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# Violence against civilians –case-studies of perpetrators



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## **Violence against civilians – case-studies of perpetrators**

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## English summary

Protection of civilians has become a central objective in many of today's military operations. Through case-studies of perpetrators of violence against civilians the aim of this report is to provide insights into the purposes for which violence against civilians is used, as well the means required for perpetrators to succeed. Understanding the perpetrator's strategy and required means is important to assess the relevance of using military force, and how military force to protect can be used with utility.

A report concurrent with this one has developed seven generic scenarios of violence against civilians.<sup>1</sup> The present report covers four of those scenarios through six contemporary case-studies. The purpose of using violence against civilians is denoted as a perpetrator's *strategy*, while the practical requirements for implementing that strategy are described as *capabilities*. These practical requirements are; *advance planning, top-down coordination, ambiguity, freedom of movement, and relevant military units and weaponry*. The case-studies are the Lord's Resistance Army in Central Africa, the Taliban in Afghanistan, Somalia's Al-Shabaab movement, the Lou Nuer-Murle conflict in South Sudan's Jonglei State, the 2011 conflict in Libya, and the civil war in Syria.

The report finds that perpetrators will vary greatly in terms of what capabilities they require to attack civilians, depending on the role violence against civilians play in their overall strategy. It is found that the more central violence against civilians is to a perpetrator's strategic objective, the more capabilities are required. Furthermore, different strategies require different capabilities. For instance, a regime seeking to deter a civilian population from supporting an opposition will be dependent on many capabilities, while an insurgency seeking to undermine government legitimacy by instigating civilian insecurity requires relatively few capabilities.

The distinction between the capabilities perpetrators need to attack civilians and those needed to attack other armed actors is particularly important for military planners and commanders who may be mandated to protect the civilian population rather than to defeat the actor.

Another important finding is that perpetrators too may fail. Successful protection is often attributed to well-executed military operations, but the reduction in violence may equally be the result of perpetrators failing to obtain the capabilities needed to attack civilians.

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<sup>1</sup> Alexander Beadle, 'Protection of Civilians – Military Planning Scenarios and Implications', *Norwegian Defence Research Establishment*, FFI-rapport 2014/00519 (2014).

## Sammendrag

Beskyttelse av sivile har blitt en viktig målsetting i moderne militære operasjoner. Gjennom casestudier av voldsaktører som angriper sivile gir denne rapporten et innblikk i hvilke målsetninger voldsaktørene forsøker å oppnå gjennom angrep på sivile, og hva de behøver av kapabiliteter for å nå disse målsetningene. Det å forstå voldsaktøren er utgangspunktet for å kunne vurdere nytteverdien av militær makt og hvordan makt best kan anvendes når målet er å beskytte sivile.

En rapport som utgis parallelt med denne<sup>2</sup>, har utviklet syv typer scenarioer der vold mot sivile finner sted. Med utgangspunkt i fire av disse scenariokategoriene fra parallellrapporten blir det her presentert seks tidsaktuelle casestudier. Disse casestudiene illustrerer hvordan ulike strategier stiller ulike krav til hvilke evner en voldsaktør som angriper sivile må ha for å lykkes.

En voldsaktørs rasjonale for bruk av vold mot sivile blir beskrevet som hans strategi (*strategy*). De praktiske evner som aktøren trenger for å lykkes beskrives som kapabiliteter (*capabilities*). Disse kapabilitetene er planlegging (*advance planning*), koordinering (*top-down coordination*), tvetydighet (*ambiguity*), bevegelsesfrihet (*freedom of movement*), og relevante militære enheter og våpen (*relevant military units and weaponry*). De seks casestudiene er The Lord's Resistance Army som opererer i Sentral-Afrika, Taliban i Afghanistan, Al-Shabaab i Somalia, Lou Nuer–Murle konflikten i Sør-Sudan, opprøret i Libya, og borgerkrigen i Syria.

Rapporten illustrerer at hvilke evner en voldsaktør behøver for å angripe sivile avhenger av hvilken rolle vold mot sivile spiller i aktørens helhetlige strategi. Jo viktigere og mer sentral volden mot sivile er for strategien, jo større antall kapabiliteter vil aktøren generelt behøve for å kunne angripe sivile. Ulike strategier krever også ulike midler. For eksempel vil et regime som prøver å avskrekke sivilbefolkningen fra å samarbeide med opprørere, ha behov for flere ulike kapabiliteter enn det en opprørsbevegelse som forsøker å undergrave statens legitimitet behøver.

For en militær planlegger er distinksjonen mellom de kapasiteter en aktør trenger for å angripe sivile kontra en annen militær organisasjon viktig da man kan tenkes å få oppdrag der hovedmålet er beskyttelse av sivile, ikke bekjempelse av en aktør.

Rapporten viser også at overgriperne kan mislykkes fordi de feilberegner hvilke midler som kreves for at de skal lykkes med sin strategi. Vellykket beskyttelse anses ofte som et resultat av effektive militære operasjoner, men en reduksjon i volden kan også være et resultat av at aktøren som angriper sivile ikke har de nødvendige kapabilitetene.

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<sup>2</sup> Alexander Beadle, 'Protection of Civilians – Military Planning Scenarios and Implications', *Norwegian Defence Research Establishment*, FFI-rapport 2014/00519 (2014).

## Content

<b>1</b>	<b>Introduction</b>	<b>7</b>
<b>2</b>	<b>The Lord's Resistance Army</b>	<b>9</b>
2.1	Background	9
2.2	Strategy	9
2.3	Capabilities	10
2.4	Outcome	13
<b>3</b>	<b>The Taliban</b>	<b>15</b>
3.1	Background	15
3.2	Strategy	15
3.3	Capabilities	17
3.4	Outcome	19
<b>4</b>	<b>Al-Shabaab</b>	<b>20</b>
4.1	Background	20
4.2	Strategy	21
4.3	Capabilities	22
4.4	Outcome	25
<b>5</b>	<b>The Lou Nuer–Murle Conflict, South Sudan</b>	<b>26</b>
5.1	Background	26
5.2	Strategy	27
5.3	Capabilities	28
5.4	Outcome	31
<b>6</b>	<b>Libya</b>	<b>32</b>
6.1	Background	32
6.2	Strategy	33
6.3	Capabilities	35
6.4	Outcome	38
<b>7</b>	<b>Syria</b>	<b>39</b>
7.1	Background	39
7.2	Strategy	39
7.3	Capabilities	41
7.4	Outcome	45
<b>8</b>	<b>Conclusion</b>	<b>47</b>
	<b>Bibliography</b>	<b>49</b>

## Preface

This report constitutes one of two parallel publications on the protection of civilians by the Norwegian Defence Research Establishment (FFI) in 2014. This particular report is a collection of six case-studies of actual perpetrators of violence. The other report outlines seven military planning scenarios (GENOCIDE, ETHNIC CLEANSING, REGIME CRACKDOWN, POST-CONFLICT REVENGE, COMMUNAL CONFLICT, PREDATORY VIOLENCE, and INSURGENCY), which describe generic situations where military forces may be expected to protect civilians from different types of perpetrators.<sup>3</sup> The six contemporary case-studies in this report fall within four of these scenarios. Whereas the generic scenarios provide ideal-typical descriptions of the nature of threat to civilians, the purpose of this report is to show how they play out in real conflicts with unique actors and contexts.

Both reports are intended as individual academic works on the protection of civilians, but have been written as part of an ongoing Concept, Development and Experimentation (CD&E)-process at FFI. This project has sought to develop a 'Military Planning and Assessment Guide for the Protection of Civilians' for operations across the entire conflict spectrum, which is forthcoming later this year. This work has been undertaken in collaboration with the Norwegian Joint Headquarters (NJHQ) and the Norwegian Defence International Centre (NODEFIC), with feedback provided by a range of actors – from experts on the topic, to professional military planners, to concept developers at NATO ACT.

The Military and Assessment Guide for the Protection of Civilians will provide guidance and advice for military staffs during the planning and assessment of military operations where protection of civilians is an objective. It is based on NATO's planning phases, but focuses on key steps that will be familiar to most military staff regardless of the organisational framework in which an operation takes place. The guide will be the first of its kind – as a scenario-based guide, which instead of focusing on how military force can be used to protect civilians in general, provides advice on what may and may not work in certain situations on basis of the particular threat facing civilians.

The two reports published now are primarily aimed at an academic audience. They draw on earlier research conducted at FFI.<sup>4</sup> They also represent the cumulative result of extensive research on violence against civilians during the last two years, as well as fieldwork in South Sudan in November 2012, investigating conflict dynamics at a local level. Additionally, another report dealing with operations assessment for the protection of civilians is forthcoming later in 2014.

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<sup>3</sup> Alexander Beadle, 'Protection of Civilians – Military Planning Scenarios and Implications', *Norwegian Defence Research Establishment*, FFI-rapport 2014/00519 (2014).

<sup>4</sup> Stian Kjeksrud and Jacob Ravndal, 'Protection of Civilians in Practice: Lessons from the UN Mission in the DR Congo', *Norwegian Defence Research Establishment*, FFI-rapport 2010/02378 (2010), Alexander William Beadle, 'Protection of Civilians in Theory: A Comparison of UN and NATO Approaches', *Norwegian Defence Research Establishment*, FFI-rapport 2010/02453 (2010), Stian Kjeksrud et al., 'Protection of civilians in armed conflict: comparing organisational approaches', *Norwegian Defence Research Establishment*, FFI-rapport 2011/01888 (2011), and Alexander Beadle, 'Finding the 'Utility of Force to Protect' – towards a Theory on Protection of Civilians', *Norwegian Defence Research Establishment*, FFI-rapport 2011/01889 (2011).



# 1 Introduction

Protection of civilians has emerged as a central objective in most of today's military operations. Yet, understanding what an actor requires to attack civilians – as opposed to what he requires to attack other armed actors, such as an intervening force – is an often overlooked aspect. It is therefore necessary to assess what it is that makes perpetrators able or unable to attack civilians in different ways. The purpose of this report is to describe how six different perpetrators of violence have been able or unable to meet the capabilities required to attack civilians in ways that serve their strategies.

In today's conflicts, violence against civilians is often part of an armed actor's strategy, but their motivations for targeting civilians may vary greatly. Their different motivations will also be reflected in how civilians are targeted, for instance whether most people are killed, expelled or simply exploited. In a parallel report<sup>5</sup>, the different motivations perpetrators may have for targeting civilians have been broken down into seven generic scenarios, based on specific rationales perpetrators may have, the type of actors they may be, the strategies and tactics they are likely to employ, the capabilities they will require in doing so, and the expected outcome in terms of civilian suffering should they succeed. These seven scenarios are:

- GENOCIDE, where perpetrators seek to *exterminate* a certain communal group.
- ETHNIC CLEANSING, where perpetrators seek to *expel* a certain communal group.
- REGIME CRACKDOWN, where regimes use violence to *repress* any resistance.
- POST-CONFLICT REVENGE, where individuals or mobs take *revenge* for past crimes.
- COMMUNAL CONFLICT, where whole communities seek both to *avenge a previous round of violence* and to *deter further retaliation*, as a means of protecting themselves.
- PREDATORY VIOLENCE, where perpetrators *exploit* civilians to survive or for profit.
- INSURGENCY, where insurgents target civilians *as a means* to undermine other actors.

The six case-studies described in this report have been selected because of their contemporary relevance, and cover four of the generic scenarios. The selection of cases is meant to illustrate the variations between different types of scenarios, as well as between perpetrators within the same scenario. The case-studies included are the Lord's Resistance Army (Chapter 2), the Taliban (Chapter 3), Al-Shabaab (Chapter 4), the Lou Nuer-Murle conflict in South Sudan's Jonglei State (Chapter 5), Libya (Chapter 6) and Syria (Chapter 7). Together, these cases illustrate how perpetrators have been able or unable to target civilians in the ways they desire, depending on the unique contexts of each particular conflict and the means perpetrators have available.

Each case-study follows the same structure. First, the perpetrators are briefly described with reference to which scenario they fall into. Second, the role that violence against civilians plays in their overall strategy is explained. In the third part of each case-study, an assessment of how these perpetrators have been able or unable to meet the requirements needed to attack civilians is provided. These requirements are based on five generic 'capabilities' that perpetrators may need

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<sup>5</sup> Alexander Beadle, 'Protection of Civilians – Military Planning Scenarios and Implications', *Norwegian Defence Research Establishment*, FFI-rapport 2014/00519 (2014).

to attack civilians in different situations. *Advance planning* refers to the need for perpetrators to plan ahead of the implementation of violence for it to achieve the intended effect. *Top-down coordination* refers to the need for control and command of the violence from above, usually by a political or military leadership. *Ambiguity* is a perpetrator's ability to strike a balance between concealing the war crimes they are committing (e.g. to avoid outside intervention), whilst maintaining support from those units or groups upon which the implementation of violence depends (e.g. the armed forces). *Freedom of movement* concerns the ability of the military units implementing the violence to move freely on the ground. This is understood as both having the means to move forces from one place to another (mobility) and the ability to do so unimpeded (at low risks from enemy attacks). *Relevant military units and weaponry* refers to those particular military units that are actually responsible for executing the violence on the ground and the particular types of weapons they are likely to require in doing so.

Fourth and finally, the report describes the outcome of the perpetrator's violence against civilians in each conflict. This is measured in terms of the number of people killed, displaced or harmed in other ways, as well as the forms of violence civilians are subjected to. All of the case-studies can be read separately, although reading the report as a whole presents a more comprehensive picture and illustrates the nuances between different types of perpetrators.

This report finds that perpetrators will vary in terms of what capabilities they require to attack civilians, depending on the role violence against civilians play in their overall strategy. It is found that the more central violence against civilians is to achieving a perpetrator's strategic objective, the more capabilities are required. Different strategies also require different capabilities. A regime facing existential threats against its own survival typically requires several capabilities in order to be militarily effective, whilst simultaneously avoiding outside intervention. Other actors may need to plan, coordinate and possess significant military means to conduct military operations, but these may not be linked to their ability to attack civilians. For instance, the Taliban may attack civilians anywhere, at any time and with relatively simple means, but still achieve the intended destabilising effect.

The distinction between capabilities perpetrators need to attack civilians and those needed to attack other armed actors is particularly important for military planners and commanders who may be mandated to protect the civilian population rather than to defeat the actor.

Another important finding is that perpetrators too may fail. Successful protection is often attributed to well-executed military operations, but the reduction in violence may equally be the result of perpetrators failing to meet the requirements needed to attack civilians. Both Gaddafi in Libya and the tribes at war in South Sudan's Jonglei State appear to have been severely limited by their own (in)ability to attack civilians in ways that would help them achieve their objectives.

## 2 The Lord's Resistance Army

### 2.1 Background

The Lord's Resistance Army (LRA) is an example of a rebel group which resorts to PREDATORY VIOLENCE in order to ensure its own survival. The group originated in northern Uganda, where it emerged in 1987. Initially formed as a response to ethnic, communal and socio-economic grievances held by the Acholi population against the central government, the LRA's agenda became depoliticised over the years. Initially targeting government installations and civilians seen as collaborators, the LRA's tactics changed around 1991 when it began large-scale attacks against civilians.<sup>6</sup> After failed peace negotiations, unrestrained LRA violence against civilians continued from 1994. By 1997 Human Rights Watch could report that due to LRA's brutality against civilians it no longer possessed any support or legitimacy among the Acholi population<sup>7</sup>, and that;

The rebel Lord's Resistance Army (LRA) is ostensibly dedicated to overthrowing the government of Uganda, but in practice the rebels appear to devote most of their time to attacks on the civilian population: they raid villages, loot stores and homes, burn houses and schools, and rape, mutilate and slaughter civilians unlucky enough to be in their path.<sup>8</sup>

From 2006 onwards the Ugandan People's Defence Forces (UPDF) has successfully prevented the LRA from operating in Uganda.<sup>9</sup> Since then the group's area of operations has spanned across South Sudan, the Central African Republic (CAR) and the Democratic Republic of Congo (DRC), but primarily in the CAR and DRC post-2011.

### 2.2 Strategy

The LRA does not try to build a social base of support. Rather, the LRA now seeks to employ violence against the population in order to extract resources, incite fear and exercise power in the neighbouring regions. The emphasis on violence against civilians can in part be explained by the particularistic form of 'war economy' in which the LRA operates. The literature on war economies often identify the presence of easily extractable natural resources as a trait of societies in which violence, or control of the means of violence, becomes profitable.<sup>10</sup> However, the region in which the LRA has historically operated contains few such easily extracted resources. The LRA has solved this problem by extracting resources directly from the people itself rather than

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<sup>6</sup> Human Rights Watch, 1 September 1997, 'The Scars of Death: Children Abducted by the Lord's Resistance Army in Uganda', <http://www.hrw.org/sites/default/files/reports/uganda979.pdf>, accessed 1 October 2013, pp. 82–83, and James Bevan, 'The Myth of Madness: Cold Rationality and the 'Resource' Plunder by the Lord's Resistance Army', *Civil Wars*, No. 9 (2007), p. 345.

<sup>7</sup> HRW, 'The Scars of Death', p. 85, pp. 88–90.

<sup>8</sup> *Ibid*, p. 2.

<sup>9</sup> 'Behind the Violence: Causes, Consequences and the Search for Solutions to the War in Northern Uganda', *Makerere University Refugee Law Project Working Paper*, No. 11 (2004), p. 4.

<sup>10</sup> See for instance Paul Collier and Anke Hoeffler, 'Greed and Grievance in Civil War', *World Bank Policy Research Working Paper*, No. 2355 (2000), and Conrad Schetter, 'The 'Bazaar Economy' of Afghanistan: A Comprehensive Approach', *Südasiens-Informationsnetz*, No. 3 (2004).

seeking to control populations for resource extraction, for instance by raiding farms and abducting children.<sup>11</sup>

As the civilian population of the region is generally impoverished to begin with, the LRA is in effect preying upon an already vulnerable coping economy, thereby undermining the asset base of the civilian population and leading to population displacement.<sup>12</sup> A study conducted at the Makerere University has shown that ‘a single vicious killing can force hundreds of people to flee from their homes in a particular sub-county, leaving behind their planted crops and numerous possessions for easy looting.’<sup>13</sup> To create fear and dislocation is thus a central element in the LRA’s strategy, and brutalisation of civilians becomes a direct means of self-sustainment.

Violence is also used to ensure the LRA’s internal cohesion. Commanders and troops who have engaged in atrocities have few alternatives but to remain in the LRA, as they fear prosecution by authorities, revenge by local communities or extradition to the International Criminal Court.<sup>14</sup> Such fears are given credibility by the fact that the Ugandan authorities has a historical record of offering amnesty to rebel leaders, then assassinating them.<sup>15</sup>

## 2.3 Capabilities

### 2.3.1 Advance planning

While the LRA has an inherent propensity towards violence, it is unlikely to have a systematic plan for its execution. To the extent one can talk of the LRA’s ‘grand strategy’ it would be more aptly described as maintaining a ‘system of violence’ and the benefits it obtains from the perpetuation of this system. Given its objective of sustaining a ‘system of violence’, including the spread of fear and the displacement of people for economic gain, LRA has in many ways achieved its strategic purpose through its use of dispersed, unannounced and brutal violence.

The LRA does not need sophisticated forms of planning for two reasons. Firstly, the objective is not to exterminate, permanently expel, or control the civilian population. Instead the LRA prey upon civilians in order to extract resources, something which does not generally require complex operational plans. Secondly, the decentralised structure and small operative units puts the local commander in charge of much of the decision-making.

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<sup>11</sup> *Makerere University Refugee Law Project Working Paper*, p. 13.

<sup>12</sup> A coping economy refers to basic economic activities on the subsistence or survival level and can include subsistence agriculture, petty trade and so forth. See Jonathan Goodhand, ‘From War Economy to Peace Economy? Reconstruction and State Building in Afghanistan’, *Journal of International Affairs*, Vol. 58 (2004), pp. 157–58.

<sup>13</sup> *Makerere University Refugee Law Project Working Paper*, p. 21.

<sup>14</sup> Philip Lancaster, Guillaume Lacaille, and Ledio Cakaj, ‘Diagnostic Study Of The Lord’s Resistance Army’, *International Working Group on the LRA: The International Bank for Reconstruction and Development / The World Bank* (2011), p. 42.

<sup>15</sup> *Makerere University Refugee Law Project Working Paper*, p. 17.

### 2.3.2 Top-down coordination

After being forced out of Uganda in 2006, the LRA has become geographically dispersed and individual commanders now operate highly autonomously. This puts certain restrictions on central coordination even though a recent report still argues that the LRA maintains ‘a unified command structure with a capacity for central control of small group independent (or semi-independent) operations through a system that combines strategic guidelines with tactical freedom.’<sup>16</sup> Operationally it is able to manage and coordinate the movement and operations of dispersed groups through methods such as pre-arranged meeting places and courier services. At the tactical level the LRA is known for its ability to coordinate and execute attacks and abductions, as well as escaping government attacks by dispersing into smaller groups.<sup>17</sup> Top-down coordination is therefore not a critical requirement for the ability to attack civilians (as distinct from coordination on the tactical level which remains important).

### 2.3.3 Ambiguity

Mysticism and ritualistic behaviour is an integral aspect of the LRA’s reputation and identity. A certain element of ambiguity therefore plays a role in creating the group’s fearsome reputation. However, as a factor for the practical implementation of violence against civilians, ambiguity is not critical. Given the strategic purpose of creating fear to sustain LRA’s modus operandi, ambiguity as regards to their use of violence would be self-defeating. Yet, the LRA leaders have become aware and concerned of the danger from external, in particular U.S., involvement against them, and they may therefore be ‘intentionally keeping the level of violence below the international radar.’<sup>18</sup> Given these two contradictory imperatives it follows that the LRA must engage in a balancing act between the two in order to realise its strategic purpose and ensure its own survival. Despite the fact that U.S. advisers are now supporting the military effort against the LRA<sup>19</sup>, the limited ability of public awareness campaigns against the LRA to create lasting momentum, coupled with the critical imperative of fear to sustain the organisation, implies that ambiguity is likely to be of limited importance to the LRA, even if it cannot entirely neglect it.

### 2.3.4 Freedom of movement

The lack of infrastructure, difficult terrain and vast expanse of the theatre of operations in which the LRA is involved impedes the movement of peacekeeping and national conventional forces who are dependent on modern equipment and a comprehensive logistics network. These same geographic and infrastructure conditions benefit the LRA, which is not dependent upon mechanised equipment for its mobility. By using porters, operating in small groups and being largely able to live off the land, the LRA can move with astonishing speed relative to their opponents.<sup>20</sup> The mobility of the LRA constitutes a threat to civilians not only because it

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<sup>16</sup> Lancaster, Lacaille, and Cakaj, ‘Diagnostic Study Of The Lord’s Resistance Army’, p. 41.

<sup>17</sup> *Makerere University Refugee Law Project Working Paper*, p. 23.

<sup>18</sup> Lancaster, Lacaille, and Cakaj, ‘Diagnostic Study Of The Lord’s Resistance Army’, p. 41.

<sup>19</sup> Richard Downie, ‘The Lord’s Resistance Army’, *Centre for Strategic and International Studies*, <http://csis.org/publication/lords-resistance-army>, accessed 14 June 2012.

<sup>20</sup> Jane’s Intelligence Review, 17 March 2011, ‘Lords of disorder - LRA resists regional powers for two decades’,

contributes to the group's ability to execute attacks, but also because by 'living off the land' LRA soldiers are always prepared to kill in order to obtain supplies. As Lancaster et al. argues;

it should be remembered that the LRA only has to survive to succeed. As long as it is present, it is capable of generating insecurity in the region. To sustain itself the LRA needs only to avoid, as much as possible, direct contact with superior armed forces and continue to resupply itself from vulnerable civilians. As long as it retains the freedom to choose the time and place of its attacks, it retains the tactical and strategic initiative.<sup>21</sup>

To maintain its predatory lifestyle, freedom of movement is a critical factor for the LRA, enabling it to conduct violence against local communities and extract resources (both human and material) from these and thus perpetuate itself.

### 2.3.5 Relevant military units and weaponry

Spiritualism and belief in otherworldly powers is an integral part of social life in the areas where the LRA operates. Emphasis on religious beliefs and rituals helps shape the LRA fighters and make them more risk-acceptant and obedient.<sup>22</sup> However, a more fundamental reason for the LRA soldiers willingness to kill is the 'kill or be killed' mentality enforced upon new recruits by the LRA. In order to make soldiers capable killers, new 'recruits' are sometimes forced to kill friends or family in front of other abductees. This causes psychological dislocation, and also makes it nearly impossible for the forced perpetrator to return to his or her community.<sup>23</sup> Indoctrination of new recruits also occurs through rituals and symbolism aimed at creating an identity of being a 'warrior' as a separate existence from civilians. This is likely to promote the willingness to commit violence, especially as civilians are consequently referred to as *waya* (ants) and *funu* (pigs).<sup>24</sup>

Children and child abductions also holds a central place in the LRA's military strategy. Children have value as perpetrators of violence because they 'copy exactly what is taught during training. They don't pretend'<sup>25</sup>, and are quick to obey orders without questioning them.

While not directly related to the actual process of conducting violence, an important enabling factor is the LRA's focus on moving stealthily through forested areas, being specifically trained in how to avoid being spotted from the air (by hiding anything that reflects of the sun, camouflaging their heads with cassava leaves etc.). The LRA emphasises intelligence about their intended targets (as well as enemy forces) and LRA units tend to have dedicated intelligence operatives. This intelligence focus is an important aspect of LRA training and another important enabling factor for successful attacks against civilians.<sup>26</sup>

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<https://janes.ihs.com/CustomPages/Janes/DisplayPage.aspx?DocType=News&ItemId=+++1592680&PubAbbrev=JIR>, accessed 12 July 2012.

<sup>21</sup> Lancaster, Lacaille, and Cakaj, 'Diagnostic Study Of The Lord's Resistance Army', p. 7.

<sup>22</sup> Ibid., p. 34.

<sup>23</sup> *Makerere University Refugee Law Project Working Paper*, p. 21.

<sup>24</sup> Lancaster, Lacaille, and Cakaj, 'Diagnostic Study Of The Lord's Resistance Army', p. 35.

<sup>25</sup> Interview with ex-junior commander, Kitgum, 10/10/03, cited in *Makerere University Refugee Law Project Working Paper*, p. 20.

<sup>26</sup> Lancaster, Lacaille, and Cakaj, 'Diagnostic Study Of The Lord's Resistance Army', pp. 30–31.

Access to arms and weaponry is a basic necessity for the LRA. However, given its preference for ‘soft’ targets, its aversion to confronting hostile military forces and its dependency on mobility, the LRA has no requirement for heavy weapons. In fact, as conditions currently stand the LRA’s access to weapons is limited given that its former principal source of arms, the government in Khartoum, has been constrained. The implication is that while the LRA retains access to a substantial potential manpower pool given its recruitment practice of abductions, it lacks access to the necessary hardware to significantly expand its military base under current conditions.<sup>27</sup> While such limitations impose obvious restriction on the amount of violence the LRA can inflict, it does not greatly impede the LRA’s ability to brutalise civilians and induce fear. This effect is obtained using simple but frightening weapons such as axes and machetes (‘pangas’), not by killing large numbers of people.

## 2.4 Outcome

The UN estimates that the LRA is responsible for between 60,000 and 100,000 child abductions, and the displacement of 2.5 million people from 1987 to 2012.<sup>28</sup> Detailed events data from the Armed Conflict Location & Events Dataset (ACLED) records 12,657 instances of LRA targeted killings of civilians from 1997 to 2012.<sup>29</sup> However, it is important to note that tracking conflict data in the Great Lakes region of Africa is extremely difficult, and the abovementioned UN report suggest that the LRA might be responsible for as many as 100,000 deaths between 1987 and 2012. The available data nonetheless shows a clear and consistent trend in LRA related violence against civilians; it typically leads to a very high proportion of displaced relative to the number of killed. This is further illustrated by recent figures which suggest that the LRA was responsible for the deaths of 2,300 civilians between December 2008 and October 2013, and the continued displacement of 416,000 people.<sup>30</sup>

51 per cent of LRA attacks in 2012 involved edged or blunt weapons (machetes, knives and clubs), illustrating the LRA’s strategy of using brutal means of killing to ensure the ‘fear dividend’ necessary to maintain the group’s reputation, although a limited access to ammunition is also a contributing factor.<sup>31</sup>

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<sup>27</sup> Jane’s Intelligence Review, ‘Lords of disorder’

<sup>28</sup> ‘Report of the Secretary-General on the activities of the United Nations Regional Office for Central Africa and on the Lord’s Resistance Army-affected areas’, *United Nations Security Council Report* (2013), p. 14.

<sup>29</sup> ACLED is a database which collects the dates and locations of reported political violence, particularly in Africa. ACLED is associated with the International Peace Research Institute (PRIO) and has received funding from the World Bank, the Climate Change and African Political Stability (CCAPS) Minerva project and the European Research Council. The LRA statistics is available at: Armed Conflict Location & Event Dataset, ‘Events Involving LRA’, <http://www.acleddata.com/data/types-and-groups/>, accessed 12 September 2013.

<sup>30</sup> Reliefweb, 30 June 2013, ‘LRA Regional Update: Central African Republic, DR Congo and South Sudan (April–June 2013)’, <http://reliefweb.int/report/democratic-republic-congo/lra-regional-update-central-african-republic-dr-congo-and-south-0>, accessed 16 October 2013, and Invisible Children and Resolve, ‘LRA Crisis Tracker’, <http://www.lracrisistracker.com/>, accessed 16 October 2013.

<sup>31</sup> Invisible Children and Resolve, ‘LRA Crisis Tracker: Annual Security Brief 2012’, <http://www.lracrisistracker.com/reports/signup>, accessed 16 September 2013, p. 17.

The predatory nature of the LRA is illustrated by the kind of goods taken in LRA raids. Looting occurred in 59 per cent of all LRA raids, and the primary target is foodstuffs, followed by clothing and then medicines and other essentials. The LRA also takes guns and communications equipment when available.<sup>32</sup> The frequency of LRA attacks is also seasonal, with both killing and abductions spiking in the early months of the year. This is partly due to reduced activity during the rainy season, but also corresponds to when the harvest is ready for collection.<sup>33</sup>

For the LRA to succeed it must be able to move freely, access civilians, and avoid direct confrontation with superior forces. The group was forced to leave Uganda when the army moved the population of northern Uganda into camps and thereby deprived the LRA of its resource base.<sup>34</sup> A predictable pattern has followed whereby the LRA continue to move along the line of least resistance, targeting areas where armed opposition is weak and civilians vulnerable. The LRA operated in western areas of South Sudan from 2009 to 2011, but as infrastructure improved and the government supported the creation of local armed forces, the LRA activity dropped. In 2011, 60 per cent of LRA attacks were reported in the Congolese province of Haut Uele, while in 2012 the CAR became a centre for LRA activity, allowing it to operate in areas beyond the reach of Ugandan forces and U.S. military advisers. The majority of LRA-related events still occurred in the DRC, but 75 per cent of all LRA killings took place in the CAR.<sup>35</sup>

The LRA of today is a much smaller and weaker organisation that it was in the early 2000s, with perhaps only 150–250 core fighters remaining.<sup>36</sup> Yet, the LRA sustains the capabilities needed to continue its PREDATORY VIOLENCE. It is important to note however, that this ‘success’ is largely due to the LRA’s very limited objective of simply perpetuating its own existence through predatory behaviour.

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<sup>32</sup> ‘LRA Crisis Tracker: Annual Security Brief 2012’, p. 15, and Invisible Children and Resolve, ‘LRA Crisis Tracker: Annual Security Brief 2011’, <http://www.lracrisistracker.com/reports/signup>, accessed 16 September 2013, p. 4.

<sup>33</sup> ‘LRA Crisis Tracker: Annual Security Brief 2012’, p. 2, p. 6, and Invisible Children and Resolve, ‘LRA Crisis Tracker: January-March 2013 Quarterly Security Brief’, <http://www.lracrisistracker.com/reports/signup>, accessed 16 September 2013, p. 2.

<sup>34</sup> Alexis Arieff and Lauren Ploch, ‘Background on the LRA’, *Congressional Research Service: Report* (2012), p. 5.

<sup>35</sup> ‘LRA Crisis Tracker: Annual Security Brief 2011’, p. 3, ‘LRA Crisis Tracker: Annual Security Brief 2012’, p. 2, p. 6, and ‘LRA Crisis Tracker: January-March 2013 Quarterly Security Brief’, p. 2.

<sup>36</sup> If correct, this figure shows a drastically diminished organization, down from the maximum strength of around 5000 fighters, largely child-soldiers, noted in 1997. See; ‘LRA Crisis Tracker: Annual Security Brief 2012’, p. 17, and Bevan, ‘The Myth of Madness’, p. 345.



## 3 The Taliban

### 3.1 Background

The Taliban is an example of the INSURGENCY scenario. The Taliban emerged out of Kandahar in 1994, from which it expanded across Afghanistan. In 1996 the Taliban captured Kabul, and by 1998 it controlled 90 per cent of the country. The Taliban's self-declared aim was to 'restore peace, disarm the population, enforce Sharia law and defend the integrity and Islamic character of Afghanistan.'<sup>37</sup> Afghanistan became a sanctuary for extremist groups, becoming the 'hub of a worldwide terrorist network.'<sup>38</sup> In the aftermath of the September 2001 attack the Taliban's close association with Al Qaida exposed it to foreign intervention, which quickly dislodged the organisation from power. However, the group was able to reconstitute itself as an insurgency, and its political objective became the re-establishment of the Islamic Emirate of Afghanistan.<sup>39</sup> It is this post-2001 INSURGENCY scenario which is discussed below. While the Taliban aspires to rule all of Afghanistan its strength is concentrated in the southern and eastern parts of the country, and its area of operations spans into neighbouring Pakistan where the Pashtun tribal areas have offered the insurgents some sanctuary.

### 3.2 Strategy

Retired General Rupert Smith argues that the wars of today are fought amongst the people in order to win their support, rather than to break their will to resist (as was the purpose of industrial war).<sup>40</sup> According to Smith; 'every trial of strength must be won in such a way that each success complements and supports the measures to win the clash of wills.'<sup>41</sup> In other words, the extent to which the use of force translates into political advantage is dependent on how it affects the will of the people.<sup>42</sup> The Taliban uses violence against civilians as part of its strategy to influence that will. This is done by attacking civilian targets to undermine the legitimacy of the government and its foreign supporters as providers of security. At the same time the Taliban itself has to avoid being seen as too violent or it risks alienating the population. The Taliban's strategy therefore has two competing incentives, and the group must necessarily engage in balancing act between them.

The incentive to compete for the will of the people can be observed from the Taliban's 2009 'code of conduct', in which emphasis is put on winning over the local population by stating that 'the Mujahideen have to behave well and show proper treatment to the nation to bring the hearts of civilian Muslims closer to them.'<sup>43</sup> On the issue of civilian casualties the code held that

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<sup>37</sup> Ahmed Rashid, *Taliban: Islam, Oil and the New Great Game* (London and New York: I. B. Tauris, 2002), p. 1, p. 3, p. 5, p. 22.

<sup>38</sup> *Ibid.*, p. xi.

<sup>39</sup> Anne Stenersen, 'The Taliban insurgency in Afghanistan – organization, leadership and worldview', *Norwegian Defence Research Establishment*, FFI-rapport 2010/00359 (2010), p. 3, p. 54.

<sup>40</sup> Rupert Smith, *The Utility of Force: The Art of War in the Modern World* (London: Penguin Books, 2006), pp. 277–78.

<sup>41</sup> *Ibid.*

<sup>42</sup> *Ibid.*, p. 216, and Beadle, 'Finding the 'utility of force to protect', p. 15.

<sup>43</sup> Al Jazeera, 28 July 2009, 'Taliban issues code of conduct', <http://www.aljazeera.com/news/asia/2009/07/20097278348124813.html>, accessed 22 June 2012.

‘...every member of the Mujahideen must do their best to avoid civilian deaths, civilian injuries and damage to civilian property.’<sup>44</sup> In conformity with such rules of conduct aimed at gaining popular support the Taliban has consistently denied responsibility for attacks which has caused substantial civilian damage<sup>45</sup>, for instance disputing UN reports on the number of civilians killed by the insurgents referring to it as ‘part of an effort to cover up the brutal actions of the Americans.’<sup>46</sup>

The Taliban’s self-proclaimed concern for civilian safety is more difficult to observe in practice. On the contrary, the available statistics shows an increasing number of civilian fatalities resulting from insurgent actions (Chapter 3.4). This is due to the second incentive of inciting civilian insecurity to undermine the legitimacy of the government as a security provider. Violence against civilians serves the Taliban’s political objective because; ‘the government bears the ultimate responsibility for protecting the civilian population... [therefore] violence against civilians by the insurgents may also reduce the support for the government side.’<sup>47</sup> As James Kiras points out; in irregular warfare ‘the immediate purpose of violence is to demonstrate the political ineptitude of the ruling government and as a tool to intimidate and coerce populations.’<sup>48</sup> By instigating insecurity for the civilian population the Taliban illustrates the inability of the government to provide security.

The Taliban also emphasises the relative security under Taliban rule prior to 2001 for propaganda purposes. The goal is to present the Taliban as a more credible alternative to the foreign backed government. Indeed, according to Anne Stenersen; the Taliban’s ‘propaganda is aimed at legitimizing the Islamic Emirate, and de-legitimizing all potential rivals.’<sup>49</sup>

That the Taliban’ strategy is to influence the struggle for power locally can be seen in the selective nature of their targeting; ‘they are clearly aiming for soft targets, like civilians, as well as Afghan institutions, like district centres, that represent governance at the lowest levels.’<sup>50</sup> The Taliban is in effect trying to ensure that no successful state-building takes place, and to discredit the government as a provider of public services. This subversive violence against civilians is illustrated by the Taliban’s announcement of the 2012 spring offensive ‘Al Farouk’ which they stated would focus on ‘all those people who work against the Mujahideen, toil to pave ground for

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<sup>44</sup> Al Jazeera, 27 July 2009, ‘Key quotes from new Taliban book’  
<http://www.aljazeera.com/news/asia/2009/07/200972775236982270.html>, accessed 22 June 2012.

<sup>45</sup> Stenersen, ‘The Taliban insurgency in Afghanistan’, p. 27.

<sup>46</sup> CNN, 26 December 2010, ‘Taliban dispute U.N. report on Afghan casualties’,  
<http://edition.cnn.com/2010/WORLD/asiapcf/12/25/afghanistan.un.taliban/>, accessed 23 June 2012.

<sup>47</sup> Lisa Hultman, ‘COIN and Protection of Civilians: Lessons from Afghanistan’, 6<sup>th</sup> *International Lessons Learned Conference* (2010).

<sup>48</sup> James D. Kiras, ‘Irregular Warfare’, in David Jordan, James D. Kiras, David J. Lonsdale, Ian Speller, Christopher Tuck and C. Dale Walton, *Understanding Modern Warfare* (Cambridge: Cambridge University Press, 2008), p. 226.

<sup>49</sup> Stenersen, ‘The Taliban insurgency in Afghanistan’, p. 74.

<sup>50</sup> U.S. Department of Defense, 2 June 2009, ‘Taliban increasingly targets civilians in eastern Afghanistan’,  
<http://www.defense.gov/news/newsarticle.aspx?id=54594>, accessed 22 June 2012.

the occupation of Afghanistan and become the cause of strength of the invaders.<sup>51</sup> This indicated that civilians working with, or accepting aid from, government and coalition forces would be principal targets. This is in line with directives from Mullah Omar intercepted by ISAF forces in June 2010 which ordered insurgents to ‘capture and kill any Afghan who is supporting or working for coalition forces or the Government of the Islamic Republic of Afghanistan.’<sup>52</sup> Of course, Taliban also maintains the rhetoric of their principal efforts being aimed at the foreigners, as well as claiming that ‘the enemy intentionally targets civilians... and attributes it to the Taliban.’<sup>53</sup> Thus the 2012 spring offensive shows that the Taliban seeks to subvert civilian security while maintaining the propaganda effort.

### 3.3 Capabilities

#### 3.3.1 Advance planning

Advance planning is a necessary capability only to the extent that the leadership provides overall strategic guidance. It is to a lesser extent a requirement for local implementation of violence against civilians. Advance planning for perpetrating violence against civilians is generally not necessary for individual attacks beyond the outlining of the overall strategy and purpose of the violence. If local commanders know the creation of civilian insecurity is a central part of the Taliban’s strategy, they will be capable of instigating such insecurity on a tactical level. However, it is worth keeping in mind that while advance planning is not a critical capability for instigating civilian insecurity, the Taliban does nonetheless have significant capabilities for planning. Stenersen argues that even if the Taliban constitute several distinguishable groups, they ‘appear to have mechanisms and dedicated resources in place for conducting a broad political and media strategy.’<sup>54</sup> Similarly, a 2009 Carnegie Endowment report emphasised the Taliban as ‘a resilient adversary, engaged in strategic planning and coordinated action.’<sup>55</sup>

#### 3.3.2 Top-down coordination

In order to realise the role played by violence against civilians in its insurgency strategy, top-down coordination is not a critical capability for the Taliban. However, the Taliban does possess a significant capability for coordination, from which it benefits in the struggle against Afghan National Security Forces (ANSF) and ISAF. The Taliban’s capacity for coordination at the operational level was illustrated by the near simultaneous attacks on Kabul and three other cities in April 2012. Such coordination, involving a strike on the capital itself, support the Taliban strategy by demonstrating the Taliban’s own strength, and showing the population how incapable the central government is of providing security, even if the targets were not civilian per definition.

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<sup>51</sup> Washington Times, 2 May 2012, ‘Taliban kill 7 in Afghan capital after Obama visit’, <http://www.washingtontimes.com/news/2012/may/2/taliban-kill-7-afghan-capital-after-obama-visit/print/>, accessed 20 June 2012.

<sup>52</sup> U.S. Department of Defense, 19 July 2010, ‘Forces Battle Insurgents; Taliban Chief Orders Civilian Deaths’, <http://www.defense.gov/news/newsarticle.aspx?id=60068>, accessed 20 June 2012.

<sup>53</sup> The Long War Journal, 2 May 2012, ‘Taliban announces start of Al Farooq spring offensive’, [http://www.longwarjournal.org/archives/2012/05/taliban\\_announce\\_beg\\_1.php](http://www.longwarjournal.org/archives/2012/05/taliban_announce_beg_1.php), accessed 20 June 2012.

<sup>54</sup> Stenersen, ‘The Taliban insurgency in Afghanistan’, p. 43.

<sup>55</sup> Gilles Dorrenoro, ‘The Taliban’s Winning Strategy in Afghanistan’, *Carnegie Endowment for International Peace* (2009), p. 5.

The term ‘Taliban’ is often used as collective denomination for a spate of different insurgent groups operating in Afghanistan. Examples of these include the the Haqqani network, various local Taliban, and Hizb-e-Islami Gulbuddin (HiG). Afghanistan also has a rough and challenging geography. These two factors combined imply that daily operations on the tactical level are not likely to be directed by central leadership figures, but rather by local commanders.<sup>56</sup> It should also be remembered that the strategy in the INSURGENCY scenario is to incite insecurity to win control over the population, not to seek its destruction or dislocation. This insurgency strategy is much easier to achieve, and does not require the degree of top-down coordination necessary for GENOCIDE or ETHNIC CLEANSING. For instance, the current insurgency strategy can be contrasted with the military operations during the Taliban’s initial conquest of the country when brutalisation of civilians at times occurred on a massive scale. When the Taliban captured Mazar-e-Sharif for the second time in 1998, it deliberately engaged in large-scale violence against the Hazara, Tajik and Uzbek communities<sup>57</sup>, in an operation that is likely to have required comprehensive planning and coordination.<sup>58</sup>

### 3.3.3 Ambiguity

The Taliban is not dependent on ambiguity to be able to attack civilians in the same way a perpetrator fearing external intervention is. The Taliban insurgency is fighting against an already present external force, and ambiguity to avoid external intervention is therefore irrelevant. However, ambiguity is nonetheless an important capability if the Taliban is to successfully win the struggle for the will of the Afghan people. The need for ambiguity in relation to the Afghan civilian population is a result of the need to sustain the strategic incentives of creating insecurity to undermine government legitimacy, while at the same time presenting the Taliban as a more benevolent and superior alternative.

### 3.3.4 Freedom of movement

Freedom of movement is a critical capability for the Taliban, even if it is not uniquely related to violence against civilians, but rather a fundamental factor for the group’s overall combat efficiency. Freedom of movement is particularly important in that it allows Taliban forces the staying power and flexibility to dominate the countryside and incite fear among civilians. This is because coalition forces are typically constricted to urban centres and patrols, and freedom of movement thus enables the Taliban to withdraw under pressure, only to return when coalition forces have left an area. According to Stanley McChrystal the Taliban is ‘both deeply embedded in Afghanistan’s complex society and impressively agile’<sup>59</sup>, and freedom of movement is therefore a critical capability the Taliban possess.

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<sup>56</sup> Stenersen, ‘The Taliban insurgency in Afghanistan’, p. 17, p. 44.

<sup>57</sup> CBC News, 27 January 2004, ‘The heartbreak of Mazar-e-Sharif’,

<http://www.cbc.ca/news/background/afghanistan/mazasharif.html>, accessed 20 June 2012.

<sup>58</sup> The estimate of the total number of civilians killed varies, but Neamatollah Nojumi cites UN estimates to be between 5000 and 6000, with local estimates far higher. Neamatollah Nojumi, *The Rise of the Taliban in Afghanistan: Mass Mobilization, Civil War, and the Future of the Region* (New York: Palgrave, 2002), p. 168.

<sup>59</sup> Stanley A. McChrystal, ‘Becoming the enemy’, *Foreign Policy*, No. 185 (2011), pp. 66–70.

### 3.3.5 Relevant military units and weaponry

The willingness to kill civilians will vary within the Taliban. This is in part due to the heterogeneous pattern of Taliban recruitment. Antonio Giustozzi has developed a layered model of Taliban fighters; 'at the centre their purely ideologically driven madrassas students, a second ring of genuine jihadist recruits provided by village mullahs', thirdly 'a ring of local allies', and lastly a ring of 'mercenary elements.'<sup>60</sup> It follows that the propensity for committing violence against civilians between these elements will vary. For instance, the ideologically motivated vary in their willingness to attack civilians, depending on their interpretation of sharia. The foreign mercenary elements in particular, have a reputation for being violent.

Another relevant factor is the ethnic dimension of Taliban recruitment which remains heavily dominated by Pashtuns.<sup>61</sup> This means that the predominant recruitment and support base for the Taliban is the Pashtun population, which again might indicate a higher propensity for violence against non-Pashtun civilians. This in itself is nothing new; the traditionally Pashtun dominated state structure in Afghanistan has a long history of enforcing its dominance upon the non-Pashtun ethnicities through means of coercion.<sup>62</sup> When combined with the fact that violence has become institutionalised in Afghan society through the erosion of the Afghan state and the influx of arms in the 1980s, this implies that Taliban warriors already have relatively high propensity for violence against civilians. Given the abundance of small arms available in Afghanistan and in adjacent Pakistani tribal areas the Taliban already possesses arms beyond what is needed to attack civilians.

## 3.4 Outcome

The outcome of the Taliban's strategy has been an increasing number of civilian dead and injured. Statistics from UNAMA show both a growing number of overall civilian fatalities, and an increasing percentage of civilians killed by insurgents; from 46 per cent in 2007 to 77 per cent in 2011.<sup>63</sup> In 2012 UNAMA documented 6,131 civilian casualties (3,952 injuries and 2,179 deaths) from actions by anti-government forces, constituting 81 per cent of the total civilian casualties in Afghanistan. There continued to be 486,000 internally displaced people (IDPs) and 2.6 million Afghan refugees in neighbouring countries as of January 2013.<sup>64</sup> Improvised explosive devices (IEDs) have consistently been the single most deadly insurgency tactic in terms

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<sup>60</sup> Antonio Giustozzi, *Koran, Kalashnikov and Laptop: The Neo-Taliban insurgency in Afghanistan* (New York: Columbia University Press, 2008), p. 33, pp. 43–44.

<sup>61</sup> Stenersen, 'The Taliban insurgency in Afghanistan', p. 30.

<sup>62</sup> The first centralized state apparatus to bear the name 'Afghanistan' was created by Emir Abur Rahman in 1880, under the auspices and with considerable support of the British (although the Durrani Empire created in 1747 is often considered as the foundation of the Afghan state). Using the money and arms provided by the British Rahman enforced a Pashtun state upon the other ethno-linguistic groups by means of coercion, the Hazara community being subjected to particularly harsh treatment. Nazif M. Shahrani, 'War, Factionalism, and the state in Afghanistan', *American Anthropologist*, No. 3 (2002), 715–722, p. 718.

<sup>63</sup> The Guardian, 12 March 2012, 'Afghanistan civilian casualties: year by year, month by month', <http://www.guardian.co.uk/news/datablog/2010/aug/10/afghanistan-civilian-casualties-statistics>, accessed 22 June 2012.

<sup>64</sup> 'Afghanistan Annual Report 2012: Protection of Civilians in Armed Conflict', *United Nations Assistance Mission in Afghanistan* (2013), p. 1, and UNHCR, '2013 UNHCR country operations profile – Afghanistan', <http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e486eb6>, accessed 17 October 2013.

of civilian deaths. IEDs were responsible for 41 per cent of insurgent inflicted civilian deaths in 2012, followed by suicide attacks with 22 per cent, targeted killings with 18 per cent, and ground engagement with 14 per cent.<sup>65</sup> The predominance of civilian fatalities related to the use of explosive and often indiscriminate tactics such as IEDs and suicide bombers, arguably reflect the Taliban strategy of undermining the legitimacy of the government.

The insurgency effort of undermining government legitimacy is also seen in the increasing tendency to engage in targeted killings. The subjects of these targeted killings are revealing. Not only did overall civilian casualties from targeted killings increase by 108 per cent from 2011 to 2012, but within that figure a 700 per cent increase in attacks on government employees was noted by UNAMA.<sup>66</sup> This behaviour is in line with the 2010 strategic directives from mullah Omar to target those who work for the Kabul government.<sup>67</sup> The increasing number of targeted killings is likely part of an intensifying struggle between the insurgents and the government over post-ISAF Afghanistan. This trend continued in the first quarter of 2013 with further increases in the attacks against government civilian personnel and administrative buildings. Furthermore, there were multiple attacks against the justice system with courts and juridical staff being targeted. Religious figures expressing support for the government have also come under attack.<sup>68</sup> The struggle over contested areas intensified as Afghan forces increasingly replaced ISAF troops. As a result UNAMA noted a 176 per cent increase in civilian casualties resulting from insurgent attacks against Afghan military and police positions. Especially the police became a prioritised target for the insurgents.<sup>69</sup> This is in part because they present a more easily accessible target, operating locally and manning check-points, but fundamentally because the police represent the government's ability to provide security and is therefore a key factor in the struggle for legitimacy.

## 4 Al-Shabaab

### 4.1 Background

The Al-Shabaab is another case of the INSURGENCY scenario. While there are similarities to be found with the Taliban, there are also significant differences in how the Al-Shabaab has evolved as an organisation, and the two groups therefore differ in several important respects. In particular, the case of the Al-Shabaab illustrates how the strategic use of violence against civilians can change for a perpetrator in response to geopolitical developments.

Al-Shabaab rose to prominence after the Islamic Courts Union disintegrated in late 2006. It initially rallied support by being perceived as a just, if strict, antidote to rampant warlordism.

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<sup>65</sup> 'Afghanistan Annual Report 2012', p. 16.

<sup>66</sup> Ibid, p. 22.

<sup>67</sup> U.S. Department of Defense, 19 July 2010, 'Forces Battle Insurgents; Taliban Chief Orders Civilian Deaths', <http://www.defense.gov/news/newsarticle.aspx?id=60068>, accessed 20 June 2012.

<sup>68</sup> 'Afghanistan Mid-Year Report 2013: Protection of Civilians in Armed Conflict', *United Nations Assistance Mission in Afghanistan* (2013), p. 4.

<sup>69</sup> Ibid, p. 1, p. 34.

The Al-Shabaab also rallied support through its uncompromising resistance to the Ethiopian intervention in 2006, thereby becoming a focal point for the national resistance movement in the eyes of many. However, the Al-Shabaab has consistently rejected all nationalist labels, emphasising its jihadi credentials to the point of refusing to use the Somali flag.<sup>70</sup> At the time of writing, the Al-Shabaab has been dislodged from its urban centres of power. Over the course of 2012 Ethiopian forces captured Baidoa, Ugandan and Burundian AMISOM forces captured Afgooye, Kenyan forces captured Afmadow, and in coordination with Somali government and irregular forces took the important port city of Kismaayo.<sup>71</sup> However, the Al-Shabaab maintains a significant presence in central and southern rural Somalia. The group also has connections in Kenya and has engaged in terrorist operation outside Somalia's national borders.

## 4.2 Strategy

Al-Shabaab has tried to capitalise on the memory of relative stability under the Islamic Courts prior to the Ethiopian intervention for propaganda efforts<sup>72</sup>, and an important aspect of the violence has therefore been to ensure that there emerges no alternative supplier of security. The strategy of creating insecurity to discredit their opponents and lend credibility to themselves as the only viable alternative, is discernible from two strategies particularly seen in the struggle over Mogadishu. Firstly, the Al-Shabaab fighters fired mortar rounds against AMISOM positions from densely populated areas, thereby ensuring civilian casualties from the returning indirect fire by AMISOM forces.<sup>73</sup> Secondly, the use of suicide bombers appears to have followed a similar logic; when a diplomatic process was underway in 2008 the Al-Shabaab effectively drew attention back to the insurgency with the largest and most well-coordinated wave of suicide attacks seen in Somalia.

In the areas directly under Al-Shabaab control, typically in southern Somalia, violence against civilians has been used to enforce political control. For the Al-Shabaab, the exercise of political control has meant religious enforcement. The level of violence involved in such enforcement varies from the flogging of women perceived to wear 'deceptive' clothing, to the maiming and amputations of human limbs, as well as public beheadings.<sup>74</sup> Christians from the southern region

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<sup>70</sup> Stig Jarle Hansen, 'Revenge or Reward? The case of Somalia's suicide bombers', *Journal of Terrorism Research*, No. 1 (2011), p. 26.

<sup>71</sup> 'AMISOM advances on two fronts in Somalia', *Jane's Defence Weekly* (June 2012), BBC, 22 February 2012, 'Somalia al-Shabab militant base of Baidoa captured', <http://www.bbc.co.uk/news/world-africa-17127353>, accessed 4 July 2012, and The Telegraph, 29 September 2012, 'Somalia's al-Shabaab Islamists abandon last major stronghold of Kismayo after government assault', <http://www.telegraph.co.uk/news/worldnews/africaandindianocean/somalia/9575671/Somalias-al-Shabaab-Islamists-abandon-last-major-stronghold-of-Kismayo-after-government-assault.html>, accessed 12 July 2013.

<sup>72</sup> Lorenzo Vidino, Raffaello Pantucci and Evan Kohlmann, 'Bringing Global Jihad to the Horn of Africa: al Shabaab, Western Fighters, and the Sacralization of the Somali Conflict', *African Security*, No. 3 (2010), pp. 220–1.

<sup>73</sup> Human Rights Watch, January 2012, 'Country Summary: Somalia', [http://www.hrw.org/sites/default/files/related\\_material/somalia\\_2012.pdf](http://www.hrw.org/sites/default/files/related_material/somalia_2012.pdf), accessed 3 July 2012, p. 1.

<sup>74</sup> Daily Mail, 16 October 2009, 'Whipped for wearing a 'deceptive' bra: Hardline Islamists in Somalia publicly flog women in Sharia crackdown', <http://www.dailymail.co.uk/news/article-1220864/Whipped-wearing-deceptive-bra-Hardline-Islamists-Somalia-publicly-flog-women-sharia-crackdown.html>, accessed 3 July 2012.

around the Juba River have been targeted in particular, some victims being beheaded while verses from the Koran are read out loud. The label of 'Christian' is typically also applied to people accused of espionage, and religion is thus used to define the image of the enemy. This also has a propaganda aspect as the Al-Shabaab seeks to foment the image of the external 'crusader enemy', Ethiopia and Kenya, supported by the U.S., in order to garnish local support.<sup>75</sup> Brutality, such as the use of amputations, is justified by the Al-Shabaab's supporters through religious conviction that such behaviour is in accordance with Sharia law.<sup>76</sup> While such ideological motivations does not preclude pragmatic strategies, as outlined above in regards to the fighting in Mogadishu, it does lower the threshold for religiously motivated violence against civilians, especially in areas firmly under the group's political control.

As the Al-Shabaab has lost territorial control, statistics show that it has become increasingly violent against civilians. It would appear that the group is seeking to compensate for its diminished ability to provide positive public goods such as security and basic infrastructure, by following a strategy of more coercive violence against civilians, more along the line of terrorism, as for instance seen by Al Qaeda in Iraq. The objective of such coercive violence is to force civilian compliance through using means of terror to instil fear in the absence of alternative means. Indeed, 2012 saw an increasing number of Al-Shabaab attacks against civilians, both as a percentage of their overall activity and in absolute terms.<sup>77</sup> This indicates a changing strategy which is becoming increasingly violent and directed at the civilian population for the purpose of coercion.

### 4.3 Capabilities

#### 4.3.1 Advance planning

A capability for advance planning at the strategic level does not appear to be a critical necessity for the Al-Shabaab to be able to attack civilians. However, it is more significant for the group's ability fight against rival armed groups, government forces, and AMISOM forces. Despite their increasing brutality the Al-Shabaab still use violence as a means for a higher end, whether that is the obtainment of political power or religious enforcement. Because the Al-Shabaab seeks to rule the people rather than their destruction, violence is only purposeful to the extent it furthers the organisation's ability to control the population. While this necessitates some degree of planning, or at least an understanding of the effects from the use of force against civilians, it does not

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<sup>75</sup> The Economist, 22 October 2009, 'Almost expunged: Somalia's embattled Christians', [http://www.economist.com/node/14707279?story\\_id=14707279](http://www.economist.com/node/14707279?story_id=14707279), accessed 4 July 2012.

<sup>76</sup> Emmanuel Kisiangani, 'Comparing Somalia's al-Shabaab and Uganda's Lord's Resistance Army: A toxic mix of religion, politics and violence', *Institute for Security Studies Paper*, 229 (2011), p. 3.

<sup>77</sup> Armed Conflict Location & Event Dataset, May 2012, 'Conflict Trends (No. 2): Real-Time Analysis of African Political Violence', [http://www.acleddata.com/wp-content/uploads/2012/05/ACLED\\_Trends-Report\\_May-2012.pdf](http://www.acleddata.com/wp-content/uploads/2012/05/ACLED_Trends-Report_May-2012.pdf), accessed 3 July 2012, p. 6, p.7, Armed Conflict Location & Event Dataset, December 2012, 'Conflict Trends (No. 9): Real-Time Analysis of African Political Violence', <http://www.acleddata.com/wp-content/uploads/2012/12/ACLED-Trend-Report-No.-9-December-2012.pdf>, accessed 12 July 2013, p. 9, and Armed Conflict Location & Event Dataset, July 2013, 'Conflict Trends (No. 16): Real-Time Analysis of African Political Violence', [http://www.acleddata.com/wp-content/uploads/2013/07/ACLED-Conflict-Trends\\_No-16\\_July-2013.pdf](http://www.acleddata.com/wp-content/uploads/2013/07/ACLED-Conflict-Trends_No-16_July-2013.pdf), accessed 12 July 2013, p. 9.



necessitate large scale strategic planning for its execution. Local commanders will typically be capable of purposefully using force against civilians in their area without having to consort with central leadership. However, the Al-Shabaab also appears to be capable of well-planned operations. Hansen, for instance, argues that ‘a suicide attack in the Somali setting seems to be a well-planned reaction to diplomatic or military moves by opposing parties in the conflict.’<sup>78</sup>

#### 4.3.2 Top-down coordination

The Al-Shabaab’s need for top-down coordination to attack civilians is indirect. It is not a critically important capability in order enable the group to attack civilians directly. However, top-down coordination is necessary for the group to succeed in the military operations which enable it to gain direct control over the population. Coordination is also necessary to execute the kind of military attacks against government institutions which undermine the legitimacy of the government.

The Al-Shabaab is organised along distinct geographical regions, in which operations are coordinated by local commanders and religious leaders. The local leadership appears to have enough autonomy to define its own military strategy, as well as a relatively free hand in the administration of the territory.<sup>79</sup> However, in addition to relying on regional commands the Al-Shabaab has the ability of ‘using its centrally controlled units as mobile forces that can be concentrated to reinforce affiliated clan militias.’<sup>80</sup> The ability to concentrate force was illustrated in April 2010 when some 1500 Al-Shabaab fighters from different clans and recruits from the Kenyan coast were concentrated against rival factions around the towns of Masafaweyn and Galad.<sup>81</sup> This ability to concentrate force at a decisive point has been a great advantage for the Al-Shabaab in the struggle against opposing clans and warlords, and clearly illustrates a capacity for coordination.

#### 4.3.3 Ambiguity

As the Al-Shabaab initially rose to prominence in the aftermath of the Ethiopian intervention in 2006, and external forces have been continuously present since, the need for ambiguity in order to avoid external intervention has little relevance for the Al-Shabaab. In fact, the image of being the ‘resistance’ has been an important recruitment driver for the organisation. However, the recent overt use of brutal force against civilians is undermining the social support base on which Al-Shabaab is reliant. Increasing numbers of defectors who cited misconduct against civilians as a reason for abandoning the movement is a trait of sickness of any insurgency movement, and such defections are apparently on the rise amongst the Al-Shabaab rank and file.<sup>82</sup> In April 2012 it was

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<sup>78</sup> Hansen, ‘Revenge or Reward? The case of Somalia’s suicide bombers’, p. 15.

<sup>79</sup> Kisiangani, ‘Comparing Somalia’s al-Shabaab and Uganda’s Lord’s Resistance Army’, p. 4, and Paula Christina Roque, ‘Somalia: Understanding Al-Shabaab’, *Institute for Security Studies: Situation Report* (2009), p. 1.

<sup>80</sup> Jane’s Intelligence Review, 16 July 2010, ‘Shabab central – Africa’s Taliban grows more unified’, <https://janes.ihs.com/CustomPages/Janes/DisplayPage.aspx?DocType=News&ItemId=+++1196028>, accessed 19 July 2012.

<sup>81</sup> Ibid.

<sup>82</sup> BBC, 9 June 2012, ‘Defections put militant al-Shabab on the run in Somalia’, <http://www.bbc.co.uk/news/magazine-18364762>, accessed 4 July 2012.

reported that local armed units and pastoral communities had engaged in armed clashes with an Al-Shabaab force who attempted to expropriate their livestock and property.<sup>83</sup> Such events arguably illustrate that the increasingly coercive strategies of the Al-Shabaab is provoking popular hostility and resistance. This might indicate that the group is at a risk of experiencing a serious backlash in the struggle for the will of the people stemming from its increasing tendency to use violence against the civilian population.

#### 4.3.4 Freedom of movement

Ever since the collapse of central authority in 1991, militias and insurgent groups have been able to move relatively freely across Somalia.<sup>84</sup> As mentioned in the section on coordination, the ability to swiftly move forces to concentrate them in support of local forces has been an important military advantage for the Al-Shabaab. Freedom of movement for the Al-Shabaab is an essential factor for overall combat efficiency. Furthermore, the ability to control a large geographical area through local control combined with mobile and flexible forces is a direct enabling factor for engaging in violence against civilians, in particular the form of religious enforcement which require undisputed territorial control. Freedom of movement is also necessary for the Al-Shabaab to operate effectively against AMISOM forces in contested areas.

#### 4.3.5 Relevant military units and weaponry

Motivations for joining the Al-Shabaab are varied, and involve the full spectrum from religious fundamentalism, through nationalism and clan affinities, to purely economic incentives or forced recruitment. Of particular interest to Western states is perhaps the Al-Shabaab recruitment drive against the Somali diaspora and foreign fighters in general.<sup>85</sup> Even the diaspora in smaller countries such as Norway and Sweden have been sources of recruitment. Norwegian media revealed in November 2011 that a Norwegian citizen of Somali decent joined the Al-Shabaab after having received military training in Norway, and was later killed in action.<sup>86</sup> Having joined the Al-Shabaab from conviction, not want or force, ideologically motivated fighters are likely to be among the more dedicated. For instance a member of the Somali diaspora in the United States became the first known U.S. citizen to conduct a suicide mission in 2008. Another U.S. citizen killed 25 AMISOM peacekeepers in a 2009 suicide attack.<sup>87</sup> However, recruits motivated by economic incentive, such as poor Kenyans<sup>88</sup> or those forcefully recruited, including children<sup>89</sup>, are less likely to share the same motivation as the ideologically indoctrinated.

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<sup>83</sup> Armed Conflict Location & Event Dataset, p. 6.

<sup>84</sup> Rob Wise, 'Al Shabaab', *Centre for Strategic and International Studies: AQAM Futures Project Case Study Series*, No. 2 (2011), p. 5.

<sup>85</sup> Kisiangani, 'Comparing Somalia's al-Shabaab and Uganda's Lord's Resistance Army', p. 5.

<sup>86</sup> TV2 Nyhetene, 9 November 2011, 'Gardist drept mens han kjempet for terrorgruppe', <http://www.tv2.no/nyheter/utenriks/gardist-drept-mens-han-kjempet-for-terrorgruppe-3632583.html>, accessed 4 July 2012, and NRK, 14 May 2011, 'Norsksomalierne vervet til al-Shabaab', <http://www.nrk.no/nyheter/verden/1.7633017>, accessed 4 July 2012.

<sup>87</sup> Vidino, Pantucci and Kohlmann, 'Bringing Global Jihad to the Horn of Africa', p. 225.

<sup>88</sup> Kisiangani, 'Comparing Somalia's al-Shabaab and Uganda's Lord's Resistance Army', p. 7.

<sup>89</sup> House of Representatives, 8 July 2011, 'H.RES. 345 Condemning al Shabaab for its practice of child conscription in the Horn of Africa', <http://www.gpo.gov/fdsys/pkg/BILLS-112hres345ih/pdf/BILLS-112hres345ih.pdf>, accessed 5 July 2012.

As an insurgent group the Al-Shabaab possess military skills and equipment well in excess of what they need to attack civilians. The group possess heavier weapons such as mortars and 23mm guns, and it is reported that Al-Shabaab fighters have received training in southern Eritrea; including ‘basic infantry training, heavy weapons, explosives, telecommunications, tank training, Metis [anti-tank guided missiles], and SAMs [surface-to-air missiles].’<sup>90</sup> Eritrea is considered by many to be one of the organisation’s principal sources of arms.<sup>91</sup> The Al-Shabaab has also increasingly emphasised training in explosives and suicide operations as part of their alignment with Al Qaeda,<sup>92</sup> a process likely aided by the influx of international jihadist with experience from theatres such as Afghanistan and Iraq.

#### 4.4 Outcome

There are currently around 1.1 million IDPs in Somalia, and an estimated 1 million Somali refugees abroad.<sup>93</sup> However, because Somalia faces a multifaceted set of challenges these figures cannot be blamed on the Al-Shabaab alone. Somalia is consistently ranked as one of the most violent countries in Africa. In 2010 and 2012 it had the highest number of total conflict related fatalities, as well as the highest number of events involving violence against civilians.<sup>94</sup> The Al-Shabaab is now reported to engage in consistent and relatively frequent attacks against civilians<sup>95</sup>, and conflict data on Al-Shabaab inflicted casualties confirms a pattern whereby violence against civilians constitutes an increasing percentage of the group’s overall activity.<sup>96</sup> Nonetheless, it is noticeable that violence against civilians remains a relatively small part of the overall Al-Shabaab related violence, and that most casualties still result from engagements with government and AMISOM forces.

There are no clear statistics collected on the type of weapons which dominates the violence against civilians in Somalia, but small arms and light weapons appear to dominate, while IEDs and suicide attacks also take civilian lives. It is reported that; ‘arrests, detention and executions of non-combatants for alleged spying within Al-Shabaab territory have increased, as have guerrilla-style tactics on both military and civilian targets, including hit-and-run attacks; remote and

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<sup>90</sup> Jane’s Intelligence Review, 21 March 2012, ‘Militant factory – Eritrea charged with training insurgents’, <https://janes.ihs.com/CustomPages/Janes/DisplayPage.aspx?DocType=News&ItemId=+++1491636&PubaBbrev=JIR>, accessed 17 July 2012.

<sup>91</sup> For instance: Kisiangani, ‘Comparing Somalia’s al-Shabaab and Uganda’s Lord’s Resistance Army’, p. 8.

<sup>92</sup> Wise, ‘Al Shabaab’, p. 8.

<sup>93</sup> International Displacement Monitoring Centre, 1 October 2013, ‘SOMALIA: Solutions for IDPs revealed as key for future peace and stability in Somalia’, <http://www.internal-displacement.org/countries/somalia>, accessed 21 October 2013.

<sup>94</sup> Armed Conflict Location & Event Dataset, January 2013, ‘Conflict Trends (No. 10): Real Time Analysis of African Political Violence’, [http://www.acleddata.com/wp-content/uploads/2013/01/ACLED-Conflict-Trends-Report\\_No-10\\_January-2013.pdf](http://www.acleddata.com/wp-content/uploads/2013/01/ACLED-Conflict-Trends-Report_No-10_January-2013.pdf), accessed 14 August 2013, p. 2.

<sup>95</sup> Armed Conflict Location & Event Dataset, December 2012, ‘Conflict Trends (NO. 9): Real-Time Analysis of African Political Violence’, <http://www.acleddata.com/wp-content/uploads/2012/12/ACLED-Trend-Report-No.-9-December-2012.pdf>, accessed 7 August 2013, pp. 8–9.

<sup>96</sup> Armed Conflict Location & Event Dataset, September 2013, ‘Conflict Trends (NO. 18): Real-Time Analysis of African Political Violence’, [http://www.acleddata.com/wp-content/uploads/2013/09/ACLED-Conflict-Trends\\_No-18\\_September-2013.pdf](http://www.acleddata.com/wp-content/uploads/2013/09/ACLED-Conflict-Trends_No-18_September-2013.pdf), accessed 26 September 2013, p. 7, and ‘Conflict Trends (NO. 9)’, p. 9.

improvised explosive devices; and suicide bombings in territories which have been recently seized from Al-Shabaab.’<sup>97</sup>

The military pressure on the Al-Shabaab in southern and central Somalia has also led the organisation to extend its area of operation northwards into Puntland, and southwards into Kenya.<sup>98</sup> While the Al-Shabaab has been fomenting instability in Kenya for some time, it drew the attention of the world through a bloody attack on the Westgate Mall in Nairobi in September 2013 which killed at least 67 civilians. In the immediate aftermath of this attack policy analyst and commentators drew up two competing narratives; one arguing that the attack in Nairobi was an act of desperation by a declining organisation, the other arguing that the attack illustrated the Al-Shabaab’s resilience and strong connection with the Al Qaeda inspired global jihadist movement.<sup>99</sup> This report does not purport to side with one of the two emerging narratives, but the reorientation of the Al-Shabaab towards a more frequent use of terrorist tactics illustrates the groups inability to achieve its political objectives. Whether the new orientation of the Al-Shabaab will make the organisation a more or less important political actor on the Horn of Africa remains to be seen.

## 5 The Lou Nuer–Murle Conflict, South Sudan

### 5.1 Background

The conflict between the Lou Nuer and Murle in South Sudan’s Jonglei State is an example of a COMMUNAL CONFLICT scenario where whole communities seek both to *avenge the previous round of violence* and to *deter further retaliation*, as a means of protecting themselves. With an area of 122,581 square kilometres and a population of roughly 1.3 million Jonglei is both the largest and the most populous state in South Sudan. The conflict considered here takes place between the pastoral Lou Nuer and Murle communities. Conflict between pastoralist communities of cattle herders is not a new phenomenon, but rather a longstanding cultural practise. Such traditional clashes over cattle and grazing rights historically followed a culturally defined code of conduct where confrontation only occurred between the men actually herding cattle. However, the pattern of violence has been altered significantly in recent years, with increasingly vicious attacks on whole communities.<sup>100</sup> This pattern of violence reached a highpoint in December

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<sup>97</sup> Armed Conflict Location & Event Dataset, April 2013, ‘Country Report on Somalia’, [http://www.acleddata.com/wp-content/uploads/2013/04/ACLED-Country-Report\\_Somalia\\_April-2013.pdf](http://www.acleddata.com/wp-content/uploads/2013/04/ACLED-Country-Report_Somalia_April-2013.pdf), accessed 11 September 2013, pp. 2–3.

<sup>98</sup> Ibid., p. 3.

<sup>99</sup> See for instance: The Jamestown Foundation, 24 September 2013, ‘Westgate Mall Attack Demonstrates al-Shabaab’s Desperation, Not Strength’, [http://www.jamestown.org/programs/tm/single/?tx\\_ttnews%5Btt\\_news%5D=41399&tx\\_ttnews%5BbackPid%5D=26&cHash=1658885bef9c1b82faecac6abd9143f9#.UmV2E\\_kvmlI](http://www.jamestown.org/programs/tm/single/?tx_ttnews%5Btt_news%5D=41399&tx_ttnews%5BbackPid%5D=26&cHash=1658885bef9c1b82faecac6abd9143f9#.UmV2E_kvmlI), accessed 21 October 2013, and New York Times, 22 September 2013, ‘Kenya Mall Carnage Shows Shabab Resilience’, <http://www.nytimes.com/2013/09/23/world/africa/kenya-mall-carnage-shows-shabab-resilience.html?pagewanted=1&r=0>, accessed 21 October 2013.

<sup>100</sup> Jared Ferrie, ‘Community Perspectives on the Lou Nuer / Murle conflict in South Sudan’, *Minority Rights Group: Boma Development Report* (2012), p. 7. For a more comprehensive explanation of the traditional restrictions on warfare in Jonglei, including religious beliefs prohibiting the slaying of women,

2011/January 2012 when a large force of Lou Nuer youth (6,000–8,000) invaded Murle territory accompanied by a genocidal rhetoric leading to a confrontation with government and UN forces protecting the town of Pibor. The Lou Nuer were successfully prevented from entering the town, although attacks outside of the UN / Sudan People's Liberation Army (SPLA) perimeter still occurred. Even before the Lou Nuer operation had ended, Murle revenge attacks, equally brutal, commenced.

## 5.2 Strategy

Violence targeting civilians was first observed in January 2009 during a Murle raid against Lou Nuer communities in Akobo.<sup>101</sup> From this point on two trends are discernible; firstly, an increasing level of brutality accompanied by more radical political discourse, and secondly, the emergence of a revenge cycle by which the targeted community will always attempt to exact retribution. These trends have led the traditional and culturally restricted cattle raiding to become superseded by a politicised inter-communal conflict, with a strong ethnic dimension, which is interpreted in zero-sum terms. This zero-sum mentality has led to a radicalised political discourse. This was illustrated by statements from the Lou Nuer diaspora that long-term security of Lou Nuer cattle and communities could only be ensured by wiping out 'the entire Murle tribe on the face of the earth.'<sup>102</sup> The escalation towards such extreme positions must be seen in relation to the pressures upon societies and the societal insecurity which it produces. Societal insecurity is caused by both competition between communities and by the broader regional conflict patterns. The traditional communal conflicts become part of larger regional conflicts, both between rebels and Juba, as well as between Juba and Khartoum. As a consequence violence becomes a rationale in itself; as the instrument of revenge and as a solution.

Given the profound change in the direction of the violence in Jonglei State, as well as its purpose, attempts at explaining the violence as a traditional tribal conflict fought with modern and more destructive arms is insufficient. The brutalisation of violence in Jonglei State is linked to the dislocation of traditional societies as a consequence of the civil war in Sudan which has produced a militarised society and eroded the authority of the tribal elders. The possession of the means of coercion has increasingly become the predominant source of authority, that is; 'elders and chiefs have less influence and young men with guns have more.'<sup>103</sup> Furthermore, the various ethnic groups were used as proxies during the Sudanese civil war, and various rebel groups have continued to operate in the region.<sup>104</sup> Such rebel movements do not exist separately from the local societies, but rather draw support from the same ethnic communities that constitute the traditional

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children and elderly, as well as the process through which these values have been undermined, see: Sharon Elaine Hutchinson, 'A guide to the Nuer of Jonglei State', *Chr. Michelsen Institute* (2012), pp. 29–30.

<sup>101</sup> 'Incidents of inter-communal violence in Jonglei State', *United Nations Mission in South Sudan* (June 2012), p. 6 – hereafter UNMISS 2012.

<sup>102</sup> Uganda Radio Network (28 December 2011), 'South Sudan Nuer Tribe Threatens to Wipe Murle Out of Earth', <http://ugandaradionetwork.com/a/story.php?s=39309>, accessed 28 June 2012.

<sup>103</sup> John Ashworth, cited in Ferrie, 'Community Perspectives on the Lou Nuer / Murle conflict', p. 7.

<sup>104</sup> For instance members of the Murle community were recruited into the Khartoum sponsored militia Pibor Defence Forces (PDF) which fought against the SPLA as well as other militias. Øystein H. Rolandsen and Ingrid Marie Breidlid, 'A critical analysis of cultural explanations for the violence in Jonglei State, South Sudan', *Conflict Trends*, No. 1 (2012), p. 55.

tribal entities. The Sudanese civil war and the continued rebel presence have therefore had significant spill-over effects on the communal conflict in Jonglei.

What distinguishes the actors in the Lou Nuer–Murle conflict is that their desired ends (political objectives) have escalated more rapidly than their available means. While both sides have become increasingly brutal, neither possesses the capacity to destroy the other community. The actors of Jonglei province are unable to realise their goals in their most extreme form, and the escalation of brutality and ethnic hatred is only likely to perpetuate the revenge cycle. The inter-communal violence in Jonglei State thus illustrates that policies pursued excessively to one's available means might provide less security, not more.

### 5.3 Capabilities

#### 5.3.1 Advance planning

Advance planning has become an increasingly important capability due to the increasing scale of the operations involving violence against civilians. Both the Murle and Lou Nuer perpetrators are capable of such planning. In the aftermath of a Murle raid in January and February 2011 which involved the killing of three Lou Nuer chiefs, the Lou Nuer organized what the UN described as a planned and coordinated revenge attack which took place in April 2011.<sup>105</sup> The next major event in the revenge cycle, when 'thousands of heavily armed Murle' attacked Lou Nuer communities in August 2011<sup>106</sup>, also appears to have necessitated a degree of planning, as did the response to those events, the large-scale Lou Nuer operation in December 2011 and January 2012. Furthermore, the Nuer 'White Army' stated their intent to cooperate with Ethiopian communities in future operations to prevent attacks by the Murle, suggesting that 10,000 Ethiopian Lou Nuer would join a large scale operation called 'Operation Savanna Storm' to take place in March 2012.<sup>107</sup> However, as this operation failed to materialise, there appears to remain restriction on the Lou Nuer's capacity for planning.

#### 5.3.2 Top-down coordination

The increasing scale and sophistication of operations involving violence against civilians has also made top-down coordination a more important capability. Both the Lou Nuer and the Murle have demonstrated a growing capacity for coordination in recent years. The extent of the actors' increasing capacity for coordination is illustrated by a statement by UN Special Representative Hilde Johnson in September 2011 referring to attacks by Lou Nuer in June and by Murle in August; 'in both cases we saw very large movements in army-like fashion, new arms, new weapons and Thuraya (satellite) phones. This is not normal cattle-rustling.'<sup>108</sup> For instance the

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<sup>105</sup> UNMISS 2012, p. 10.

<sup>106</sup> Ferrie, 'Community Perspectives on the Lou Nuer / Murle conflict', p. 2.

<sup>107</sup> Marina Ottaway and Mai El-Sadany, 'Sudan: From Conflict to Conflict', *Carnegie Endowment for International Peace* (2012), p. 17, and Integrated Regional Information Networks, 10 February 2012, 'South Sudan: Briefing on Jonglei Violence', <http://www.irinnews.org/Report/94837/SOUTH-SUDAN-Briefing-on-Jonglei-violence>, accessed 1 July 2012 – hereafter IRIN, 2012.

Lou Nuer have ‘developed large scale, military organised attack structures with a clear chain of command.’<sup>109</sup> The December attack in particular illustrated a capacity of coordination as the Lou Nuer established a central base from which smaller attack parties fanned out into the vicinity. During the assault on the town of Likuangole UNMISS aerial reconnaissance observed the Lou Nuer youth approaching the city in eight organised columns, with carriers at the rear providing logistics, and launching the attack in an organised manner.<sup>110</sup> The presence of soldiers wearing SPLA uniforms might indicate the government troops have defected to their ethnic communities. However, while this would help explain the increased capacity for coordination, no conclusive evidence on the matter currently exists.<sup>111</sup>

It should be noted that, unlike the Lou Nuer, the Murle tends to operate in smaller and more mobile groups, thus being more difficult to detect prior to the attack. This does not necessarily imply a lesser capacity of coordination; when conducting their revenge attacks on 8 January 2012 the Murle were able to carry out five concurrent attacks in different areas of Akobo County in Jonglei State. As in the case of the Lou Nuer, the presence of fighters wearing SPLA and other government agencies’ uniforms has caused speculations about defections.<sup>112</sup> The Murle method of attack is likely to reflect their preferred mode of operations, as well as possibly their smaller population contra the Lou Nuer.

### 5.3.3 Ambiguity

Ambiguity is an important capability for the perpetrators of violence against civilians in Jonglei. This is because they need to conceal their movements to prevent their victims from fleeing, and to avoid intervention by UN or government forces. For instance, in December 2011, the SPLA and UNMISS reinforced the town of Pibor with trenches and armoured vehicles in response to a very visible movement of Lou Nuer towards the town, accompanied by their public statement of intent to destroy the Murle community. While substantial civilian casualties and physical damage were still inflicted outside of the UN/SPLA perimeter, the town itself was successfully protected.<sup>113</sup> This incident arguably illustrate a case where the failure to ensure ambiguity led to a third party taking action to prevent a perpetrator from achieving his objective.

This lesson was not lost on the Lou Nuer, who after the failed attack on Pibor radically altered their rhetoric. Contrasted with their December statement which pronounced not only the intended destruction of the Murle, but also a willingness to confront UN and SPLA forces, a statement made in February was very different in tone and content. The expressed objective was now to ‘quarantine’ the Murle community to prevent raiding rather than destroy it. Furthermore it was stated that Murle towns would not be targeted, and that women, children and elderly would not be

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<sup>108</sup> United Nations in South Sudan, 28 September 2011, ‘Near-verbatim transcript of the Press Conference by the Special Representative of the Secretary-General Hilde F. Johnson UNMISS Offices’, <http://unmiss.unmissions.org/LinkClick.aspx?fileticket=WE6SgJAruG4%3d&tabid=3465&language=en-US>, accessed 1 June 2012.

<sup>109</sup> UNMISS 2012, p. 7.

<sup>110</sup> *Ibid.*, pp. 14–15.

<sup>111</sup> *Ibid.*, pp. 19–20.

<sup>112</sup> *Ibid.*, pp. 20–21.

<sup>113</sup> *Ibid.*, p. 18.

harm. The Lou Nuer now expressed a distinct desire to 'assure the UNMISS that Operation Savannah Storm is different from the operation that was launched in December, 2011.'<sup>114</sup> As the pattern of violence has since continued more or less unabated, this statement seems to have been made in order to placate the international community rather than being a genuine change of heart.

#### 5.3.4 Freedom of movement

Freedom of movement is a highly significant for perpetrators of violence in Jonglei State. Jonglei is geographically remote, and the problem of government authority is confounded by underdeveloped infrastructure, lack of development and the inability of the central authorities to provide basic social services in the region. In Jonglei State the rainy season last from April until late October / early November, during which the UN estimates that 90 per cent of the areas in need of humanitarian assistance becomes inaccessible by road.<sup>115</sup> As a result the violence in Jonglei is highly seasonal, with most of the communal violence occurring during the dry season. During the dry season the perpetrators are able to cover considerable distance at foot, despite the absence of infrastructure. Due to their ability to move relatively quickly without mechanised logistical support the perpetrators are at an advantage vis-à-vis a potential protector. As Hilde Johnson stated; 'the challenge with protection of civilians with the current counter-attacks means that the unpredictability of the attackers, the speed, the small groups they are moving in, makes it very, very difficult.'<sup>116</sup> The failure of the Nuer 'White Army' to capture the town of Pibor when barred by UN and SPLA forces illustrates the importance of freedom of movement for these actors in order to realise their strategy.

#### 5.3.5 Relevant military units and weaponry

In a society where revenge has effectively become the mechanism for justice, the threshold for violence is necessarily low. People experience traumatisation as a result of abductions, killings, destruction of property, and displacement. This psychological dislocation affects the propensity for violence, and becomes part of the reciprocal process of the revenge cycle as both sides seek to exact ever more vicious vengeance. For instance, as the violence has expanded to include women and children this implies that children are experiencing violence at an early stage, and children are becoming combatants at increasingly early age.<sup>117</sup>

Access to weapons also becomes increasingly important as the strategy envisages more violence against civilians. Despite repeated government efforts at disarmament, Jonglei State remains

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<sup>114</sup> South Sudan News Agency, 4 February 2012, 'Nuer and Dinka White Army To Launch 'Operation Savannah Storm' Against Murle Armed Youth', <http://www.southsudannewsagency.com/news/press-releases/nuer-and-dinka-white-army-to-launch-operation-savannah-storm-against-murle-armed-youth>, accessed 29 June 2012.

<sup>115</sup> Sharon Hutchinson, April 2012, 'Guide to the Nuer of Jonglei State', <http://www.cmi.no/file/1962-Nuer.pdf>, accessed 29 June 2012, p. 9, and UN News Centre, 31 January 2012, 'UN scales up food assistance for more than 80,000 people in South Sudan', <http://www.un.org/apps/news/story.asp?NewsID=41083&Cr=South+Sudan&Cr1>, accessed 28 June 2012.

<sup>116</sup> United Nations Mission in South Sudan, 19 January 2011, 'Near-verbatim transcript of the Press Conference by the Special Representative of the Secretary-General Hilde F. Johnson', <http://unmiss.unmissions.org/LinkClick.aspx?fileticket=dn4IaGC7q9A%3D&tabid=3465&language=en-US>, accessed 1 July 2012, p. 8.

<sup>117</sup> IRIN, 2012.



awash in small arms, and this particular capability is one the actors are able to realise. The weaponry utilised in the Murle–Lou Nuer conflict reflects both the nature of the conflict and the types of weapons available. The December 2011 / January 2012 attack is indicative, when roughly half the Lou Nuer assailants were reported to have Kalashnikov-type rifles, with the remainder equipped with machetes and sticks. Murle fighters are similarly equipped. In particular Chinese manufactured Type-56-1 automatic rifles are reported to be prevalent, with heavier small arms such as PKM-machine guns and RPGs also noted.<sup>118</sup> However, it is important to note that neither side is able to capitalise on a dominance of firepower, as similar weapons are readily available to both sides. Thus the availability of arms only serves to increase the deadliness of the attacks, without changing the fundamental dynamic of the conflict.

Small arms are present in Jonglei State in large quantities due to the civil war when both Khartoum and the SPLA used local communities and groups as proxies.<sup>119</sup> Arguably, the region has experienced a process of ‘Kalashnikovization’ as small arms have become increasingly available, as well as the primary means to secure influence and economic benefit.<sup>120</sup> While the price of an assault rifle was estimated at around 10 cows in the late 1980s, since about 1994 and onwards it has remained at approximately 3 cows.<sup>121</sup> The price of assault rifles has deflated due to a large influx of weapons with subsequent proliferation. In recent times it also appears that the rebel George Athor, until his death in December 2011, was providing arms to the communities of Jonglei State in order to destabilise the area.<sup>122</sup> Another rebel leader, David Yau Yau, is currently believed to be operating in a similar fashion.

#### 5.4 Outcome

While the accuracy of figures are hard to discern, one source estimates that as of May 2012, 3000 people had been killed, and 140,000 displaced, by the conflict in Jonglei State.<sup>123</sup> An additional factor in the Jonglei communal violence scenario is the extensive cattle theft associated with the violence. An attack leading to the death of a few hundred people can be accompanied by the theft of tens of thousands of cattle.<sup>124</sup> During the December 2011 / January 2012 attack it is estimated that roughly 1000 people were killed, 100,000 displaced, and 100,000 cattle stolen.<sup>125</sup> Livestock is a significant factor because it represents the basis on which the wealth and livelihood of these pastoral communities are based.

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<sup>118</sup> ‘My neighbour, my enemy: Inter-tribal violence in Jonglei’, *Human Security Baseline Assessment Small Arms Survey: Sudan Issue Brief*, No. 21 (2012), pp. 2–4.

<sup>119</sup> IRIN, 2012.

<sup>120</sup> The term ‘Kalashnikovization’ is here used to describe a process where small arms become both more prolific and more dominant as the means to obtain desired goals in society.

<sup>121</sup> Richard Garfield, ‘Violence and Victimization after Civilian Disarmament: The Case of Jonglei’, *Small Arms Survey, Graduate Institute of International Studies Geneva* (December 2007), p. 17.

<sup>122</sup> Small Arms Survey, 22 March 2012, ‘White Army arms and ammunition’, <http://www.smallarmssurveysudan.org/fileadmin/docs/facts-figures/arms-ammunition-tracing-desk/HSBA-white-army-arms-ammunition.pdf>, accessed 27 June 2012.

<sup>123</sup> Ottaway and El-Sadany, ‘Sudan: From Conflict to Conflict’, p. 16.

<sup>124</sup> ‘My neighbour, my enemy: Inter-tribal violence in Jonglei’, p. 1, p. 3.

<sup>125</sup> Ibid, pp. 2–3.

The conflict trends observed between 2009 and 2013 also confirm the recurring pattern of attack and revenge-attack, increasingly targeting the social fabric of whole communities. These attacks continue to be seasonal, and occur predominantly during the dry seasons when the cattle is moved between various grassing areas. As of August 2013 it was reported that ‘more than 100,000 people are still displaced or in other ways affected’ by the communal violence in Jonglei.<sup>126</sup>

The conflict pattern in Jonglei has grown increasingly complex as the communal conflict is becoming more inter-linked with an upsurge in rebel activity by the South Sudan Democratic Movement/Army led by David Yau Yau, which is now engaged in fighting with the SPLA. The Yau Yau rebels are predominantly of Murle ethnicity and recruits mostly from the same age group that are involved in the cattle raiding, while the SPLA has employed soldiers of primarily Dinka and Nuer ethnicity in a recent disarmament effort. The ethnic dimension of the conflict in Jonglei state has therefore intensified.<sup>127</sup> With Khartoum being accused of supplying Yau Yau with arms, the most recent developments in Jonglei represent another cycle in a pattern familiar from the civil war, rather than an entirely new conflict dynamic.

The extent to which the Lou Nuer and Murle youth are able to operationalize their strategy becomes a question of definition. The recurring cattle theft and abduction of women and children shows that there continues to be gains from utilising violence. However, neither community is able to protect itself from retaliation, and broader political objectives of neutralising the fighting ability of the other community are unobtainable.

## 6 Libya

### 6.1 Background

Libya (2011) is an example of a REGIME CRACKDOWN scenario, where a regime seeks to use violence to repress its own population. When a state actor attempts to use violence against civilians in order to maintain control over the population the violence can either be classified as *state terror* if it is unilateral or as *civil war violence* if it is bilateral or multilateral.<sup>128</sup> While the Libyan case is here explained through the REGIME CRACKDOWN scenario, it is important to keep in mind that the use of force in Libya was multilateral, involving the use of force by the regime, rebels and intervening forces and that the violence in Libya was conducted in the context of a civil war.

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<sup>126</sup> IRIN News, 29 August 2013, ‘Immense humanitarian needs in Sudan’s Jonglei’, <http://www.irinnews.org/report/98653/immense-humanitarian-needs-in-sudan-s-jonglei>, accessed 9 October 2013.

<sup>127</sup> See: ‘My neighbour, my enemy: Inter-tribal violence in Jonglei’, p. 9, ‘David Yau Yau’s Rebellion’, *Human Security Baseline Assessment Small Arms Survey Sudan* (June 2013), pp. 3–4, and ‘Report of the Secretary-General on South Sudan’, *United Nations Mission in South Sudan* (2013), p. 5.

<sup>128</sup> Stathis N. Kalyvas, *The Logic of Violence in Civil War* (Cambridge and New York: Cambridge University Press, 2006), p. 29.

It is the initial response of the regime and the period leading up to the intervention of foreign forces that is the primary topic of this case-study. The external intervention was justified on the basis of the imminent rebel defeat and the fear of subsequent government retaliation in Benghazi against the civilian population. In other words, the external intervention was justified by the potential state terror expected to follow a rebel defeat.

## 6.2 Strategy

Why did the regime choose a strategy based on the employment of coercive force? In short because they had no choice, or more precisely; they had no alternative means available if they wanted to preserve the regime in its existing form. Edmund Burke is well-known for stating that 'A state without the means of some change is without the means of its conservation.'<sup>129</sup> The relevance here is that because political accommodation is difficult for narrowly based authoritarian regimes, the preponderance of force must be overwhelming in order to preserve the status quo. Security ultimately deals with perceived threats to survival, and for authoritarian regimes, such as that of Gaddafi, the critical object to preserve is the regime itself, not the people or the nation as such. The core understanding of security is thus driven by the survival imperative of the regime.

Gaddafi employed a mixture of patronage and coercion to stay in power. Because political and economic advantage was conferred upon a few tribes loyal to the regime through patron-client relations the government and military did not represent the people, but subsections of it. Hence it had limited legitimacy in exercising authority over the non-privileged tribes and regions. As the uprising began amongst the sections of the population not privileged by the Gaddafi regime, the government faced the choice of complying with the political demands of the rebels, or attempt to enforce the status quo by means of coercion. Because the regime could not offer political reform without jeopardizing its own position it was effectively left with 'hard power' as the only remaining option for self-preservation. For a large subsection of the population Libya had become a 'hard' state, with the regime legitimacy based solely on its means of coercion, particularly in Cyrenaica (eastern part of Libya) where the desire for local autonomy and federalism is strong.<sup>130</sup> The government's strategy was thus to incite fear or, if necessary, use coercive force to sustain the status quo.

The rapid escalation of the conflict in Libya, at least in terms of the official rhetoric, can be explained in part by Gaddafi's eccentric personality leading to statements such as 'those who don't love me deserve to die.'<sup>131</sup> More fundamentally, one must keep in mind that the 'Arab spring' had by then toppled the regimes in Tunisia and Egypt, Libya's western and eastern neighbours, necessarily raising the stakes for the Tripoli regime and producing a certain form of

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<sup>129</sup> Edmund Burke, *Reflections on The Revolution in France and on the Proceedings in Certain Societies in London Relative to that Event in a Letter Intended to have been sent to a Gentleman in Paris* (London: J. Dodsley, 1790), p. 29.

<sup>130</sup> Aljazeera, 3 July 2012, 'The battle for federalism in Libya's east', <http://www.aljazeera.com/indepth/inpictures/2012/07/20127213476184851.html>, accessed 24 July 2012.

<sup>131</sup> The Jerusalem Post, 25 February 2011, 'Gaddafi urges supporters in Tripoli to "defend" Libya', <http://www.jpost.com/MiddleEast/Article.aspx?id=209870>, accessed 25 July 2012.

siege mentality.<sup>132</sup> This helps to explain why Gaddafi sought to implement a strategy of coercive violence that the fallen regimes had not.

When the UN Human Rights Council presented its 'Report of the International Commission of Inquiry on Libya' in March 2012 it concluded that 'acts of murder, enforced disappearance, and torture were perpetrated within the context of a widespread or systematic attack against a civilian population.'<sup>133</sup> The report further describes a 'central policy of violent repression.'<sup>134</sup> This violence appears to have involved both summary executions and torture.<sup>135</sup> Consistent with the view that the regime was motivated primarily by its own self-preservation the UN commission found that people were targeted for their opposition to the government, rather than due to particular group identities.<sup>136</sup>

The regime resorted to indiscriminate attacks against civilian populations using weapons such as landmines, cluster munitions, mortars, multiple launch rocket systems, as well as large calibre weapons including artillery and tank shells.<sup>137</sup> In April 2011 Human Rights Watch reported indiscriminate attacks against areas where no rebel activity had been noted.<sup>138</sup> As helicopter gunships and strike aircrafts were also employed, this indicates an increasing use of violence.

The underpinning logic behind these methods is the 'use of indiscriminate violence to control a population rather than simply to loot, displace, or eliminate it.'<sup>139</sup> It becomes in effect an attempt at demonstrating the government's power and ability to enforce the status quo, often referred to as 'pacification' campaigns.<sup>140</sup> By collectively targeting the population from which rebel support is perceived to emanate, indiscriminate violence is used to raise the cost of supporting the rebellion beyond the threshold the population is willing to endure. Thus the purpose of a strategy of indiscriminate violence is deterrence; by making the cost of support excessive to potential gain for the civilian population.<sup>141</sup>

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<sup>132</sup> Christopher M. Blanchard, 'Libya: Unrest and U.S. Policy', *Congressional Research Service* (2011), p. 1.

<sup>133</sup> 'Report of the International Commission of Inquiry on Libya', *United Nations Human Rights Council* (2012), p.2, – hereafter UNHRC 2012 Report on Libya.

<sup>134</sup> *Ibid.*, p. 8.

<sup>135</sup> *Ibid.*, p. 8, p. 11.

<sup>136</sup> *Ibid.*, p. 12.

<sup>137</sup> *Ibid.*, pp. 15–16.

<sup>138</sup> Human Rights Watch, 17 April 2011, 'Libya: Indiscriminate Attacks Kill Civilians', <http://www.hrw.org/news/2011/04/17/libya-indiscriminate-attacks-kill-civilians>, accessed 25 July 2012.

<sup>139</sup> Kalyvas, *The Logic of Violence in Civil War*, p. 147.

<sup>140</sup> *Ibid.*, pp. 147–49.

<sup>141</sup> Telephone conversations obtained by Aljazeera indicate such a strategy in Libya, they include a recording of Tayeb el Safi, responsible for dealing with the insurrection in Benghazi, ordering the use of violence to subdue the popular will. Aljazeera, 21 May 2012, 'Libya on the Line: The war retold (Part I)', <http://www.aljazeera.com/indepth/spotlight/libyaontheline/2012/05/2012518181433100263.html>, accessed 28 July 2012 [relevant conversation at 13.30 to 14.05 min].

## 6.3 Capabilities

### 6.3.1 Advance planning

Compared to most perpetrators of violence against civilians, the perpetrator in the regime crackdown scenario is at the disadvantage of having to respond reactively to events it did not itself instigate. As the wave of revolutions that shook the Middle East and the Maghreb came unexpectedly on both governments and political commentators, there is unlikely to have been any premade operational plans, therefore making initial military operations somewhat ad hoc. The structure of the Libyan military, with the regular forces kept deliberately weak and commanders frequently moved around, also limited the scope for premade contingency plans. However, with the report of the UN commission suggesting a ‘central policy of violent repression’<sup>142</sup>, this indicates that once the objective of suppressing the revolt had been established by the regime, a certain element of planning was necessary to provide the operational guidelines for the armed forces. Planning was a relatively important capability, albeit one which would not require micromanagement once the commanders had been instructed in the overall policy of indiscriminate coercive force.

### 6.3.2 Top-down coordination

More destructive strategies will typically necessitate a more extensive set of capabilities than less comprehensive forms of violence. A large scale REGIME CRACKDOWN involving extensive coercive violence is thus likely to require a relatively wide number of capabilities. In Libya the necessity for top-down coordination was augmented by the fact that the conflict evolved as a civil war. Thus the regime had to be able to coordinate military operations against armed rebels, not just civilian protesters. In order to engage in ‘widespread and systematic attacks against civilian populations by military forces, mercenaries, and aircraft’<sup>143</sup>, the ability to coordinate forces and operations is critical. In particular the wielding of heavy weapons, armour, artillery, and rotary and fixed wing aircraft typically requires a capacity for coordination. Despite limitations in the Libyan military structure, the superiority of the armed forces contra the rebels indicated that the government forces possessed the degree of coordination necessary to achieve their strategic goals through the use of force had external intervention not occurred.<sup>144</sup>

### 6.3.3 Ambiguity

The Libyan case illustrates perhaps one of the clearest examples in this report of a case where the perpetrator needed to hide his true motivations and violent actions in order to avoid external intervention – but failed to do so. Ambiguity was a critical capability in the Libyan case, and its

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<sup>142</sup> UNHRC 2012 Report on Libya , p. 8.

<sup>143</sup> UN News Centre, 23 February 2011, ‘UN Human Rights Council to hold special session on Libya’, <http://www.un.org/apps/news/story.asp?NewsID=37596&Cr=Libya&Cr1=&Kw1=Libya&Kw2=&Kw3=>, accessed 26 July 2012.

<sup>144</sup> Several sources, as well as the trajectory of the fighting at the time of the intervention indicate that the rebel forces would most likely have been defeated in the absence of external involvement. See for instance ‘Libya: an uncertain future – Report on a Fact Finding Mission to Assess Both Sides of the Libyan Conflict’, *Centre International de Recherche sur et d’etudes sur le Terrorism et d’aide aux victimes du terrorisme* (2011), p. 25, and Maya Bhardwaj, ‘Development of Conflict in Arab Spring Libya and Syria: From Revolution to Civil War’, *The Washington University International Review*, No. 1 (2012), p. 83.

failure a principal cause for the inability of the regime to subdue the rebellion. As Nikolas Gvosdev argues; a regime, contemplating a violent crackdown, should observe from Gaddafi's inglorious end the necessity to 'assiduously cultivate a permanent member of the U.N. Security Council', be discrete about the use of foreign fighters, and most importantly avoid inflammatory rhetoric and 'promising that rivers of blood will flow, that a tremendous vengeance will be exacted and that rebels will be hunted down like dogs from house to house.'<sup>145</sup> The fact that the NATO/allied forces intervention in Libya was a pre-emptive strike justified with the prevention of a *potential* rather than an actual event further illustrate the importance of ambiguity about the regime's strategy of utilising violence against civilians.

Proclaiming the intent of storming Benghazi prior to actual actions seems to have been ill-advised as it was cited by the UN as one of the reasons for the adoption of resolution 1973.<sup>146</sup> With the president of the United States proclaiming that 'as President, I refused to wait for the images of slaughter and mass graves before taking action'<sup>147</sup> the effect of Gaddafi's language is clear. The point here is not to assess the actual political rationale of the intervening powers, but simply to show that the public statements of the Libyan leader offered them an opportunity for intervention. In other words, Gaddafi himself presented the 'demonstrated need' NATO officials deemed necessary to justify an intervention one week prior to the signing of resolution 1973.<sup>148</sup>

#### 6.3.4 Freedom of movement

The initial purpose of the air campaign against Gaddafi's forces was to prevent them from entering Benghazi. For the regime, the ability to move its forces unimpaired was thus a necessary capability. The inhabitants of Benghazi escaped the iron fist of the regime not by having the military capacity to deflect an assault, but because the government forces were prevented from entering the city in the first place. As one report observes; the 'airstrikes against Gaddafi's forces did not instantaneously solve all problems, but as had been the case in Bosnia, it did impact upon the regime's capacity to inflict further harm upon civilians.'<sup>149</sup> The NATO / allied forces effectively obstructed the regime's offensive, by denying Gaddafi's forces the freedom of movement to attack civilians.

#### 6.3.5 Relevant military units and weaponry

The defections of two Mirage fighter jets that landed in Malta<sup>150</sup>, as well as the allegations of Gaddafi's use of mercenaries, might indicate a lack of willingness amongst the regular forces to

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<sup>145</sup> Nikolas Gvosdev, 'A Dictator's Premier on the Libyan Intervention', *World Politics Review Special Report: Libya, the Accidental War* (2011), pp. 48–49.

<sup>146</sup> UN News Centre, 17 March 2011, 'Security Council authorizes 'all necessary measures' to protect civilians in Libya', <http://www.un.org/apps/news/story.asp?NewsID=37808>, accessed 25 July 2012.

<sup>147</sup> The White House Office of the Press Secretary, 28 March 2011, 'Remarks by the President in Address to the Nation on Libya', <http://www.whitehouse.gov/the-press-office/2011/03/28/remarks-president-address-nation-libya>, accessed 26 July 2012.

<sup>148</sup> CNN, 10 March 2011, 'Civil War in Libya; Should U.S. Help Libya?; Witness Tells of Bloodshed', <http://transcripts.cnn.com/TRANSCRIPTS/110310/acd.01.html>, accessed 26 July 2012.

<sup>149</sup> 'Background briefing: Responsibility to Protect after Libya and Cote d'Ivoire', *Global Centre for the Responsibility to Protect* (2011), p. 3.

conduct violence against civilians. Of course, in a divided country such as Libya the social background of the military personnel must be taken into account. While media and rebel reports on the extent of mercenary presence were probably exaggerated, the UN commission did confirm the presence of some foreign fighters, if not in the reported numbers.<sup>151</sup> Allegations of deplorable crimes by such forces flourished, but the actual circumstances concerning the use of foreign fighters in Libya remains unclear. Having kept the regular army deliberately weak, the chief military strength was concentrated in the 'elite' units such as the Khamis brigade recruited from tribes loyal to Gaddafi.<sup>152</sup> Soldiers' willingness to engage in violence against civilians was thus largely a function of tribal and regional affinities, rather than any given set of training practices. As rebel forces also engaged in violence against civilians perceived to be loyalists, the role of tribal and political affinity seems to have been a key variable in soldiers' propensity for violence against civilians.

Access to heavy weaponry was an important capability; both as an enabling factor by permitting the defeat of the armed resistance, and as a direct means for indiscriminate attacks on the civilian population. The regime was in fact able to utilise a relatively broad selection of heavy weaponry, ranging from aerial strikes by both rotary and fixed wing aircrafts, artillery and rocket shelling, mortar fire, including cluster munitions<sup>153</sup>, as well as the laying of personnel mines.<sup>154</sup> Examples of weapons systems utilised included multiple rocket launcher systems such as the 122mm BM-21 Grad and 107mm Type-63, mortars from 81mm to 160mm, 125mm tank shells fired from T-72s, and 155mm artillery shells delivered from Palmaria self-propelled howitzers.<sup>155</sup> Given the nature of the insurrection one has to keep in mind that such systems were not singularly used to target civilians, although such use appears to have been part of the regime's strategic rationale. Despite the shortcomings of the Libyan army, its superiority in materiel, along with superior training and coordination, means the regime most likely possessed enough arms to defeat the uprising militarily in the absence of external intervention.

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<sup>150</sup> Jane's Defence Weekly, 24 February 2011, 'Libyan pilots defy civilian attack orders by defecting to Malta',

<https://janes.ihs.com/CustomPages/Janes/DisplayPage.aspx?DocType=News&ItemId=+++1186215>, accessed 25 July 2012.

<sup>151</sup> UNHRC 2012 Report on Libya, p. 18.

<sup>152</sup> NPR, 10 March 2011, 'Gadhafi's Military Muscle Concentrated In Elite Units',

<http://www.npr.org/2011/03/10/134404618/gadhafis-military-muscle-concentrated-in-elite-units>, accessed 27 July 2012.

<sup>153</sup> Human Rights Watch, 24 June 2011, 'Cluster Munition Use in Libya - Fact Sheet',

<http://www.hrw.org/news/2011/06/24/cluster-munition-use-libya-fact-sheet>, accessed 26 July 2012, and Aljazeera, 25 November 2011, 'Libya displays evidence of cluster bombs',

<http://www.aljazeera.com/video/africa/2011/11/2011112580120603.html>, accessed 27 July 2012.

<sup>154</sup> UN News Centre, 22 February 2011, 'Libya: Security Council, UN officials urge end to use of force against protesters',

<http://www.un.org/apps/news/story.asp?NewsID=37583&Cr=protests&Cr1=&Kw1=Libya&Kw2=&Kw3>, accessed 27 July 2012, Human Rights Watch, 8 July 2011, 'Libya displays evidence of cluster bombs',

<http://www.hrw.org/news/2011/07/08/libya-government-lays-more-mines-western-mountains>, accessed 25 July 2012, and UNHRC 2012 Report on Libya p. 18.

<sup>155</sup> Ibid, pp. 3-4, p. 7.

## 6.4 Outcome

The Libyan rebels initially estimated that as many as 50,000 people had been killed in the conflict. This figure proved to be vastly inflated, and the new Libyan government has now concluded that 4,700 rebel supporters and an approximately similar number of government supporters were killed.<sup>156</sup> The ACLED database operates with a total fatality statistics of 6,155 for 2011, out of which 2,286 were civilians.<sup>157</sup> However, when using such statistics it is important to keep in mind that the casualty figures are too divergent between different sources to be taken at face value, and should be considered indicative rather than absolute.

In comparison to the relatively low fatality figure, the International Organisation for Migration (IOM) found that 623,010 Libyans crossed the border into Tunisia and 247,167 into Egypt. However, IOM also found that most Libyans who left the country quickly returned after only a brief stay across the border. In addition an estimated 790,000 migrant workers left Libya due to the civil war violence.<sup>158</sup> Libya therefore saw considerable population displacement, even if relatively short-term in the case of Libyan nationals.

The majority of civilian casualties were inflicted by ground launched, typically indirect fire weapons which were fired into populated areas. The British NGO Action on Armed Violence estimates that 67 per cent of the casualties inflicted by explosive weapons were civilian. Both sides utilised explosive weapons with wide-area effects against civilian areas, with the towns of Misrata and Sirte in particular being subjugated to bombardments.<sup>159</sup>

The Libyan experience illustrates a case where foreign military force arguably succeeded in providing immediate protection to civilians. However, seen in a broader long-term context the outcomes of the Libyan revolution are far gloomier. Central government authority is nearly absent, with 1 in 10 of every working age male now connected to an armed militia.<sup>160</sup> There have been frequent armed clashes involving various clans, tribes and militias, although these militias do not target civilians per se. A worrisome development is the POST-CONFLICT REVENGE seen against civilians believed to have been supporters of the former regime, the town of Tawergha in particular. In Tawergha the entire population of 30,000 have been displaced and are prevented from returning.<sup>161</sup>

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<sup>156</sup> The Guardian, 8 January 2013, 'Libyan revolution casualties lower than expected, says new government', <http://www.theguardian.com/world/2013/jan/08/libyan-revolution-casualties-lower-expected-government>, accessed 25 August 2013.

<sup>157</sup> Armed Conflict Location & Event Dataset, 'Libya', <http://www.acleddata.com/data/africa/>, accessed 20 September 2013.

<sup>158</sup> 'Migrants Caught in Crisis: the IOM Experience in Libya', *International Organization for Migration* (2012), p. 5, p. 11.

<sup>159</sup> Henry Dodd and Robert Perkins, 'Cases studies of explosive violence: Misrata and Sirte, March–October 2011', *Action on Armed Violence* (2012), p. 2.

<sup>160</sup> NRK, 20 October 2013, 'Det libyske kaoset etter Gaddafi er et mekka for menneskesmuglere', <http://www.nrk.no/verden/to-ar-etter-gaddafi-1.11307191>, accessed 20 October 2013.

<sup>161</sup> BBC, 20 June 2012, 'Libya's tribal clashes leave 105 dead', <http://www.bbc.co.uk/news/world-africa-18529139>, accessed 29 August 2013, and BBC, 12 December 2011, 'Cleansed Libyan town spills its terrible secrets', <http://www.bbc.co.uk/news/magazine-16051349>, accessed 30 August 2013.



It should also be noted that the aftermath of the Libyan revolution is directly linked to the spillover of conflict into Mali and the wider Maghreb, with a considerable upswing in jihadist and Al Qaeda (AQIM) linked activity. Libya itself has become a source of jihadist activity, both harbouring such groups within Libya, and providing a steady outflow of foreign fighters to other conflict areas such as Syria. Furthermore, the absence of central authority and the dominance of militias in Libya have led to an upswing in human trafficking and illegal migration targeting Europe's Mediterranean coast, leading to both considerable human suffering and pressure on already strained southern European economies. Tensions within the Security Council over allegations of NATO having exceeded the UN mandate in Libya has also led to a decline in trust between Security Council members and a subsequent reduction in the UN's capacity for global leadership.

## 7 Syria

### 7.1 Background

The following case-study looks at the violence in Syria from the beginning of 2011 until the autumn of 2013. This is considered as another example of a REGIME CRACKDOWN scenario. The objective here is to shed light on the logic behind the Assad-regime's violence against civilians in the given period. In this period the regime continued to have a monopoly on air power, and a large numerical advantage in heavy weaponry, which it at times deployed against the civilian population. A hallmark of the Syrian conflict has been a continuous escalation of violence. What initially started out as demands for reform has devolved into a fully-fledged civil war. While this case-study focuses on the strategy and capabilities of the Assad-regime it is therefore important to keep in mind that the violence in Syria is multifaceted, and both the regime and the rebels are perpetrators of violence against civilians. The purpose here is therefore to analyse the regime's strategy and methods for using violence against civilians, not to offer political opinions on a highly complex and multifaceted conflict where human rights abuses occur on both sides.

### 7.2 Strategy

The prolonged conflict in Syria has not remained static; the nature of the conflict, and the regime's response, has changed over time, escalating towards ever more destructive forms. The International Crisis Group (ICG) argues that the regime's response has 'mutated' through several phases, from initial half-hearted reforms through to the current 'military solution.'<sup>162</sup> However, the evolution of the rationale behind the violence is not linear, and the regime's use of violence against civilians serves multiple purposes. These purposes must be understood in the context of the regime's desired political goals, and it is necessary therefore to briefly outline the regime's core security interests. First and foremost the regime's overarching security interest is its own survival. The regime is convinced that 'any immediate concession or political compromise would be seized upon by enemies at home and afar to bring it down.'<sup>163</sup> The regime's survival

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<sup>162</sup> 'Syria's Mutating Conflict', *International Crisis Group: Middle East Report*, No. 128 (2012), p. i.

<sup>163</sup> *Ibid.*, p. 16.

imperative thus follows a zero-sum mentality; no change is contemplated because any change is perceived to imply changes to the regime's position that it is not willing to accept. This leaves the regime with violence and repression as the only tools through which it can hope to preserve the status quo.

The Syrian regime has turned to indiscriminate use of heavy weaponry to subdue the insurrection. As in the case of Libya, the 'central aim of indiscriminate violence is to shape civilian behaviour indirectly through association,'<sup>164</sup> that is, to raise the cost of supporting the rebels beyond what civilian society is willing to pay. Although such methods have not succeeded in subduing the rebellion, several Syrian security officers hold that the reason for its failure to produce convincing results 'is not that the remedy was wrong, but the dosage insufficient.'<sup>165</sup> This viewpoint cannot be dismissed out of hand as it has a clear historical precedent: the Islamist insurrection led by the Muslim Brotherhood from 1976 to 1982 was decisively defeated after a massive artillery bombardment of the city of Hama in 1982.<sup>166</sup> Because the Assad regime 'depends on cultivating an image of invincibility' in order to maintain stability, it needs to demonstrate a preponderance of force to re-establish this impression.<sup>167</sup> Similarly, the use of torture and brutalisation of civilians must be seen, in part, as a strategy aimed at re-establishing the 'wall of fear' through which the authority and efficiency of the security apparatus was previously ensured.<sup>168</sup>

The use of the military for overt brutality against civilians could also serve a different purpose for the regime. According to the ICG 'spoiling the military's image might have benefited the regime by undercutting the notion that it might serve as the backbone of the state, ensuring order and stability in the event of a political transition.'<sup>169</sup> As the Arab Spring unfolded Assad no doubt observed the dilemma of the fallen regimes: a military kept deliberately weak such as in Tunisia is incapable of dealing with the uprising, while a too strong military, such as in Egypt, can become a threat to the presidential family. By having the army engage in acts of brutality that discredit it as a potential national unifier, Assad – seemingly – has found a model which allows for the maintenance of an army strong enough to deal with the insurrection without becoming a threat to the regime.

Another aspect of the regime's strategy is its exploitation of ethnic antagonisms. By ensuring that the conflict has evolved along sectarian divides the regime has been able to shore up its support base amongst the minorities, and the Alawites in particular. The regime; 'by depicting the popular uprising in ways that played to existential Alawite fears... consolidated the power structure around a collective self-defence reflex', thus 'both the regime – by design – and its opponents – through negligence – appear to have ensured that a large portion of the Alawite community now

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<sup>164</sup> Kalyvas, *The Logic of Violence in Civil War*, p. 150.

<sup>165</sup> 'Syria's Mutating Conflict', p. 5.

<sup>166</sup> The Guardian, 1 August 2011, '1982: Syria's President Hafez al-Assad crushes rebellion in Hama', <http://www.guardian.co.uk/the-guardian/from-the-archive-blog/2011/aug/01/hama-syria-massacre-1982-archive>, accessed 5 August 2012.

<sup>167</sup> Royal United Services Institute for Defence and Security Studies, 'A Collision Course for Intervention', *Syria Crisis Briefing* (2012), p. 39, – hereafter RUSI, 'A Collision Course for Intervention'.

<sup>168</sup> 'Syria's Mutating Conflict', p. 5.

<sup>169</sup> *Ibid*, p. 9.

feels it has no option but to kill or be killed.’<sup>170</sup> A RUSI report notes that the collapse of the Assad regime is likely to lead to revenge killings against the Alawite community, and ‘quite likely’, also against the Christian population.<sup>171</sup> Thus these minorities have little option but to support the regime. In late June 2012 the New York Times could report that militant Islamists from the opposition began evicting Christians from the city of Homs and more than 90 per cent of the city’s 80,000 Christian citizens had to flee.<sup>172</sup> With slogans such as ‘Christians to Beirut, Alawites to the coffin’ being reported<sup>173</sup>, the minorities’ unwillingness to trust in Sunni forbearance is comprehensible.<sup>174</sup>

The relevance of the outlined sectarian divide for the regime’s strategy is to illustrate the process of reciprocal escalation which is occurring in Syria. As UN Secretary-General Ban Ki-moon could report in August 2012, ‘both the Syrian Government and the opposition forces continue to demonstrate their determination to rely on ever-increasing violence.’<sup>175</sup> While the opposition must clearly bear its brunt of the blame for Syria’s increasing sectarianism, it is also clear that the regime is purposely sacrificing the possibility of a unified and pluralistic future for Syria in the pursuit of its own self-preservation.

## 7.3 Capabilities

### 7.3.1 Advance planning

It is unlikely that the regime crackdown followed any pre-planned operational design in its initial response to the Arab Spring. The incoherent response of the regime, followed by a rapid escalation of violence, indicates a regime struggling to clamp down on developments it did not expect. On the other hand, once the regime decided on a military solution as the strategy for dealing with the insurrection, the armed forces appears to have been capable of planning operations for implementing that strategy. Furthermore, the purposeful use of violence to dissipate the reputation of the army as potential national unifier, as well as the manipulation of

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<sup>170</sup> Ibid., p. 5, p. ii.

<sup>171</sup> RUSI, ‘A Collision Course for Intervention’, p. 40.

<sup>172</sup> The New York Times, 28 June 2012, ‘Syria’s Threatened Christians’, [http://www.nytimes.com/2012/06/29/opinion/syrias-threatened-christians.html?\\_r=2](http://www.nytimes.com/2012/06/29/opinion/syrias-threatened-christians.html?_r=2), accessed 31 July 2012. Photographs of rampaged Churches and desecrated religious symbols have also emerged in media reports, see for instance RT, 27 June 2012, ‘Nothing safe, nothing sacred: Syrian rebels desecrate Christian churches?’, <http://www.rt.com/news/syrian-rebels-desecrate-christian-churches-897/> accessed 1 August 2012.

<sup>173</sup> USA Today, 11 May 2012, ‘Christians in Syria live in uneasy alliance with Assad, Alawites’, <http://www.usatoday.com/news/world/story/2012-05-09/syria-christians-crisis/54888144/1>, accessed 1 August 2012.

<sup>174</sup> For instance, when a prominent exile figure, Maamun Homsy, threatened the ‘despicable Alawites’ with making Syria their graveyard, the Syrian National Council (SNC) did not denounce this statement. Aljazeera, 8 March 2012, ‘Syria’s Alawite activists stuck in the middle’, <http://www.aljazeera.com/indepth/features/2012/03/201237101424192726.html/>, accessed 2 August 2012.

<sup>175</sup> UN News Centre, 2 August 2012, ‘Kofi Annan resigns as UN-Arab League Joint Special Envoy for Syrian crisis’, <http://www.un.org/apps/news/story.asp/www.fao.org/story.asp?NewsID=42609&Cr=Syria&Cr1>, accessed 3 August 2012.

sectarian divides to 'enforce' the support of the Alawite community, are acts which require an element of advance planning by core regime personalities.

There has also been much speculation around the existence of a regime 'Plan B' should it prove impossible to re-establish territorial control across Syria. This plan, it is suggested, would entail the withdrawal of the regime forces to the Alawite heartlands in north-western Syria. It is argued by some observers that the killings in Sunni population centres inside or close to the Alawite enclave, such as at al-Houla, Taldou, al-Haffeh, and Tremseh, were motivated by the intent of creating an Alawite stronghold.<sup>176</sup> While, as this report is penned, there is little indication that the regime is planning to implement such a scheme, such a hypothetical development would imply a development whereby the scenario is evolving from REGIME CRACKDOWN towards ETHNIC CLEANSING. While commentators differ widely in their views as to the viability of such a solution<sup>177</sup>, its occurrence would undoubtedly imply a 'Lebanization' of Syria with different regions held by the opposing communities as well as a struggle over the capital as seen in Lebanon.

### 7.3.2 Top-down coordination

The Syrian civil war is a nation-wide phenomenon. The revolt has spread to the hinterlands throughout the country, as well as several major towns including Damascus and Aleppo.<sup>178</sup> Given such a geographically diverse conflict the ability to respond to locations of intensified trouble is critical. The regime needs to be able to both reinforce and re-supply local garrisons, as well as, crucially, to be able to concentrate forces at the decisive point and at the decisive time. Such flexibility requires a substantial degree of coordination. It also requires freedom of movement and access to the means of transportation, something which illustrates the interconnectedness of the necessary capabilities in this scenario. Thus far the Syrian military has been relatively capable at conducting complex operations and has been 'able to carry out multiple simultaneous and relatively sophisticated military operations.'<sup>179</sup>

### 7.3.3 Ambiguity

Compared with Gaddafi, Assad appears to have been a more accomplished diplomat. He has ensured himself the backing of two permanent UN Security Council (UNSC) members, he has avoided using overly bloody rhetoric, and he possessed, until an US-Russian agreement in 2013, a weapon of mass destruction (WMD) deterrent. Thus far Assad has been 'tactful in handling the

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<sup>176</sup> Foreign Policy, 27 July 2012, 'Alawistan', <http://www.foreignpolicy.com/articles/2012/07/27/alawistan>, accessed 30 July 2012, also see Huffington Post, 25 July 2012, 'Syria Conflict: Breakaway Alawite State May Be President Bashar Assad's Last Resort', [http://www.huffingtonpost.com/2012/07/25/syria-conflict-breakaway-alawite-state\\_n\\_1703624.html](http://www.huffingtonpost.com/2012/07/25/syria-conflict-breakaway-alawite-state_n_1703624.html), accessed 31 July 2012.

<sup>177</sup> For two completely opposite views on the viability of an Alawite enclave see the two Middle East commentators Joshua Landis and Larbi Sadiki. Available at: Syria Comment, 21 July 2012, 'Five Reasons Why There Will Not Be an Alawite State', <http://www.joshualandis.com/blog/?p=15475>, accessed 31 July 2012, and Aljazeera, 30 July 2012, 'Aleppo: The last battle for Syria', <http://www.aljazeera.com/indepth/opinion/2012/07/2012730103733476503.html>, accessed 2 August 2012.

<sup>178</sup> The National, 1 August 2012, 'Aleppo is no Benghazi, but military assistance is needed', <http://www.thenational.ae/thenationalconversation/comment/aleppo-is-no-benghazi-but-military-assistance-is-needed>, accessed 2 August 2012.

<sup>179</sup> 'Syria's Mutating Conflict', pp. 34–5.

international pressure'<sup>180</sup>, and he has kept the regime under the threshold of the 'demonstrated need' which would be required for a non-UN sanctioned intervention by a generally unwilling international community. Interestingly, the RUSI report argues that 'Western political leaders may have no appetite for deeper intervention. But as history has shown, we do not always choose which wars to fight – sometimes wars choose us.'<sup>181</sup> The relevance being that as long as Assad can ensure sufficient ambiguity to keep the public pressure in Western countries below the threshold where governments become forced to take action, he can avoid a military intervention.

Until the 2013 Ghouta attack, the regime's acknowledgement and statements regarding their WMDs followed a similar logic; the regime stated that the weapons would not be used against the civilian population, but to repel a foreign invader.<sup>182</sup> Assad thus presented both assurance and deterrence; explicitly rejecting the intent of a usage which would inflame Western public opinion and make it difficult for his UNSC allies to defend him, while simultaneously raising the potential cost of a military intervention.

A third element is the ambiguities in relation to what would happen to the weapons should the regime disintegrate; continued control by the secular and rational regime would appear preferable to these weapons being obtained by international terrorists.

There is one caveat to Assad's use of the WMD card however; the international condemnation it produces, especially after the Ghouta attack. This leads us to the aspect of ambiguity where the Assad-regime has performed poorly; the management of the international and regional media. These media outlets have a large impact on public opinion, and it is therefore relevant to note that all the major mainstream Western media channels and Aljazeera appears to favour the rebels. This media bias has implications for the regime in that its efforts at managing external relations are undermined by the hostile press. This negative press is used by regional and international enemies of the regime to justify (mostly covert) arms shipments and other support to the rebels. As the ICG report puts it; 'without sympathetic and relentless mainstream media coverage, Western political gestures and massive outside financial support, it is at least highly questionable whether the opposition could have grown so much, lasted so long and been as uncompromising in its goals.'<sup>183</sup> More lukewarm support for the rebels due to increasing radicalisation, continued fragmentation and reports of human rights violations, might help to alleviate the pressure on the regime. However, such a development represents a failure of the rebels, rather than successful media management by the regime.

#### 7.3.4 Freedom of movement

For the regime to combat rebels and protesters, freedom of movement is an important capability. The regime depends on mobility to respond to uprisings and rebel campaigns where they occur, to

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<sup>180</sup> Institute for Defence Studies and Analysis, 21 October 2011, 'Why Syria is not Libya?', [http://www.idsa.in/idsacomments/WhySyriaIsNotLibya\\_smishra\\_211011](http://www.idsa.in/idsacomments/WhySyriaIsNotLibya_smishra_211011), accessed 30 July 2012.

<sup>181</sup> RUSI, 'A Collision Course for Intervention', p. 5.

<sup>182</sup> CNN, 24 July 2012, 'Syria says it has weapons of mass destruction in case of foreign attack', <http://edition.cnn.com/2012/07/23/world/meast/syria-unrest/index.html>, accessed 5 August 2012.

<sup>183</sup> 'Syria's Mutating Conflict', p. 33.

disrupt rebel governance in areas where the regime has lost control to deter civilian cooperation with the rebels, and to deny the rebels safe havens to operate from. This is in part why the battle for Aleppo is considered by many observers as critical; it is argued that should Aleppo fall the rebels will control the geographical area of northern Syria up to the Turkish border. The rebels will then have a safe haven from which to plan, coordinate and execute a military campaign against Damascus.<sup>184</sup> The complete abandonment of the north could also mean an increased influx of foreign Jihadist fighters and arms from external backers. That these processes are already occurring only highlights the importance of territorial control. Similarly, the battle for Al Qusayr fought in May–June of 2013 held significance in preventing the rebels from cutting the coastal supply routes to Damascus. The fact that the regime no longer has a monopoly on freedom of movement is a major setback. Should the regime lose its own ability to operate in large areas of Syria it would greatly constrict the regime's ability to ensure its own survival.

### 7.3.5 Relevant military units and weaponry

Possessing relevant military units and weaponry is an absolute necessity for the Assad-regime. There are two aspects of the regime's military capabilities and its ability to threaten civilians that are important to note. Firstly, the regime's forces need to have the military capabilities to overcome the armed rebellion, as well as pose a threat to civilians. As is typical of regimes with a narrow social support base, special units considered particularly loyal are maintained and especially well equipped. These include in particular the Republican Guard and the Special Forces, but also some armoured divisions.<sup>185</sup>

The second aspect relates to the conflict's sectarian nature which has been a cause for both defections and increasing cohesion amongst the regime's forces. Unsurprisingly, it is predominantly Sunni personnel who have defected, a process which however appears to have increased the cohesion of the forces remaining loyal. The more the remaining elements of the army feel their communal existence to be threatened, the more uncompromising and willing to conduct brutal repression they become. This feeling of threat produces a siege mentality of existential fear which necessarily has implications for the willingness to conduct violence against civilians. As one member of the Shabiha militia put it; 'I am fighting to guarantee a good future for my sons and grandsons. So this is the final battle: Win, or die. There's no third choice.'<sup>186</sup>

As the rebellion is increasingly supplied with greater quantities of weaponry from abroad and from what it has been able to commandeer, access to heavy weapons is becoming increasingly critical for the regime's survival.<sup>187</sup> There are speculations that the strain of conducting operations over desert terrain, combined with problems of maintenance, is taking its toll on the

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<sup>184</sup> Aljazeera, 29 July 2012, 'Aleppo: Syria's key battleground?', <http://www.aljazeera.com/programmes/insidesyria/2012/07/20127298523817590.html> accessed 30 July 2012.

<sup>185</sup> 'Syria's Praetorian Guards: A Primer', *Middle East Intelligence Bulletin*, No. 7 (August 2000).

<sup>186</sup> PBS News Hours, 15 June 2012, 'Syria: Shabiha Militia Member Tells It Like It Is', [http://www.pbs.org/newshour/updates/world/jan-june12/syria\\_06-15.html](http://www.pbs.org/newshour/updates/world/jan-june12/syria_06-15.html), accessed 31 July 2012.

<sup>187</sup> The Guardian, 13 June 2012, 'Exclusive: Arab states arm rebels as UN talks of Syrian civil war', <http://www.independent.co.uk/news/world/middle-east/exclusive-arab-states-arm-rebels-as-un-talks-of-syrian-civil-war-7845026.html>, accessed 5 August 2012.

regime's ability to operate its military hardware, especially the critical helicopters.<sup>188</sup> Should this trend continue without the regime being able to resupply, while the opposition receives ever more arms from its foreign backers, it will put the regime at an increasing disadvantage. However, it should be kept in mind that Russia has blocked the arms embargo initiative in the UN, and still has considerable arms contracts with the Syrian regime which it has yet to fulfil.<sup>189</sup> As long as the regime remains in control of the harbour of Latakia it will be able to bring in such supplies. Russian-made arms could also be brought in through the Russian naval base at Tartus should Moscow acquiesce to it.

Heavy weapons are also necessary to implement the strategy of indirect violence to subdue the population. An overview of the inventory of artillery systems, armour and air-to-ground fixed and rotary aircrafts would indicate that the regime initially had enough firepower to realise its strategy.<sup>190</sup> The problem is of course that the regime cannot utilise its full military might without compromising the necessary levels of ambiguity to prevent foreign intervention. Despite being a historical model of successful regime crackdown, a repetition of the 1982 Hama bombardment cannot be conducted in the post-Cold War age of humanitarian intervention and the Responsibility to Protect (R2P) norm without risking the direct involvement of external forces.

#### 7.4 Outcome

The rate of fatalities, injuries and displacement has gradually risen to significant proportions in Syria. At the time of writing (October 2013), the UN suggested that around 100,000 people had been killed in Syria. Furthermore, there were an estimated 2.1 million Syrian refugees, and 4 million IDPs.<sup>191</sup> The violence is bilateral, having evolved into a fully-fledged civil war where both sides engage in major military operations. Both sides have also perpetrated violence against civilians through indirect fire, targeted killings and massacres. Of the 100,000 fatalities, the rebel-friendly British based NGO Syrian Observatory for Human Rights estimates about 40,000 to be civilians.<sup>192</sup> If correct, this figure suggests that a relatively high percentage of the Syrian casualties are civilians. Extensive use of heavy indirect weapons, urban warfare, and increasingly uncompromising sectarianism are likely reasons for the high casualty rates in Syria.

A particular trait of the conflict in Syria is the extent to which both sides are wielding heavy weapons, especially mortars and multiple launch rocket systems, but also howitzers and tanks.

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<sup>188</sup> The New York Times, 2 August 2012, 'Syrian Leader's Arms Under Strain as Conflict Continues', [http://www.nytimes.com/2012/08/03/world/middleeast/as-conflict-continues-in-syria-assads-arms-face-strain.html?\\_r=4&pagewanted=1&ref=world](http://www.nytimes.com/2012/08/03/world/middleeast/as-conflict-continues-in-syria-assads-arms-face-strain.html?_r=4&pagewanted=1&ref=world), accessed 4 August 2012.

<sup>189</sup> Time Magazine, 12 July 2012, 'The Syrian Arms Race: Photographs by Yuri Kozyrev', <http://lightbox.time.com/2012/07/12/russias-right-to-bear-arms-photographs-by-yuri-kozyrev/?iid=lb-gal-viewagn#1>, accessed 4 August 2012.

<sup>190</sup> 'The Military Balance 2012', *The International Institute for Strategic Studies* (London: Routledge, 2012), pp. 349–50.

<sup>191</sup> UNHCR, 1 October 2013, 'UNHCR says it is "stretched to the limit" by the rising number of refugees', <http://www.unhcr.org/524ae6179.html>, accessed 22 October 2013.

<sup>192</sup> The Huffington Post, 12 September 2013, 'Syria Death Toll A Grim Reminder Of War's Two-Sided Casualties', [http://www.huffingtonpost.com/2013/09/12/syria-death-toll\\_n\\_3912935.html#slide=2828237](http://www.huffingtonpost.com/2013/09/12/syria-death-toll_n_3912935.html#slide=2828237), accessed 22 October 2013.

However, the regime retains a considerable numerical superiority in heavy weapons, especially artillery and armour. In addition, the government wield both rotary and fixed wing aircraft, and medium range ballistic missiles. The rebels on their side have increasingly utilised high-yield and highly destructive IEDs and suicide attacks. The NGO Action on Armed Violence estimates that 40 per cent of the fatalities in Syria are caused by area-effect explosive weapons.<sup>193</sup> The NGO further estimates that 77 per cent of civilian casualties were caused by ‘ground launched explosive weapons like artillery, mortars, and rockets.’<sup>194</sup> Similarly the United Nations has reported that ‘most civilian deaths result from indiscriminate or disproportionate shelling’, and these tactics are also the ‘primary reason for the movement of people inside Syrian Arab Republic and over its borders.’<sup>195</sup>

The prevalence of urban combat is noticeable in Syria, with the struggles over cities and towns such as Damascus, Homs, Aleppo, Dara’a and Al Qusayr likely to prove decisive. Siege warfare appears to be one of the most distinguishable traits of the Syrian conflict. Combat in populated urban areas, particularly involving heavy weapons, incurs considerably higher civilian casualties. The majority of civilian casualties in Libya were also linked to the sieges of Misrata and Sirte.

However, despite the brutality of the civil war violence in Syria, it is important to note that the regime thus far has used siege warfare to displace the civilian population before launching ground offensives to oust the rebel forces. This is likely a tactical decision to separate the rebels from the population due to a limited availability of forces with the necessary urban warfare skills, but could also be a strategic necessity to keep the violence below the threshold of foreign intervention. The government sieges having taken place thus far have incurred much lower casualty rates than the above mentioned 1982 siege of Hama which ended the Islamist campaign against Hafez al-Assad.<sup>196</sup>

Syria is also interesting because the available data illustrates how different degrees of territorial control are reflected in the means by which civilians casualties are incurred. In areas where the government goes on the offensive, such as Homs and Rif Dimashq, the overwhelming percentage of civilian casualties is caused by ground-based bombardments. In areas where control is contested, such as Idlib and Aleppo, there are both high rates of rebel IED attacks and government air strikes. Finally, in areas under government control, such as central Damascus, rebel use of IEDs and suicide attacks are the leading causes of civilian casualties.<sup>197</sup>

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<sup>193</sup> Action on Armed Violence, 23 September 2013, ‘Investigation: Syria’s Dirty Dozen’, <http://aoav.org.uk/2013/syrias-dirty-dozen/>, accessed 23 September 2013.

<sup>194</sup> Henry Dodd and Robert Perkins, ‘Wide of the mark: Syria and the use of explosive weapons with wide area effects’, *Action on Armed Violence* (December 2012), 6.

<sup>195</sup> ‘Report of the independent international commission of inquiry on the Syrian Arab Republic’, *United Nations Human Rights Council* (2013), p. 15.

<sup>196</sup> Amnesty International estimates that the siege of Hama in 1982 caused 25,000 fatalities over 27 days, far higher than the fatality rates seen in current sieges such as the ones leading to the recapture of Al Qusayr in 2013. Amnesty International, 28 February 2012, ‘Syria: 30 years on, Hama survivors recount the horror’, <http://www.amnesty.org/en/news/syria-30-years-hama-survivors-recount-horror-2012-02-28>, accessed 4 October 2013.

<sup>197</sup> Henry Dodd and Robert Perkins, ‘An explosive situation: Monitoring explosive violence in 2012’, *Action on Armed Violence* (2013), p. 14.



The Syrian government of Bashar al-Assad has been far more successful in realising its strategy than the comparable case of Muammar al Gaddafi. The Syrian regime retains its capability to attack civilians and resist the rebellion. The regime might have lost its ability to deploy chemical weapons, but such weapons represented only a very small percentage of civilian casualties in the war, and large quantities of conventional weapons remain available to the regime.

## 8 Conclusion

Through the use of case-studies this report has attempted to demonstrate how perpetrators use violence against civilians as part of their strategy. Violence serves its strategic purpose when it helps to produce a desired end-state. It is therefore important to understand what it is the perpetrator is trying to achieve by targeting civilians.

A potential protector contemplating the use of force to protect must understand *for what reasons* violence is being used against civilians. This is important in order to consider what potential utility the use of force to protect might have. For instance, when protection of civilians is the objective, the direct application of force is likely to have a more significant impact in preventing genocide, than in dealing with an insurgency. This is because in the genocide scenario the destruction of civilians is an end in itself, while for an insurgency the goal is political control over the population, and violence is only a means to that end. As a result the threat to civilians is typically lower in insurgencies. To illustrate this point, the 17,500 civilian deaths in Afghanistan between from 2007–2013, can be compared with the 800,000 killed in a hundred days in Rwanda in 1994.<sup>198</sup>

The understanding of *for what reasons* violence is used against civilians, must be accompanied by knowledge of *what the perpetrator require to attack civilians*. Understanding what capabilities a perpetrator needs to succeed in his strategy helps a protector to decide where to direct the military force so that it achieves the greatest possible effect. That is, the recognition of a perpetrator's centre of gravity is helped by the knowledge of what capabilities he requires to successfully use violence against civilians.

Because various perpetrators require different capabilities to successfully implement their strategy, protectors must be able to identify these capabilities or the application of military force to protect will be inefficient. For instance; while an air campaign successfully prevented Gaddafi's forces from entering Benghazi, similar use of air power has limited effect in denying the Taliban the ability to harm civilians because their modus operandi is radically different. Where Gaddafi's forces moved in clearly identifiable armoured columns along a single axis

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<sup>198</sup> United Nations Assistance Mission to Afghanistan, 8 February 2014, Afghan civilian casualties similar to record levels of 2011 - UNAMA report', <http://unama.unmissions.org/Default.aspx?tabid=12254&ctl=Details&mid=15756&ItemID=37692&language=en-US>, accessed 8 February 2014, and 'Report of the Independent Inquiry into the actions of the United Nations during the 1994 genocide in Rwanda', *United Nations Security Council Report* (1999), p. 3.

towards Benghazi, the Taliban operate amongst the people, often being hard to distinguish from them, and clear frontlines are hard to discern.

This report also illustrates the variations between cases within the same scenario. The two INSURGENCY scenarios, Somalia's Al-Shabaab and Afghanistan's Taliban, have evolved along different trajectories due to differences in their geopolitical environment, as illustrated in the case-studies. The two REGIME CRACKDOWN scenarios, Syria and Libya, have also developed along highly divergent paths due to significant differences in the constellation of case-specific factors including international politics, geography, social organisation, regime structure, and military capabilities. Yet, within each scenario class there are certain fundamental commonalities, such as the desire to obtain political power in an INSURGENCY, and the desire to preserve it in a REGIME CRACKDOWN. There is also a commonality of means, such as IEDs and complex attacks for the Al-Shabaab and Taliban, and the use of heavy weaponry, air power and siege warfare in Libya and Syria. It is therefore found that the scenarios represent a useful generic framework on which to base an analysis of perpetrators of violence.

The report has also demonstrated that perpetrators sometimes act in ways that are self-defeating. This was illustrated in the case-studies on Libya and the Lou-Nuer–Murle conflict in Jonglei, where the failure to sustain ambiguity led to external intervention which prevented Gaddafi's forces from entering Benghazi, and the Lou Nuer Army from entering Pibor.

It is important to keep in mind that protection operations involve interaction between perpetrator and protector. The more capable the perpetrator is, and the more difficult the operational environment is, the harder it will be to successfully protect civilians. In Libya the actions of the perpetrator was largely concentrated along a coastal axis, making initial coordination easier for the regime, but also making the protection effort easier for the intervening forces. In a REGIME CRACKDOWN scenario where the frontlines are dispersed throughout the country the regime faces greater challenges in terms of the required capabilities, and a protector would face similar difficulties in attempting to safeguard dispersed locations, operate in urban environments and so forth. A more capable perpetrator also entails more complicated and dangerous military operations, with accompanying risk not only to protector personnel, but also for civilians who are caught in the middle – wars amongst the people are hard to fight without causing civilian casualties even when protection is the primary objective.

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