**Part III: How to Engage in Terror and Guerilla Warfare Successfully While Gaining Greater International Legitimacy**

**Chapter 7: Different Fighting Methods in Different States**

This chapters compares the different fighting methods adopted by different states, viewing these through the prism of the principles formulated by Kasher and Yadlin in their military doctrine. Some principles were adhered to by only one of the states studied. Others were adhered to by all (even though is not always obvious). For example, I discuss the principle of permanent notice. While Sri Lanka did not adhere to this principle, using its air force to bomb “safe zones” without providing any notice to civilians, the United States and Israel took pains to adhere to the principle, providing the civilian population notice in the form of flyers and text-messages.

In terms of the principle of proportionality, the case studies reveal that all three states acted similarly – that is, they all tried to find a proper balance between the military benefit to be attained from a given action and the danger of inflicting collateral damage. In Sri Lanka’s case, while civilians were killed as the result of air force’s bombing raids, the exceptional brutality of the LTTE cannot be ignored; it had no qualms about inflict harm on the civilian population, and even used civilians as hostages, often putting their lives in jeopardy. Some other important principles discussed are the principle of military necessity, the principle of operational deterrence, the principle of professional understanding, and the principle of time span considerations.

By comparing different fighting methods through the prism of these principles, I am able to develop two new doctrines – one for combatting terror the other for waging war against guerilla groups. By learning from cases of the past and examining principles which may be difficult to uphold or may even be unfeasible, I am able to develop doctrines that are as universal and applicable as possible.

This chapter also provides explanations for the variety of approaches evident in the case studies analyzed, demonstrating how circumstances pushed different democratic states to operate differently. For example, Hamas, Hezbollah, and the LTTE, intentionally embedded themselves in the civilian population, and strategically used civilians to bring the war to an end or to elicit international condemnation of the democratic state. The Taliban by contrast adopted no such strategy.

**Chapter 9: Universal Ethical Doctrine for Fighting Guerilla Warfare**

At first glance, it would seem that the accepted rules of warfare can serve a democratic state when defending against guerilla or terror attacks because such attacks target military personnel. This, however, is factually incorrect. Terror/guerilla organization do not share the assumption that civilians have ethical precedence over soldiers. When fighting a guerilla organization, soldiers are often afforded ethical precedence over the civilian population of the opposing party (as I explain in the doctrine). This is because such organizations adopt the tactics of modern terror groups, operating from within the civilian population and against it. They intentionally seek to blur the lines between themselves and civilians, placing the responsibility for their wellbeing upon civilians themselves. This difference in ethical precedence, requires new rules that differ from those currently enshrined in international law.

The required changes are not dramatic but are important. Some changes pertain terminology or small adjustments to parts of principles, for example, the principle of prior notice. In a case where guerilla tactics are aimed at soldiers and not civilians, the present doctrine maintains, unlike current ones, that a state does not have the luxury of considering whether or not to give prior warning. To the contrary, it has an even greater obligation to give civilians notice in such a case.

The distinction between a conscripted army and a professional army is a critical point in this doctrine. For example, when considering proportionality, if a state’s soldiers are conscripted, then a high level of military benefit (two parameters) is required to create a military need for immediate action. This is true, even if the parameter of causing collateral damage is equally high. By contrast if a state’s soldiers are professional (volunteers) a higher value of at least three parameters of military benefit is needed to create a military necessity to undertake immediate action, even if the parameter of danger of causing collateral damage is similarly high.

The working definition of a guerilla group used throughout this book, addresses both the military and security audience against whom such actions are aimed as well as guerilla strategies. This was how the case studies were analyzed and how the doctrine was formulated. Assuming the proposed doctrine is used by those adhering to other definitions, it is worth noting that if a guerilla organization plans to launch a terror/guerilla attack against civilians, such an action should be examined according to the universal-ethical doctrine for fighting terror.