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The Media as an Instrument of War

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The media, in the modern era, are indisputably an instrument of war. This is because winning modern wars is as much dependent on carrying domestic and international public opinion as it is on defeating the enemy on the battlefield. And it remains true regardless of the aspirations of many journalists to give an impartial and balanced assessment of conflict.

The experience of the US military in the post-Cold War world demonstrates that victory on the battlefield is seldom as simple as defeating the enemy by force of arms. From Somalia and Haiti through Kosovo and Afghanistan, success has been defined in political, rather than military, terms.

Today's military commanders stand to gain more than ever before from controlling the media and shaping their output. The laws and conventions of war, however, do not adequately reflect the critical role that the media play in shaping the political outcome of conflicts. International humanitarian law requires that media members are afforded the rights of civilians; the question is whether this is sustainable when the exigencies of warfighting suggest that controlling the media is essential.

The Media and the Laws of War

It is difficult to generalize about the international media, a heterogeneous entity that includes representatives of numerous organizations with varying political and cultural foundations. But it is nonetheless an incontrovertible fact that the international media as a whole are not a neutral force on the battlefield.

Consider the US-led invasion of Iraq. Of course, the US military was aware of the possibility of bad press when it introduced widespread embedding.

Reporters bring their own perceptions, and the level of access and freedom of reporting entailed in the embedding scheme meant that damaging reports were a real possibility. Indeed, damaging reports eventually occurred, as when *The Washington Post* quoted Lieutenant General William Wallace as saying that the enemy being fought was “different from the one we war-gamed against.”¹

Members of the media remain entitled to express their opinions, whether or not they are billeted with US forces. In an era in which the media are less deferential to authority than World War II, and in wars that are less integral to their home societies, journalists have proved capable of fierce criticism, both of individual participants’ behavior and of the wider strategic purpose of a conflict.

Consider a later example from the occupation of Iraq, the battle for Fallujah in April-May 2004. Writing after the withdrawal of most coalition forces from downtown Fallujah in favor of indigenous Iraqi units, Ralph Peters offered this assessment of the power of the media in determining military outcomes:

The [US] Marines in Fallujah weren’t beaten by the terrorists and insurgents, who were being eliminated effectively and accurately. They were beaten by al-Jazeera. . . . The media [are] often referred to off-handedly as a strategic factor. But we still don’t fully appreciate [their] fatal power. . . . In Fallujah, we allowed a bonanza of hundreds of terrorists and insurgents to escape us—despite promising that we would bring them to justice. We stopped because we were worried about what already hostile populations might think of us. The global media disrupted the US and Coalition chains of command. . . . We could have won militarily. Instead, we surrendered politically and called it a success. Our enemies won the information war. We literally didn’t know what hit us.²

The Fallujah stalemate demonstrates that the neutral status that the press enjoys in conflicts is far removed from neutrality in any normative sense. The question then becomes whether this is an appropriate circumstance, whether it is sustainable, and what are the likely implications.

The Geneva Protocols

The overarching framework of international humanitarian law governing the conduct of belligerents dates to an era before the expansion of international news networks that operate across a range of media and are

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capable of live battlefield reporting. Early international humanitarian law did not give a great deal of attention to the rights and responsibilities of the media in war. As noted in the Commentary on the first Protocol additional to the Geneva Conventions, “International humanitarian law instruments dating from before 1977 do not contain any special provisions relating to journalists or their mission.”³

The 1949 Geneva Conventions do, however, address the position of battlefield reporters, at least in terms of the obligations of combatants toward detained correspondents. Journalists are to be afforded all the protection due to combatants, and, while their equipment could be confiscated on capture, they are not legally obliged to respond to interrogation. Sick or wounded correspondents should receive medical treatment and, if detained by belligerents, they should be treated humanely.

With the 1977 protocols to the Conventions, the situation changed somewhat, with signatories agreeing that journalists should be considered as civilians⁴ when “engaged in dangerous missions in areas of armed conflict,” provided that “they take no action adversely affecting their status as civilians.”⁵ To this end, correspondents have an obligation to differentiate themselves from combatants, for example by not wearing military uniforms. As the Commentary on the Protocol states, “On the battlefield a combatant cannot reasonably be asked to spare an individual whom he cannot identify as a journalist.”⁶ As civilians, journalists are entitled by the 1977 Protocol to “enjoy general protection against the dangers arising from military operations” and “shall not be the object of attack.”⁷

The United States, unlike the United Kingdom, has not ratified the 1977 Protocol to the Geneva Conventions, but US forces nevertheless have an ingrained tradition of treating the media as noncombatants. In essence this status revolves around the condition established in the Protocol that the media “take no action adversely affecting their status as civilians.” For Alexandre Balguy-Gallois, writing in the *International Review of the Red Cross*, “The media cannot be considered a legitimate target, even if they are being used for propaganda purposes.” Nonetheless, he concedes “an evident need for the adoption of a new [legal] instrument, . . . to reaffirm those elements of humanitarian law that apply to journalists and media personnel, . . . [and] to improve existing law and adapt it to the requirements of today.”⁸

By contrast, consider this assessment from the Department of Defense’s Office of General Counsel:

Enemy military forces are declared hostile. They may be attacked at will, along with their equipment and stores. Civilians and civilian property that make a direct contribution to the war effort may also be attacked, along with objects

whose damage or destruction would produce a military advantage because of their nature, location, purpose, or use. . . .

Civilian media generally are not considered to be lawful military targets, but circumstances may make them so. In both Rwanda and Somalia, for example, civilian radio broadcasts urged the civilian population to commit acts of violence against members of other tribes, in the case of Rwanda, or against UN-authorized forces providing humanitarian assistance, in the case of Somalia. When it is determined that civilian media broadcasts are directly interfering with the accomplishment of a military force's mission, there is no law of war objection to using the minimum necessary force to shut them down. The extent to which force can be used for purely psychological operations purposes, such as shutting down a civilian radio station for the sole purpose of undermining the morale of the civilian population, is an issue that has yet to be addressed authoritatively by the international community.⁹

Control of the Media

The relationship between the media and the military hinges on the extent to which the media's civilian status can be considered compromised by the activities of the armed forces alongside which they operate. At whatever level the media interact with the military during times of conflict, there is always an inherent tension between the ostensible goals of impartial and balanced media reporting and the military objectives of the combatants.

Public Affairs as an Information Operation

Western militaries have given considerable attention to the means through which they might influence the activities and output of the media. Should they choose to exercise them, the tools at their disposal could include deception, distortion, omission, or obfuscation: the tools of political "spin" adapted to the ends of warfighting. Many Public Affairs officers will bridle at the preceding sentence, but it remains the case that, in some circumstances, the interests of the media in pursuit of a story and the military in pursuit of victory do not coincide.

The balance between public affairs and information operations is a delicate one, as indicated in the relevant US Army Field Manual, *Public Affairs Tactics, Techniques and Procedures*. "Information operations," notes the manual, "involve a variety of disciplines and activities [including] information campaigns." Public affairs "support to [information operations] requires . . . synchronization of efforts with other organizations and agencies to ensure themes and messages are consistent and deconflicted." The language in the manual is instructive: public affairs is not seen as an entity in itself, but as a "related activity" of information operations.¹⁰

The US military, as the manual demonstrates, is acutely aware of the importance of media portrayal of conflict, and has developed an array of techniques to affect that presentation. Public affairs staffs begin their support of information operations by drafting a Public Affairs Estimate, which includes an assessment of the media presence. The estimate addresses the following questions: “What media representatives and organizations are in the area of operation? Are they radio, television, or print? Are they state-run or independent? What is their political slant? Are they pro- or anti-coalition? Are they receptive to coalition information products such as news releases or other print or electronic products?”¹¹

Lying outright to the media may not, in many circumstances, make much sense, but controlling the flow of information emphatically does, and the purpose of the public affairs staff is precisely that—to control the dissemination of information so as to maximize the military and political advantage to US forces.

Of course, outright lies do have a place on the battlefield. A media-savvy commander will also seek to use the media to directly affect the enemy’s plans, as part of a military deception operation. The current US Army field manual on information operations provides further details on the military advantages that can be gained from skillful manipulation of the media. Military deception, it notes, is “a fundamental instrument of military art. Its ultimate goal is to deceive adversaries and others about friendly force dispositions, capabilities, vulnerabilities, and intentions.”¹² The manual goes on to describe the mechanism through which an enemy can be deceived through the construction of “a plausible, but false, view of the situation, which will lead the deception target into acting in a manner that will accomplish the commander’s goal. Once the story is completed, the [Deception Working Group] determines the deception means necessary to portray the events and indicators.”¹³

The manual, perhaps understandably in an unclassified text, does not dwell explicitly on the use of the media as a means of disseminating the deception’s story. To be sure, there are also a wide variety of non-media-related means of deceiving opposition forces. But the manual does point to one episode of military deception through the use of the media: the Egyptian crossing of the Suez in 1973, which it offers as an example of “Conditioning an Adversary.” The Egyptians, it notes, “used deceptive measures and a broad range of centrally directed and controlled deception events involving political and military activities. These included . . . publishing reports in the press that officers would be allowed leave for the annual hajj pilgrimage.”¹⁴

Whether for purposes of military deception or more broadly in an effort to control the public and elite perception of a conflict, the US military has a keen interest in influencing how the media perceive the events on the battle-

field. During the recent invasion of Iraq, the two main methods by which the US military sought to influence the media were the program of embedding reporters and the strategic-level news presentations given by senior personnel in Qatar and Washington.

Embedding

Embedding reporters within military units has long been a feature of Western war—reporters accompanied US forces ashore at Normandy, and in the Vietnam War reporters were given unprecedented latitude in accompanying US forces into battle. Embedding in the recent Iraqi invasion was not so different from these earlier conflicts, except that reporters were tied to one unit, rather than being free to roam. But embedding in Iraq was dramatically different from the experience of the press in other recent conflicts involving the United States, particularly Afghanistan post-9/11 and the 1991 liberation of Kuwait. For Walter Cronkite, “The principal advantage [of embedding] is that it is 180 degrees better than the blackout the military enforced during the first Gulf War.”¹⁵

Embedding in its modern guise provides the military with two key advantages in influencing the output of the embedded media. First, embedding with troops restricts a reporter’s view of the battlefield to the view available to the unit he or she is embedded with. The embedding program in the Iraq invasion demonstrated that the media, particularly television news, have a tendency to focus on the drama of the small-scale tactical actions they can see, rather than the broader operational and strategic dimensions of the conflict.

A post-invasion study by Columbia University’s Project for Excellence in Journalism found that embedded reports were “largely anecdotal. [They were] combat-focused, and mostly live and unedited. Much [of the reporting] lacks context but is usually rich in detail. It has all the virtues and vices of reporting only what you can see.”¹⁶ For Chief of the British General Staff, General Sir Mike Jackson, embedding produces images that “are no more than snapshots at a particular time and a particular place. Dramatic they may be, but frankly they tell you very little, if anything at all, about the progress of the campaign at a strategic level.”¹⁷ Clearly this is a mixed blessing for the military, depending on whether it wishes the media to focus on the tactical or strategic dimensions of a conflict at any given time.

What’s more, by choosing which units to embed reporters with, the US military enjoys a high degree of control over which part of the battlefield will receive media coverage—particularly since operating independently on the battlefield has become incredibly dangerous. The preparation of the Medina Republican Guard division, to give just one example, took place from the air, with no embedded reporting available. The same is true of all the Spe-

cial Forces operations in western Iraq, and much of the *Peshmerga*-Special Forces operation in the north.

A second advantage of embedding is subtler. When US forces go into combat, the mainstream American media are, in the first instance at least, predisposed to back them. There is a plausible supposition that embedding enhances this tendency, by bringing reporters closer to the soldiers of one side than the other, perhaps to the extent of prompting a subconscious bias in reporting, the product of shared hardships and camaraderie.

For reporters, there is an implicit danger in talking about where “we” go and what “we” have achieved—and this “Stockholm syndrome” is evident even among reporters who aim for the most scrupulous objectivity. For George Wilson, a journalist for the *National Journal*, the dangers of subconscious bias were very real: “You were put in a position where you would certainly not be antagonistic to the kids that you were involved with and admired, and you went in, in those conditions, without having the ability like I had in other wars to check things out for myself. So in effect I was putting myself in a position to be a propagandist, which was great for the Pentagon, but not so great for the readers.”¹⁸

Strategic Presentation

Embedding with units deployed on the battlefield is only one level at which the military can seek to influence the media. During the Iraq invasion, the US military presented a strategic perspective of the battlefield to journalists through daily briefings at the Central Command (CENTCOM) field headquarters in Qatar and at the Pentagon. The British military also held occasional briefings in London, timed to fit the news cycle and minimize the potential for conflicting messages with the other coalition media outlets.

But the strategic-level presentations, as they had in the earlier liberation of Kuwait, received a mixed reception from the media, in marked contrast to the widespread enthusiasm for embedding. Several of the network reporters dispatched to CENTCOM headquarters in Qatar expressed displeasure at the flow of “big picture” information from coalition headquarters. On 27 March 2003, for example, Michael Wolff of *New York Magazine* drew applause from assembled journalists when he asked the CENTCOM briefer, “Why should we stay? What’s the value to us for what we learn at this million-dollar press center?” The immediate answer, from Brigadier General Vincent Brooks, was that reporters should try to gather the “entire mosaic” of information. He emphasized the role of embedded media, who “tell a very important story,” but added that the Central Command briefings were an important part of the big picture.¹⁹

But the quality and quantity of information provided at the briefings did not always bear out Brooks’s comments: very little, for example, is known

about critical Special Forces operations, or about coalition battle damage assessments—how many tanks were destroyed by the coalition, what proportion of missiles missed their targets. From this perspective, the focus on embedded reports allowed the military to control the “big picture” portrayal of the war, even if they had limited control of the tactical presentation by embedded reporters. And embedding diverted the media’s attention from the relative paucity of information available elsewhere.

Media Control, and the Lack of It

Widespread embedding during the invasion of Iraq encouraged the media to focus on the tactical level, the more so given the relative paucity of strategic detail available. This suited the coalition strategy very well. The invasion was conducted with a relatively small force, if anything enhancing the importance of strategic surprise, as exemplified by the uncertainty over the destination of the 4th Infantry Division, the drive through the Karbala gap by the 3d Infantry Division, and the air assault north from Kuwait into the western desert by the 101st Airborne Division (Air Assault). In other circumstances, the US military will doubtless need to adopt a different media approach.

Post-invasion Iraq provides a good contrast. The protracted insurgency that followed the end of major combat operations in Iraq has presented new challenges for the coalition in seeking to shape the media picture of conditions on the battlefield. Embedding with the military remained an option for some reporters, but—at least until the spate of journalistic kidnappings beginning in April 2004—many reporters preferred to operate independently, often accompanied by their own security advisors.

In many ways, the low-intensity insurgency war currently under way in Iraq is more typical of the semi-permissive environment normally facing war correspondents than was the invasion itself. In Afghanistan, Chechnya, the Philippines, Indonesia, Somalia, Sudan, and elsewhere, correspondents work in dangerous and uncertain environments. The BBC requires that all staff deploying to such hotspots complete a one-week hostile environment training program. Other media organizations make similar arrangements for their staffs. Controlling the media in these semi-permissive environments presents a different challenge for Western militaries, but one that is critically important, given the centrality of the media in denying, or shaping, the information available to the enemy, and in favorably influencing the domestic and international portrayal of military activities.

The experience of US Marines in Fallujah (April 2004) and in Najaf (August 2004) typifies the problem. Early moves to decisively engage and defeat insurgent groups in the towns were rapidly stymied by media reporting of hardship in the towns and of considerable damage to the urban environ-

ment. Political pressure to limit the assault quickly followed, and the Marines subsequently withdrew—in the case of Fallujah, to be replaced by nominal Iraqi authority control, and in Najaf by a negotiated settlement to secure the return of the Imam Ali shrine.

In both examples, the abiding perception is one of strategic defeat for US forces, whatever the tactical success achieved by the Marines. Fallujah remained an insurgent stronghold, and Moqtada al Sadr's "Mahdi Army" withdrew from Najaf in good order. From this Ralph Peters drew the conclusion that the best way to counter adverse media reporting of the sort he perceived around Fallujah in May 2004 is to "speed the kill. . . . We must direct our doctrine, training, equipment, organization, and plans toward winning low-level fights much faster. Before the global media can do what enemy forces cannot do and stop us short. We can still win the big campaigns. But we're apt to lose thereafter, in the dirty end-game fights."²⁰

Peters' approach amounts to conducting military combat without a media presence. He suggests speed as one factor—space is another. Sometimes the sheer remoteness of the battlefield, or the level of risk involved, will serve to limit the presence of the media. The invasion of Afghanistan illustrates the point, with little scope for independents to operate in Taliban-held areas of the country, or in the disputed border regions adjacent to Pakistan. Somalia, Chechnya, Georgia's Pankisi Gorge, the southern Philippines, and Kashmir are other examples of places deemed too risky for deploying reporters by many media organizations. On the whole, however, there will always be some sort of media presence, no matter how difficult the terrain or how rapid the military exploitation of a given scenario. Bold freelancers and local operatives armed with satellite phones ensure that there will usually be a Fallujah byline if the story merits one.

Targeting the Media

If the media are present, and they are undermining the political-military strategy, it makes sense to control them. If they are behaving in a non-neutral way, it may even seem appropriate to target them. But where are the boundaries of neutrality? Perhaps targeting is lawful if your enemy is using the media to defeat you militarily, for example through a deception operation. But what if he is merely shaping the media reporting of the conflict through his own information operations? Would targeting the media be legitimate in these circumstances, even if the media were not complicit in this strategy? Or what if the media in question have brought their own damaging prejudices to the battlefield, regardless of the ambition of the enemy to control them?

The broad outlines of debate are readily apparent, as illustrated by the opinion from the Pentagon counsel quoted earlier. If the media are behav-

ing impartially, then they are entitled to treatment as civilians. Where they are not, the assessment of the general counsel suggests that they can be targeted militarily. The trick is in making an accurate judgment about their partiality and the motives behind it.

A recent example dates from the Kosovo conflict in 1999, when Allied forces successfully attacked the studios of Radio-TV Serbia, the state broadcaster. General Wesley Clark, then NATO's Supreme Allied Commander Europe, offers this retrospective in his book *Waging Modern War*:

It was difficult to get political approval for striking the television stations, because strikes on television facilities seemed undemocratic and perhaps illegal. . . . At one point I had secured French permission to attack the Serb television transmitter, as well as American approval, only to have NATO balk when some of the ambassadors questioned whether the target was truly military. . . . I tried to craft a public explanation of the military value of the transmitters, which didn't succeed.²¹

Approval was eventually forthcoming, however, and the attack on the station's Belgrade headquarters on 23 April resulted in a temporary disruption of broadcasting, and approximately ten staff fatalities. Clearly, the Serbian state-run media were not behaving with scrupulous impartiality in reporting the conflict and, moreover, they were bureaucratically an agent of their government.

The situation is somewhat more complicated where non-state-controlled media are operating. Some such media may aim to be more impartial than others, and where they are behaving in a biased manner, legal opinion may conclude that they can no longer be classed as civilians.

But making a judgment about the impartiality of a broadcaster or newspaper is problematic. Suppose a television channel were showing graphic footage of the civilian casualties caused by your troops, or that they screened interviews with dejected prisoners of war captured by your enemy. In both examples, this footage could have an effect on the perceptions of the war among viewers on both sides of the conflict. While the combatants themselves are prohibited from this sort of activity, the independent media are not legally a party to the conflict. But does that mean that the station can be legitimately targeted? Then there is the question of proportionate response—should you jam their transmissions, discredit them somehow, or counter their message with your own propaganda? Keeping them away from areas of the battlefield where their reporting would be damaging seems sensible enough, but what lengths can one go to in order to achieve that?

Then there is the problem of whether it is enough that the media themselves strive to be impartial, even if the constraints of the battlefield and the deliberate efforts of the combatants are undermining their efforts. If their

host combatant is engaged in information operations intended to favorably shape the media message, such that the media's output serves to further the purposes of that belligerent, then there are legitimate questions about the de facto neutrality of the media, even if the media organization attempts to be scrupulously impartial and objective. Can rigorous objectivity realistically be achieved in such circumstances? In the language of the Pentagon's counsel, could such a broadcaster be making "a direct contribution to the war effort," in which case might the provisions of the Geneva Protocols be moot?

As to whether the international media have ever deliberately been violently attacked by Western forces, it is impossible for an outsider to provide a definitive answer, but it seems improbable in most conceivable circumstances. There were several episodes during the invasion of Iraq in which international media were hit by fire from coalition troops. In April 2003, a BBC team led by veteran correspondent John Simpson and traveling south toward Baghdad from Kurdish-controlled territory was hit by a bomb apparently dropped from a coalition aircraft, despite the presence nearby of US Special Forces.²² Earlier in the conflict, the ITN reporter Terry Lloyd was killed in uncertain circumstances while driving in southern Iraq.²³ In the most controversial incident, US forces apparently fired on the offices of Al-Jazeera in Baghdad.²⁴

In all three cases, there is no evidence of deliberate forethought. Furthermore, there was little incentive for the coalition to target the media during the invasion, even when they did not appreciate the reporting. Coalition forces were easily achieving their military objectives in Iraq and enjoying a broadly sympathetic press, at least in the United States. Lloyd and Simpson were both well-schooled in the principles of impartial and objective reporting and had chosen to operate as "independents," outside the embedding program, partly in an effort to maximize their autonomy. And even in the case of Al-Jazeera, which was broadcasting material in the Middle East that could readily be construed as damaging to US objectives, the lasting opprobrium consequent on attacking the office easily outweighed the temporary advantage from interrupting Al-Jazeera operations in Baghdad.

Journalists have, however, become targets of one of the combatants in post-invasion Iraq, with a number of reporters having been kidnapped by insurgents, and some later executed. The objective appears to have been to undermine support for the reconstruction process, rather than to neutralize a media inimical to their objectives. In fact, the media in post-invasion Iraq were in some ways working to the advantage of the insurgents by publicizing hostage-taking of Western company employees engaged in the reconstruction effort, and giving exposure to the inability of US forces to subdue parts of the country—notably Fallujah—without recourse to politically unsustainable levels of urban violence.

By late August 2004, according to the International News Safety Institute, 51 media workers had died in Iraq since the start of the conflict 17 months earlier.²⁵ Some of these were killed deliberately by one of the parties to the conflict, some were caught up in the cross-fire, and some were killed in accidents. There is no convincing evidence that coalition forces deliberately targeted any reporters. Nonetheless, the centrality of public opinion, both in the region and among the domestic audience in coalition countries, means that the sorts of tricky legal and ethical issues outlined above are likely to become concrete, rather than hypothetical, questions for military lawyers in the years ahead.

Veteran British war correspondent Martin Bell, quoted in *The Guardian* shortly after the bombing of Al-Jazeera's office, expressed his concern that "independent witnessing of war is becoming increasingly dangerous, and this may be the end of it. I have a feeling that independent journalists have become a target because the management of the information war has become a higher priority than ever."²⁶ Bell might be wrong in the sense of journalists being deliberately attacked by Western forces, but in the broader sense of the importance of controlling the media on the battlefield, he is surely correct in suggesting that the importance of information operations makes the job of a war correspondent more difficult and perhaps more dangerous than before.

Conclusion

The conflicts of the last decade have amply demonstrated that the media, ostensibly non-state actors, have become an important party in many international conflicts. In conflicts involving advanced Western militaries, this is accentuated by the evolution and increasing importance of information operations. Winning the media war is crucially important to Western war-planners, and increasingly sophisticated methods for doing so have been developed—albeit with varying results.

And while the means and objectives of waging war have changed dramatically during the last decade, the press itself also has undergone a dramatic transformation. The developments of the last decade scarcely need rehearsing; from 24-hour rolling news stations to the proliferation of on-line current affairs websites and blogs, the news-oriented public has a greater range of sources than ever before, and the military has a commensurately more complex task in winning the information war.

The existing legal framework covering the position of the media during conflict was established before many of these developments. The question now is whether a consensus can be found that systematically addresses the new realities of war-reporting. With reporters increasingly vul-

nerable under the existing arrangements, perhaps it is time to consider a new humanitarian law specifically addressing the issues raised above.

NOTES

1. Rick Atkinson, "General: A Longer War Likely," *The Washington Post*, 28 March 2003, p. A01. For more detail on the background of this episode, see Rick Atkinson, *In the Company of Soldiers* (London: Little Brown, 2004), pp. 171-75.

2. Ralph Peters, "Kill Faster," *New York Post*, 20 May 2004.

3. Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977. Part IV: Civilian population. Section III—Treatment of persons in the power of a party to the conflict, Chapter III—Journalists. This Protocol and subsequent references to the Geneva Conventions may be found at <http://www.icrc.org>.

4. The Geneva conventions define civilians in "Convention III Relative to the Treatment of Prisoners of War, Part I (1949)." Article 50 defines a civilian as anyone who is not a member of the armed forces of a party to the conflict, or of a militia, or an inhabitant of a non-occupied territory who takes up arms on the approach of invading forces, provided they carry arms openly and respect the laws of war.

5. Article 79, Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I). The relevant text in full reads: "1. Journalists engaged in dangerous professional missions in areas of armed conflict shall be considered as civilians within the meaning of Article 50. . . . 2. They shall be protected as such under the Conventions and this Protocol, provided that they take no action adversely affecting their status as civilians."

6. Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977. Part IV: Civilian population, Section III, Chapter III—Journalists, Commentary at para 2. This is an interesting point given the proclivity of Special Forces soldiers to wear a hybrid of military and civilian outdoor clothing, and the tendency of some journalists to do likewise.

7. Article 51, Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977.

8. Alexandre Balguy-Gallois, "The Protection of Journalists and News Media Personnel in Armed Conflict," *International Review of the Red Cross*, March 2004, pp. 37-68.

9. Department of Defense, Office of General Counsel, "An Assessment of International Legal Issues in Information Operations," May 1999, pp. 6-9, <http://www.au.af.mil/au/awc/awcgate/dod-io-legal/dod-io-legal.pdf>.

10. US Department of the Army, *Public Affairs Tactics, Techniques and Procedures*, Field Manual 3-61.1 (Washington: GPO, 1 October 2000), ch. 9, "Information Operations," <http://www.globalsecurity.org/military/library/policy/army/fm/3-61-1/>.

11. *Ibid.*, para 9-18.

12. US Department of the Army, *Information Operations: Doctrine, Tactics, Techniques, and Procedures*, Field Manual 3-13 (FM 100-6) (Washington: GPO, November 2003), para. 4-4.

13. *Ibid.*, para. 4-60.

14. *Ibid.*, box inset.

15. Walter Cronkite, Reuters report, 22 April 2003.

16. Project for Excellence in Journalism, "Embedded Reporters: What Are Americans Getting?" April 2003, <http://www.journalism.org/resources/research/reports/war/embed/default.asp>.

17. Chief of the General Staff, General Sir Mike Jackson, Ministry of Defence Press Conference, London, 28 March 2003.

18. George Wilson, *National Journal*, interview with PBS, 22 April 2003.

19. US CENTCOM briefing transcript, 27 March 2003, Release No. 03-03-70, http://www.centcom.mil/CENTCOMNews/News_Release.asp?NewsRelease=20030370.txt.

20. Peters.

21. Wesley K. Clark, *Waging Modern War* (New York: Public Affairs, 2001), p. 251.

22. BBC News, "'Friendly Fire' Hits Kurdish Convoy," 6 April 2003, http://news.bbc.co.uk/1/hi/world/middle_east/2921743.stm.

23. "Missing ITN Crew May Have Come Under 'Friendly Fire,'" *The Guardian*, 23 March 2003, <http://www.guardian.co.uk/Iraq/Story/0,2763,919832,00.html>.

24. BBC News, "Al Jazeera 'Hit by Missile,'" 8 April 2003, http://news.bbc.co.uk/1/hi/world/middle_east/2927527.stm.

25. Dominic Timms, "War Toll Rises to 51," *The Guardian*, 27 August 2004.

26. Ciar Byrne, "Iraq: The Most Dangerous War for Journalists," *The Guardian*, 9 April 2003.