

The Strategic Benefits of Minimizing Civilian Harm in Counterterrorism Strikes

Introduction

In the fight against terrorism, minimizing and addressing civilian harm resulting from U.S. strikes is one of our most powerful weapons for successfully defeating terrorist organizations.

In responses to his pre-confirmation hearing questions, Secretary of Defense General James Mattis stated that the United States does “everything humanly possible to prevent civilian deaths in war.”¹ These efforts are vital for both humanitarian and strategic reasons. Civilian harm from U.S. strikes can fuel the very terrorism these strikes are meant to address,² impede counterterrorism assistance from our allies and partners, tarnish the reputation of the United States as a leader on human rights,³ and set a dangerous precedent for other nations to follow.⁴

As General Stanley McChrystal (Ret.) said, “We must avoid the trap of winning tactical victories—but suffering strategic defeats—by causing civilian casualties or excessive damage and thus alienating the people.”⁵ General McChrystal has noted that “[t]he resentment created [by lethal strikes] is much greater than the average American appreciates.”⁶

This issue brief explains how protecting civilians from harm and providing appropriate redress when harm is caused by U.S. strikes is vital to protecting U.S. national security.

Strategic Benefits

Minimizing harm to civilians from U.S. counterterrorism strikes and ensuring transparency and accountability when harm is caused are strategically important to protecting U.S. national security in the following ways:

- **Securing cooperation from allies and partners.** Intelligence-sharing and other forms of counterterrorism assistance from allies and partners on the ground are essential to achieving mission objectives and protecting the United States. Concern over civilian deaths caused by U.S. strikes has led to reduced intelligence-sharing⁷ and other forms of assistance. For example, in Afghanistan, civilian harm and the failure to acknowledge and address it “cost [the United States] existing or potential sources of intelligence, information, and local cooperation—all critical to counter-

¹ http://www.armed-services.senate.gov/imo/media/doc/Mattis%20APQ%20Response_s_01-12-17.pdf.

² <http://www.theatlantic.com/international/archive/2013/08/how-drones-create-more-terrorists/278743/>.

³ <https://www.theguardian.com/world/2012/jun/21/drone-strikes-international-law-un>.

⁴ <http://www.pbs.org/wgbh/frontline/article/whos-next-to-borrow-from-americas-drone-strike-playbook/>.

⁵ http://media.washingtonpost.com/wp-srv/nation/documents/isaf_tactical_directive.pdf.

⁶ <http://www.reuters.com/article/us-usa-afghanistan-mcchrystal-idUSBRE90608O20130107>

⁷ <http://www.spiegel.de/international/germany/drone-killing-debate-germany-limits-information-exchange-with-us-intelligence-a-762873.html>

terrorism and counter-insurgency.”⁸ As David Sedney, former Deputy Assistant Secretary of Defense said, “the United States’ reluctance to address civilian harm undermined trust with President Karzai” and impeded our war effort in Afghanistan.⁹ Similarly, according to former Director of National Intelligence Dennis Blair, lethal strikes in Pakistan has “erod[ed] our influence and [are] damaging our ability to work with Pakistan to achieve important security objectives.”¹⁰

- **Protecting our troops.** Civilian harm has led to increased violence from insurgent groups where U.S. troops are deployed. According to studies, “civilian harm and the liberal use of airstrikes led to increases in insurgent violence” in Afghanistan.¹¹ As one study found, “avoiding civilian casualties in Afghanistan is a strategic necessity that saves American lives.”¹²
- **Reducing terrorist recruitment.** As stated in the counterinsurgency field manual, co-authored by General David Petraeus (Ret.), “An air strike can cause collateral damage that turns people against the host-nation (HN) government and provides insurgents with a major propaganda

victory.”¹³ Similarly, Major General Paul Eaton (Ret.) has said, “Limiting civilian casualties is one of our strongest weapons against terrorist groups like al Qaeda and ISIS.”¹⁴ In Afghanistan, civilian harm “contributed significantly to the growth of the Taliban.”¹⁵ Similarly in Yemen, “U.S. drone strikes stirr[ed] increasing sympathy for al-Qaeda-linked militants,” and in Pakistan, “an unintended consequence of [U.S.] attacks has been a marked radicalization of the local population.”¹⁶ Now ISIS is using the civilian deaths caused by U.S. strikes to bolster their recruitment.¹⁷ As former director of the CIA counterterrorism center Robert Grenier said, “we are creating more enemies than we are removing from the battlefield.”¹⁸ These concerns have been echoed by reports from investigative journalists and independent organizations.¹⁹

- **Maintaining public confidence and legitimacy.** In Afghanistan, the harm caused to civilians and the United States’ failure to properly address this harm “severely undermined the legitimacy of the international

8

<https://www.opensocietyfoundations.org/sites/default/files/strategi-c-costs-civilian-harm-20160603.pdf>.

⁹ *Id.* p. 27.

¹⁰ ¹⁰ <https://www.theguardian.com/world/2012/jun/05/al-qaeda-drone-attacks-too-broad>.

11

<https://www.opensocietyfoundations.org/sites/default/files/strategi-c-costs-civilian-harm-20160622.pdf>, p. 25, citing Luke N. Condra, Joseph H. Felter, Radha K. Iyengar, and Jacob N. Shapiro, “The Effect of Civilian Casualties in Afghanistan and Iraq,” NBER Working Paper, July 2010. See also Sebastian Schutte, “Violence and Civilian Loyalties: Evidence from Afghanistan,” *Journal of Conflict Resolution*, January 2016.

12

http://www.rferl.org/a/civilian_casualties_harm_us_troops/2120969.html.

¹³ <http://usacac.army.mil/cac2/Repository/Materials/COIN-FM3-24.pdf>.

¹⁴ <http://www.humanrightsfirst.org/press-release/obama-administration-discloses-previously-classified-procedures-authorizing-force>.

15

<https://www.opensocietyfoundations.org/sites/default/files/strategi-c-costs-civilian-harm-20160603.pdf>

¹⁶ https://www.washingtonpost.com/world/middle_east/in-yemen-us-airstrikes-breed-anger-and-sympathy-for-al-qaeda/2012/05/29/gJQAUmK10U_story.html.

¹⁷ <https://www.theguardian.com/world/2015/nov/18/obama-drone-war-isis-recruitment-tool-air-force-whistleblowers>.

¹⁸ <https://www.theguardian.com/world/2012/jun/05/al-qaeda-drone-attacks-too-broad>

¹⁹ See e.g.

https://www.washingtonpost.com/world/middle_east/in-yemen-us-airstrikes-breed-anger-and-sympathy-for-al-qaeda/2012/05/29/gJQAUmK10U_story.html;

<http://foreignpolicy.com/2012/06/27/are-the-strategic-costs-of-obamas-drone-policy-greater-than-the-short-term-gains/>.

mission.”²⁰ The lack of information about U.S. strikes also fuels anti-American sentiment by enabling the narrative, propagated by other countries and extremist groups, that the program is illegitimate. As former Director of the National Counterterrorism Center Matt Olsen stated, “Transparency is essential for public confidence in our counterterrorism efforts and in our compliance with the rule of law.”²¹

Acknowledging and properly addressing civilian harm cause by U.S. strikes fights this narrative, helps legitimize U.S. counterterrorism efforts, and builds domestic and international support for the mission.

- **Ensuring the United States does not set a dangerous precedent.** The policies, practices, and legal justifications used by the United States today will be used by other states tomorrow. As John Brennan said in 2012 when serving as White House counterterrorism advisor, “we are establishing precedents that other nations may follow, and not all of them will be nations that share our interests or the premium we put on protecting human life, including innocent civilians.” Minimizing and properly addressing civilian harm now will have far-reaching consequences across the world for years to come.●

²⁰

<https://www.opensocietyfoundations.org/sites/default/files/strategic-costs-civilian-harm-20160622.pdf>.

²¹ <http://www.humanrightsfirst.org/press-release/obama-administration-discloses-previously-classified-procedures-authorizing-force>.