

The Pitfalls of Western Rules of Warfare in Conflict Against  
an Enemy that Ignores the Rules

by

Misha

## THE PITFALLS OF WESTERN RULES OF WARFARE IN CONFLICT AGAINST AN ENEMY THAT IGNORES THE RULES

While the theory and practice of asymmetric warfare has been around since the time of Sun Tzu, such methods have been frowned upon and in some cases banned completely under the auspices of Western law and sensibilities. However, the age of global empire found the West repeatedly fighting enemies that did not “play by the rules” and the Western forces were often hard pressed to adapt to the situation. In the 20<sup>th</sup> century, the ongoing “Cold War” and its ancillary puppet mastered regional conflicts often degenerated into hard fought insurgencies that did not always see a victorious conventional force. The asymmetric warfare waged against conventional forces throughout history and into the wars of today poses interesting threats. They expose the vulnerabilities of those conventional forces and their nation states. The asymmetric warriors are often strategically more powerful than the military might brought to bear by a conventional “Superpower”, especially as the state tries to maintain the moral high ground and abide by the Law of Land Warfare (LLW)<sup>1</sup>.

The weaker force, resorting to asymmetric warfare and not fighting according to the LLW, is at a distinct advantage over a conventional force who is dedicated to upholding those rules. The basics of conventional warfare are immediately disregarded by the guerilla force. The use of uniforms is quickly abandoned, as easy identification is

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<sup>1</sup> Department of the Army, *Army Field Manual 27-10, The Law of Land Warfare* (Washington, DC: Department of the Army, 1956).

anathema to the precepts of stealth and surprise. Subterfuge and ruses become the order of the day to exploit any weakness or any sense of propriety that the conventional force may observe. The conventional force is bound to treat all humanely, even the enemy captured and wounded, including avoiding undue damage and destruction on the battlefield. Meanwhile the insurgent is under no such limitation or moral obligation.

The nation state that “plays by the rules” of the LLW has the benefit of moral uprightness in the eyes of both her citizens and her allies. However, one of the vulnerabilities of such high ground is that the fall from such height is often great and painful. The notorious prison known in the Iraqi village of Khandari as the “Father of Strangeness” or Abu Ghraib in Arabic and the events there in 2003 are a prime example of the pitfalls that can await a state attempting to follow the LLW. This behavior led to a strategic victory for the enemy and further incitement that fueled the flames of the Iraqi insurgency as well as the latent hatred for the United States in general<sup>2</sup>. The concept of fair play under the LLW is predicated on the enforcement and self-policing by belligerents in accordance with the law. This resulted in the prosecution of the participants in the shenanigans at Abu Ghraib and exposed the dangers of dehumanizing an enemy in spite of rules that already govern such behavior.

History is littered with the bones of armies that did not heed the value of a determined enemy that was not willing to “fight fair”. The ongoing wars in Iraq and Afghanistan have led to the long term internment of enemy combatants that continue to be held in accordance with the standards of the treatment of “Prisoners of War” (POW)

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<sup>2</sup> Andrew Buncombe and Justin Huggler, "American Beheaded As Torture Backlash Grows," *The Independent*, May 12, 2004, <http://www.independent.co.uk/news/world/middle-east/american-beheaded-as-torture-backlash-grows-563105.html>. (accessed March 23, 2010).

under the fourth Geneva Convention. This has led to the sticky legal situation of the definition of POW versus “Unlawful Combatants” (UC). The enemy continues to exploit this pitfall by pressing the US government, using the Constitution as a weapon, to force the hand of the military internment system<sup>3</sup>. With the release of detainees that have sometimes spent years in the system, the US has exposed itself to those same individuals reporting back to their respective organizations and training future jihadists on how to handle interrogations as well as returning to combat against the US<sup>4,5</sup>. Further, the release of interrogation methods and limitations to the media tips the hand of interrogators before the questioning starts<sup>6</sup>.

Effects on the battlefield that may actually cost little in the way of blood and treasure for a large standing army may still be a strategic victory for an insurgent force, especially as the modern insurgent fights a robust war of propaganda and uses available technologies to communicate often more rapidly and anonymously than a conventional force can. These small victories can appear spectacular in the eye of the Western public

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<sup>3</sup> Joseph Bialke, "Al-Qaeda & Taliban unlawful combatant detainees, unlawful belligerency, and the international laws of armed conflict," *Air Force Law Review* 55 (Spring 2004): .

<sup>4</sup> Thomas Joscelyn and Bill Roggio, "Former Gitmo Detainee Targeting Afghan Charities," *The Long War Journal*, March 24, 2010, [http://www.longwarjournal.org/archives/2010/03/former\\_gitmo\\_detaine\\_3.php/](http://www.longwarjournal.org/archives/2010/03/former_gitmo_detaine_3.php/) (accessed March 25, 2010).

<sup>5</sup> Josh White, "Ex-Guantanamo Detainee Joined Iraq Suicide Attack," *The Washington Post*, May 8, 2008, <http://www.washingtonpost.com/wp-dyn/content/article/2008/05/07/AR2008050703456.html>. (accessed March 24, 2010).

<sup>6</sup> Unknown, "DoD Provides Details On Interrogation Process," *Department Of Defense*, June 22, 2004, <http://www.defense.gov/Releases/Release.aspx?ReleaseID=7487/> (accessed March 24, 2010).

as well as the host population of the insurgent. The infamous raid that evolved into the “Battle of the Black Sea” in Somalia was a tactical victory for the United States as the mission was accomplished and the “kill ratio” was acceptable. However, the cost of nearly twenty highly trained American commandos, Rangers and aviators killed and nearly eighty injured proved to be a grievous wound indeed<sup>7</sup>. This wound was made gangrenous by the exploitation of the detritus of combat left behind by the Americans. Despite the cost of hundreds of Somali fighters killed and wounded, the battle was a death knell to US involvement in the region.<sup>8</sup>.

The use of roadside bombs and suicide bombers in the current wars exemplify the dichotomy of asymmetric warfighting. The fighters who plan, place and execute these missions often do so with recovered unexploded ordinance, cached munitions or homemade explosives. The cost is low relative to the millions spent on “smart bombs” and guided missiles so often used to ambush those same fighters<sup>9</sup>. The use of these tactics drives the leadership of a conventional army to raise their force protection posture, adding armor to their troops, and keeping those troops sequestered in fortresses when not

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<sup>7</sup> Bob Mabry, "2LT Bob Mabry's Account Of "battle Of The Black Sea", " *Vagus Surgicalis: A Med Student Wanders In The World Of Medicine & Surgery*, September 6, 2006, <http://jeffreyleow.wordpress.com/2006/09/06/2lt-bob-mabrys-account-of-battle-of-the-black-sea/> (accessed March 25, 2010).

<sup>8</sup> Alexander Burns, "The Battle Of Mogadishu: Why It Still Matters," *American Heritage*, 2008, <http://www.americanheritage.com/articles/web/20071003-mogadishu-black-hawk-somalia-terrorism-al-qaeda-osama-bin-laden.shtml/> (accessed March 25, 2010).

<sup>9</sup> Greg Grant, "House Questions Joint Ied Success Claims," *Dod Buzz*, November 26, 2008, <http://www.dodbuzz.com/2008/11/26/house-questions-joint-ied-success-claims/> (accessed March 24, 1010).

actively engaged in warfighting<sup>10</sup>. The act of warfighting becomes a force protection exercise as simple transportation and patrol missions becomes a heavily armored affair and troops stick close to that protection, if they leave their vehicles at all<sup>11</sup>. This leads to physical and psychological barriers between the Soldier and those that he is sent there to help<sup>12</sup>. The Soldier as a matter of course becomes cautious and distrustful of the locals, as he cannot visually separate them from the insurgents. This can and has led to the dehumanization of the local populace, which can lead to the commission of war crimes<sup>13</sup>.

The saying that all is fair in love and war is true enough to those willing to fight outside of the accepted norms of Western society. However, the signatories of the Laws of Land Warfare have committed their nations to “fight fair” in the name of decency and humanity. The modern battlefield has little resemblance to the battles that precipitated those treaties and the enemy of Western culture has no stake in following those rules. In fact, the nature of asymmetric warfare precludes such niceties, and the asymmetric battle is the only one the enemy can hope to win. The pitfalls of upholding a set of rules that that an opponent refuses to even acknowledge are many. The threat of strategic victories

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<sup>10</sup> Marc Santora, "Big U.S. Bases Are Part Of Iraq, But A World Apart," *New York Times*, September 8, 2009, <http://www.nytimes.com/2009/09/09/world/middleeast/09bases.html>. (accessed March 25, 2010).

<sup>11</sup> Evan Thomas and John Barry, "A New Way Of War," *Newsweek*, August 20, 2007, <http://www.newsweek.com/id/32259/page/2/> (accessed March 23, 2010).

<sup>12</sup> John Nagle, *Learning to Eat Soup with a Knife: Counterinsurgency Lessons from Malaya and Vietnam* (Westport, Connecticut: Praeger Publishers, 2002).

<sup>13</sup> Andrew Cusack, "Dehumanizing The Enemy - Mass Democracy, Mass Warfare, Mass Barbarism," *Norumbega.co.uk*, July 8, 2008, <http://norumbega.co.uk/2008/06/02/dehumanizing-the-enemy/> (accessed March 26, 2010).

handed to the enemy through self-deprecation, propaganda and reaction to his tactics is greater than the loss of lives from the spectacular attacks on traditionally strategically low-value targets.

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