

SUBJECT: 2018 WWCLE Capstone Lecture Information and Discussion

1. **Background.** On 31 August 2017, Foreign Policy Magazine published an article by Samuel Oakford, where the author made several allegations and critical comments about U.S. led airstrikes and artillery use during Combined Joint Task Force Inherent Resolve operations in Syria. GEN Stephen J. Townsend responded to Mr. Oakford's article rebutting its factual underpinnings, assumptions and conclusions. The exchange between Mr. Oakford and GEN Townsend raises several important issues and questions about how the evolving nature of warfare can or should be conducted within traditional Law of Armed Conflict (LOAC) principles.

2. **Key Issues and Questions.**

a. **Military Necessity.** Under the LOAC principle of military necessity, commanders are justified in using those measures not forbidden by LOAC which are indispensable for securing the complete submission of the enemy as soon as possible.

- Are commanders required to negotiate a "humanitarian pause" if doing so would likely enable enemy combatants to escape attack by hiding themselves as displaced or fleeing non-combatants?

b. **Distinction.** Under the principle of *discrimination* or *distinction*, parties to a conflict must direct their operations only against combatants and military objectives.

- How does a military commander sufficiently demonstrate the principle of distinction when attacking combatants who intentionally attack from and defend from within a densely populated city?

c. **Proportionality.** Under the principle of proportionality, commanders are required to take feasible precautions in planning and conducting attacks to reduce the risk of harm to civilians and other protected persons and objects. Commanders must also refrain from attacks where the harm to civilians is excessive in light of the concrete and direct military advantage expected to be gained.

- What methods enable a commander to justify the use of airstrikes or artillery against an armed group like ISIS/ISIL in a civilian populated area like Ar Raqqa, Syria (2017 estimated population 177K)?
- Is there a population threshold that renders those methods or protocols untenable (e.g., Aleppo, Syria – estimated population 1.6M)?
- What level of resources must a commander utilize to demonstrate proportionality was sufficiently met when conducting an attack?