

## **Operation Allied Force from the Perspective of the NATO Air Commander**

**Lieutenant General Michael Short, USAF (Ret)**

**T**he forces that I was privileged to command bombed Milosevic for seventy-eight days flying over thirty-eight thousand sorties without the loss of a single pilot, after which Milosevic accepted all of NATO's terms. Those terms were: number one, the killing would stop in Kosovo; number two, the professional military forces of the Serb Army and the paramilitary police would leave Kosovo; number three, a NATO commander would come in on the ground with a predominantly NATO force to occupy the province (this was General Mike Jackson and the NATO forces that came in shortly after the bombing campaign was over); number four, the Kosovar Albanians would return to their homes; and, number five, we would facilitate the ICTY (International Criminal Tribunal for the former Yugoslavia) process. We did all that despite some extraordinary restraints that were placed upon the warfighters in this effort.

I would like to talk quite frankly tonight about three of the issues coming out of Kosovo that are of most concern to me personally and for the future of the US armed forces. I am not a lawyer. I will hopefully share with you some things that will be of value to you who are military lawyers, or civilian lawyers who impact the Department of Defense, about how the next generation of my profession does its business. But I am not a lawyer. I am a professional soldier. I did that for thirty-five years. The three things that are of particular interest to me are targeting, collateral damage and coalition warfare.

*Targeting*

Let's talk first about targeting. A lot has been said in a lot of different publications and by a lot of different people about how we did our targeting. Let me first assure you that the professionals in the American and NATO militaries understand the concept of effects-based targeting. We know what we were trying to do. We were trying to compel Milosevic to accept NATO's terms as rapidly as possible with as little destruction of Serbian property as possible and with as little loss of life on both sides as was humanly possible. That is what we were trying to do. Unfortunately, because NATO was an alliance of nineteen nations, you get the lowest common denominator. All those folks have to agree on something.

Targeting became something that was not in my control. I spent thirty-four years in my profession thinking that when I was in charge of an air effort, I would indeed be in charge of targeting. I thought that the president of the United States and the leaders of whatever alliance we were associated with would give me broad guidance—political objectives that they wanted to achieve. I thought that my boss, the combatant commander, would translate those into military objectives for me. I thought I would perhaps brief the president of the United States on target categories that I intended to strike, but that individual targets would be mine to decide and mine to destroy. And, thereby, I would achieve the effect of bringing Milosevic to the table as rapidly as possible. As all of you understand, that was not the case.

Targeting was not mine to decide. Targeting decisions were made in the White House, at Number Ten Downing Street, and in Paris, Rome and Berlin. The senior political leaders of the alliance approved individual fixed targets—a fixed target being something that doesn't move. Mobile targets were mine to decide upon. I could decide to attack tanks and armored personnel carriers any time I thought it was appropriate. Quite frankly I never thought it to be appropriate, because the center of gravity was not the third army in Kosovo. The center of gravity was Milosevic, the circle of leadership around him, and the ruling elite. But that was not the way NATO wanted to wage war.

We did our level best to target those things that we thought would have the effect of bringing Milosevic to the table. Instead, because those targets were not picked by professional soldiers and professional sailors and professional airmen, we bombed targets that were quite frankly inappropriate for bringing Milosevic to the table. I would say to you that in terms of targeting, this was victory by happenstance more than victory by design.

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We had a video teleconference (VTC) every day for seventy-eight days—clearly the highlight of my day—between myself and my staff and the combatant commander, General Wesley Clark, and his staff. One of my favorite video teleconferences occurred when General Clark was haranguing Admiral Jim Ellis, a great American. (No one in this audience, no one in this country will ever understand the extraordinary difficulties that Jim Ellis put up with and the incredible difficult position he was placed in.) General Clark was telling Jim and I what we needed to do that day and at the end of his guidance he said to us: “Mike, Jim, I hope this will work.” Jim Ellis looked at the Supreme Allied Commander Europe (SACEUR) on the VTC and said: “SACEUR, hope is not a course of action.” Course of action is kind of a military term—maybe some of you are unfamiliar with it—but it is what we are going to do today. Hope is not something we would like to be doing today. We like to know what we are doing.

We were accused by a lot of folks of inaccurate targeting and not understanding what we were targeting. The fact of the matter is that every target we intended to strike had passed an extraordinary series of tests, perhaps the most important one being whether it fit with our definition of military objective under the law of armed conflict. We had some targeting failures. We acknowledge that. The Chinese embassy was a failure of intelligence, not a targeting failure. The young men who worked for me hit exactly what I told them to hit. It wasn't until two or three or four in the morning that I found out we had hit the Chinese embassy as opposed to the Serbian logistics headquarters that we thought we had struck.

As for the convoy that we struck early in the operations against the third army in Kosovo, I reviewed that tape five times before it became clear to me that those were indeed tractors hauling wagons as opposed to eighteen-wheel military vehicles. The young man that dropped those bombs was flying at 450 miles an hour in bad weather and he was being shot at. He had one chance to make identification and he made a mistake. That was not a war crime. He had no intent to kill people he was not supposed to kill. He made a mistake.

The issue I would lay in front of you—particularly you youngsters who will be the next generation in the civilian hierarchy or in the uniformed military—is whose responsibility should targeting be. Should targeting be the responsibility of the president of the United States—someone not trained in my profession, who does not fully understanding what I am trying to do in terms of military objectives and the targets that he has given me? Should he approve target sets? I believe he should. I believe we should have gone to Mr Clinton and Mr Blair and Mr Chirac and Mr Schroeder and Mr D'Alema and said:

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“Gentlemen, we intend to target these sets. We will target the military production capability. We will target command and control nodes. We will target power grids. We will target lines of communication. We will target field forces. And we will target the integrated air defense capability of the nation. Now if there are targets within those sets that you don’t want me to strike, tell me, and I will place those individual targets on a no-strike list. But once you have done that, then give me that totality of target set, and let me achieve the effect you want achieved as rapidly and with as little loss of life and as little destruction of property as possible.”

#### *Collateral Damage*

Now let me move to the issue of collateral damage. It is inconceivable to me that anyone who understands anything about modern warfare would think that as a responsible commander that I would not take every step within my command to limit collateral damage; that I would not provide to my air crews from all the participating nations and all the American forces the most precise guidance I could provide to them on limiting collateral damage; that I would not package the forces we send into battle every day with collateral damage foremost in my mind. But it becomes my job, your job as the next generation of commanders and the commanders’ advisers, to balance concern for collateral damage and concern for loss of life on the one hand with the risk that you are asking your pilots to take.

On about the fiftieth day of the war, we bombed the bridge outside the city of Nis in broad daylight on a Saturday afternoon. It was a valid line of communication. We had seen Serbian troops moving across that bridge in reinforcement efforts to Kosovo. Two F-16’s dropped laser guided bombs on that bridge. The first aircraft hit the right stanchion and the second aircraft hit the left stanchion. Predictably, the bridge dropped in the river. That is what I had told the pilots to do. Unfortunately, on or near the bridge were about twenty Serb civilians. It was market day. It was Saturday. The young pilots could do nothing about that. The next day Milosevic stretched the bodies out on the street, called the press down from Belgrade, and announced that the NATO war criminals had done their thing once again. As a result of that incident, this was the guidance I got from the very highest levels of the NATO military political leadership: you will no longer bomb bridges in daylight, you will no longer bomb bridges on market days, on holidays or on weekends. In fact, you will only bomb bridges between ten o’clock at night and three o’clock in the morning in order to ensure that we do not kill civilians crossing those bridges.

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I will grant you that that may indeed lessen the possibility of killing civilians crossing the bridges, but what does it do to your aircrews? Number one, it creates sanctuary for the enemy. It will take Milosevic about forty-eight hours to figure out that no bridges are being bombed except between ten o'clock at night and three o'clock in the morning; that they are not being bombed on weekends or on market days. So he does not need to protect those bridges except for between ten o'clock at night and three o'clock in the morning. At ten o'clock at night the NATO aircrews become totally predictable because that is the five hour limit that the air commander is allowed to send those young men into harm's way to attack those bridges that must be struck. So the risk for NATO aircrews is raised by a magnitude of three or four or five times what it would have been if I were allowed to conduct the conflict the way I wish to. No responsible commander wishes to kill civilians. Let me say that to you again. No responsible commander wearing the NATO uniform wishes to kill civilians. Never in seventy-eight days did we target Serb civilians, but unfortunately in war civilians are sometimes where you would like them not to be. Unfortunately sometimes in a war civilians are a very key part of the establishment that you're targeting.

There are civilian workers on every one of our air fields in this country and every shipyard and every aircraft factory. There are civilian workers who would die if they were attacked by an adversary of the United States of America. Every day we did our very, very best to limit collateral damage and limit the loss of life on the adversary's side. Every time we failed in that effort, the reaction by political leaders was hysterical—along the lines I just outlined for you. The restrictions that were placed on the young men and women who were going in harm's way every day were extraordinary—losing all sight of what effect we were trying to achieve. In fact, we got to the point that during the last ten days of the war I was instructed to attack only those targets that had a potential for low collateral damage. I was given no instruction with regard to the impact this might have on Milosevic, whether this would injure the war machine, whether this would bring the conflict to a close. Our young people were to only strike those targets that had the potential for a low collateral damage, because the leaders of the nineteen nation alliance could no longer stand collateral damage incidents and because they did not understand war. They thought it was a video game, and that no one ever dies.

Did you ever see anybody die in the films from the Gulf War? I never did. I just saw crosshairs on the target in downtown Baghdad, and then it blew up. I never saw a body in the street. But Milosevic was extraordinarily good at putting bodies in the street of people that we had in all probability killed. That is,

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maybe a hundred Serbs, not in all cases did we kill who he said we killed. We were on the defensive and our political leaders could not stand the heat. They could not grit their teeth and say simply “get this done—do it as well as you can, don’t kill folks you don’t have to kill, and don’t blow up things you don’t have to blow up, but go ahead and get it done—you know how to do this, we do not, but we have given you the basic guidance.” That is not what happened. Concern for collateral damage drove us to extraordinary degree, and it will drive the next generation of warriors even more so, because whereas I see this as an extraordinary failure, the leadership within the NATO senior administrations would say this was indeed an extraordinary success. We bombed for seventy-eight days; nobody died on our side; and Milosevic accepted all our terms. What in the world is that burned-out old three star whining about? This was an extraordinary success, they would say, yet indeed it was not.

### *Coalition Warfare*

Finally, let me turn to the issue of coalition warfare. We do not want to fight by ourselves. My country wants to fight as part of the coalition. We want to be with our allies. We want to share the risk. We do not want just young Americans to die on the first night and the second night and the third night. We want our friends to be there with us. We do not want to be the lone wolf going out striking wherever we think we need to strike. We need to represent the considered opinion of the NATO alliance, or the Western community of nations, or whoever it happens to be, if we choose to employ military action. We want to be part of a coalition. However, as a professional soldier, I would tell you I prefer to be a member of a coalition of the willing as we had in the Gulf War.

In 1991 if you chose to throw in your forces with us and the Saudis and the Kuwaitis and the Brits, you were welcome, but you came under our terms. We explained to you how we were going to make war and if you did not like that explanation, or if you could not sign up for those terms, then you did not need to be part of our coalition. However, in 1999 it was NATO, not a coalition of the willing. All nineteen nations had to agree, and so we ended up with the lowest common denominator. That is how it was that a nation that was providing less than 10% of the total effort could say to the most powerful nation on the face of the earth “you cannot bomb that target.”

The United States of America lost its leverage on the first night. On the first night of the war we lost any leverage we had, and we ended up being leveraged. What was the US interest in Operation Allied Force? Was there a US national interest? I make the case that our only national interest was the

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continuance of the NATO alliance in some successful form. If NATO had been defeated by a third-rate war criminal and murderer, then I think NATO would cease to exist. Before the war started, the United States of America enjoyed ultimate leverage over its NATO allies. NATO wanted to go to war. The Europeans were saying, “we need to do something about this tragedy that is occurring in Europe’s backyard.” NATO wanted to go to war. There was no maritime option and NATO did not want to commit ground troops, so the only option was the air option. I do not wish to offend any of my NATO friends in the audience, but NATO cannot make war without the United States of America. It is just that simple. You do not have the technology. You do not have the numbers. You do not have the precision. You do not have the forces that allow you to do it. So if the United States of America was not going to participate in that air war in Kosovo, it was not going to be a successful air war in Kosovo. So we had the ultimate leverage. We were in the same position we were in 1991 to dictate how this should be done. We did not do that because it was going to be a three night war. We were going to demonstrate resolve. Who cared what we bombed, because it was going to be over in three nights. So we threw that leverage away and we ended up being leveraged.

Now what do the lawyers have to do with all of this? I expected that I would be the targeteer, and so the advice of my lawyer would be extraordinarily important to me because everything I struck had to be a valid military target for all the coalition members. Concern for the law of armed conflict was absolutely paramount in my mind. However, as I said to you earlier, those target decisions were taken out of our hands. Target decisions were made by the president of the United States, the prime minister of Great Britain, the president of France, and the president of Germany, and targets were just issued to me. So I really did not need to go to my lawyer and say “do you think this passes the test? Is this a valid military target?” What my lawyers say is a valid military target and consistent with the law of armed conflict, nation X’s lawyers may disagree with. So every day I put together what was called the air tasking order which sent out to the thousand or more NATO airplanes what targets they were going to strike that next day. I had to wait for the individual nations to answer back, having gone to their capitals and asked whether they should accept that target. And, indeed, in many capitals the answer was no—we do not define that as a valid military target. Now if I could get that answer back in a timely fashion, I could assign that target to a nation that had a less restrictive view of the law of armed conflict, but if I got that information late, and the aircraft were already airborne, then I ended up canceling the strike.

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Great Britain exercised control over all US airplanes stationed on UK soil. All B-52's and all B-1's stationed at Fairford and all F-15E's stationed at Lakenheath had to have their targets approved by the British parliament before they could be struck. US aircraft had to have their targets approved by other nations because we were based on British soil. As many of you know, the French exercised total veto over targets. They would take the position that not only would their aircraft not strike the "Rock-and-roll Bridge," no one could strike the "Rock-and-roll Bridge." That makes it very, very difficult to fight within a coalition. It makes it very, very difficult for your lawyer to do his business.

### *Concluding Thoughts For Lawyers*

A young man asked me earlier this evening what advice I would give an up-and-coming young operational lawyer wearing the uniform in defense of this country. Understand what your commander is up against. Understand and participate in the development of his rules of engagement. Understand what special instructions he is providing as supplemental to his rules of engagement, to his troops in the field, or his men and women at sea, or his men and women in the air. Then, do not be afraid to tell him what he really does not want to hear—that he has put together this exquisite plan, but his targets indeed are not valid ones or his targets may in fact violate the law of armed conflict.

Every target that we bombed for seventy-eight days had been reviewed at some level by professional military lawyers and that is the way it has to be. I want to bomb the targets. I want to get this thing done, but I must have advisers sitting at my right hand telling me whether I am doing this properly or not. Am I breaking laws? Am I doing things that are unacceptable? Will the eyes of a professional soldier believe that to be a valid target or a valid target set? It will take enormous courage to do that in particular circumstances because you're always going to be junior to your boss. My lawyer most of the time was a lieutenant colonel. It is very difficult for him to come in and say to a three star "you are out of bounds, sir, you are about to break the law." But you have got to be able to do that. You have got to know your business inside and out and you have got to think like an operator. Your job as a military lawyer is not to prevent me from doing my job, your job as a military lawyer is to make it possible for me to do my job without breaking the law, without blowing up things I should not blow up, without killing people I should not kill and without committing war crimes. I want to get this done. You have got to help me. Do not be a hindrance. Tell me the truth. Tell me when I have pushed it too far. Tell me when I am in the gray area, but help me get this thing done that our country wants to get done for the alliance. That's it.