Volume 93 Number 883 September 2011

INTERNATIONAL REVIEW of the Red Cross



# Interview with David Kilcullen*

*David Kilcullen is a leading expert on counter-insurgency policy. He served twenty-four years as a soldier, diplomat, and policy advisor for the Australian and United States governments. He was Special Advisor to the US Secretary of State in 2007–2009 and Senior Advisor to General David Petraeus in Iraq in 2007. He has provided advice at the highest levels of the Bush and Obama administrations, and has worked in peace and stability operations, humanitarian relief, and counter-insurgency environments in the Asia-Pacific region, Middle East, South Asia, and Africa. He is a well-known author, teacher, and consultant, advising the US and allied governments, international organizations, non-governmental organizations, and the private sector. His best-selling books* The Accidental Guerrilla *and* Counterinsurgency *are used worldwide by civilian government officials, policy-makers, and military and development professionals working in unstable and insecure environments. Mr Kilcullen holds a PhD from the University of New South Wales. He is the founder and CEO of the consultancy firm Caerus Associates.*

: : : : : : :

***How do today's armed conflicts involving armed groups and insurgency differ from counter-insurgency wars in the past, and how have counter-insurgency (COIN) strategies evolved and adapted over the years?***

Classical counter-insurgency, designed in the 1950s and 1960s, was something that emerged from the Cold War period. And it was designed as a method of engaging a mass movement, a nationalist liberation movement, or a communist insurgency, in a colonial or post-colonial environment, against the background of superpower

* This interview was conducted in Washington, DC on 7 June 2011 by Vincent Bernard, Editor-in-Chief of the *International Review of the Red Cross*, and Michael Siegrist, Editorial Assistant.

doi:10.1017/S1816383111000397

https://doi.org/10.1017/S1816383111000397 Published online by Cambridge University Press

confrontation and nuclear threat. So it's a form of Cold War limited warfare that's associated with agrarian mass movements in what was then called the Third World.

What we've dealt with, particularly in Iraq and Afghanistan, is not that. There, it is a situation that's more akin to traditional resistance warfare because unlike, say, Vietnam, where the insurgency came about in the face of an existing government that was already established and already had control of the territory, in Iraq and Afghanistan the coalition went in there, overthrew the government, created chaos, and *then* tried to set up a new replacement state. And other forces that were already present on the ground started to fight after that. So this is more of a resistance warfare model.

Modern counter-insurgency is affected by this, because in this case they were trying to create a government as well as to suppress an insurgency. They're not just trying to support a government, they're also trying to create one. So it's much more difficult than the traditional counter-insurgency model. But also, there are some features of the modern environment that are very different. Globalized media makes a huge difference, where the insurgent can appeal to a diaspora in real time and generate effects that hamper or cancel out the effects you're generating on the ground. And an environment where there's a much higher degree of international scrutiny, not only media scrutiny but quite proper scrutiny from organizations like the ICRC and others, which along with changes in international norms means that some of the traditional methods of counter-insurgency just aren't acceptable in today's environment.

You know, if you think about the British campaign in Malaya in 1948–1960,[1] which has been suggested by some as a classical example of humane counter-insurgency, the techniques that were actually used would be completely unacceptable now. Collective punishments, twenty-two-hour-a-day curfews, transporting whole populations to completely different parts of the country, putting hundreds of thousands of people in jail or in 'new villages'. You know, the methods that were used in the '50 s and '60 s are not open to us, nor should they be. So in some ways governments are more restrained than in the classical counter-insurgency era. In other ways the enemy's freer, because they have the ability to leverage different international fora and diaspora populations and so on.

So it's a very different environment in that respect. A final difference is that there is a global or globalized threat from groups like Al Qaeda, so that a government might be fighting, let's say, in the Philippines, or in Indonesia, or in Sri Lanka, or in southern Thailand, against a local group that has a local, specific agenda. Perhaps it's a separatist group, or it's an Islamic insurgency, or perhaps it's really

1 Editor's Note: The British counter-insurgency campaign in Malaya (also known as the 'Malayan emergency') took place during the period 1948–1960 between the British Commonwealth Forces and the Malayan communist guerrilla forces (the Malayan National Liberation Army), who aimed at putting an end to British colonial administration in Malaya. The British campaign in Malaya is better known for the 'Briggs' Plan, according to which the best way to defeat an insurgency was to drive a wedge between the insurgents and their supporters among the population. See e.g. Richard Stubbs, *Hearts and Minds in Guerilla Warfare: The Malayan Emergency, 1948–1960*, Oxford University Press, Singapore, 1989.


https://doi.org/10.1017/S1816383111000397 Published online by Cambridge University Press

ethnic. But then, overlaid on the top of that, you have a more globalized group that cares more about global objectives and is willing to assist these guys, and to manipulate them in a lot of cases. And I think that does change the way that we operate.

***Building on that, how have armed groups evolved over time, in your view? Do you see common causes, common reasons for the existence of these insurgencies?***

I think that we do certainly see some common causes, and one of them is ethnic separatism. Another one is the reaction against international community involvement in certain parts of the world: for example, in Afghanistan or Iraq. We see traditional ethno-linguistic conflict between social groups within countries, which results in civil wars – Sudan is an example of that – and this can take the form of insurgency. I think we're not seeing the mass-based Maoist-style people's war of the '50 s and '60 s any more. We're seeing more cell-based, family, or tribal-based groups, that aren't necessarily trying to directly overthrow the government. They may be trying to make an environment ungovernable so that a government pulls back and then they have a free hand to do what they want to do.

***There is a growing impression that we have fewer and fewer armed conflicts, and more and more gang violence and urban violence, as in Latin America. Is this also a topic that you see close to your work?***

Yes. The methods and techniques used by illegal armed groups of all kinds are very similar, irrespective of their political objectives. So whether you're talking about a gang in the drug business in Latin America, or organized crime in the gun-running or human smuggling business, or whether you're talking about an insurgency or perhaps even a civil war involving tribes, you will see very similar approaches and techniques being used on the part of those illegal armed groups. That's one of the reasons why I believe counter-insurgency isn't a very good concept for the work that the international community is trying to do. I think that the idea of complex humanitarian emergencies is actually a lot closer to the reality on the ground.

You almost never see just one insurgent group fighting an insurgency against the government anymore. What you typically see is a complex, overlapping series of problems, which includes one or more or dozens of armed groups. And the problem is one of stabilizing the environment and helping communities to generate peace at the grassroots level – a bottom-up peace-building process. And that's not a concept that really fits very well with traditional counter-insurgency, which is about defeating an insurgent movement and is a top-down, state-based approach. What you have to do is create an environment where existing conflicts can be dealt with in a non-violent way.

So it is traditional bottom-up peace-building; community-based peace-building. Most of the successes we have had in Iraq and Afghanistan have not been through top-down intervention by the government. They've been through bottom-up peace-building with local communities. And that, I think, is a very



https://doi.org/10.1017/S1816383111000397 Published online by Cambridge University Press

important lesson: not only does the government not always have the answer but, you know, white guys from the other side of the world coming in to fix your problem isn't necessarily the right way to go. What we want to be doing is creating an environment whereby local communities can deal with their own issues, but do it in such a way that it doesn't lead to mass violence.

***The expressions 'counter-terrorism' and 'counter-insurgency' are often difficult to distinguish. Can you quickly explain their differences, overlaps, and the relationship between the two?***

Insurgent movements typically use terrorism as a tactic, one among several tactics that they use. When we say 'terrorist', it has an important legal connotation that's different from just membership in an insurgent group. I think that's the primary real difference between terrorism and insurgency. I don't like to use those two terms because I think they've become so politicized that they don't really mean anything. But I think you can see a functional distinction between two different types of group. Let's call them type A groups and type B groups.

A type A group involves a relatively small number of people that may have an extreme ideology, perhaps so extreme that the majority of the population are unlikely to ever support it. A group like this can't, and doesn't, rely on the support of a mass population base to get its objectives. What it relies on is using violence to provoke a government response, to highlight its objectives, and to get people to think differently about an issue. So that is what one would consider a terrorist group. Then a type B group is a group which is actually riding a mass social wave. It's responding to widely held grievances and issues within a much broader population base. It may have hundreds of thousands of people in it and it is responding to a mass population base of millions of people.

So, as an example, the Baader-Meinhof Group, the Red Army Faction in Germany, would be a type A group. It had no more than about twenty-five active operators in it. And it didn't rely on support from the general population. In fact, most Germans really couldn't care less about the ideology it was putting forward. It was very extreme, and thus did not have a lot of support. But it managed to survive for thirty years by maintaining a tight network of clandestine cells. The Taliban is an example of the other kind of movement. There are probably 30,000 active fighters, and a population base of probably five million military-aged males in the Pashtun part of Afghanistan and Pakistan. So it's a completely different scale of problem. It uses terrorism. It uses violence against civilians to inflict terror, but it's doing this for a different reason. It's doing it to build control over a population. And that, I think, is the fundamental difference between the two types of group.

***Does this confusion on terminology also have political implications?***

Absolutely. There are many definitions of terrorism around the world. And, although we have yet to achieve a single comprehensive definition, I tend to go with


https://doi.org/10.1017/S1816383111000397 Published online by Cambridge University Press

the United Nations definition from Security Council Resolution 1566.[2] But I think most governments like to paint their opponents as terrorists. Most terrorists don't like to be described as terrorists. Most insurgents use terrorism but they try to avoid the opprobrium of being labelled as a terrorist. So it's a very problematic construct, but the most important thing is that the type A group, the Red Army Faction type, is using terrorism to generate a political effect to highlight its issues and to advance its ideology. An insurgent movement is using terror mainly against its own population to generate control over that population. It's almost like an abusive relationship between the insurgent group and the population that it's exploiting. And, in this sense, an insurgent group is little different from an organized crime protection racket, or an urban gang, or a communitarian or sectarian militia in a civil war – all feed off a population group and use terror to enforce support.

***What are the differences in engaging these two types of groups?***

Because the two groups are very different, the way that you deal with them is very different. In the case of a group like the Red Army Faction, it draws its strength and its freedom of action from the existence of terrorist cells and a clandestine network that links them. So if you want to deal with that group, you really have to destroy that network. And you end up with police work, investigations, work in the courts, and sometimes military activity to go in there, disrupt those cells, and break them up. So in the most basic sense the terrorists are the problem, and if you get rid of the terrorist network, the problem will go away.

In an insurgency environment, that's not the case. The insurgent might be exploiting grievances in the population, but those grievances aren't illegitimate. They're real. Most insurgencies last a generation, and they involve hundreds of thousands of people. You can't motivate that many people for that long around fake issues. The issues are real and usually the aspirations and grievances are legitimate. It's not the aspiration that's the problem. It's the way that the insurgent group is using violence to try to further that aspiration and it's the human toll on the population that are the problem. So you have a completely different challenge. The strength and freedom of action of an insurgent group derive from its ability to manipulate and mobilize a mass population base.

So, very different from the first group, where the centre of gravity is the network itself, the second group's centre of gravity is its ability to manipulate and mobilize a large number of people. So when you counter the type B group, the insurgency, you're trying to break down its ability to manipulate and mobilize the population. And you do that through things like resolving the grievances that have led to the conflict in the first place, creating alternative mechanisms for dispute resolution and to allow a population to deal with these issues without turning to the

2 Editor's Note: United Nations Security Council Resolution 1566 of 2004 defines terrorism as 'criminal acts, including against civilians, committed with the intent to cause death or serious bodily injury, or taking of hostages, with the purpose to provoke a state of terror in the general public or in a group of persons or particular persons, intimidate a population or compel a government or an international organization to do or to abstain from doing any act'. See UN Doc. S/RES/1566, 2004, para. 3.



https://doi.org/10.1017/S1816383111000397 Published online by Cambridge University Press

insurgents for support, and separating the insurgents from the population. And most of the military work that you do in a type B counter-insurgency is about trying to separate the insurgency from the population so that you can work with the population to resolve these issues.

So counter-terrorism is very enemy-focused, trying to find and destroy the enemy, because the terrorist is the problem. If you get rid of the terrorists, the problem goes away. In an insurgency environment, the insurgency is a symptom of the problem. It's not the problem. So what you have to do is sequester the insurgents from the population so you can work with the population to resolve the problem.

***Yet to counter these insurgency groups, states usually use their armed forces. There the question arises whether or not they are suited to do that, and how the armed forces are trained to work in a context that is not considered to be conventional warfare?***

Well, first, let me just give you a statistic. There have been about 464 wars worldwide since the end of the Napoleonic Wars in 1815. Of those, about 386, or 83%, were insurgencies and civil wars. So what the military likes to call 'conventional' warfare is actually a tiny minority of cases. The vast majority of wars are these kinds of conflict. So the militaries of the world have been engaged in this stuff for several hundred years and are actually pretty well suited to dealing with it. It's just that they don't like it very much. That's why they call it 'irregular' warfare. They much prefer the straight army-against-army, open battlefields, flags flying – you know, the march to Baghdad – because it's seen as somehow simpler.

They don't like the messy complicated grey area of dealing with populations and trying to resolve social and political issues. Best-practice counter-insurgency isn't really military. It's a combination of military, police, governance, and reconstruction. It's a fairly complex blend; basically it's like a drug cocktail designed to treat a complex disease. It has a number of different elements to it, but it's a combination of all those things. Classical counter-terrorism is much more of a police and law enforcement role than a military. But a lot of countries around the world use their military for that, too, and the military, whether we like it or not, is in this conflict environment and will probably remain so.

I think it's important for people in the humanitarian community to understand that the US or Western military in these conflicts isn't necessarily building an empire. You know, it's not trying to expand into the humanitarian space. The military's being dragged unwillingly into that space, and most military guys don't want to go there. They want to stick to fighting the bad guys and it's with reluctance that they've been dragged into this area. And they're longing for the day when they can get out of it. But what I would say both to the military and to the humanitarian community is, if you look at the real history of conflict in the last couple of hundred years, it's a fantasy to think that the military will go back to this supposed golden age of war against states. Because that's not how it really works, or ever has worked. Real conflict is complex, messy, civil wars, involving population


https://doi.org/10.1017/S1816383111000397 Published online by Cambridge University Press

INTERNATIONAL REVIEW of the Red Cross

groups and non-state actors. That's what the majority of conflicts are about and I think it will just continue to be so.

***There is a strong impression that Western armed forces consider 'para-military operations' as a way to buy the allegiance of the local population. What is your opinion on that, particularly having in mind the discussion of 'hold vs. build'?***

This is actually a controversial issue in counter-insurgency theory. Back in the 1960s, when the theory was first being formulated, one school of thought suggested that bringing economic benefits, in particular, to the population would result in an increase of allegiance for the government and therefore was a thing that militaries should be promoting in order to build support for the government. But there was another school of thought which said no, actually, by bringing economic development, you may or may not be winning people over to the government. But you're also bringing in a lot of resources which the insurgents can now use and you may actually be making it worse.

So these two schools of thought have always co-existed in the counter-insurgency theory. They haven't really been studied effectively (partly because it's so difficult to get into these environments and study this kind of question) until a few years ago. What recent research suggests is that a large amount of uncontrolled spending on development projects can actually have a very significant *destabilizing* effect. And that actually conforms to normal development theory and modernization theory, so it's not a surprise to me that the field research data that we now have shows a very high correlation between a lot of unaccountable development spending and a high level of conflict.

So I think military commanders often tend to shorthand development and humanitarian activity as 'winning hearts and minds'. And that, in fact, is not necessarily best-practice counter-insurgency and has always been a bit of a watering down of some very complicated debates to the level of a slogan that military officers can use in the field. In the work that I do, I tend to discourage the use of the term 'hearts and minds'. And I very strongly discourage the use of the expression 'winning hearts and minds' because, in fact, the way that you gain progress in these environments is not for outsiders to come in and win over the population. It's for us to create the conditions that allow a local community to resolve their own existing conflict in a peaceful way, and that discourage violence but encourage peaceful resolution of conflict at the local level.

Whether they like the international community or not is completely irrelevant to that problem. And, in fact, the less we can intervene the better, because our own presence will disrupt them resolving their issue. So, 'winning over' the population is much less important than creating an environment where the population can resolve its grievances in a way that doesn't create violence and doesn't empower radicals who then further destabilize the environment. In fact, within the counter-insurgency community, many people are extremely wary of the whole concept of 'hearts and minds'.



https://doi.org/10.1017/S1816383111000397 Published online by Cambridge University Press

Even the military commanders that you see in the field will almost never use that term. It's something that dates to Vietnam and the idea of, you know, we go in and we bring a short-term humanitarian benefit to the population, and that supposedly makes them change their mind and support the government instead of supporting insurgents. That's been proven to not be true. So we discourage that very strongly.

***A basic idea of counter-insurgency is to drive a wedge between the insurgents and the population. What if, once the population's trust has been established, one fails to sustain it? For example, by either failing to set up and maintain basic services or failing to prevent the armed opposition from returning?***

There are two potential ways that it can go wrong in a given district or village. One of them is that the military forces you use to establish security can either be oppressive and create a lot of backlash, or they can leave too early, so the insurgency comes back. And in that case, various people may have identified themselves as supporters of the military and have been willing to work with the government, and they are then targeted for reprisals. The other way that it can go wrong is you can create expectations for programmes which then don't deliver. And that can lead to resentment, which actually ends up empowering the radical group.

I believe that a focus on economic development is generally less productive than a focus on rule of law. In our work, my team tends to see illegal armed groups (and insurgencies are just one example) as *systems of competitive control*. The insurgents are trying to establish control over the population and create a predictable set of rules and sanctions, and that predictability makes the population flock to them.

We have a pretty good amount of field research from the last ten years, which suggests very strongly that populations don't support insurgents because they like their ideology. Rather, they come to like the insurgent's ideology, because the insurgent establishes presence in their area. The leading authority on this is Stathis Kalyvas of Yale University. In his incredibly insightful book *The Logic of Violence in Civil War*[3] he looked at a variety of areas and found that in fact support follows presence. Presence doesn't follow support.

We looked at Kalyvas's results and said, why is that? Why does the population support the enemy or support the government based on a strong degree of presence rather than on whether they like them or not? And we realized that, in an insurgency environment, the people are buffeted from all sides by armed groups that are claiming their allegiance and threatening them with violence if they don't deliver that allegiance. And the population is trying to figure out how to be safe. The day-to-day life of a village elder or somebody in an insurgent environment involves a very complicated navigation through a complex, moment-by-moment calculation

3 See Stathis Kalyvas, *The Logic of Violence in Civil War*, Cambridge University Press, New York, 2006.


https://doi.org/10.1017/S1816383111000397 Published online by Cambridge University Press

of what has to be done to remain safe. When you create a predictable system that says 'here are rules to follow, and if you follow these rules, you'll be safe, and if you don't follow the rules there'll be dangers for you', that's very attractive to the population. Because it creates a space which is bounded by rules and allows them to say, 'If I get into this space, or I'm doing what the dominant actor wants me to do, then I'll be safe'.

And so this, effectively, is what we call a 'normative system': a system of rules and sanctions where, if the population follows certain behavioural rules, then they're safe. If they break those rules, there are punishments or sanctions that go along with that. We've found that the more effective an illegal armed group is at establishing that predictability, the more support it gets. It's like the rules of the road. When you drive your car, there are rules of the road that allow you to be safe in a very complicated environment. It's the rules of the road that make you feel safe, not whether or not you like the police. You don't have to like the police to feel safe. It's the rules that make you feel safe.

So if an insurgent group can establish that predictability, people will think: 'Oh, I know how to be safe now. It's to follow their direction.' And this is independent of whether people like the insurgents or support their ideology – that comes later. So what Kalyvas and others have shown is that, if an armed actor establishes presence and establishes rules that are predictable and consistent, then the population will be reassured, and feel safe, and flock to them. So the insurgents are basically trying to create a legal system, right? Because that's what a normative system is: it is a variation of rule of law – or rather, rule-of-law systems are a subset of normative systems.

Theorists have started focusing much more heavily in the last ten years on rule of law in counter-insurgency, because a rule of law is the same thing that the insurgents are trying to establish. It's a set of rules which has predictable consequences and allows the population to feel safe, and helps them know what they need to do in order to be in a safe place. This is not a new idea, and of course it did not originate with me. This is an idea that actually goes back to the 1950s and '60 s. If you look closely in the classical counter-insurgency literature, writers like Bernard Fall or Sir Robert Thompson, you can see it there. But it wasn't a big issue, people didn't talk about it as an important issue, and it was lost in translation from the old counter-insurgency doctrines into the new counter-insurgency era.

In Afghanistan, for example, the international community spent millions of dollars at the capital-city level in Kabul building a Supreme Court and training judges and rewriting the legal code and so on, to establish a rule-of-law system. The Taliban came in at the village level with Sharia and their mobile courts, and they established a rule-of-law system within months and gained control of the population while we were still busy turning around in Kabul. So one of the other lessons we've drawn from this is that bottom-up, community-based law, which can be transitional justice, or customary law, applied by traditional courts or religious courts, is as effective and possibly even more effective in the initial stages than central-state structures; particularly in a place like Afghanistan or some parts of



https://doi.org/10.1017/S1816383111000397 Published online by Cambridge University Press

South Asia and Africa where there isn't a strong tradition of central-state presence anyway.

So community-based dispute resolution and mediation systems can be potentially the most important thing in resolving disputes. Creating the environment for that tends to be something militaries don't think about as very important. But our field work in Iraq, Afghanistan, Pakistan, East Timor, and parts of Africa has shown us that it's actually critical. Empowering the elders' committees, empowering the local religious leaders, empowering the local courts, empowering women's networks, strengthening civil society and helping them to get into a position where they can resolve 90% of the disputes – that's been a key issue in minimizing the violence in places like Iraq and Afghanistan.

***So in your opinion the rules must come from the community and not be imposed top-down?***

Exactly. In fact, it's bad for them to be imposed from the capital city. It's ten times worse for them to be imposed by foreigners. It doesn't work. The community has to own that process; it has to be part of their own solution. The example that I always like to use is Somalia. In 1992, after the collapse of the Siad Barre regime, when the international community got involved in Somalia, in the south of the country, it was very much top-down, international-community-led, in accordance with internationally accepted state-based norms and it's been an almost total failure. In the north, Somaliland, in the same time-frame, the tribes and clans got together and, on their own, began a bottom-up community-based reconciliation process that led to the creation of clan charters, regional constitutions, and the writing of charters for governance, and, over time, the creation of a bottom-up governance system.

And now you look at the northern area of the old Somali republic, Somaliland. It has just gone through its third peaceful transition of power between elected presidents. It has a functioning judiciary, a functioning stock market. It has a police force but no military, which is an interesting choice on their part. And it has a much more stable and responsible government system, but also a much better economic system. This was achieved not through international development projects but just through letting Somalilanders get themselves together in a local bottom-up governance process, whereas in the same time-frame we have made a complete mess of what's gone on in the south.

So to me that's a very important lesson: that the international community doesn't know best; and that large-scale economic development, influx of large amounts of money, isn't always the right answer. And lots of white guys with guns are *certainly* not the right answer. What you want to be doing is creating, with the minimal possible intervention, the conditions under which the people concerned can do bottom-up, community-based reconciliation and peace-building. And that then creates the basis for governance. And governance, once they have that in place, creates the basis for economic development. If outsiders try to do economic development where there's no


https://doi.org/10.1017/S1816383111000397 Published online by Cambridge University Press

governance, you just end up with lots of corruption, which is what we've seen in places like Afghanistan.

***How do you see the relations or interactions between the humanitarian and the military actors in these types of situation?***

I'd make three points on this. First, there's been some very significant development in this field in the last three or four years with InterAction getting together and producing the Guidelines for Relations Between US Armed Forces and Non-governmental Humanitarian Organizations.[4] So we now actually have an agreed code of best practice between the military and humanitarian NGOs, which we really haven't had in the past. This is a very significant advance in terms of regulating the relationships here and making sure that people understand expectations.

The second thing is that, in my experience, the military doesn't really understand humanitarian NGOs. It comes in with a very positive attitude to them, but it doesn't really understand what they're trying to do. Humanitarian NGOs are very concerned about the presence of the military, because it destroys humanitarian space where they want to work. So there's an unequal set of issues. The military is a little bit unaware, but generally well disposed. The humanitarian NGOs are perhaps a little unaware of where the military's coming from, but they're not well disposed to the presence of the military, so there's an unequal relationship.

I guess the third point would be, that in some conflicts there is no humanitarian space. If you go in and you try to deliver certain kinds of assistance to a population, that will be seen as a threat by certain kinds of armed groups. And they'll push back against that and try to destroy not only the international community agencies that are getting involved but also the humanitarian NGOs.

At the field implementation level I think there's a lot that the two groups can learn from each other. For example, when the military gets attacked in an area where it's trying to do a project, its normal response is to shoot back, and create guards and patrols, and 'secure' the environment. If an NGO gets attacked, its normal response is to call a meeting with the population and say: 'Look, we were really hoping to deliver this project in your area, but because of this violence, we have to leave now.' And then the population will say: 'Well, hang on. You know, we really want this project. So we'll protect you. We'll create an environment where this doesn't happen again.' And if the NGO's willing to trust that relationship, then they'll stay, and if not they will leave. Either way, violence against a humanitarian

4 InterAction is a group of 500 humanitarian NGOs, which in 2006–2007 drafted a code of conduct for how humanitarian NGOs should interact with the military in conflict zones. This code has now been agreed to by the US military and by all members of InterAction. See 'Guidelines for Relations Between US Armed Forces and Non-Governmental Humanitarian Organizations', available at: http://www.usip.org/publications/guidelines-relations-between-us-armed-forces-and-nghos-hostile-or-potentially-hostile-envi (last visited 28 September 2011).



https://doi.org/10.1017/S1816383111000397 Published online by Cambridge University Press

NGO won't create more violence, but violence against the military can often create a cycle of escalation. The difference is community ownership. The community believes that the project's going to benefit the community and so they're willing to protect the NGO so the NGO can deliver the project. So, the community wants the project. The community owns the project.

That's also best practice for the military. If the community wants the military there, and they believe it's bringing a benefit to the community, and they want to see that presence as much as the military does, then you can have that kind of collaborative relationship. But if the military comes in and it's trying to impose its own agenda on the population, and the population doesn't have ownership over that, then the NGO method isn't going to work. In fact you risk the emergence of a police state.

***The ICRC engages armed groups and maintains a dialogue with them on a wide range of issues such as access, protection issues, and the respect of humanitarian law. Do you see any value in having a humanitarian actor capable of talking to both sides?***

Well, let me answer this in two ways. As a person who works in this space, I think it's incredibly valuable. And I think it's essential that we have the presence of impartial actors who can generate access to all the affected population. Just on humanitarian grounds, I think, that's essential. From the standpoint of military people conducting a counter-insurgency campaign, the issue is twofold. One, humanitarian relief for the population may actually be generating resources that the armed group can manipulate to its own advantage, and to further empower it, and to further manipulate the population. So there are some problems. For example, humanitarian food aid may be taken by gangs, which then control the distribution. The presence of that food aid may actually be creating a lot of violence and oppression of the population. So it's not always the best for the population to be bringing in large amounts of assistance.

The other thing is, you will often find the military saying: 'Well, you guys can get in and talk to the enemy, and what are they thinking?' I think that's problematic, because you're then politicizing and destroying the independence of a group like the ICRC, or even something like the International Organization for Migration, or some of the other groups. And that will ultimately lead to the inability for them to have access to the population, and that can ultimately hurt everybody.

So I think that it's very complicated but I think the key is to have open communication between all the different actors involved in the environment, whether they be NGOs or international organizations, or the military, or the local government – a forum for sharing information so that people actually know what's actually going on, they can create a shared diagnosis of the problem, and are able to act independently on their own judgement but at least know what the facts are that they're dealing with. And that shared diagnosis, to me, is the most important thing.


https://doi.org/10.1017/S1816383111000397 Published online by Cambridge University Press

INTERNATIONAL REVIEW of the Red Cross

***Is the respect of the law of armed conflict, in your view, an obstacle for counter-insurgency, or is it necessary?***

It's necessary. In fact, it's a very important part of doing counter-insurgency effectively because, if you want to win over a population and to convince them that they need to solve their grievances in a peaceful, non-violent way, you're talking about bottom-up rule of law; creating an environment where it's safe for them to engage in unarmed resolution of their disputes. And so all the things that are in the Geneva Conventions, and the Additional Protocols, and the Universal Declaration of Human Rights, and in other international agreements about protection of non-combatant civilians and the treatment of detainees and prisoners of war, all these things create that environment of predictability that allows peaceful resolution to take place.

If you get into arbitrary acts of violence, whether you're an insurgent or a counter-insurgent, what you're doing is directly undermining that. And the insurgent knows that, that's why they do this stuff. That is in fact the tactical purpose of insurgent violence: to create a cycle of terror and revenge that empowers the terrorist and destroys the possibility of peaceful resolution. So it's very strongly in the government's interest, in almost every conflict, to further reinforce and further establish the predictability that comes from rule of law, particularly the international law of armed conflict. I think it's completely false to think that the Geneva Conventions or other provisions of international law shouldn't or don't apply to counter-insurgency. They're actually a really important tool that allows people who want to resolve the conflict, including the government, to further their objectives.

***Do you believe that the current legal framework, as it stands now, is adequate to deal with today's situations?***

I think that we need to be looking very carefully at our definitions of illegal armed groups. And I think that the way that the concept of the 'responsibility to protect' has evolved over the last ten years or so has meant that the international community's now getting involved in a lot of internal armed conflicts in an area where the UN has a policy document, but there isn't really a lot of legal writing, legal precedent, or a statutory legal framework governing how to operate in that environment.

So you know that, for example, Kosovo was the first international invocation of this responsibility to protect. Traditionally under international law, the character of government is irrelevant in determining its legitimate sovereignty. A government can oppress its own population, it can starve them to death. That's horrible, but technically irrelevant in traditional international law. The only thing that matters in terms of defining the sovereignty of a legitimate government is: do you have full control of your territory and of your population? And if you do, then you have to be treated as a sovereign in the international community.

In the middle of the 1990s, the UN started to move away from that position to say that there are certain acts a government can carry out against its own



https://doi.org/10.1017/S1816383111000397 Published online by Cambridge University Press

population which may allow its sovereignty to be set aside, and the international community then has a right to intervene. This is the responsibility to protect that was initially invoked for Kosovo. The Bush administration then invoked very similar ideas for the invasion of Iraq. The international community is now invoking very similar ideas for the bombing of Libya.[5] The same ideas probably apply to what the international community did in Sudan and in Somalia.

So they were very different environments where the actual requirements are very different, but the law is vague enough that people have started to apply this idea of responsibility to protect in a very far-reaching way. And I think that international humanitarian organizations tend to regard the responsibility to protect as a good initiative. But I think people also need to see that the militarization of humanitarian space is directly related to that. The fact that the international community now believes that it has the right to intervene militarily in cases of humanitarian abuse, this militarizes humanitarian space. So it's a complex set of problems.

***A final question looking into the future: How does what we see in North Africa and the Middle East at the moment affect the course of what you call the 'long war' in your book* The Accidental Guerrilla?**

I think this is a very important question. The last six months have been a terribly bad period for Al Qaeda. And I think, quite apart from Osama Bin Laden being killed, which is probably just the icing on the cake, the real damage to Al Qaeda has been that, for more than a decade, for nearly two decades, they have said to the people of the Arab world, 'You're oppressed by apostate governments. The West is promoting fundamentally oppressive forms of government in your homelands. The only way to throw that off is for us to attack the West with terrorist violence, which will cause the West to pull out, and cause your governments to collapse. And then freedom will reign.' They have had that ideology for twenty years. They've killed thousands upon thousands of Muslims without achieving anything other than violence and chaos.

Now, in the last six months, the unarmed civil society of North African and Middle Eastern countries has achieved more in a few months than these terrorists have achieved in their whole existence. So every day the success of something like the Jasmine Revolution in Tunisia or the events in Egypt gives the lie to violent extremist ideology. The grievance that drove Al Qaeda is evaporating. And the methods that terrorists use have been shown to be much less effective than just organized civil society. So I think that's an incredibly important threat to those groups because it shows that actually their whole ideology is bankrupt.

The killing of Osama Bin Laden has meant that they've now turned inward to try and figure out how to deal with their own problems. So I think it's unlikely that Al Qaeda is going to be able to engage in a constructive way in this new environment. I think they could go in one of two directions. Some groups will say,

5 Editor's Note: Here and in the final answer it should be remembered that this interview was conducted before the cessation of hostilities in Libya.


https://doi.org/10.1017/S1816383111000397 Published online by Cambridge University Press

'The future is in unarmed civil society, organized protests, and we'll go in that direction.' We're seeing some groups that were formerly aligned with Al Qaeda start to move in that more political direction. From my standpoint, that's fine. If you want to engage in unarmed action in order to resolve your dispute, that's fine. You know, that's politics and there's nothing wrong with that, as long as you renounce violence. Other groups will say, 'We've been shut out of this. We need to hijack the process with more violence against the population.' So I think we're likely to see some groups going to an even more extreme agenda.

In general, though, today Al Qaeda's even more of a marginal movement. It was always a marginal movement, but it's even more marginalized now. Some groups will tend to apply much more horrendous violence in order to try to get back in the game. I think that's ultimately a losing fight. They've been shown to be bankrupt by what's happened in the last six months and I think that that's going to continue.

The other, less positive effect of what's happened is that we now have a lot of new insurgent conflicts across the Middle East. Libya is one. Yemen is even worse than it was. Syria now is basically heading from a popular uprising toward an insurgency. So that this underlines the point that I made earlier in the discussion, which is that we like to think of World War II as normal and these kinds of conflicts as abnormal. But actually the vast majority of conflicts are civil wars and insurgencies.

Some people say, 'We shouldn't get good at counter-insurgency, because that's just going to encourage governments to do these kinds of conflicts, and that's going to make them more common.' The sad truth is, these conflicts are already the most common form of conflict. They're not going away. They've been around for thousands of years. They've been the dominant form of conflict on the planet for at least the last two hundred years.

We can choose to ignore that, and we will just end up making horrendous mistakes and doing more damage; or we can accept the reality that we are going to be working together – humanitarian organizations, governments, police, civil community, and the military – in these very complex situations, and that that's actually normal and we need to engage with that and try to figure out how to work through it.



https://doi.org/10.1017/S1816383111000397 Published online by Cambridge University Press