

Preface

Issues about targeting have always been central to warfighting, but in the twenty-first century a variety of factors have conspired to make this basic task an extraordinarily complex endeavour. Of course, there has been the emergence of ever-more lethal technology that can create a much greater potential for unintended consequences, particularly with respect to the incidental death or injury of civilians and damage or destruction of their property. At the same time however, technology has permitted the emergence of weaponry capable of being used in an extraordinarily precise manner. Still, targeting issues continue to bedevil commanders, policymakers, and their lawyers.

The reason for this is in great part due to technological and organizational developments in the international media community which very often permit the almost instantaneous broadcast of battlefield events—to include the graphic results of targeting—around the globe. In addition, we are increasingly seeing soldiers and others equipped with either official or unofficial video recording devices that likewise allow the capture of combat in real time. These too have a propensity to find their way into the global information marketplace, often without official approval.

In short, publics around the world have a much greater opportunity to view the consequences of targeting in ongoing conflicts, and do so before governmental authorities have an opportunity to evaluate what is appearing on television screens and computer monitors around the world. It is not uncommon for such visual depictions to be accompanied by informed or—often—*uninformed* commentary as to the legitimacy of the attack. At the same time, there is a greater cognizance of international law, to some extent because of its utility in facilitating transnational business activities occasioned by the rise of globalized commerce. Collectively, these factors result in a world where strict adherence to the rule of law in armed conflict is expected and required.

It is this unique and, in many ways, unprecedented, environment that makes this volume so exceptionally valuable. Targeting is the *sine qua non* of the international law of armed conflict (or international humanitarian law, as some call it)

because intrinsic to it are the central tenets of civilized combat: distinction, proportionality, military necessity, and humanity.

There was a time, perhaps, that adhering to these principles was a relatively simple thing. Belligerents wore uniforms and military objects were so unique that there was typically little dispute as to the propriety of their designation as lawful targets.

Today, however, much of that has changed. Contemporary conflicts frequently involve nonstate actors who wear civilian clothing and embed themselves in civilian areas. What is more is that many of the technologies essential to modern warfighting are “dual use,” that is, as valuable and indispensable to civilians as they are to belligerent militaries. Paralleling this development is the fielding, as already noted, of weaponry capable of extraordinary precision.

As a result, force very often can be applied with an accuracy that could be only dreamed about in earlier eras. Yet, despite the seeming progress of the ability to scrupulously honor the demands of legal and moral targeting, controversy about targeting has, if anything, actually increased. In part, this may be the result of modern militaries being a victim of their own success, for widely advertised surveillance and precision strike capabilities have raised public expectations well beyond what the law requires, and perhaps even beyond what the chaos and friction of war would ever be able to satisfy.

What this volume does is to gather together in one place the very best of the current thinking about targeting. It is intellectually holistic and comprehensive in that it not only lays out the history and context of targeting, it details its application in specific circumstances.

Beyond the law itself, it grapples with the thorny ethical, technical, and political issues associated with targeting decisions, especially in a coalition environment where differing perspectives about particular operations can result in constraining policies, to include guidelines not necessarily mandated by the law of armed conflict. Furthermore, the book deals with not just the law, but with the procedures applicable to the law’s actual operations in various armed conflict situations.

The end product is a volume that is not only a phenomenal work of legal and military scholarship, it is written and organized in a way that is readily accessible not just to lawyers, but also to nonlawyers, including commanders, policymakers, and others involved in the art of war. What is more is that it will be extremely useful to members of the media and other opinion makers because it clarifies the often misunderstood legal aspects of the law of targeting. Wherever one stands on the use of force in a particular circumstance, the value and legitimacy of whatever position is taken must be built on a clear understanding of the law as it is.

What differentiates this book from other efforts to address (the law of) targeting is that it is informed by authors who have real-world experience dealing with the complexity of targeting in actual combat situations. While there are certainly many distinguished scholars around the world whose erudition as to the law, *per*

se, cannot be questioned, their assessments may be insufficiently grounded in a keen understanding of the technical capabilities of the weaponry and the methodologies of their use in armed conflict.

Importantly, this book is not just a retrospective as to the law of targeting, but one that looks ahead to grapple with what will surely be the next generation of targeting issues. These include questions arising from the development and fielding of autonomous weapons systems. While there is a movement afoot to develop an international consensus on barring the introduction of the weapons, it is this writer's view that not only will such efforts ultimately fail, their failure is actually desirable. Indeed, autonomous weapon systems have the potential, if properly used consonant with the law of armed conflict, to significantly increase the likelihood that force will be used in a way that minimizes not only the risk to civilians but also to combatants by decisively unhinging its warfighting capability without necessarily destroying every element of the same.

Of course, it is quite unlikely that every reader will agree with every position taken by every author in this book. Indeed, one should not expect that even within the book the authors will consistently agree with each other in every instance. That is the nature of a volume that aims to collect the very best thinking from the widest selection of experts. Yet, the book's organization makes it a ready reference for anyone confronted with these issues.

The killing of another human being even when permitted by international law can never be taken lightly. Of course, everyone—and particularly those in the armed forces—wishes that human nature might someday evolve to the point where conflicts can be resolved peaceably in a way that preserves human dignity and freedom. Regrettably, there is little to suggest that such a day is coming in time soon.

Until it does, we must live by the truism often attributed to Cicero that “only the dead have seen the end of war.” That being the case, it is all the more important that at those times when force must be used in a just cause, it be applied in a way that comports to the law, serves the best interests of humanity, and honors the consciences of the men and women called upon to use it. To serve that noble end is the real purpose of this book.

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