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# Incorporating Law of Armed Conflict Training into Afghanistan's Special Forces' Curriculum

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Afghan Special Operation Commandos conduct a combat air assault mission.

As the war in Afghanistan runs well into its second decade and U.S. and NATO forces continue to draw-down, the notions of transparency and legitimacy for the government of Afghanistan become increasingly important. As the Afghan government and its military continue to accept more of the onus, they will have to continually find ways to incorporate their capabilities in a concerted effort in order to not only effectively degrade and defeat the enemies of their state, but also mitigate corruption and maintain accountability.

A step in that direction where these concepts are especially apparent is with that of the Afghan National Army Special Operations Command (ANASOC) which has partnered with U.S., Canadian, and Slovak Special Operations advisors in various endeavors. These Special Operation Forces (SOF) conduct security forces assistance (SFA) which consists of advising, assisting, mentoring, and training (when applicable) in order for the Afghan SOF to truly become not only autonomous, but sustainable as well. A critical component to a unit's autonomy is being recognized as a professional force. A professional force is not only trained very well with regard to basic soldier (shoot, move, and communicate) and occupational skills (engineer, communications, mortar, medic, etc.) as well as operational and leadership development, but also that force is mentally tough, disciplined, and fights within the confines of international law.

Of particular note, in regard to fighting within the stipulations of the international laws of war, ANASOC during the Fall of 2013 incorporated a "transparency" initiative in conjunction with its NATO counterparts. A key tenant of this transparency is the adherence to the Law of Armed Conflict (LOAC). As ANASOC continually evolves, its operations will intersect with these legal guidelines, as it must also abide by these legal rules which are



of paramount importance in an effort to build legitimacy in the public's eye and to grow the professionalism of the force.

ANASOC operates as the headquarters for the Afghan Commandos and Special Forces. It is the rough equivalent to United States Special Operations Command (USSOCOM.) As part of this, ANASOC operates the School of Excellence which is responsible for selecting, training, and developing the Commandos and Special Forces. The School of Excellence correlates to the Special Warfare Center (SWC), and runs a selection course for Commandos (similar to U.S. Army Rangers) and subsequently for Special Forces candidates after successfully serving with the Commandos. Likewise, the School of Excellence offers professional development courses to Commandos and Special Forces members as their careers progress.

In coordination with U.S. Special Forces mentors at Camp Morehead, located about 15 miles from downtown Kabul, the commander of ANASOC has established a transparency committee to combat many ongoing issues that ANASOC faces. Namely, the transparency committee aims to end corruption, control waste, enforce proper conduct during operations, correctly conduct investigations, avoid nepotism, maintain the high standards expected for Afghan Commandos and Special Forces, and promote adherence to the LOAC. Various staff members from both the Afghan and U.S. staffs participate on the committee. The ANASOC Deputy Commander and his U.S. mentor, and a U.S. Special Forces Colonel head the committee. Likewise, the J1, J2, IG, and JAG from both the Afghan and U.S. SOF staffs cooperate in the effort. This committee has travelled throughout Afghanistan to meet directly with commanders and the soldiers to discuss the importance of this initiative. The committee has already visited, or plans to visit, every kandak (equivalent to a battalion) within ANASOC.

As mentioned, the initiative has heightened the awareness and importance of the LOAC. LOAC is a familiar concept to USSOF. In fact, it is a staple of pre-deployment briefs for deploying personnel. LOAC comes from many sources and is rooted in international agreements and customary international law.

From both an international law and just war standpoint, there are two distinct classes of persons during war: combatants and noncombatants. Soldiers are authorized to kill and liable to be killed by enemy combatants. Soldiers are authorized to kill because they are given power rights that enable them "to act in a way that makes them morally liable to defensive violence."<sup>1</sup> Although combatants have power rights to kill enemy combatants, this authorization to kill is not extended to the point that it allows civilians to be intentionally killed. Rather, civilians do not occupy a recognized combatant role within the war convention because they neither pose a direct or current threat to others nor have they been officially designated as an official organ of the state. Because they are "non-combatants and do not themselves pose a direct threat to others, they are never legitimate targets of force."<sup>2</sup> Civilians have immunity rights and are not only exempt from being intentionally targeted, but should also be immune from the effects of war as best as possible.

That being said, the United States military guidance on the matter usually falls into four basic tenets: military necessity, avoiding unnecessary suffering and collateral damage, discrimination and distinction, and proportionality. This had led to U.S. forces following ten rules which have been called The Soldier's Rules.

1. Fight only combatants
2. Treat humanely all that surrender or are captured
3. Do not kill or torture detained personnel
4. Collect and care for the wounded
5. Do not attack protected persons and protected places
6. Destroy no more than the mission requires
7. Treat all civilians humanely
8. Do not steal
9. Prevent Law of War Violations



## 10. Report Law of War violations

While there have been occasional violations of LOAC by individuals, USSOF has done well in upholding these principles, and incorporating these standard practices in both planning and execution.

This adherence to LOAC serves several purposes. The Army Judge Advocate General (JAG) School provides several reasons for adhering to the LOAC. First, it may motivate the enemy to also observe the LOAC. It may also motivate the enemy to surrender. Likewise, it guards against acts that violate civilized tenets. Furthermore, it provides advance notice of what we deem is the accepted limits of warfare. Additionally, it decreases confusion and makes the identification of violations more efficient. Lastly, it helps to restore the peace.

However, this all is in an effort to legitimize our efforts and to win public support. This certainly fits in with the notions of counterinsurgency and Foreign Internal Defense. The struggle in Afghanistan, and in the greater fight against terrorism for that matter, revolves around the battle for legitimacy. As the Government of the Islamic Republic of Afghanistan (GIROA) and ANASOC must learn to stand on their own, winning the support of the public is tantamount to success, and following LOAC will help achieve this goal.

In recent years, ANASOC has faced various challenges regarding the LOAC. Afghan Commandos and Special Forces undertake the majority of kinetic missions throughout Afghanistan. However, that is only one element of the fight against Al Qaeda, Haqqani, and the Taliban. ANASOC, as well as the conventional Afghan National Army, and GIROA, must fight an information war with these insurgent groups in order to gain public support. In many instances, the insurgents have outperformed the Afghan government and military, and NATO forces for that matter, in winning this information war.

As part of this, the Taliban, Haqqani, and Al Qaeda have aggressively sought out to exploit opportunities to delegitimize the efforts of ANASOC and GIROA. As such, insurgents have waged significant information operations against U.S. Forces, ANASOC, and GIROA, both when there have been actual violations of the LOAC, but also when insurgents have had opportunities to make false claims.



Commando recruits while at the School of Excellence receive the Law of Armed Conflict brief by the Afghan Special Operations Staff Judge Advocate



In order to address these issues, ANASOC, with its U.S. Special Operations mentors, has instituted LOAC training at the School of Excellence. American legal mentors with their Afghan legal counterparts have developed and institutionalized LOAC courses as part of the curriculum at the Commando Course, Special Forces Qualification Course, Warrior Leader Course, and the Company / Platoon Leaders Course. It is now a required component of each of these courses, and the course is instructed by Afghan Legal Officers. Several thousand Afghan special operations personnel will take this required coursework every year.

The International Committee of the Red Cross (ICRC) has also provided support in building this curriculum. The ICRC has provided “train the trainers” classes to several groups of ANASOC officers, including the legal sections, to bolster the numbers of individuals who can provide the training. Likewise, they have provided course materials in English, Dari, and Pashto. Since the ICRC is responsible for investigating violations of LOAC in Afghanistan, the Afghans and American mentors, have made an effort to develop a habitual relationship between the ICRC and ANASOC in order to not only assist in further professionalizing the Afghan SOF, but to effectively handle potential violations in the future.

The Afghan LOAC training is similar to the training American soldiers receive, but has a definite Afghan and Islamic touch to it. The Afghans have developed what they consider to be the Seven Principles of the Law of Warfare for their soldiers to follow:

1. Positive identification of the enemy
2. Appropriate application of military force
3. Respect for human rights
4. Equality
5. Respect for ethnic, tribal, cultural customs and differences
6. Showing proper restraint
7. Act with honesty and integrity

This is similar to the guidance that American soldiers receive, and like U.S. forces, ANASOC has made this part of their training.

As ANASOC is the Special Operations component of the ANA (Afghan National Army) and carries a disproportionate amount of the operational burden, it has been singled out by GIROA and President Karzai to follow strict guidelines. In April of 2011, President Karzai issued an order itemizing rules regarding conduct during special operations. Notably, it mandates that before forces enter and inspect private property, they need to have a judicial order. Similarly, these forces cannot apprehend a suspect without a letter from the Attorney General's office. Likewise, forces should not behave in a way to cause fear and concern among the public, and the safety of children, women, and elders is of utmost importance. Also, forces must protect religious places and shrines, and must not unnecessarily damage the house or property. Furthermore, forces must adhere to strict limitations on holding suspects, and must pass them to the correct investigatory bodies. Similarly, the order forbids the use of threats and torture.

So now, the School of Excellence has institutionalized these courses on LOAC as part of their curriculum. Led by the ANASOC legal officers, each class will receive a mandatory four hour block of training which details the abovementioned principles. The instructors also provide real life scenarios for candidates to learn from. As part of this, the students actively participate and ask many questions. The Commandos and Special Forces will progressively have these notions engrained in their training and subsequently in real world operations.

However, this new program provided ANASOC an opportunity to further legitimize itself in the Afghan public's view. In discussing this new program, the U.S. legal advisor and the U.S. G3 operations advisor saw an opportunity to seize the moment as a means to develop the Afghan command and facilitate a positive message to



the public about ANASOC. So in addition to developing and instituting this curriculum, U.S. mentors, with their Afghan counterparts, undertook efforts to use this training as a platform for the combined staffs to utilize various staff sections in order to bolster the training and gain support not only internally but also externally—in the public's view. Notably, the U.S. G3 operations advisor called a staff meeting with the JAG, Public Affairs Officer (PAO), Civil Military Officer (CMO), and the Special Information Forces (SIF) Officer to formulate and execute a plan in conjunction with their Afghan counterparts. The focus was broadcasting and disseminating a positive message regarding the LOAC training that the Afghan Commandos and Special Forces have been and will be implementing. It not only proved to be a great way to circulate the information but also served as an opportunity for the Afghan staff to learn how to function together effectively.

Just as destroying, defeating, neutralizing, and disrupting (lethal effects) are critical to mission success, so are informing and educating the public and deceiving and psychologically affecting the enemy (non-lethal effects). Information campaigns can be just as critical to mission accomplishment as lethal effects are because “influence is at the heart of diplomacy and military operations.”<sup>3</sup> It can even be said that information campaigns can have strategic impacts, whereas a tactical kinetic engagement does not.



Afghan Commandos receive their Rules of Engagement brief prior to a combat mission

Building networks of influence, enhancing information flow, and shaping the environment are critical to mission success and ANASOC's incorporation of systematic LOAC courses provided it an opportunity to influence the host population (target audience) and create desirable effects.

The non-lethal effects cell (PAO, CMO, and SIF advisors mentoring their Afghan PAO, CMO, and SIF counterparts) implemented a plan that not only nested ANASOC's achievements with GIROA and MOD's (Ministry of Defense) priorities, but also synchronized its own information dissemination in order to capitalize on its achievement. This was accomplished in a variety of ways all of which worked in concert. The Afghan PAO wrote a newspaper article and constructed a storyboard (pictures with bullet comments) which was submitted to MOD in order to inform the senior level military and political leadership about ANASOC's initiative regarding its



LOAC training and its working with the ICRC. The newspaper article and storyboard were also disseminated—internally—through ANASOC’s command channels, starting at the division commander level down to the company commander level.

Using what the ANASOC PAO wrote, the Afghan SIF personnel created a message that was transmitted from a multitude of radio stations located all over Afghanistan that spanned from Kabul to Kandahar to Herat to Mazar-i-Sharif. In addition, Afghan Commando SIF soldiers located in each kandak (battalion) disseminated the information within each battalion as well as to the surrounding villagers. ANASOC civil-military division staff personnel established, maintained, and influenced both governmental and nongovernmental organizations. CMO personnel worked with the Ministry of Rural Rehabilitation and Development (MRRD).

MRRD, through its national solidarity program, works at the local level with economic and institutional development. This is a critical link to those remote and outlying areas. MRRD’s programs attempt to establish a link with those villages in regard to government and stabilization programs. MRRD expresses its appreciation for ANASOC since these units not only disrupt and defeat local insurgency networks but conduct themselves in accordance with international law and as the action arm of the legitimate government of Afghanistan, whereas the Taliban, Haqqani, Al Qaeda, and other thugs do not. Therefore, MRRD along with other governmental agencies and programs inform and attempt to persuade these civilians to cooperate and confide with ANASOC so Afghan Commandos and SF can reduce insurgents from the surrounding and outlying villages.



Afghan Commandos conduct pre-combat checks and pre-combat inspections prior to their combat air assault mission

Additionally, Afghan SF CMO personnel met with local governmental officials and tribal elders in order to circulate and explain ANASOC’s commitment to upholding the international laws of war as well as incorporating LOAC training into its ranks and schoolhouse. These interactions (key leader engagements between soldier and civilian) are critical to mission success. Doing so, informs the civilians of what the laws of war are and how ANA-



SOC (the action arm of GIROA) operates in accordance with these principles—reverencing noncombatants; respecting ethnic, tribal, and cultural customs and differences; showing proper restraint; and acting with honesty and integrity—none of which the insurgents universally abide by. In addition, insurgents use theft, threat of force, force, and torture to exploit the civilian population. Informing and educating noncombatants on how the legitimate armed force of GIROA operates, hopefully, creates a sense of trust and wins hearts and minds.

Using ANASOC's information-related capabilities (PAO, SIF, and CMO) was critical to mission success because it influenced the target audience and created the desired effects (the local populace trusting and supporting ANASOC operations in their area). Doing so also creates a specific effect against the enemy; it disrupts and usurps their decision making. Insurgents now need to react to the pro-GIROA and pro-Afghan forces messages that has been implemented, circulated, and disseminated nationwide. Furthermore, as an additional way to exploit the success of incorporating the LOAC in all Commando and SF training, the ANASOC Division Command Sergeant Major traveled to many of the battalions in order to talk—in person—to commanders, officers, non-commissioned officers, and soldiers about the importance of complying with LOAC and the institutionalization of LOAC training in ANASOC. This was a very effective way to showcase command emphasis into the program. Abiding by the laws of war is critical to mission success, but even more so, ANASOC developed a synchronized and nested information plan that facilitated networks of influence and successfully shaped the environment to ANASOC's tactical, operational, and strategic advantage.

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*All photos were taken by MSG Michael Carden.*

## NOTES

1. Jeff McMahan, *Killing in War* (Oxford: Oxford University Press, 2009), 157.
2. David Rodin and Henry Shue, "Introduction," in *Just and Unjust Warriors: The Moral and Legal Status of Soldiers* eds. David Rodin and Henry Shue (Oxford: Oxford University Press, 2008), 3.
3. US Department of Defense, Joint Publication 3-13, *Information Operations* (Washington D.C.: U.S. Government Printing Office, November 2012), p. II-1.