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Transcript of interview between Bloomberg Opinion columnist Marc Champion and Chair of Urban Warfare Studies at West Point, John Spencer. Lightly edited for conciseness and length.

MC: I'm here with John Spencer, and John, you're the Chair of Urban Warfare Studies at West Point, if I'm not mistaken. You spent 25 years in the Army, in the infantry, and then you went on to the National Guard. You were a major in the Army, a colonel in the National Guard, and now you teach and write about urban warfare. Have I got that right?

JS: In the California State Guard, assigned to the National Guard, yeah.

MC: You've taken a position that's become very important. You're often referenced by Israeli officials when they're being challenged about what they're doing (in Gaza). You wrote a piece for Newsweek with the headline: Israel Has Created a New Standard For Urban Warfare. And you meant that in a good way.

You're basically saying that far from killing civilians in unprecedented numbers and deliberately killing civilians, which is what Israel is accused of in the International Court of Justice, and Netanyahu in the ICC, far from that, they're actually taking unprecedented measures to reduce the amount of civilian casualties. What kinds of reaction have you had to that?

JS: I say with a cautionary note that they've created this new standard that has never been implemented before, which combines with something else I wrote that they've implemented more measures - which is very specific to urban warfare - to mitigate civilian harm than any other military in history. But the response has been from, like, you're crazy man, to some agreeing, because they understand the context of all the nuances that are there when I say urban warfare, and what I'm talking about when I say measures to prevent civilian harm, standards, or the law of war.

There's only been two articles that have tried to really disprove this statement in the context of all the nuances. One was to say that it doesn't matter, John Spencer, that you say that they've created this new standard; they're not effective.

(Or) they come with numbers of destruction, number of civilian casualties, which are dubious (as to) where the numbers come from.

And honestly, I haven't tried to push back on those because it demonstrates an unawareness of how the law of war works, really.

The law of war, especially proportionality, includes doing the assessment of: Is it proportionate to the objective and the military advantage, but really were all feasible actions to prevent civilian harm (taken). It isn't effects-based.

So when somebody says like, look, John Spencer, I don't really know what you're talking about, clearly Israel is either being intentional or they're not effective at their measures to prevent civilian harm based on this data.

Well, if I took that rationale, it is actually not how the law of war or the history – and this is where I can also give you all the case studies of any similar variable -- works.

My other Newsweek article was about: stop trying to compare Gaza to these other battles because they're out of context to the variables that are present in this war.

But the law of war, assessing how well somebody is doing at civilian harm mitigation, although we can talk about, I'm sure, how successful they've been, it isn't effects-based.

It's almost like a whataboutism, which is a classic in debate. “ I don't care if you think that they've done more or they've created a new standard, it's silly because it's not been effective.” So then we debate whether they've been effective or not, okay fair enough...

MC: You have a lot of data and the most remarked on is the civilian to combatant fatalities ratio, which you say has been about 1.5 to 1 in Gaza, maybe even less, 1 to 1. Then you compare that to what the UN says on casualties, which is 9 to 1 as the sort of norm, and to Mosul, where (you say) it was around 2.5 to 1.

The thing that puzzles me, though, is, there's been lots of debate about whether we should trust the Hamas health authority figures, but what about the IDF figure?

There's a couple of issues there. One is that if there are 15,000 who've died (as the IDF says), and normally in warfare you have a ratio of two or three to one in terms of fatalities to wounded, no one should still be fighting anymore. There were only 35,000 Hamas fighters to begin with. We don't cite Ukrainian figures as to how many Russians they've killed, because they don't know. They don't have the bodies and they don't have an incentive to tell the truth. So why we can rely on these figures at all?

JS: Yeah, it's a great question, actually, because that's the other method of analysis, the statistical data. One realization is that that phrase - and if you've covered war you'll know this - has never been mentioned before. It's never been the measure: What is your civilian to combatant ratio?

Also, how hard it would be for both sides in this war to come up with a number. One has to acknowledge that Hamas doesn't account for a combatant versus a non-combatant (element), which is the only real things that matter in a war.

Hamas's number includes is everybody who's died for any reason, including the terrorists who were killed on October 7th in Israel. They're counted in Hamas's health ministry numbers for the people that died.

On the Israel side, their numbers as well are hard to verify. They're based on their knowledge of what targets they're engaging, who are combatants, who are not.

This even gets to how many people were in Hamas's military wing at the start of this. I've seen everything from 25,000 to 50,000.

In the war, it would also be (wrong) to assume that Hamas is the only people that Israel is engaging.

Again, going back to combatants versus non-combatants, which is the real determining definition. One number includes combatants, as in the IDF say that theirs is the number of combatants, Hamas militants they've killed. Some of that that can be by named individuals, but it's also from those involved in engagements and strike analysis, what we call collateral damage estimates and battle damage calculations.

But to take your line of thought, that there wouldn't be any Hamas left, I, again, wouldn't go down that road. I think this is really highlighting even what you talked about in Mosul. We actually don't have the data from the battle, right? Nobody's actually said how many ISIS fighters were present in the city. So (let's say) 3,000 were present, there's actually no given number of how many ISIS fighters died.

There's only on the civilian side (and those figures) have varied greatly during that battle and afterwards. Which really gets you to this: If somebody wants to push back with their own data, with the two numbers that we have for this conflict, then they have to understand that both numbers are highly questionable.

Well, really, I think I would trust IDF numbers before I would trust terrorist organization who won't distinguish even within there. They've never given an estimate of how many Hamas fighters have died, or how their number is even collected, which is really significant.

But this is where I've tried to say if we just took everybody's numbers, right, it isn't painting the same picture that everybody wants, that Israel is intentionally killing civilians, that Israel has a higher acceptance (of collateral damage).

Some people have inferred using the Hamas casualty number that Israel has a higher tolerance for collateral damage estimates than other people have.

I will say that all the numbers are highly questionable, but if we're going to use everybody's numbers, it still doesn't paint the picture that people say.

In comparison, which I really think is important, show me any example of a like situation. What were the numbers then? How were the numbers collected?

It just doesn't come out to the overwhelming opinion that Israel is intentionally (killing civilians) or accepting a higher civilian harm number. The numbers are all suspect is what I'm saying.

MC: So, what about the amount of ordinance that's being dropped? We know that most civilian casualties tend to be from ordinance, from explosions. It does look like just the sheer amount of ordinance that's being dropped in the time period is pretty unusual?

JS: Unusual compared to what?

MC: Well, so comparing it to Mosul, right? Organizations like Airwars have analyzed the two and found a much higher intensity in Gaza. You are going to get a lot of casualties if you do that, right?

JS: So I definitely am aware of Airwars research, which again infers without access to information, and tries to use other statistical methodologies to come up with a number and then make it credible. Since even in the Battle of Mosul, nobody's going to give you the number of munitions dropped.

The idea that you can come up with, you know, satellite photos and casualty names and then come up with a by ordinance strike civilian casualty number I find highly suspect. I honestly do. The idea that it has been a high number of ordinance dropped again is why I asked the question, to what? Since if you're talking about an individual strike, casually damaged estimates, requirements to do proportionality analysis or necessity analysis, People want to compare it to Mosul. Again, going back to a combatant of size 3,000, or let's give it the highest number, 5,000 fighters. But you want to compare the statistical number of bombs dropped against a 5,000 combatant (force) in one city against a 40,000, probably more, combatant (force) in, let's say, 10 major cities with 400 miles of tunnels?

I find the whole line of analysis very suspect. As if that they can have that level of accuracy using, again, the Hamas by-name roster, location of strikes. They do crater analysis - they have no idea what the target was or what the civilian casualty (rate) at that crater was.

They just try this this methodology they have created, which actually, by its default nature is an absence of information on: what was the munition dropped? What was the target that was being fired against? Was it a, you know, somebody in a bunker? Was it a rocket location? What was it? Personnel? Just an enemy fighter?

This is a urban defense. It was prepared for 15 years with a vast subterranean network where you have to be able to target those individuals underground or deep inside of a building. I don't think the data again shows that, that Israel is accepting a higher level of civilian casualties.

And again, if I can convince you that nobody's ever asked (before): what's your civilian to combatant casualty rate.

MC: Well, we do know because the IDF tells us, or did at the beginning of the war at least. And you do have a lot of knowledge about other urban campaigns.

The IDF gave various different measures, but one of them is targets per day. And the average was 430 targets per day in Gaza, although that doesn't say how many bombs per target. Sometimes it was up to 750, sometimes it was 200, but the average is 430.

And they said that in the first six days, they dropped 6,000 aerial bombs. Is that a lot? A little? How would it compare?

JS: Compare to what?

MC: Well, that's what I'm asking you. I mean, I'm not a historian, so I don't know.

JS: So let's say to an invasion of another territory. So let's say the first Gulf War, dropping 250,000 bombs and missiles in less than 40 days.

You think that it's a high number – but what's the number of targets that were in Gaza, Hamas targets?

MC: Well, we are talking about an urban area, this is 2.2 million people in a fairly small area. So I think that's what we need to look at, urban warfare, which is why you're the man on this.

JS: And we can do this urban warfare against an embedded defender. So not all urban warfare is the same. So if I can know the number of targets, the airdrop munitions, then compared to which war that is urban centric.

So if you were to take Mosul and you wanted to do this statistical analysis, (Let's say you get) how many targets are present in the urban environment through intelligence and somebody who has access, like let's say an ICC investigator.

Okay, this is the number of intelligence confirmed targets that are in the urban area in this operation in these cities? And this is the number of air munitions were used as opposed to ground munitions. So again, is it high in comparison to the urban defense level of enemy targets that the IDF are facing, rocket locations, tunnel openings, command and control centers, enemy personnel, enemy leadership?

If I knew all of the data for both, I still don't think it would be considerably higher.

If you're talking (in comparison to) battles of recent times, then I have to use only case studies in which somebody follows the law of war. Because if I don't, I get to like battles of Grozny and the Chechen War. I get to Mariupol and the Ukraine war, where it is carpet bombed.

If like you were talking about just taking precision guided munitions versus dumb bombs, which is circle of error, I don't have a battle for you to compare.

If you want to use Mosul as the example, which is a small battle against a very few numbers of targets, again, Airwars never got hold of how many bombs and missiles were dropped on Mosul. I can give you numbers of Hellfire missiles in the thousands that were fired in that war, if you want to use this where people have started to focus in on the 2 000 pound bombs, I don't think the data shows that it's high against the number of enemy targets, which is the real question right? Is their targeting legal? Is it a military target? Have they taken every feasible step to get civilians out of harm's way?

You want to use, or not you, but people want to use this number of munitions dropped in the beginning, irrelevant whether Israel did anything to get the civilians out of harm's way. Just say, well, it's an urban area.

It seems like a lot of munitions to be dropping in an urban area. Against an urban defender who has prepared that urban area for 15 years to be fought against? I think this is the wrong question. I think the question is, of those targets that the IDF said they engaged, were all of them legal?

Now, if you say, yes, they were legal, but they shouldn't have done it because it's in urban areas, the collateral damage is high against them. Okay, against what? The military advantage. As in prosecuting the war to get the rockets to stop being launched, to bring the hostages home, to destroy the urban defender in the urban area.

This gets to the myth that if you just would have bombed less, there would have been less collateral damage, both civilian casualties and destruction of urban infrastructure and buildings and things like that.

Historically, that isn't proven either, right? Because if you say that there are less dropped in Mosul, But was the collateral damage less? Well, the civilian casualty damage wasn't. We just talked about that. Was the physical destruction? No. I mean, western Mosul, where the majority of the battle happened, 80% of the city was destroyed.

If you want to go to battles where there was very little air bombing, 1950 Battle of Seoul, 1945 Battle of Manila, 68 Way.

Whether it's air-delivered or an artillery round, again you think, or not you, but people think that using this number of munitions dropped means (if) that they wouldn't have dropped it there would be less collateral damage.

Versus an artillery round where I can show you in, again, recent urban battle against an urban defender, they're using tens of thousands of artillery rounds a day, which by the way is considered all dumb munitions unless they have a precision guided kit on it.

The data that people are grasping at doesn't paint the picture that I'm showing. The question is, are they following the law of war? And are they doing everything feasible which is required by the law to limit civilian casualties and collateral damage?

MC: I read in an academic journal that the Israelis have a system which is, quite advanced, called Habsora. Maybe you're familiar with it. This is an AI computer generated system that allows them to fire at a rate as high as one per minute in 24 hours, the paper said. The cite an anonymous operator who says its too fast for us to legally vet anything, for a deep review of a target and what's in there. Does that sound familiar to you?

JS: I have heard the report of both Gospel and Lavender, which are AI enabled information gathering systems. The IDF have come out strongly against those reports. of the targeting process.

Now we're talking about the targeting process because there is a difference between the targeting process and what we call dynamic strikes - basically, when a force is in contact with the enemy.

Myself, having been into the IDF targeting system, talked to the Air Force, talked to the commanders on the ground, (I can say) there is no such thing as that system that's giving somebody a target and then the target being engaged quickly. That's not how the targeting process works.

The IDF unusually has actual legal advisors in that targeting process as a step in the process. Other militaries actually don't even have that. They'll have a legal advisor in certain levels of command, but actually having it in that process where they have a military lawyer saying whether a target is legal, not only is it legal to do it, but should you do it under the context in which the target will be engaged?

I have seen the report. I think it's suspect as well on the anonymous sources and contrary to what the IDF says and personally what I've seen, and even military analysts who have been on the ground even more recently than I, walking through the targeting process with the IDF is that there is no AI system that's determining the target.

MC: Another thing I wanted to ask you about, because it's been quite controversial, is the use of white phosphorus. And white phosphorus is not banned, but it is controversial when used in civilian areas.

Also, if they did so much better now in Rafah in terms of setting up tent cities and evacuating, in terms of getting more aid in than they were at the beginning, how can we say they were being careful then?

JS: One, the white phosphorus, as you said, is not banned. It actually is that it's an urban legend of urban warfare that it's unlawful to use. And I know if you've covered Ukraine, it's been used. If

anybody spots white phosphorus on the battlefield immediately, they call it a war crime, whereas a thermobaric weapon is for me way more dangerous, much worse to use. Like the TOS-1 Russia has used in Ukraine on urban areas.

White phosphorus is a very standard NATO ammunition for illumination and smoke. Any munition used in urban area has to go through the law of war precautions that are present only in urban areas. The special feasible precautions to limit civilian harm.

Some people want white phosphorus just never to be used in urban areas. Although, again, how has it ever been used before? Read my article on hospitals in war, where the coalition fired white phosphorus at hospitals in Mosul to assist with concealing the Iraqi security forces trying to liberate hospitals from ISIS control.

To say that they haven't been careful by comparing Rafa seven months into it versus the opening days, right? So that's, again, in my work, there's three types of lies, lies, damn lies, and statistics.

To make a comparison to the opening days battles of the war to the later battles of the war, when the actual situation of the defending force has changed, where the IDF are located, what is the threat that they're being presented with, and what is the actual actions you can take against that, right? What the number of rockets raining down, the number of defenders in their defensive positions equates to? The only question is, was that the right munition to use at that moment, given the military context of both sides?

MC: But I have been struck by how much better the IDF has been doing around Rafah when there was obviously a lot of international pressure. They did well in terms of evacuating there. The civilian casualty rate is lower. You could see them creating, providing tents, more food, water.

Earlier on in the war, as you say, they had less control over the terrain, so that would have been harder to do. Nevertheless at the very beginning, you did see them start bombing, saying you have 24 hours to leave. People couldn't, you start bombing and inevitably there are a lot of casualties.

Would you acknowledge that there's been a progression in this war?

JS: I will acknowledge that absolutely there has been a change in the context of the war from day one until they got to Rafah. What they've done in Rafa would have been impossible to do on day one, the day they actually launched the ground invasion or started the airstrikes.

And the number of... this gets to like, OK, how many? They were told they couldn't evacuate people from Rafah. It's not possible to evacuate a million people, which is really actually very, very similar. Like you said, when they said, do you have 24 hours in a, in a, in a week later that

becomes realized that they did evacuate 850,000 of million, in Rafa that becomes 1 million or 1 million.

So there again, the data shows difference, the difference in the actual context of the war from the, Gaza city versus Rafah city. It's so different that I think comparing the two is not genuine. When you have 10 coherent battalions, fully prepared for any IDF Operation, launching thousands - at that point – (of rockets). Right, so this is 4 000 rockets launched on day one. The context has changed so greatly that it's really, I think, invalid to compare.

MC: John, you've been very kind to come on and address these questions. I saw that there's a high level commission of former NATO, top brass that have presented testimony to the ICC, saying things quite similar to what you have said. Do you expect to be testifying either at the International Court of Justice or at the ICC?

JS: I would, of course, say yes if somebody asked me to. I don't foresee it, although I know my research has been used in even the preliminary response just to give both what is the law, what is the historical comparisons, what are the different – even in the civilian harm mitigation, which you didn't ask me about.

Why I can say that Israel has done more, and has implemented more measures, is because I – and this is my field of research, to know everything that anybody's ever tried to do -- like evacuating cities and alerts and restrictions on the use of force, I would welcome –

MC: This is the text messages, phone calls, leaflets, knocking on n buildings and so on

JS: That's what we're talking about, but also the strike process, when to take a shot when not to take a shot, the use of real-time population tracking that the IDF developed, which went into that new standard. Nobody's ever been able to do that, to track how many civilians are in a block area and then restrict your force not to be able to go into that area until it's evacuated more are all part of this, what we call civilian harm mitigation, which is really a 21st century development.

MC: Which is a good thing, right?

JS: What I have seen in all three of my research trips is that Israel has implemented anything anybody's ever thought of and created new ones like the real-time population tracking, which would feed the data that we were talking about in the beginning of this interview

If I can show you that I was able to successfully evacuate, that technology wasn't around in October when they started the operation, because no military of the world had created the ability to track populations in an urban area in real time and then put restrictions on their forces.

So I would welcome you showing my research to anybody, actually. And this is why I will actually talk to anybody and try to have the conversation.

MC: So that tracking technology, they developed it during the war?

JS: Correct. They developed this. In my February trip, I wanted to go to it. They developed a civilian harm mitigation cell, which people have talked about building. They built this in December.

They developed the technology during this war and under the command of a one-star general deployed this collective civilian harm mitigation strategy which includes real-time mapping. So you can see the progression. They were handing out their maps, so they could tell civilians to evacuate out of (say) area 201, that they would be in that area today. Which militarily cedes all element of surprise in the environment to the enemy, to Hamas, but in the actual pursuit of trying to prevent civilian harm.

That (population tracking) technology wasn't present in October, November, December.