

“NATO at War: Understanding the Challenges of Caveats in Afghanistan”

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Abstract: The North Atlantic Treaty Organization has been the most robust alliance in the world, with deeply institutionalized processes, yet it has faced significant problems in running the International Security Assistance Force in Afghanistan. Specifically, the coalition effort has been plagued by the problem of caveats; restrictions on what coalition militaries can and cannot do. Caveats have diminished the alliance’s overall effectiveness and created resentment within the coalition from countries that must bear a greater share of the burden as a result. In this article, we review key limitations facing military contingents operating in Afghanistan. We deploy a “bifocal” approach toward understanding the variations in caveats among and between contributing countries. One lens focuses on how ISAF member states structure their civil-military institutions. The second lens focuses on the past experiences of decision-makers directing each country’s military operation. To demonstrate the utility of “bifocals,” we briefly compare the cases of Canada, France and Germany. Finally, we conclude with implications for both research and NATO’s future.

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There are very few things over which Donald Rumsfeld and Canadians concur, but the problem of caveats in Afghanistan is one of them.¹ There are somewhere between fifty and eighty known restrictions that constrain North Atlantic Treaty Organization [NATO] commanders in Afghanistan.² The number of informal and unstated caveats is not known. Policy-makers in the United States, Canada and elsewhere have spent much time and effort cajoling their allies to lift restrictions that limit the coalition's contingents in Afghanistan.³ They argue that the number of NATO troops on the ground is quite small relative to the challenges they face, therefore any military caveats significantly hampers operational flexibility. "Gen. John Craddock ... says these caveats 'increase the risk to every service member deployed in Afghanistan and bring increased risk to mission success.' They are also 'a detriment to effective command and control, unity of effort and ... command.'"⁴ Indeed, the combination of troop limitations and caveats have given Afghan insurgents breathing room and has forced the U.S. to nearly double the number of American troops deployed to Afghanistan in 2009.

Varying levels of restrictions have led to political divisions within NATO over the fact that some troop contributing nations are bearing a greater burden and paying a higher cost than are others. This has led to the term "rations-consumers," suggesting that some contingents occupy space and use resources but are not making much of a difference on the ground. Indeed,

¹ For instance, see "Canada Handling More Than Its Share in Afghanistan: O'Conner." *CBC News*, September 7, 2006, <http://www.cbc.ca/world/story/2006/09/07/nato-reinforcements.html>, accessed January 26, 2007.

² These figures come from General James Jones, when he was Supreme Allied Commander, Europe at an event hosted by the Council on Foreign Relations in Washington, DC on October 4, 2006; and from a World Security Network interview with General Karl-Heinz Lather, Chief of Staff, Supreme Headquarters Allied Powers, in Mons, Belgium on June 30, 2008.

³ Caveats also bedeviled commanders in Iraq, as even the members of the more narrow coalition of the willing had differing restrictions on what could and could not be done. Interview with Canadian Lt. General Walter J. Natynczyk on June 4th, 2007. He was seconded to the US III Corps during and after the invasion of Iraq, and was in a position to assess the challenges of multinational collaboration in an essentially unilateral effort. He is now the Canadian Chief of Defence Staff (the highest position in the Canadian Forces). Similarly, Bremer (2006) mentions the limitations of the Spanish contingent several times in his memoir.

⁴ Arnaud de Borchave, "Commentary: NATO Caveats," UPI.Com July 10th, 2009, http://www.upi.com/Emerging_Threats/2009/07/10/Commentary-NATO-caveats/UPI-47311247244125/, accessed July 15th, 2009.

caveats have shifted the burden-sharing debate within NATO from budgets in the 1980's (Hoffmann 1981; Kolodziej 1981) to body bags in the 21st century. The past several NATO summits, including those in Riga and Bucharest, have focused to a large extent on decreasing caveats. More broadly, understanding operational restrictions is important if we want to comprehend the limits and effects of international cooperation at the pointy end of the spear, to use the military's phrase. Understanding how multilateralism works in wartime depends on understanding variations in and causes of caveats.

Despite the very high profile of caveats the past few years, and the fear that these restrictions might even put NATO at an institution at risk, caveats, their sources, and efforts to mitigate them are poorly understood. Even though alliance coordination is not a new problem (Atkinson 2002), scholars have focused on other challenges raised by coalition warfare (Bensahel 2003; Weitsman 2004).⁵ Perhaps as a result, the variation in national caveats both over time and across contingents presents something of a mystery.

The obvious explanations of caveats have proven to be wrong in our initial examination of Afghanistan. Neither mounting casualties nor declining popularity of home governments correlate with decreased discretion; sometimes just the opposite occurs. For example, Canada has loosened its restrictions precisely as the mission's popularity has decreased and during a series of relatively precarious minority governments. Similarly, France recently changed where it operates in Afghanistan (loosening a geographic caveat) and by doing so significantly increased the risks its soldiers face, even though the mission has been relatively unpopular among the French public.⁶

⁵ There has been some work on multilateral military interventions (Bellamy and Williams 2005), but it, too, largely overlooks caveats. One partial exception is Auerswald, 2004.

⁶ For trends in public opinion, see Kreps 2009.

We adopt a two step process, termed the *bifocal approach*, to understand the differences in caveats across countries operating in Afghanistan as well as variations within countries who have modified their caveats during the conflict. In the abstract, caveats are examples of contingent delegation common to civil-military relations. During conflicts, civilian officials delegate authority over military missions to their deployed forces. Caveats restrict the scope of that delegated authority by limiting what the military can do on behalf of the nation.

The first lens of our bifocals examines how a country's institutions of civil-military relations empower different individuals and entities to make the key decisions about how much discretion the troops on the ground may have. Who that individual is will vary across countries, depending on how each country defines its civil-military contract. In some countries it will be the chief executive of the government, while in others it will be the civilian in charge of defense issues, the head of the military, or the legislature.

The most important distinction for our purposes is between those countries that empower a collective entity to write the terms of the military's rules of engagement, such as a legislature, a multi-agency cabinet, or multiservice military staff, and those that empower a single individual to make those decisions, such as a civilian defense minister, a military chief of defense, or a regional commander. We expect that collective entities will impose more caveats than will individual decision-makers, all else being equal, because the more actors that must approve force, the harder it is to get that approval without conditions attached. **Conditions means caveats.**

The first lens, then, can help understand broad patterns of restricted delegation (i.e. caveats) between collective and individual decision-makers. That lens, however, is not sufficient to explain variations across individuals. The second lens therefore focuses on how individual

decision-makers decide whether or not to impose caveats or reduce them. Here our focus is on the important past experiences of individual decision-makers, as identified by those decision-makers themselves. Those individual lessons-of-history play a large role in whether or not the decision-maker imposes caveats on deployed troops.

This paper proceeds as follows. We start by addressing the scope of this article and how we conducted the research. After defining caveats and asserting their relevance for multilateral military efforts in general and those in Afghanistan in particular, we elaborate the components of the **bifocals** used to assess the countries sending forces to Afghanistan. Then, to illustrate how these **bifocals** can clarify the events and dynamics of the past several years, we briefly compare the caveats and other restrictions of Canadian, French and German contingents in Afghanistan.

Scope and Methods

We chose to examine Canada, France and Germany for a number of reasons. First, they have been among the largest force contributors since 2002 under both Operation Enduring Freedom [OEF] and the multilateral NATO International Security Assistance Force [ISAF]. As a result, any caveats they impose will affect the overall performance of ISAF. Second, these three countries vary significantly as to their civil-military decision-making processes. The French and Canadians vest decision authority with a single individual. The Germans vest the parliament with that decision authority. Third, there is also variation in the lessons learned from past experienced by individual decision-makers, both within and across countries.

Fourth, and as an additional bonus, these three countries demonstrate considerable variation in our dependent variable of discretion/restriction. Canada and Germany appear in 2009 to be at opposite ends of the flexibility spectrum, with Germany facing notoriously tight restrictions on what their troops are allowed to do on the ground while Canadians are viewed as

quite flexible. This was not always the case, as Canada once had fairly tight restrictions. France is an interesting intermediate case, as its various contributions have had different levels of discretion, with much more flexibility as of late. These variations provide us with some leverage to assess not only why the militaries of some countries have more or less flexibility, but also why countries sometimes alter the level of discretion over time.

Fifth and finally, practical research considerations contributed to our case selection. The information in this paper is based on approximately 80 interviews with senior level civilian officials and military officers from ISAF-contributing nations. Civilians included a prime minister, two defense ministers, and a variety of lesser, but still senior, policy officials. Military officers included two overall ISAF commanders, two overall commanders of U.S. Operation Enduring Freedom forces, and dozens of general or flag officers and colonel equivalents. We received very good access to decision-makers in these countries. In all, we interviewed 30 Canadians, 15 Germans, 10 French, a dozen U.S., six British, and the heads of eight ISAF delegations serving at US Central Command. Some interview subjects agreed to be cited by name. The majority, however, shared their views on the condition that we protect their anonymity. Interview subjects were asked to keep their comments at the unclassified level. Whenever possible, we verified claims with multiple sources before including them in this paper.

Before proceeding, it is worth mentioning what this paper is not about. We do not seek to explain here why countries chose to get involved in this conflict nor do we consider how each contingent ended up in a particular part of Afghanistan.⁷ Second, we do not address the restrictions facing special operations units working in Afghanistan as there is little unclassified information available regarding those units. Third, our focus here is on the discretion delegated to the officers on the ground, not on whether the officers exceeded their discretion or how

⁷ For a book explaining why Canada ended up in Kandahar, see Stein and Lange 2007.

deployed units were monitored. We address those issues in a larger project of which this is but one part.

Caveats

Countries participating in multilateral military operations always have been able to refrain from individual operations, even when operating under a NATO umbrella. For NATO, this holds true even when a member state is attacked directly. An attack on one is an attack on all, but each member state is free to decide whether and to what extent it will respond militarily. In Afghanistan, this translates into each deployed national contingent designating an officer to hold that nation's so-called "*red card*," allowing that officer to inform the multilateral chain of command that his/her country cannot participate in an operation. These officers base their decisions on instructions from home about the kinds of missions that are considered acceptable by their government. Such instructions are commonly known as **caveats**. There is some debate about what a caveat is. For instance, German officers denied in interviews that Germany had any caveats but admitted that their contingents did face several restrictions.⁸ In this piece, we use the words caveat and restriction interchangeably although the former has become far more politically loaded than the latter.

Often instructions are clear cut. Do not operate in a specific locale. Do not fire unless fired upon. Do not engage in particular types of operations. Do not hold prisoners longer than X hours. At other times, a contingent's participation may be at the discretion of the country's senior officer on the ground (usually the holder of the red card). And quite frequently, the officer might have to call home for permission, which can take time and create controversy both in theater and at home.

⁸ Interviews with Germany military officials within the Ministry of Defense, June 15th-19th, 2009, Berlin, Germany

Caveats can be official and written or unofficial and unwritten. It is standard procedure for countries to give notice of their official restrictions to the multilateral organization under which they are operating and to other contingents on the scene. This practice has allowed NATO commanders since at least Bosnia to create caveat spreadsheets specifying each contingent's stated restrictions, and design specific plans based on that information. Contributing countries are often less open about their unofficial restrictions. Unofficial caveats may only be discovered over time as dictated by circumstances. Indeed, Kosovo's declaration of independence in early 2008, and subsequent violence in Mitrovica, may have revealed previously unstated caveats among some members of the NATO Kosovo Force [KFOR].⁹ One senior commander referred to these unstated caveats as "insidious."¹⁰

NATO anticipated national caveats during Afghanistan operations, leading to a plan that "was written broadly enough to allow nations to opt in or out of rules of engagement or missions in which the nations did not want or could not legally allow their troops to participate (Beckman 2005)." Still, this has been quite a sore point in alliance relations in Afghanistan. Former Secretary of Defense Donald Rumsfeld was quoted as noting, "Different restrictions on national forces make it enormously difficult for commanders to have the flexibility to function (Rupp 2006)." Given the limited NATO footprint in Afghanistan, limitations on any of the contingents significantly constrains what can be done by the alliance as a whole.

The most obvious national restriction involves where a country's contingent may operate.¹¹ During his time as Canadian Chief of the Defence Staff, General Rick Hillier repeatedly said that the most significant caveat in Afghanistan is whether troops can operate

⁹ This event was referenced in conversations with several NATO officers.

¹⁰ Senior Canadian military official. In general, we do not list specific caveats as many countries regard their rules of engagement as classified information. In addition, military officers were reluctant to identify in our interviews specific countries as they know that they will be working with them in the future.

¹¹ Geographic restrictions have plagued NATO operations in the Balkans.

south of the Hindu-Kush.¹² Press accounts exaggerate a bit, “It would take an act of parliament before German troops could join in the fight in the south.”¹³ As we see below, the reality is slightly more complex, because the tempo and risks are greater in southern and eastern Afghanistan, this limitation is quite significant. Indeed, this particular caveat has been the most importance source of intra-NATO squabbling. At the Riga Summit in late November 2006, otherwise caveated countries agreed that their forces can be used anywhere in Afghanistan *in extremis*, but that still limits the ability of ISAF commanders to plan, as it is not clear what *in extremis* means. NATO commanders simply cannot plan for the use of such contingents, making them far less helpful than they might appear.

Other, less obvious, restrictions are also playing a significant role in constraining contingents and commanders. Specifically, the mandate for German participation in ISAF prohibits involvement in OEF. As a result, the pictures taken by German reconnaissance planes cannot be distributed if there is a risk that they might be used as part of counter-terrorism efforts. In practice, this may mean that intelligence is only shared with part of ISAF or not at all, since there are a few countries that participate in both OEF and ISAF—especially the largest ISAF contributors, the United States and the UK, as well as various countries’ special operations forces (Meiers 2006; Noetzel and Scheipers 2006). When NATO changed the ISAF rules of engagement to allow for more offensive operations, Germany did not break consensus but instead put forward special remarks, indicating that it would opt out and refrain from engaging in offensive operations (this has recently changed, see below).¹⁴ This restriction means that even if

¹² Interview with General Hillier, Chief of the Defence Staff, 11 March 2008. Hillier has previously commanded NATO forces in a sector of Bosnia in the 1990s as well as the entire ISAF mission in 2004.

¹³ We address this restriction further below. “Canadians In Intense Battle As Anti-Taliban Operation Heats Up.” *CBC World*, September 8, 2006. <http://www.cbc.ca/world/story/2006/09/08/afghan-medusa.html>, Accessed January 26, 2007.

¹⁴ Of course, defining what is an offensive operation can be hard, and the question of oversight becomes more important.

the Germans were allowed to move south, they might not significantly add to the flexibility of the NATO commanders.¹⁵

There are many other examples of restrictions. At least one nation may not deploy its troops at night.¹⁶ At least one country's force was not allowed to participate in missions alongside the troops from an historical rival.¹⁷ At least one ally apparently will not allow Afghans aboard their helicopters, whether or not they are members of the Afghan National Army or not, even if they are injured.¹⁸ While it can happen that a commander might be surprised by a country's unofficial restrictions, senior NATO commanders have usually worked with their counter-parts in previous missions so that they know the limitations of most units. Even if well known, however, working around caveats is "extraordinarily frustrating."¹⁹

Sources of Caveats

The question of discretion in military operations is central to the civil-military relations literature.²⁰ How much room do officers have to operate? We seek to understand why the home office gives senior commanders in theater a relatively wide or narrow band of discretion as these decisions have significant political consequences at home and abroad. To do so, we explore two

¹⁵ In the interview with General Hillier, when discussing a hypothetical heavily restricted contingent potentially moving into southern Afghanistan (again, like other Canadian officers, he did not name particular allies), he said there would be zero effect on the ground and a potential disaster for the contingent. Other officers were not quite as negative when considering this hypothetical scenario—such a force could help out with base security.

¹⁶ Apparently, the German units in Afghanistan must return to their base before nighttime. While the example of a country not fighting at night was cited by more than one officer, the identity of that country only became clear after talking to a Canadian member of parliament, Claude Bachand of the Bloc Quebecois, who had visited Afghanistan, staying at a German base. Interview with Bachand, March 27th, 2007. In interviews, German politicians and military officers denied this was the case, June 15th-19th, 2009. Other troops may face similar constraints. Again, we consider this below.

¹⁷ Interview with Lieutenant General Andrew Leslie, Ottawa, ON, March 8th, 2007. Leslie, as a Brigadier General, served as Deputy Commander of ISAF in 2003-2004, and now serves as Chief of Canada's Land Staff and Commander of the Canadian Army.

¹⁸ Shared in an off-the-record conversation with an American officer with experience in Afghanistan.

¹⁹ Interview with LTG Leslie.

²⁰ The literature starts with Huntington (1957) and Janowitz (1960). One can find an excellent review of the work on civil-military relations in Feaver (1999).

dimensions – what we call a bifocal approach – that focuses attention on which parts of government establish their country’s military caveats and what may determine decision-makers’ attitudes toward military flexibility in combat.

An Institutional Lens

As mentioned above, the first lens of our bifocals examines how a country’s institutional of civil-military relations empower different individuals and entities to make decisions regarding military discretion. Every democracy has developed rules and customs that govern who constructs and enforces the rules of engagement for deployed military units. In some cases that entity is an individual, such as a defense minister or chief of defense, and in others it remains a collective body, such as a cabinet, a legislature, or a multi-service military staff.

We expect that collective entities will be more likely to impose caveats than will individual decision-makers, all else being equal. This is because collective decision-making processes tend to yield particular sorts of behavior. The greater the number of actors who can block a policy or whose support is required to enact a policy, the harder it is to change policy (Tsebelis 2002). Changes, when they do happen, often reflect compromises, particularly when the collective entity is heterogeneous in some fashion (i.e. ideologically, culturally, economically, etc.).

Translating that for our purposes, we would expect countries that use collective entities to decide on their military’s rules of engagement and deployment parameters to be more likely to impose caveats than would countries where those decisions are made by an individual. This should be particularly the case when the deciding entity is a legislature governed by a coalition

government. In some countries, legislatures have a great deal of power to influence not only whether the executive can deploy an expeditionary force, but also can shape the authorities of the commanders.²¹ In countries where the legislature has such power, we need to consider which parties hold power and what their preferences are related to military deployments. The more diverse is the governing coalition, the greater should be the caveats imposed on the military.

An Individual Lens

Institutions of governance help determine whether a collective or an individual makes deployment decisions, but says little about individual decision-making. Our second lens therefore focuses on how individual decision-makers decide whether or not to impose caveats on their military forces. The example of Donald Rumsfeld demonstrates how individuals are empowered to make important decisions in many civil-military structures. Secretary of Defense Rumsfeld clearly had a great deal of impact upon how the U.S. military operated during his term as Secretary of Defense, famously micromanaging the kinds and numbers of units to be included in the invasion of Iraq (Ricks 2006).²² At the same time, Rumsfeld, tended to ignore entirely other key issues, such as Afghanistan between the winter of 2002 and summer of 2004.²³ The transition from Rumsfeld to Robert Gates, and the changes in U.S. policies toward Afghanistan that followed, is yet another example of the power of individuals over military behavior.

Scholars often avoid thinking theoretically about individuals because individuals can be inconsistent, making it hard to generalize from their behavior, and models of individual behavior are especially prone to tautology.²⁴ We avoid that problem by interviewing the individuals in

²¹ Born and Urscheler 2004.

²² One of the authors worked for a year in Rumsfeld's Pentagon and developed a significant appreciation for how individual personalities can make a big difference in how policy is produced.

²³ Interviews with senior US officers.

²⁴ Byman and x, Great Man

question as to why they did or did not choose to impose caveats on their deployed forces. We find that important past experiences of individual decision-makers, as identified by those decision-makers, play a large role in their attitudes toward caveats. We categorize their responses into decision-makers who focus on military outcomes on the ground and those that focus instead on the behavior of the military, irrespective of outcomes.²⁵ The former are more prone to trust their agents by imposing few caveats and focus on whether they are succeeding. The latter are more concerned with their agents' behavior and will use caveats to try to constrain the agent so that they can do little harm.

Unilateral and Multilateral Efforts in Afghanistan

Before we address caveats in the cases, we briefly review the missions in Afghanistan. In the past few years, there have been multiple missions under differing patterns of authority. In late 2001, the U.S. led a small coalition of countries under the banner of Operation Enduring Freedom to overthrow the Taliban government and hunt down Al-Qaeda operatives. After the fall of the Taliban, OEF remained an on-going operation. Through 2009, OEF has largely focused on counter-terrorism, and maintained a U.S. dominant command structure, with countries providing troops under the operational command of the American military, specifically under the Combatant Commander of Central Command.

A parallel and often complementary approach was taken by the international community. At the end of 2001 in Bonn, Germany, an agreement was negotiated to develop a force, called the International Security Assistance Force [ISAF], under the auspices of the United Nations. ISAF began with a limited mandate. It would provide security in and around Kabul, and help the

²⁵ Fassina (2004) makes this distinction between different kinds of delegation contracts: those that focus more on the actions of the agent and those that focus more attention on whether the implemented policy produces the desired results.

new Afghan government increase its governing capacity. ISAF eventually became a NATO mission with military contributions from a number of NATO members (Maloney 2003: 10). The original UN mandate allowed for the possibility of ISAF spreading its coverage beyond Kabul, and this occurred after UN Security Council Resolution 1510 was passed in October 2003. The mission expanded in a series of steps between 2005 and 2006 (Figure 1).

Insert Figure 1 here

ISAF and OEF continued to co-exist, with the former focused on counter-insurgency and the latter on counter-terrorism, yet that distinction often became very blurred, very quickly. Countries might operate under different chains of command (ISAF or OEF) but largely engage in the same enterprise. Regardless of the command, Afghanistan requires operating in a difficult environment against serious opposition. It is much more fraught with peril than is peacekeeping in Bosnia or Kosovo (although that danger varies across the country). Indeed, countries that had signed up for ISAF have found themselves in an increasingly hostile environment. Their reactions to that environment have varied tremendously.

Caveat Emptor: Canada, France and Germany in Afghanistan

In this section, we consider three of the major contributors to the ISAF mission: Canada, France and Germany. In 2009, Canada was among the least constrained, Germany was among the most constrained, and France was an interesting intermediate case. While all three countries have shifted policies over time, Canada and France have both made rather remarkable changes in

how much discretion the troops have on the ground, providing us with variation over time.²⁶ We examine each country in turn, first indicating some of the more significant restrictions and changes in caveats, and then examining the sources behind these policies.

Insert figure 2 here

From CANTBAT to Out in Front: The Canadian Forces²⁷

The Canadian case is interesting as commanders have had varying degrees of freedom since the advent of hostilities in Afghanistan. Ironically, given Canada's hectoring of its allies at the 2008 NATO summit in Bucharest to do more in southern Afghanistan, its commanders initially faced very tight restrictions on what they could do. These restrictions would be relaxed over time. Below, we briefly chart the evolution of Canadian military discretion, discuss particular restrictions, and then consider who revised Canadian caveats and why they did so.

Loosening the Leash

In 2002, when Canadian forces served as part of American-led Operation Enduring Freedom, the Canadian commanders had very limited discretion. Canadian ground commanders faced the same rules in 2002 as bomber pilots and special-forces units— any mission that might risk collateral damage needed to be approved ahead of time. This essentially meant a phone call home anytime the battle group was to leave the base since collateral damage is always a possibility when hundreds of soldiers move out. Colonel Pat Stogran, commander of Canadian forces in Afghanistan in the first half of 2002, feared that these conditions would dangerously restrict the ability to act when necessary, that micromanagement from home might create a

²⁶ In the larger project, we consider the US and the UK in depth and also examine many of the other countries that have significant troops in ISAF.

²⁷ This section is largely based on a series of interviews with nearly every senior Canadian military officer who commanded in Afghanistan as well as a handful of key politicians.

disaster akin to events in Bosnia and Rwanda where officers had to stand by and watch war crimes take place.²⁸

Major General Andrew Leslie went into Kabul as Deputy Commander of ISAF and as the Canadian contingent commander in 2003.²⁹ Leslie had to ask Ottawa for permission for operations where there was a significant chance of collateral damage, or the potential for lethal force, significant casualties, or strategic failure.³⁰ He also called home whenever Canadian special operations forces engaged in any significant activities, even when operating outside of ISAF as part of OEF. Leslie found that approval was almost always granted, often immediately.³¹

In the next rotation, Brigadier General Lacroix led the NATO effort in Kabul during the first half of 2004. In the “Letter of Intent,” Lacroix received as his official national guidance, he was told: “*NDHQ [National Defence Headquarters] authority is required, prior to committing CF [Canadian Forces] personnel to any operations, wherein there is a reasonable belief that CF units or personnel may be exposed to a higher degree of risk.*”³² Lacroix commanded the overall NATO mission in Kabul, yet any mission that included Canadian forces could be vetoed by a Canadian colonel who commanded the Canadian contingent and cleared his missions through the

²⁸ Interview with Colonel (ret.) Pat Stogran, interviewed when he was Vice-President of the Pearson Peacekeeping Centre, April 25th, 2007.

²⁹ Interview with LTG Leslie, 8 March 2007.

³⁰ Strategic failure refers to the possibility of a tactical effort going sour enough that it might undermine the NATO mission and/or the Afghan government. It is important to note that the level of opposition at this time was far less intense than faced by subsequent deployments. The primary foci of the NATO mission at this time were the warlords inside the Afghan government and disarming the various militias. Interview with LTG Leslie.

³¹ MG Devlin, who served as commander of NATO’s effort in Kabul under Leslie remembers a bit differently, indicating that the home office said yes to about half of the requests to use the special ops units, interview with MG Peter Devlin, 15 May 2009. Yet permission sometimes took longer if the Deputy Chief of the Defence Staff [DCDS] had to consult with the Chief of the Defence Staff [CDS] and perhaps the Defence Minister. The Minister of National Defence at the time, Bill Graham, did not recall having to give permission for any operations during Leslie’s time. Interview conducted in Ottawa on April 19th, 2007.

³² DCDS Intent Task Force Kabul, 19 December 2003, A0241084, p. 6, acquired via Access to Information request. Italics is added.

DCDS.³³ At this time, most, if not all, contributing countries had to go back to their home headquarters to figure out what they could and could not do in their new environment. Canada was among the slowest to respond, sometimes taking up to 24 hours or more.³⁴ On a few occasions, Lacroix had to face the galling situation of needing to find an alternative to the Canadian contingent while waiting for deliberations in Ottawa to conclude.

When Lt. General Rick Hillier became commander of ISAF, overlapping with Lacroix's rotation, he faced a very frustrating situation: the leaders of Canada's armed forces gave him the authority to act as a NATO commander but he had little influence over the Canadian forces in Afghanistan. Instead, a Canadian colonel was the commander of the nation's contingent, so Hillier was forced to call Ottawa should he want to override decisions made by this Colonel. This was problematic since the Colonel was operating under relatively strict caveats. Hillier later referred to the Canadian contingents in Bosnia and Afghanistan as CAN'T BATs (instead of the usually NATO term CANBAT for a Canadian Battalion) because he frequently had to rely on other contingents that were far more flexible.³⁵

When Colonel Steve Noonan became the senior Canadian on the ground in 2005-2006, he found himself having far more latitude than previous commanders: "wide arcs of fire," as he called it. Instead of having to ask permission to engage in a variety of operations, Noonan found himself facing a new command philosophy, enunciated by the new Chief of the Defense Staff General Rick Hillier. Noonan was allowed to act first if necessary and then explain his actions.³⁶ Similarly, his successor, BG David Fraser, found that "Everything I did over there was notification, not approval.... If I had to go outside the boundaries of the CDS intent, then I

³³ Interview with BG Lacroix, February 6th, 2007.

³⁴ Interview with Lacroix. Devlin ranked Canada in the middle of three tiers of countries in terms of their flexibility to respond to events and their domestically-induced constraints.

³⁵ General Rick Hillier, Speech to the Conference of Defense Associations Institute, February 22, 2008.

³⁶ Interview with Colonel Noonan.

would have to get approval. I never got to a boundary.”³⁷ In his Letter of Intent, Fraser was told:

Within the bounds of the Strategic Targeting Directive, you have *full freedom to authorize and conduct operations as you see fit*. In the interest of national situational awareness, *whenever possible* you are to inform me [CEFCOM] in advance of the concept of operations for any planned operations, particularly those likely to involve significant contact with the enemy.³⁸

This is most notable as Fraser led Canadian Forces during its most intense combat since the Korean War—Operation Medusa in the summer of 2006.

This pattern of increased discretion and delegation has continued. Major General Tim Grant (Brigadier General during his deployment) replaced Fraser, and found that he “was empowered to make 99% of the ops-related decisions in theatre.”³⁹ And that other one percent never came up. This contrasted sharply with his previous experiences in Bosnia where Canadians could not move out of their sector, and there were limits placed on whether and how allies could use Canadian assets in theatre.⁴⁰ In Afghanistan, Grant could and did send Canadian troops out of Kandahar province to the other parts of Regional Command South to assist the British in Helmand. At no point did Grant have to reject a NATO request,⁴¹ although he did engage in some discussions with his NATO commanders to “achieve the desired effect.”⁴²

³⁷ Interview with BG David Fraser, Edmonton, Alberta, 29 January 2007.

³⁸ Commander’s Directive to Commander, Task Force Afghanistan, Rotation 2, (3350-165/A37) A0232107, acquired via Access to Information, p. 14. Italics added.

³⁹ Interview with MG Tim Grant, 7 February 2008.

⁴⁰ Indeed, when he was in Bosnia, Grant commanded the Canadian contingent while Hillier commanded the NATO sector, and Grant frequently had to call home to ask permission if Hillier wanted to use the Canadian contingent.

⁴¹ Grant did point out in the interview an additional complication—allies not only had caveats but their own agendas of which one had to be conscious.

⁴² Interview with MG Grant.

In informal conversations with more recent commanders, it is clear that the pattern of wide “arcs of fire” is continuing. However, a new Chief of the Defence Staff, General Walter Nantynczyk, can change what Hillier set up.⁴³

Explaining the Evolution of Canadian Restrictions

A striking feature of Canadian efforts in Afghanistan is that nearly all of the decisions and dynamics were **intra-military**. When asked, Canada civilians and officers largely concurred that the civilians delegated to the senior military leadership nearly all decisions, except for the decisions to deploy to particular places at particular times. So civilians pushed the Canadian military into Afghanistan in 2003 (as part of an effort both to help the war against terrorism and to deflect US pressure to help out in Iraq) and helped to make it a NATO mission (Stein and Lang 2008). How the mission was to be conducted and overseen was up to Canada’s Chief of the Defence Staff and his Deputy.

In Canada, the formal commander-in-chief of the Canadian Forces is the Governor-General, who used to be an agent of the King or Queen of the United Kingdom. In practice, the Chief of the Defense Staff (CDS), a four-leaf officer, is the official who decides how the Canadian Forces operate. Technically, the Governor General selects the Chief of the Defense Staff upon the advice of the Prime Minister, but in reality the Prime Minister selects the CDS, who serves as long as the Prime Minister wishes unless he chooses to retire. In recent years at least, Canada seems to meet the ideal type of Huntington’s (1957) objective form of civil-military relations: the Prime Minister decides where the Canadian Forces deploy and the CDS determines how they will operate once they get there. The CDS along with other top officers

⁴³ Given Nantynczyk’s comments when we interviewed him when was the Vice-Chief of the Defence Staff, we do not expect significantly decreased discretion. Conversations with officers who have served since Hillier’s retirement indicate that Natynczyk has not changed how Canada operates in Afghanistan.

(the Deputy Chief of the Defense Staff prior to 2006 and the commander of Canadian Expeditionary Command [CEFCOM] since) provide the instructions, including caveats, determining the flexibility of the forces on the ground.⁴⁴

We are simplifying a bit here as other actors within the Canadian government do matter. The CDS must consider what the Prime Minister will tolerate, or else he will be replaced. The CDS does consult the Minister of Defense and those under the Minister. Parliament, however, is entirely absent. In our interviews with past and current military officers, the former Prime Minister Paul Martin, and two former Ministers of Defence, it was quite clear that the key actor in the Canadian case is the Chief of the Defence Staff. So, we should not be surprised that the changes in caveats and other policies coincided with a change in who the CDS was.

Clearly the most important differences were between Chiefs of Defense Staff Ray Henault and Rick Hillier. Hillier imposed fewer caveats on theatre commanders than did Henault. Under CDS Henault and DCDS Maddison (2001-2005), officers on the ground in Afghanistan were given less discretion, although their “left and right arcs of fire” became gradually broader as time went on. When General Hillier replaced Henault in 2005, the officers on the ground quickly gained significantly more discretion, allowing them to beg forgiveness after controversial operations rather than having to ask permission beforehand. What explains the differences between these two officers? They had different experiences that generated different attitudes towards risk and delegation.

While we have not had the chance to interview Henault, our conversation with his deputy, Vice Admiral (ret.) Maddison, was most instructive as the salient experience shaping his

⁴⁴ The contrast with other sectors of the Canadian government is quite striking. For instance, Ambassadors are unable to speak in public on important issues without clearance from the Prime Minister’s Office (Stein and Lang 2008).

views was Somalia. In that intervention, Canadian soldiers beat an arrested Somali to death, leading to a crisis within the military, the disbanding of the unit involved (the Canadian Airborne Regiment), the resignations of consecutive Chiefs of Defence Staff, and the Minister of National Defence (Bercuson 1996; Desbarats 1997). He mentioned Somalia several times in the course of the interview, comparing it to My Lai, so the focus of the Henault/Maddison team was on avoiding risks by managing the behavior of the Canadian Forces. Conversations with senior civilians who served in DND at the time support the view that Henault and Maddison were quite risk averse.

Hillier learned more from the reactions to Somalia than from Somalia itself. That is, he and his entire command group had operational experience in Bosnia, Croatia, Kosovo, Somalia, and Afghanistan. They all found the tight constraints of previous caveats enormously frustrating. In Croatia during the days of UN mission, Canadians had to deliberately place themselves in harm's way to use their weapons. In Bosnia, the Canadians were in Srebrenica before the Dutch, but re-deployed because they saw what was coming and knew they could not respond. In Afghanistan, as mentioned above, Hillier had to ask permission from a Colonel to use the Canadian Forces and was often refused.

Consequently, when Hillier replaced Henault, he established a "mission command-centric" philosophy, where the focus would be on managing risk rather than avoiding it. This philosophy focuses on facilitating the success of the commander on the ground by giving him the authority to make the decisions and giving him the support (logistical, diplomatic, whatever) to have him achieve success. This is very much an outcome-focused approach, or, as the new generation puts it, effects-based operations. The same language was repeated in nearly every interview of commanders who had served in Afghanistan and/or Ottawa since 2005. When

asked about this, Hillier tended to see this approach as one of common sense, not needing much explanation for choosing this course rather than another.

Germany: The Poster Child of Caveats⁴⁵

Perhaps unfairly, Germany has received far more attention for its restrictions than any other country. Belgium, Spain, Turkey and most notably Italy reportedly have significant restrictions placed upon their contingents, but Germany has been the major target of Rumsfeld, Canadian critics and others. Germany has received attention because it has one of the largest ISAF contingents and had the reputation as being one of the most capable militaries in NATO. It is the clear, however, that German troops face tighter restrictions than Canada and some of the other major troop contributors. Caveats in the German case are to a large extent due to Germany's parliament, the Bundestag, playing an important role in the process.

Restrictions: Where and How

The most obvious caveat is that the German contingent is largely restricted from operating outside of Regional Command-North [RC-N], the sector for which it has lead responsibility and one that has been largely but not entirely peaceful. To be clear, the Bundestag mandate gives the Minister of Defense the authority to permit troops to move outside of the German sector if it is temporary and if it is necessary for the success of ISAF. Indeed, in the summer of 2009 (at least), there was a group of German troops in Kandahar in southern Afghanistan—electronic warfare specialists who live and work at Kandahar Airfield. However, this example is as the exception that proves the rule: the base is very large and well defended, so this unit is unlikely to face any risks of being harmed or of harming others. More importantly,

⁴⁵ This section is largely based on interviews with military officers and civilians working in Berlin, June 2009.

unless the Minister of Defense permits, this restriction prevents the German contingent from doing two things: sending troops to reinforce allies who might need some assistance,⁴⁶ or mentoring Afghan National Army [ANA] units outside of RC-N.

One of ISAF's most important efforts is to train the ANA so that they can do more of the fighting, as classic counter-insurgency doctrine asserts that indigenous militaries are required to defeat an insurgency. So, there are teams of NATO troops embedded in the Afghan equivalent of Western battalions—Kandaks. Usually around thirty to forty troops, these Observer, Mentor, Liaison Teams [OMLTs—pronounced omlettes] help to coordinate the ANA units, facilitate artillery and air support, help with planning and the like. When the higher authorities in the ANA request that the Kandaks mentored by the Germans move outside of the north to help out in the South, East or West, the German OMLT does not go with them. This is a serious impediment for not only the current military performance of these ANA Kandaks, but also inhibits their development. Thus, this one geographical restriction is very significant and is not unique to the Germans.

Similarly, there is a significant effort to train the Afghan National Police, as developing the rule of law capability of Afghanistan is a fundamental part of the state-building effort. Germany was the lead nation in this effort for several years. German police officers are not only restricted to RC-North, but to Germany's base in Kunduz.⁴⁷ This, again, is a serious impediment since they cannot observe or mentor the police units as they operate in their daily activities.

The second notable restriction is that German units are not to engage in offensive operations. Indeed, it was reported in several conversations that German troops cannot fire on

⁴⁶ German officials said that this was never tested—that NATO commanders never asked German troops to come to the aid of allies, and that the Minister of Defense could say yes in such a circumstance. Members of the aforementioned allies disagree, interviews in Berlin, June 2009. German troops have gone into to RC-West to support a Norwegian contingent that is based in an area on the seams between regional commands.

⁴⁷ Interview with senior official in Germany's Ministry of Interior, June 2009.

adversaries once the enemy begins to move, whether it is to retreat or to re-position. We received conflicting information about this, but it is clear that Germany added “Special Remarks” to the NATO documents that broadened NATO rules of engagement to include offensive operations: “The use of lethal force is prohibited unless an attack is taking place or is imminent.”⁴⁸ These Special Remarks indicated that Germany was opting out of this, as its forces were to be used only for self-defense. Of course, the relevance of this restriction depends on how one defines offensive operations, but this would seem to exclude efforts to go out and find Taliban leaders, bomb factories, and other key targets.⁴⁹ Very recently, this caveat has been modified, as we discuss below.

A different kind of restriction is that of capability. Apparently, Germany has only deployed a handful of helicopters to Afghanistan—only the armoured version of the CH-53. This is quite a limitation on Germany’s flexibility as some will not be operational due to repairs and maintenance, as they are required to fly in pairs, and because one is always reserved for emergency medical evacuation. This may mean that there may only be one or two flights of helos available at any point in time, which significantly restricts the ability of Germany forces to move about some very difficult terrain. Of course, the question then becomes: why send only a few helicopters to Afghanistan? While there are few armoured helicopters, Germany could send more helicopters that are more vulnerable, but, thus far, this has not happened.

Together, these restrictions, and others, impair the effectiveness of the German forces in Afghanistan. Given their large numbers and their previous reputation as being among the best in NATO, this is a significant challenge for the Commander of ISAF.

⁴⁸ Spiegel Staff, “Changing the Rules: German Troops Beef Up Fight Against Taliban.” *Spiegel Online International* July 9th, 2009. <http://www.spiegel.de/international/germany/0,1518,635192,00.html>, accessed July 23rd, 2009.

⁴⁹ In the speech cited in footnote [35](#), Hillier refers to the necessity of such operations in Afghanistan.

Sources of German Restrictions

There are two key sets of actors involved in German decision-making: the Minister of Defense and the Bundestag. The German constitution makes the Minister of Defense the commander in chief of the military in peacetime and the Chancellor is commander in chief in wartime. Given the relative unpopularity of the Afghanistan mission and the somewhat fragile grand coalition of Conservatives and Social Democrats, Chancellor Angela Merkel has every incentive to keep it defined as a peacetime operation so that in the eyes of the public the responsibility for Afghanistan remains in the hands of the Minister of Defense: Franz Jung since 2005. Indeed, the Defense Minister has tried to avoid using war-related terms for much of his time in office, often using the German words for killed by accident rather than fallen in battle (gefallen).

The Bundestag is important in another way. A series of Constitutional Court decisions during the 1990s, in response to NATO actions in the Balkans, prohibit German troops from operating outside NATO territory without legislative approval. In part, this is a legacy of the past. The U.S. drafted the 1949 German constitution to constrain the German armed forces. More importantly, the German historical legacy has altered the body politic so that pacificism runs deep, shaping not just the Greens and the extreme left but all of the parties and the entirety of the public.⁵⁰

The result is that the Bundestag, the German legislature, must approve each deployment, including adding units to existing missions, with an up or down vote.⁵¹ The government, led by the MOD, therefore tries to anticipate what the Bundestag will accept and draft a mission

⁵⁰ Requisite cites here.

⁵¹ This is akin to the fast track process used in the US for many trade agreements where the House and the Senate can accept the treaty or reject it, but cannot make amendments.

statement that will get the broadest possible legislative support. To anticipate whether the Bundestag will accept the proposed mandate, officials in the Ministry of Defense, the Ministry of Foreign Affairs and other parts of the government consult with key members of the relevant legislative committees, giving these parliamentary bodies a significant amount of power.⁵²

These mandates have a few key properties. They must be re-visited every year. They often specify the size of the force and on occasion, special mandates for the use of specific weapons systems (Tornado reconnaissance aircraft, AWACs planes). They also have largely prohibited involvement with Operation Enduring Freedom, restricted the German troops to RC-North, and set a ceiling on the number of troops in theatre. These mandates do not provide more detailed instructions about nighttime operations, offensive operations, or what kinds of helicopters can be deployed to Afghanistan (armored or unarmored).⁵³

The necessity of maintaining parliamentary support seems to explain why casualty aversion is THE top priority for German officers in Afghanistan, guiding decisions on helicopters, operations and the like. But we cannot be certain of that claim. Among our interviews, no consensus emerged as to whether the Minister of Defense created more specific instructions for the troops on the ground in anticipation of parliamentary reactions, because of the fragility of his own political position, or due to instructions from the Chancellor to keep Afghanistan off of the front page. Each was mentioned. What seems clear is that German caveats are consistent with the MOD trying to anticipate the reactions of a collective decision-body worried about the behavior of its troops overseas.

⁵² This particular feature of the process was mentioned in interviews with members of parliament and officials in MoD and the Ministry of Foreign Affairs.

⁵³ There have been mandates passed to permit the deployment of reconnaissance aircraft and more recently NATO AWACS planes to Afghanistan. In the interviews, it seemed to be the case that helicopters were not subject to the same kind of attention.

Two examples bear out this conclusion. In 2005, German caveats were loosened slightly in response to a change in the government coalition, and with it, a change in Defense Minister from the more liberal Social Democrats (SDP) to the more conservative Christian Democrats (CDU). In April 2009, the U.S. troop surge in southern Afghanistan began to push insurgents north, into areas patrolled by the Germans, increasing dramatically the violence around Kunduz in the north and attacks on German forces. Minister of Defense Jung removed restrictions against some offensive operations and the strict limitation on heavy weapons at the behest of Major General Erhad Bühler, Director of the Joint Commitments Staff.⁵⁴ This was apparently kept secret from members of the parliamentary Defense Committee who were surprised when they learned of this change in July.⁵⁵

What is abundantly clear is that this institutional design gives ultimate responsibility to the collective Bundestag and its agent the Minister of Defense. That collective entity, by design and historical precedent, is concerned about the behavior of the German contingent rather than on reaching some sort of goal or outcome. The design of civil-military relations in this case makes clear that there are significant political stakes if something goes wrong on a mission. Voting records of members of the Bundestag can be used by opposition candidates if something particularly controversial occurs. Clearly, the priority here for both members of the Bundestag and the MoD is “do no harm.” Given that successful counter-insurgency requires acceptance of risks, it is not surprising that German politicians have tried to avoid counter-insurgency and continue to define the mission as one of nation-building despite the increasing violence.

⁵⁴ Judy Dempsey, New York Times, August 20, 2009, accessed from www.nytimes.com/2009/08/21/world/europe/21iht-germany.html on August 26, 2009. Apparently, Chancellor Merkel has never discussed Afghanistan in a major media or public event, and has never asked the Bundestag to hold hearings on Afghan operations.

⁵⁵ “New Rules of Engagement for German Troops in Afghanistan, July 26, 2009,” available at www.dw-world.de/dw/article/0..4519627.00.html, and www.dw-world.de/dw/article/0..4509046.00.html.

France: Presidents Rule⁵⁶

France serves as an interesting comparison to the previous cases as it has made some significant changes in how and where it operates in Afghanistan over the past few years, exactly as its parliament was accruing more influence upon overseas operations. Again, we first briefly consider the patterns of restrictions facing French contingents in Afghanistan and then consider the institutions and dynamics of civil-military relations in Paris. To preview, despite recent changes that have given the French Parliament a bit more say in the process, the key decisions are made in the *Elysée*, the residence of the President in France.

From Kabul to Kapisa and Beyond

The deployments of French forces in Afghanistan have not followed patterns consistent with the rest of NATO. When NATO rolled out of Kabul and spread across Afghanistan in 2005-2006, the French conventional contingent remained in Kabul, where it shared command of Regional Command-Capital [RC-C] with German and Turkish troops. These French troops were restricted to this part of Afghanistan and were unavailable for reinforcing NATO troops elsewhere in the country. This geographical caveat had significant implications as there was very little combat to be had in Kabul from 2005 until quite recently. Thus, the restriction to Kabul essentially prevented the French battalion from engaging in combat. At the same time, there was a small contingent of French special forces attached to Operation Enduring Freedom, engaged in significant combat in and near Spin Boldak, a town in Southern Afghanistan on the border with Pakistan from 2003 to 2007. While other countries set up Provincial Reconstruction Teams [PRT] to combine security, governance and development efforts around the country,

⁵⁶ This section is largely based on interviews in Paris in June 2009 with

France refrained. So, we have a significant deployment of troops kept deliberately out of harm's way, an aversion to PRTs and the long term commitment they entail, and small, almost invisible but highly "kinetic" units sent for an apparently fixed term.

In 2007, France began to change its force posture quite significantly. It deployed OMLTs outside of Kabul, including a larger than normal one to Uruzgan in Southern Afghanistan to support the Dutch units there. Unlike the German units, France's OMLTs can move with their Kandaks out of the French areas of operation (Kapisa, Kabul, Uruzgan), although a phone call is required to gain permission from Paris.⁵⁷

In 2008, France put a battalion under the U.S. in Regional Command-East, in Kapisa, an area close to Kabul but with significantly greater risks and, ultimately, combat. Soon, France will be moving the rest of its Kabul combat forces to eastern Afghanistan.⁵⁸ French fighter planes have been active in Afghanistan since 2002 but were moved to Kandahar Airfield in 2008 to shorten flight times, as they had been previously based in Afghanistan.

There are some consistent restrictions as well: France does not do counter-narcotics, as officers argued that it was not relevant given the absence of the drug trade in Eastern Afghanistan.⁵⁹ France did not participate in crowd control in Kabul (Canada used to have a similar caveat), because that would mean backing up the Afghan police. Apparently, the Afghan style of crowd control is not something with which the French would want to be associated.⁶⁰

⁵⁷ Apparently, in the aftermath of the big prison break in the summer of 2008, the French OMLT and its Kandak arrived about 24 hours late due to the need for permission from France, according to a Canadian officer in a conversation with one of the authors, July 2009.

⁵⁸ Interview with senior French officer, June 2009.

⁵⁹ Interview with senior French officer, June 2009.

⁶⁰ Multiple interviews with French officers, 2009.

Explaining French Caveats: Presidential Primacy and Predilections

Despite the recent constitutional reforms that give the Parliament some authority over foreign deployments, the rules governing civil-military relations in France empower the President to make all of the big (and many of the smaller) decisions. Every French officer we talked with asserted that French caveats were political decisions made at the highest level. Indeed, it is hard to explain why France sent an OMLT to Uruzgan without looking for politics. In 2008, France moved its battalion to Kapisa, near Kabul, rather than Kandahar when Canada asked for 1000 troops as part of its own domestic mandate renewal (the French move facilitated the deployment of Americans from RC-East to RC-South) because French logistics (its line of communication) went through Kabul. By sending the OMLT to Uruzgan, it had to be about twice as large as a normal mentoring team to deal with the logistical challenges of being far away from the rest of the French forces in Afghanistan.

The French chain of command runs from the field to the Joint Staff (État-Major des Armées) to the President—neither the Prime Minister nor the Minister of Defense has a role to say in operations, although they may be consulted. Within the Elysée, the President has a small military staff including a senior military officer, the Chef D'État-Major Particulier, (who frequently becomes the head of the French military) which coordinates with the Joint Staff. Consequently, we should not be surprised that the significant shifts in French deployments and restrictions in Afghanistan coincide with the change from Jacques Chirac to Nicolas Sarkozy as President.

Jacques Chirac chose an inconsistent mix of policies towards the conflict in Afghanistan. He deployed special forces that were quite active and sent fighter aircraft that provided air support, but he also limited the main conventional effort to the tamest part of the country and

refused to set up a PRT. Indeed, in several conversations, it was clear that the special operations contingent was sent for a specific time frame—four years—and that PRT's were avoided since they imply a longer commitment. Interview subjects agreed that the Afghanistan missions, under Chirac, were cloaked in much secrecy. The most visible units—the forces in Kabul—were doing very little, and the least visible units were doing a great deal. The French government put out very little information, and the French media did not provide much coverage.

Obviously, one of the key factors shaping Chirac's outlook was his increasingly poor relationship with the Bush Administration. The initial French decisions in the aftermath of 9/11 were much more assertive and supportive than the ones that took place during and after the invasion of Iraq. After his split with Bush, it seems that Chirac kept France in Afghanistan, but minimized the French commitment and its public exposure. The opposition to deploying a Provincial Reconstruction Team was part of a larger view towards restricting NATO to military efforts, and protecting the European Union's role as a civilian agency to support development, reconstruction and governance.

Then Sarkozy became President, altering the character of French foreign policy. Rather than opposing or limiting the transatlantic alliance, he wanted France to be more involved in NATO, to become re-integrated in the command structure. According to our interviews, Sarkozy realized that he had to make a greater commitment to the big NATO effort in Afghanistan. To accomplish this, rather than merely being present in a low risk environment, French forces moved to a dangerous area and also proved to be willing to move to Southern Afghanistan if needed as witnessed by the stationing of an OMLT in Uruzgan and the temporary deployment of OMLTs to Kandahar after a phone call home. In short, Sarkozy does not want to do just the minimum and keep NATO and any support for the US out of the news, but, rather, wants NATO

to succeed. As a result, geographic caveats have been lifted, and France, never shy about using force in its other deployments, now operates very much like the more active allies.

Before moving on, we need to note that Sarkozy has significantly modified the role of the French Parliament in this process. He chose to support an amendment to the constitution, altering article 35 to give Parliament the chance to vote on missions if they last for more than four months. It is not yet clear whether this is a one-time vote for a particular mission or if a mission needs to be re-approved every year. Thus far, this process has not been the same kind of constraint as Germany's mandate process. It does seem to have created a force cap so that French military officials have to be careful about how many troops are in theatre, including re-coding gendarmerie (French paramilitary police) as police and not military units. Some inside and near the government consider this process to be a "poisoned gift," akin to the US War Powers Act, as it gives the appearance of more Parliamentary authority, but not really the substance of it.⁶¹ Since Parliament is composed of a majority that is of the same party as the President, it is almost unthinkable that a vote would go against Sarkozy's policies.⁶² In the French context, it is hard to "vote against the troops." For this article, this modification has not changed who shapes the discretion of the commanders in Afghanistan nor who imposes the caveats—those powers still are in the hands of the French President, making that individual's inclinations the key to understanding the variations in France's efforts in Afghanistan.

The Limits of Public Opinion as an Alternative Explanation

To be clear, domestic politics does matter. Indeed, our argument focuses on domestic political processes with an explicit focus on how the institutions of civil-military relations

⁶¹ Multiple interviews with French officials and experts, Paris, June 2009.

⁶² French constitutional reforms make cohabitation—where the President and the Prime Minister are different parties—far less likely.

structure authority to give key decision-making power to either an individual or a collective. Public opinion also matters, but not as directly as often averred in this case. Much has been made of the German public and its lack of support for the mission in Afghanistan. However, the level of opposition in Germany to the mission or approval of it is actually quite similar to that of Canadian and French publics (38% in favor in Germany, 37% in France and 41% in Canada, Kreps 2009).

As importantly, the trends have largely been in opposite directions—reducing restrictions as public disapproval rises. It may be the case that politicians are delegating more because they do not want to be blamed for potential disasters on the ground. This would reverse the normal role given to public opinion as a constraint.

Public opinion is indeterminate by itself because it is mediated by political institutions. In Canada, a series of minority governments have been challenged by events in Afghanistan, producing a finite mandate (until 2011) and a leadership that is avoiding any consideration of an extension of the mission. Yet, at the same time, politicians have not restricted the discretion of the Chief of Defence Staff. Hillier's replacement, Natynczyk, had similar types of experiences and a similar outlook about the proper role of decision-makers in Ottawa on the operations of the troops in Afghanistan. Because the CDS has most of the authority and is not constrained by elections and public opinion, he can do what his experience tells him is the best way to proceed.

In Germany, public opinion matters only as it is funneled through Bundestag. Operations in Afghanistan have continued in large part because the governing coalition has tried to downplay the Afghanistan deployment in the public's eye. Indeed, the Bundestag has tried to reduce the deployment's visibility and by extension, the government's accountability. They have done so by extending the current mandate to December of this year, so that there is not a debate

about Afghanistan during the fall election campaign. Second, parliamentarians and members of the government work together to develop mandates that will pass by the widest margin possible. As a result, the public has not been activated often by significant government debate over the Afghanistan deployment.

In France, we see a big change in policy after an election, but it does not appear that public opinion had a direct effect. Instead, the change in French policy appears to have been motivated by Chirac and Sarkozy having different attitudes toward the United States and their differing intentions toward France's role in NATO. Moreover, French institutions give the President the authority and discretion to make foreign and defense policy irrespective of public opinion.

Comparisons and Conclusions

This paper addresses a large gap in the literature on alliances. Most of the work focuses on whether alliances cause wars through over-commitment or leave allies abandoned.⁶³ Very little scholarship has actually examined how alliances function or dys-function during wartime. Coalition efforts in Afghanistan clearly demonstrate that even in the most multilateral of organizations, what officers can do is greatly shaped by their home country. Nationally established levels of military discretion remain, even when troops come under fire. Understanding why some officers have more leeway than others is not just as an academic exercise but very important for managing current and future wars. Given the relatively small number of NATO forces on the ground in Afghanistan, particularly given the monumental tasks

⁶³ [Alliance cites here Weitsman is a notable exception as she considers alliance cohesion. Still, even her work does not address the question of wartime behavior adequately.](#)

they face, it is very significant that some contingents are doing far more than others. It may ultimately determine whether NATO succeeds or fails.⁶⁴

Our analysis has implications beyond these cases. These countries' experiences tell us that how civil-military relations become institutionalized matters for national behavior. We used a bifocal approach to understand how institutions matter. Some institutional forms empower individuals as the key actors, so we need to understand not only the constraints they face, but also their inclinations. In other cases, collective decision-makers — parliaments, for instance — are empowered, so we need to understand their decision rules and the interests of their various factions. The institutions governing civil-military relations help us to understand through which lenses we must examine a country's decisions.

Collective bodies are more likely to impose caveats, as the German case suggests. Moreover, collective bodies resist making dramatic changes in policy. In the German case, caveats have not changed much, even as the ruling coalition changed. The shared responsibility for the Afghanistan portfolio across the governing coalition encouraged all to focus on minimizing risks, limiting the German contingent to the relatively quiet (albeit increasingly dangerous) northern sector. Individuals are more flexible, as changes of Chiefs of the Defence Staff in Canada and of Presidents in France both produced dramatic changes in the level of discretion delegated to the officers in the field. In both of the latter cases, key decision-makers were distinguished by whether they prioritized achieving a certain outcome or avoiding failure. In the Canadian case, experience seemed to be the key determinant of inclination—the previous generation of Canadian leadership worked with the failed experience of Somalia in mind, while the new generation lived through the era of tight caveats and did not enjoy it. In the French case,

⁶⁴ Other factors, of course, will have a large impact on events on the ground. They include Pakistani activities across the border, the challenge posed by the drug trade, and the problem of corruption in the Afghan government.

the Presidents differed: Chirac sought to do as little as possible while Sarkozy has been more focused on the contribution France can make.

As Afghan operations demonstrate, we need to take seriously the limitations of alliances. Rarely are alliances free of friction. Caveats increase these tensions even if they make an alliance intervention possible. Where allies agree on the aims, they may disagree quite strenuously on the who's, the how's, and the where's of the operations. The civil-military relations within each alliance member will significantly influence the ability of the troops on the ground to work with each other.

Finally, given what we know now about the sources of caveats, we should not waste time and political capital trying to get Germany (and some other NATO allies) to do more in Afghanistan. Getting new mandates through a body like the Bundestag is simply harder than changing an individual's mind or replacing an individual policy-maker.⁶⁵ Thus, we should not expect to see Germany dramatically alter its caveats and give its forces a great deal of discretion, no matter which party or coalition governs. Instead, alliance leaders might get better results by turning to strong presidential or majority parliamentary governments in their efforts to increase NATO contributions.

⁶⁵ For the basic text on veto points, see Tsebelis 2002.

FIGURES

Figure 1: NATO-Led Expansion of ISAF

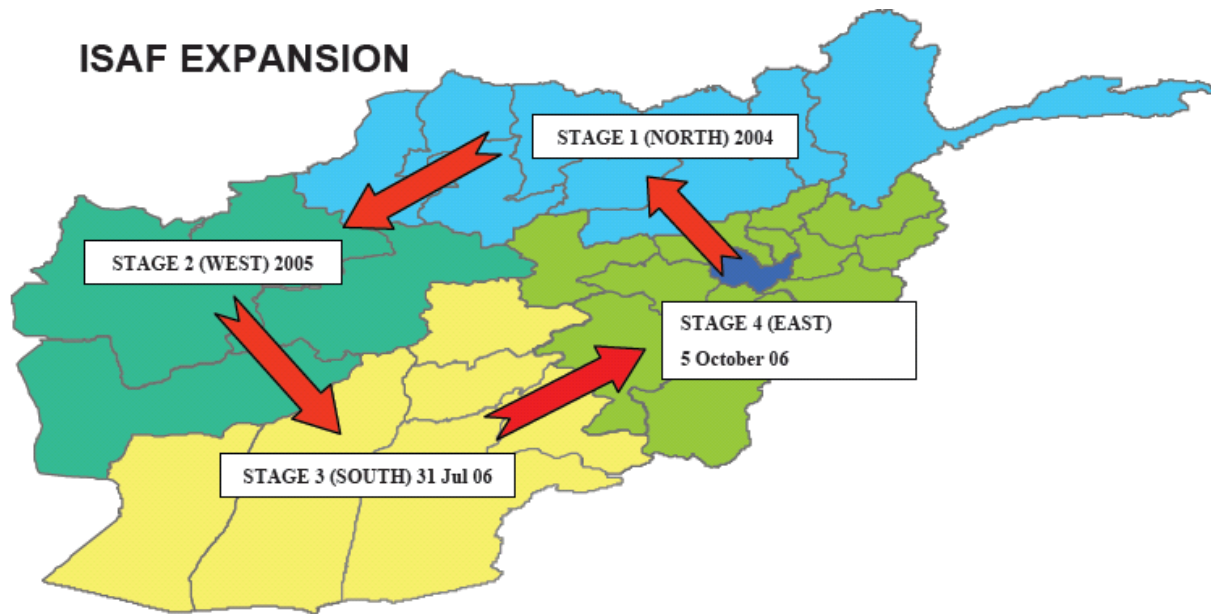
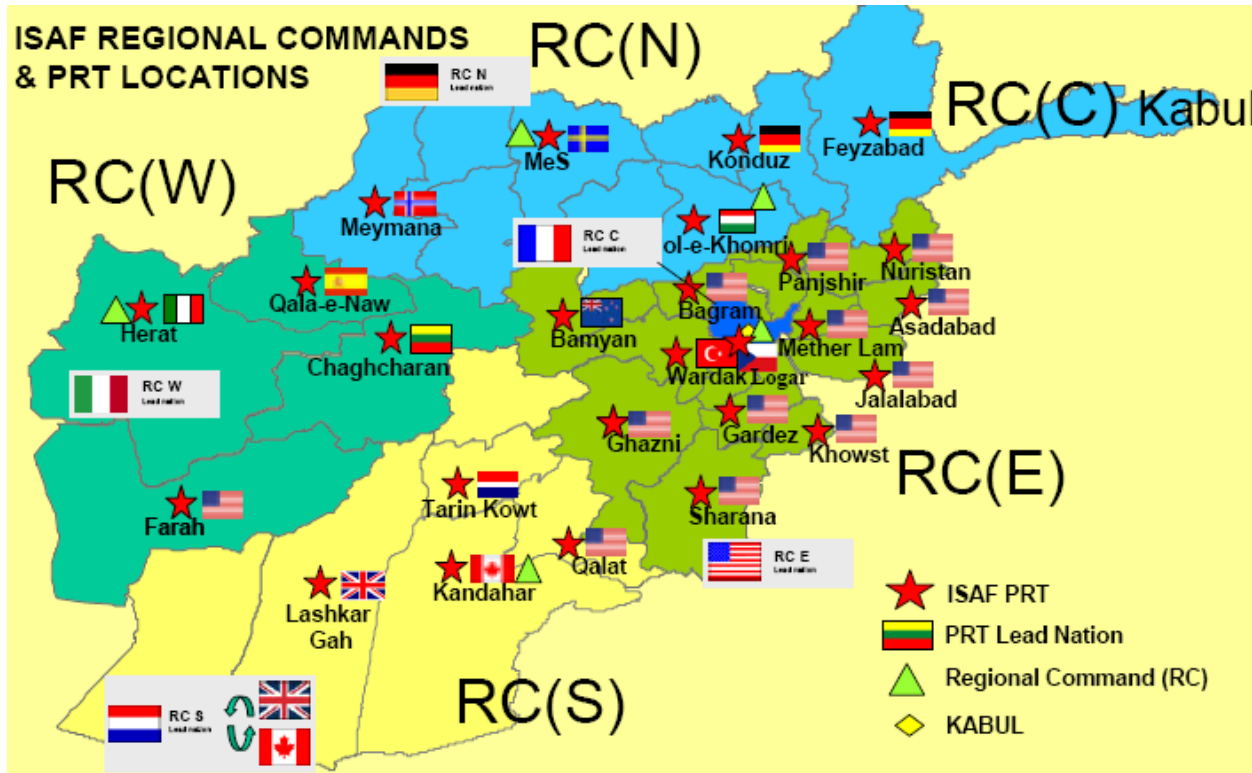


Figure 2: Division of Responsibilities in Afghanistan⁶⁶



⁶⁶ For the latest ISAF “placemat” with numbers of troops from each country, see http://www.nato.int/ISAF/docu/epub/pdf/isaf_placemat.pdf (accessed July 21, 2009).

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