

# The Disappearance of the Battlefield in the War on Terror

The Global War on Terror's policy of targeted killing is transforming the character of war and undercutting the means to regulate it.

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The classical image of the battlefield evokes a bounded physical space in which massed armies clash for a day in search of a decisive resolution. Such battles feature prominently throughout recorded history and continue to inform contemporary conceptions of the battlefield. Yet this traditional image of the battlefield was already a fading reality in the twentieth century. Over the course of two world wars, the zones of offensive operations expanded across continents and civilian populations became targets of intense aerial bombardment under the doctrine of total war. The Cold War took place against the ever-present backdrop of a possible nuclear conflagration of apocalyptic proportions, with the antagonism between the superpowers consequently displaced into a persistent state of worldwide struggle, ranging from proxy wars in Vietnam and Afghanistan to competition in the space race and the arts. The bounded, unitary battlefield is, however, facing perhaps its greatest challenge today in the context of the on-going War on Terror. Indeed, global military campaigns of targeted killing threaten to undermine the laws of war devised to regulate and constrain the use of armed force.

## **Analysis:** The “Individualisation of Warfare”

Under the War on Terror, the United States has adopted a policy of targeted killing directed against individuals deemed to represent a threat to national security. This has led to numerous strikes against such individuals, most notably in areas that are not recognised war zones, such as Pakistan, Yemen or Somalia. According to the long-standing legal conventions governing the conduct of war, the exercise of armed force is to be restricted to existing and formally declared zones of conflict. The United States has attempted to justify its actions by submitting that they are all part of an on-going global armed conflict waged against al-Qaeda and its associates and successors since 2001. Whatever the legal merits of such a legal argument, and there are many sceptics indeed, it incontestably amounts to making the world into a global battlefield in which punctuated applications of lethal force can in principle happen anywhere.

The policy of targeted killing has the additional effect of contributing to an “individualisation of warfare.” In the inter-state wars of the past, the particular identity of combatants was incidental. The right to kill or be killed was accorded to participants solely by their membership of a larger collective engaged in a recognised armed conflict. In contrast, military targeting decisions are now increasingly made through personalised judgments on the role and behaviour of specific

individuals. These individuals could be “high-value targets” whose identities and personal histories are well established or merely subjects unknown, whose recently-surveyed actions, movements and associations have marked them out for a “signature strike.” Targeted on the basis of judgements more akin to the determinations of criminal law, these individuals are nonetheless placed on the receiving end of the full force of military means without any mechanism for the decision to be submitted to public transparency or accountability.

## Outlook: No Laws for New Wars

The transformation of warfare induced by the globalisation and individualisation of targeting has not only tactical and strategic consequences. The corresponding disappearance of a recognisable battlefield also undermines the long-standing collective efforts to place constraints and regulations on the uses of military force. The battlefield is not merely a bounded physical space in which combat takes place, but simultaneously a normative space governed by its own specific rules. The battlefield serves to delineate spaces of war and peace, to outline spheres of military and civilian activities, and distinguish between combatants and non-combatants.

The international laws that have attempted to regulate the conduct of war since the late nineteenth century all presume that such distinctions can be made, and the idea of the battlefield is central to them. These laws have, of course, always been inconsistently upheld, and the experience of total war in the twentieth century undoubtedly put them under severe strain. Nevertheless, they have endured until now, above all because of the reciprocal interest that signatory states have continued to find in their persistence.

It is precisely such a reciprocity that is absent among the asymmetric belligerents of the War on Terror. The United States and its allies have systematically treated their non-state adversaries as “unlawful combatants” that do not fall under the provisions of the law of armed conflict. Conversely, terrorism evidently abides by none of the law’s conventions, its own global spread of strikes purposely rejecting any distinction between military and civilian targets. In an era in which inter-state wars are increasingly rare, such asymmetric confrontations may well durably define the landscape of conflict in the twenty-first century. Combating violent non-state actors that refuse to abide by the norms of war is one of the thorniest challenges of our time, to be sure. But states should be wary that, in doing so, they do not fatally undermine the painstakingly assembled frameworks devised to regulate the uses of armed force altogether.

## Recommendations: Reaffirming that Wars have Laws

- ◆ State signatories should **reaffirm their commitment** to the law of armed conflict in both letter and spirit. Expediency in combating violent non-state actors should not trump the upholding of long-standing norms of war.
- ◆ States should strive to implement **mechanisms for greater transparency and accountability** of the decision-making process leading to targeted killings.
- ◆ In concert with civil society stakeholders, governments should work towards the **development of international norms** for the use of force outside traditional battlefields.

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