the ICRC nor the authors can be identified with the opinions expressed in the Cases and Documents. Some cases even come to solutions that clearly violate IHL. They are nevertheless worthy of discussion, if only to raise a challenge to display more humanity in armed conflicts. **Similarly, in some of the texts used in the case studies, the facts may not always be proven;** nevertheless, they have been selected because they highlight interesting IHL issues and are thus published for didactic purposes.

[Source: Commander's Initial Assessment, Stanley A. McChrystal, available at http://static.nzz.ch/files/6/5/4/Afghanistan_Assessment_1.3630654.pdf]

HEADQUARTERS
INTERNATIONAL SECURITY ASSISTANCE FORCE [ISAF]
KABUL, AFGHANISTAN

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SUBJECT: COMISAF'S INITIAL ASSESSMENT

REFERENCE: Secretary of Defense Memorandum 26 June 2009,
Subject: Initial United States Forces – Afghanistan (USFOR-A) Assessment

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[...]

Purpose

On 26 June, 2009, the United States Secretary of Defense directed Commander, United States Central

Command (CDRUSCENTCOM), to provide a multidisciplinary assessment of the situation in Afghanistan. On 02 July, 2009, Commander, NATO International Security Assistance Force (COMISAF) I U.S. Forces-Afghanistan (USFOR-A), received direction from CDRUSCENTCOM to complete the overall review.

On 01 July, 2009, the Supreme Allied Commander Europe and NATO Secretary General also issued a similar directive.

COMISAF subsequently issued an order to the ISAF staff and component commands to conduct a comprehensive review to assess the overall situation, review plans and ongoing efforts, and identify revisions to operational, tactical and strategic guidance.

[...]

Commander's Summary

The stakes in Afghanistan are high. NATO's Comprehensive Strategic Political Military Plan and President Obama's strategy to disrupt, dismantle, and eventually defeat al Qaeda and prevent their return to Afghanistan have laid out a clear path of what we must do. Stability in Afghanistan is an imperative; if the Afghan government falls to the Taliban – or has insufficient capability to counter transnational terrorists – Afghanistan could again become a base for terrorism, with obvious implications for regional stability.

[...]

Redefining the Fight

[...]

Our strategy cannot be focused on seizing terrain or destroying insurgent forces; our objective must be the population. In the struggle to gain the support of the people, every action we take must enable this effort. The population also represents a powerful actor that can and must be leveraged in this complex system. Gaining their support will require a better understanding of the people's choices and needs. However, progress is hindered by the dual threat of a resilient insurgency and a crisis of confidence in the government and the international coalition. To win their support, we must protect the people from both of these threats.

Many describe the conflict in Afghanistan as a war of ideas, which I believe to be true. However, this is a 'deeds-based' information environment where perceptions derive from actions, such as how we interact with the population and how quickly things improve. The key to changing perceptions lies in changing the underlying truths. We must never confuse the situation as it stands with the one we desire, lest we risk our credibility.

[...]

Change the Operational Culture

As formidable as the threat may be, we make the problem harder. ISAF is a conventional force that is poorly configured for COIN [Counterinsurgency], inexperienced in local languages and culture, and struggling with challenges inherent to coalition warfare. These intrinsic disadvantages are exacerbated by our current operational culture and how we operate.

Pre-occupied with protection of our own forces, we have operated in a manner that distances us – physically and psychologically – from the people we seek to protect. In addition, we run the risk of strategic defeat by pursuing tactical wins that cause civilian casualties or unnecessary collateral damage. The insurgents cannot defeat us militarily; but we can defeat ourselves.

[...]

The New Strategy: Focus on the Population

[...] Conventional wisdom is not sacred; security may not come from the barrel of a gun. Better force protection may be counterintuitive; it might come from less armor and less distance from the population.

[...]

Initial Assessment

[...]

ISAF's attitudes and actions have reinforced the Afghan people's frustrations with the shortcomings of their government. Civilian casualties and collateral damage to homes and property resulting from an over-reliance on firepower and force protection have severely damaged ISAF's legitimacy in the eyes of the Afghan people.

[...]

III. Getting the Basics Right

[...]

New Operational Culture: Population-Centric COIN

[...]

Build Relationships. In order to be successful as counterinsurgents, ISAF must alter its operational culture to focus on building personal relationships with its Afghan partners and the protected population. To gain

accurate information and intelligence about the local environment, ISAF must spend as much time as possible with the people and as little time as possible in armored vehicles or behind the walls of forward operating bases. ISAF personnel must seek out, understand, and act to address the needs and grievances of the people in their local environment. Strong personal relationships forged between security forces and local populations will be a key to success.

Project Confidence. [...] Adjusting force protection measures to local conditions sends a powerful message of confidence and normalcy to the population. Subordinate commanders must have greater freedom with respect to setting force protection measures they employ in order to help close the gap between security forces and the people they protect. Arguably, giving leaders greater flexibility to adjust force protection measures could expose military personnel and civilians to greater risk in the near term; however, historical experiences in counterinsurgency warfare, coupled with the above mitigation, suggests that accepting some risk in the short term will ultimately save lives in the long run.

[...]

IV. A Strategy for Success

[...]

1. Increase Partnership with the ANSF [Afghan National Security Forces] to Increase Size and Capabilities

[...]

Detainee Operations. Effective detainee operations are essential to success. The ability to remove insurgents from the battlefield is critical to effective protection of the population. Further, the precision demanded in effective counterinsurgency operations must be intelligence-driven; detainee operations are a critical part of this. Getting the right information and evidence from those detained in military operations is also necessary to support rule of law and reintegration programs and help ensure that only insurgents are detained and civilians are not unduly affected.

Detainee operations are both complex and politically sensitive. There are strategic vulnerabilities in a non-Afghan system. By contrast, an Afghan system reinforces their sense of sovereignty and responsibility. As always, the detention process must be effective in providing key intelligence and avoid 'catch and release' approaches that endanger coalition and ANSF forces. It is therefore imperative to evolve to a more holistic model centered on an Afghan-run system. This will require a comprehensive system that addresses the entire "life-cycle" and extends from point of capture to eventual reintegration or prosecution.

ISAF has completed a full review of current detainee policies and practices with recommendations for

substantial revisions to complement ISAF's revised strategy. Key elements of a new detention policy should include transferring responsibility for long-term detention of insurgents to GIRoA [Government of the Islamic Republic of Afghanistan], establishing procedures with GIRoA for ISAF access to detainees for interrogation within the bounds of national caveats, application of counter-radicalization and disengagement practices, and training of ISAF forces to better collect intelligence for continued operations and evidence for prosecution in the Afghan judicial system. Afghanistan must develop detention capabilities and operations that respect the Afghan people. A failure to address GIRoA incapacity in this area presents a serious risk to the mission.

2. Facilitating Afghan Governance and Mitigating the Effects of Malign Actors

[...]

Rule of Law. Finally, ISAF must work with its civilian and international counterparts to enable justice sector reform and locate resources for formal and informal justice systems that offer swift and fair resolution of disputes, particularly at the local level. The provision of local justice, to include such initiatives as mobile courts, will be a critical enhancement of Afghan capacity in the eyes of the people. ISAF must work with GIRoA to develop a clear mandate and boundaries for local informal justice systems.

[...]

VII. Conclusion

The situation in Afghanistan is serious. The mission can be accomplished, but this will require [...] fundamental changes. [...] ISAF must focus on getting the basics right to achieve a new, population-centric operational culture and better unity of effort. [...]

Annexes

Annex E: Civilian Casualties, Collateral Damage, and Escalation of Force Background

Civilian casualties (CIVCAS) and damage to public and private property (collateral damage), no matter how they are caused, undermine support for GIRoA, ISAF, and the international community in the eyes of the Afghan population. Although the majority of CIVCAS incidents are caused by insurgents, the Afghan people hold ISAF to a higher standard. Strict comparisons of amount of damage caused by either side are unhelpful. To protect the population from harm, ISAF must take every practical precaution to avoid CIVCAS and collateral damage.

ISAF established a CIVCAS Tracking Cell in August 2008. This step was reinforced by a revised Tactical Directive (TO) issued to all troops in theatre on 1 July 2009, which, *inter alia*, clearly described how and when lethal force should be used. All subordinate commanders were explicitly instructed to brief their troops (to include civilian contractors) on the TO. Further, a thorough review of ISAF and USFOR-A operating

procedures and processes has been ordered.

[...]

Key Findings

Training

Though it is not possible to prescribe the appropriate use of force for every situation on a complex battlefield, all troops must know, understand, comply, and train with the direction outlined in the TO. This implies a change in culture across the force. ISAF units and soldiers must be fully prepared to operate within the guidelines of the TO and other directives prior to deployment. Home-station training events must be nested within these directives. Training must continue in theater to ensure the guidance is being implemented correctly.

[...]

Troops In Contact (TIC)

The TO stresses the necessity to avoid winning tactical victories while suffering strategic defeats. Ground commanders must fully understand the delicate balance between strategic intent and tactical necessity. Commanders must prioritize operational effectiveness within their operating areas by considering the effects of their actions on the Afghan population at every stage.

Recommendation: Under the direction of Task Force Commanders, sub-unit ground commanders must plan for and rehearse a full range of tactical options to include application of force in unpopulated areas, de-escalation of force within populated ones, or even breaking contact as appropriate to accomplish the mission.

Proportionality

In order to minimize the risk of alienating the Afghan population, and in accordance with International Law, ISAF operations must be conducted in a manner that is both proportionate and reasonable.

Recommendation: When requesting Close Air Support (CAS) ground commanders and Joint Tactical Air Controllers (JTAC) must use appropriate munitions or capabilities to achieve desired effects while minimizing the risk to the Afghan people and their property. Ground commanders must exercise similar judgment in the employment of indirect fires.

Shaping the Environment and Preconditions

The importance of cultural awareness during the conduct of operations is highlighted in the TO. Specifically, it notes that a significant amount of CIVCAS occur during Escalation of Force (EoF) procedures (14% of people killed and 22% of those wounded during the last recorded 6 months). These incidents tend to occur in units with less training experience and lower unit cohesion. Fear and uncertainty among ISAF soldiers contributes to escalation of force incidents. Furthermore, although ISAF has refined and enhanced the warnings that are issued, many Afghans do not understand them and consequently fail to comply. Low literacy levels and cultural differences may explain a misunderstanding of EoF procedures and the actions that ISAF troops expect them to take.

Recommendation: Effective pre-deployment training and the development of unit cohesion are essential in honing the tactical judgment of soldiers and small unit leaders. Training scenarios at home station and combat training centers must improve. As ISAF reviews and modifies its escalation of force procedures to better fit the Afghan context, ISAF, and GIRoA must communicate those procedures more effectively to the Afghan people in appropriate media.

Press Release / Public Information

The TO also stresses the requirement to acknowledge any CIVCAS incident in the media expeditiously and accurately; timely engagement with key leaders is also a critical element. The aim is to be 'first with the known truth', based on the information available at the time. ISAF competes with insurgents (INS) information operations (IO), and the INS IO is not hampered by the need to be truthful; moreover, any statements made by the INS are rapidly disseminated, and can be persuasive to the Afghan population. As the TO notes, it is far more effective to release a factual statement with the known details early, and then a follow-on statement with additional clarification at a later stage. This procedure is more effective than simply issuing a rebuttal of an INS version of the account. Furthermore, debating the number of people killed or injured misses the point. The fact that civilians were harmed or property was damaged needs to be acknowledged and investigated, and measures must be taken for redress.

Recommendation: First, ISAF and GIRoA must aim for a consistent rather than conflicting message through appropriate media, to include word of mouth in affected local communities. Be first with the known truth; be transparent in the investigation. Second, ISAF and GIRoA should follow-up on any incident with periodic press updates regarding the progress of the investigation, procedures for redress, and measures taken to ensure appropriate accountability.

Aircraft Video Release Procedures

The advantage of photographic imagery to support any Battle Damage Assessment (BOA) is covered in the TO. This can be expanded to include aircraft weapon system imagery. The NATO Comprehensive Strategic Political Military Plan (CSPMP) for Afghanistan requires nations to establish agreed procedures for

declassifying and making use of national operational imagery to reinforce NATO messages. Presently, national caveats apply to the release of aircraft BOA and weapon release imagery, and these caveats have different procedures and timelines for release. Some nations do not comply with the CSPMP.

Recommendation: Establish a standard procedure for all nations and services to attain the necessary release approval and delivery of the footage.

Honor and “Assistance”

Under the terms of the Military Technical Agreement between ISAF and GIRoA (dated 4 Jan 02), ISAF is not required to make compensation payments for any damage to civilian or governmental property. Contributing nations are responsible for damages caused by their soldiers. Some nations contribute to individual or collective compensation, a number do not, whilst others contribute in different ways. This creates an extremely unhelpful imbalance and undermines COIN Strategy. To address this, the NATO CSPMP for Afghanistan, encourages nations to fund the NATO Post Operations Emergency Relief Fund (POERF) to compensate or assist individuals and communities.

CIVCAS payments and compensation must be carefully considered against a large number of different factors. Whilst being sensitive to the affected families and communities, improper procedures and poor investigations and accountability may encourage subsequent exaggerated claims.

Recommendation: Develop and implement an equitable system of compensation for damages, whether individual or community based. ISAF TCNs [Troop Contributing Nations] must develop a common policy for compensation and redress due to injury, loss of life, and damage to property. Although compensation can never make up for such loss, appropriate measures to ensure accountability and recognition of the importance of Afghan life and property can help mitigate public anger over the incident.

Annex F: Detainee Operations, Rule of Law, and Afghan Corrections

Background

Detention operations, while critical to successful counterinsurgency operations, also have the potential to become a strategic liability for the U.S. and ISAF. With the drawdown in Iraq and the closing of Guantanamo Bay, the focus on U.S. detention operations will turn to the U.S. Bagram Theater Internment Facility (BTIF). Because of the classification level of the BTIF and the lack of public transparency, the Afghan people see U.S. detention operations as secretive and lacking in due process. It is critical that we continue to develop and build capacity to empower the Afghan government to conduct all detentions operations in this country in accordance with international and national law. The desired endstate must be the eventual turnover of all detention operations in Afghanistan, to include the BTIF, to the Afghan government once they have developed the requisite sustainable capacity to run those systems properly.

Currently, Taliban and Al Qaeda insurgents represent more than 2,500 of the 14,500 inmates in the increasingly overcrowded Afghan Corrections System (ACS). These detainees are currently radicalizing non-insurgent inmates and worsening an already over-crowded prison system. Hardened, committed Islamists are indiscriminately mixed with petty criminals and sex offenders, and they are using the opportunity to radicalize and indoctrinate them. In effect, insurgents use the ACS as a sanctuary and base to conduct lethal operations against GIRoA and coalition forces (e.g., Serena Hotel bombing, GIRoA assassinations, governmental facility bombings).

The U.S. came to Afghanistan vowing to deny these same enemies safe haven in 2001. They have gone from inaccessible mountain hideouts to recruiting and indoctrinating hiding in the open, in the ACS. There are more insurgents per square foot in corrections facilities than anywhere else in Afghanistan. Unchecked, Taliban/Al Qaeda leaders patiently coordinate and plan, unconcerned with interference from prison personnel or the military.

Multiple national facilities are firmly under the control of the Taliban. The Central Prisons Directorate (CPO) accepts a lack of offensive violence there as a half-win. Within the U.S. Bagram Theater Internment Facility (BTIF), due to a lack of capacity and capability, productive interrogations and detainee intelligence collection have been reduced. As a result, hundreds are held without charge or without a defined way-ahead. This allows the enemy to radicalize them far beyond their pre-capture orientation. This problem can no longer be ignored.

Scope

In order to transform detention and corrections operations in theater, U.S. Forces-Afghanistan (USFOR-A) proposes the formation of a new Combined Joint Interagency Task Force, CJIATF [...].

[...]

The CJIATF will train and apply sound corrections management techniques and Rule of law principles in all detention systems in Afghanistan, whether currently run by the U.S. government or the Afghan government. These sound corrections management techniques (“best practices”) and Rule of law principles, applicable to all detention facilities, include: adherence to international humanitarian law; due process; vocational and technical training; de-radicalization; rehabilitation; education; and classifying and segregating detainee populations (segregating hard-core insurgents from low level fighters, juveniles from adults, women from men, common criminals from insurgents, etc.).

Systemic Challenges in Detention and Corrections

The CJIATF [...] will address 10 systemic challenges in the current U.S., Afghan military, and CPO detention and prison systems. These include:

- Need for a country wide, coalition supported, corrections and detention plan to help establish unity of effort.
- Need for all detainees and prisoners to be correctly classified and separated accordingly.
- Need for a GIRoA and International community supported Rule of Law program which allows for and codifies alternatives to incarceration.
- Within U.S. Detention and Afghanistan Prison systems alike, take immediate measures to counter insurgent actions and minimize the religious radicalization process of inmates.
- Need to plan and provide for Afghanistan corrections infrastructure multi-year sustainment.
- Need to ensure meaningful corrections reform in both U.S. and Afghanistan detention/prison systems. These reforms include changing punishment from retribution to rehabilitation, purposeful and effective staff training, equity of pay, and improved alignment with law enforcement and legal systems, both formal and informal.
- Need to review and ensure the intelligence policy and procedures match the exigencies of the Government of Afghanistan and Coalition counter-insurgent activity.
- Need to address the current and projected over-crowding situation.
- Need to address the current shortage of knowledgeable, competent, and committed leadership within both U.S. and Afghanistan corrections systems and advisory groups.
- Need to address the command and control, and unity of command over both U.S. detention and Afghan advisory efforts.

Recommendations

Establish a CJIATF

Establish a CJIATF commanded by a General Officer, with a civilian deputy at the Ambassador level, to lead an organization of approximately 120 personnel (70 civilian, 50 military). The CJIATF will be a Major Subordinate Command under USFOR-A with a coordination relationship reporting to the U.S. Ambassador Afghanistan. The CJIATF will have a Command/Control Headquarters Element and the following six Lines of Operation:

- The U.S. Detention Operations Brigade will provide safe, secure, legal and humane custody, care, and control of detainees at the BTIF.
- The Intelligence Group will support the Task Force's mission to identify and defeat the insurgency through intelligence collection and analysis, and improve interrogations intelligence collection through operations at the Joint Interrogation Debriefing Center and Strategic Debriefing Center, including input from field detention sites after capture.
- The Detention and Prisons Common Program Support Group will establish and conduct a series of programs designed to move detention/corrections operations from retribution to rehabilitation. A de-radicalization process will attack the enemy ethos center of gravity and enable successful reintegration of inmates back to the Afghan (or home origin) population.
- The Engagement and Outreach Group will formulate and implement strategic communication and outreach as a proactive tool to protect and defend the truth of U.S. detention and interrogation practices, to further assist in the development of the Rule of Law within Afghanistan.
- The legal Group will identify gaps in the Rule of law framework that are inhibiting U.S. and Afghan

detention/corrections operations from completing their mission and will develop solutions through consistent engagement with GIRoA elements and the International Community.

- The Afghanistan Prison Engagement Group will assist GIRoA in reforming the Central Prisons Directorate (CPO) so it can defeat the insurgency within its walls. The reformed CPO National Prison System will meet international standards, employ best correctional practices, comply with Afghan laws, and be capable of sustaining de-radicalization, rehabilitation, and reintegration programs.

[...]

Endstate

The desired endstate is the turnover of all detention operations in Afghanistan, to include the BTIF, to the Afghan government once they have developed the requisite sustainable capacity to run those detention systems in accordance with international and national law. This will empower the Afghan government, enable counterinsurgency operations, and restore the faith of the Afghan people in their government's ability to apply good governance and Rule of Law with respect to corrections, detention, and justice.

[...]

Discussion

1. What is the basic idea in General McChrystal's report? What major strategic change does he recommend in order to achieve stability in Afghanistan? What would be the consequences of further alienating the Afghan population?
2. Does the report refer to IHL, explicitly or implicitly? Does it use IHL terms?
3. What are the strategic measures recommended in the report? Which ones are in accordance with IHL? Which ones are promoted by IHL? Which ones are questionable, or difficult to implement, from an IHL point of view?
4. What are the advantages and disadvantages, from an IHL point of view, of soldiers being less concerned with their own protection? Of soldiers spending as much time as possible with the civilian population, inw the midst of the civilian population, instead of staying in armoured personnel carriers and military bases?

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