



NEWPORT PAPERS

A Series of Point Papers
from the Naval War College and the
Navy Warfare Development Command
For Senior Leadership
In Response to Critical Issues

Strategy / CONOPS / Doctrine / Decision

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Newport Papers

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Newport Paper: 01

**STRATEGY AND POLICY CONSIDERATIONS:
THE TERROR WAR**

Purpose: Identify the scope of strategic issues policy makers must consider as the Terror War begins.

Background: History has taught us, and our recent experience has confirmed, that we must clearly understand the fundamentals of war:

Goals: Our goals and our enemies' goals.

Strategies: Alternative paths for achieving our goals and thwarting those of the enemy.

Assessment: How we know whether we are winning or losing.

End-State: The situation we desire at the end of the war.

Considerable effort must be expended to ensure we have explored all dimensions of the national-level strategy and policy issues so that we can clearly understand the context in which we are fighting.

Discussion: The following broad strategic questions and issues must be clearly understood as the Terror War unfolds:

1. What are U.S. goals/objectives?

?? What is our primary objective—the objective that must be accomplished in order for us to win?

?? What are our secondary objectives?

?? What are our immediate, midterm, and long-term objectives?

?? Should U.S. objectives be narrowly or broadly conceived?

?? What is our preferred end-state?

2. What are our enemies' objectives?

?? What are their primary and secondary objectives?

?? What are their immediate, midterm, and long-term objectives?

?? Are their objectives narrowly or broadly conceived?

?? Do they have a single set of objectives? Or do different actors have different objectives?

○ Do their objectives conflict?

?? Who do they see as their adversaries? What is their assessment of their adversaries?

?? What is their preferred end-state? Is there a shared vision of a preferred end-state?

3. What kind of war are we involved in?

- ?? What kind of war do we want?
- ?? Can we define the terms of the war?
- ?? How do our adversaries view the nature of the conflict?
- ?? What is this war about?
 - Territory?
 - Resources?
 - Influence?
 - Ideology?
 - Religion?

4. Who/what are our enemies?

- ?? Individuals?
- ?? Non-state actors?
- ?? States?
- ?? A coalition of state and non-state actors?
- ?? Ideology?

5. What are our enemies' strategies?

- ?? Do their strategies serve their ends?
- ?? Have their strategies evolved? How might they evolve?
- ?? What is our adversaries' cost-benefit/risk-reward calculus?
- ?? What are their strengths and weaknesses?
 - What is their center of gravity?
- ?? What do they perceive as our critical strengths and weaknesses?
- ?? How might they attack our strengths and exploit our weaknesses?

6. What should U.S. strategy be?

- ?? What are the alternatives? Which alternative strategy will best enable us to achieve our objectives and desired end-state?
- ?? What criteria should be used to assess strategic alternatives?
- ?? What are its offensive and defensive components?
- ?? How might our strategy evolve? What might cause it to evolve?
- ?? Should we mobilize for a protracted war?
- ?? What capabilities—diplomatic, political, military, economic, for instance—are required?
- ?? What limitations—diplomatic, political, economic, military, for instance—need to be compensated for?
- ?? How do we sustain U.S. popular support in a protracted war?
- ?? What are the costs and risks of a protracted war?
- ?? What might be the unintended consequences of our actions?
- ?? What actions might have effects harmful to our objectives?
- ?? What might be the international response to U.S. actions?
- ?? What international cooperation is required?

7. What are our coalition objectives and strategy?

- ?? Do we need a coalition?
- ?? What are the advantages and disadvantages of a coalition?
 - What capabilities can only coalition partners provide?
 - What capabilities of ours can they reinforce?
 - To what extent may a coalition be counter-productive?
 - What if the military demands of our coalition partners conflict with their political desires?
- ?? How will we deal with likely differences in U.S. and coalition objectives?
- ?? How will we deal with the disparities between U.S. and coalition military capabilities?
- ?? How might a U.S.-led coalition anticipate or take advantage of the adversaries' mistakes?
- ?? What might be the international response to U.S./coalition actions?
- ?? How do we sustain coalition popular support in a protracted war?

8. For what purposes is military power applicable?

- ?? What forms of military power are needed/most applicable?
- ?? What mix of access, defensive power projection and sustainment forces do we need?
- ?? Against which critical adversary strengths and weaknesses should we direct our capabilities?
- ?? How should we apply military power against the enemies' center(s) of gravity?

9. Assessments/End Game

- ?? How do we determine how well we are doing? What are the metrics?
- ?? What strategic tradeoffs might we be confronted with?
- ?? What opportunity costs might we be confronted with?
- ?? How might others take advantage of our preoccupation with the Terror War?
- ?? What constitutes victory? How do we know when/if we've won?
- ?? What outcome(s) should we hedge against now???
- ?? What outcomes should be avoided at all costs?

Recommendations/Actions: The Newport Strategy Task Group will continue to address these questions and identify and assess alternatives for the consideration of policy makers.

Newport Paper: 02

U.S. WAR OBJECTIVES

Purpose: To examine potential U.S. objectives for the terror war.

Background: A clear understanding of political objectives is a precondition for the development of sound strategy. In his speech to a joint session of Congress on September 20, 2001, President George W. Bush outlined U.S. objectives for the war on terrorism. He declared that the United States seeks the “destruction and defeat of the global terror network” known as Al Qaeda. He also declared that “any nation that continues to harbor or support terrorism will be regarded by the United States as a hostile regime.” As he announced, “Our war...will not end until every group of global reach has been found, stopped, and defeated.”

It is useful to divide our goals for the war on terrorism into one primary and several secondary objectives. The primary objective is our central and most important objective; it will determine success or failure. Secondary objectives contribute to achieving our primary objective.

Discussion:

Potential Primary Objectives

One can conceive of a number of potential primary objectives, including: (1) preventing further terrorist attacks on the United States, (2) disrupting or eliminating the Al Qaeda terror network, (3) defeating every terrorist group with global reach, or (4) terminating state support for terrorist groups with global reach.

(1) Prevent further terrorist attacks on the United States. Protecting the United States against foreign attack is a basic constitutional responsibility of the federal government. The U.S. Government must prevent further terrorist attacks against the United States. This includes defending the U. S. homeland and protecting U.S. interests and forces abroad.

(2) Disrupt or eliminate the Al Qaeda terror network. Al Qaeda is believed to be responsible for the September 11 attacks upon the World Trade Center and the Pentagon. It is the largest, most sophisticated, and best funded terror network in the world. Destroying Al Qaeda will reduce the threat to the United States, its friends and allies, and provide a tangible demonstration of the U.S. commitment to eliminating international terrorism. However, doing so will not, in and of itself, bring an end to international terrorism.

(3) Defeat terrorist groups with global reach. The elimination of Al Qaeda is a first step toward the elimination of terrorist groups with international reach; it is not, clearly, the final step. Policymakers must determine, however, how many terrorist groups they want to engage simultaneously and whether we must necessarily take on any and all terrorist groups with either demonstrated or latent/potential global reach.

(4) Terminate state support for terrorist groups with global reach. International terrorist organizations exist, in part, because they enjoy the support—either active or passive—of states. If the United States is to eliminate terrorist organizations of global reach, then it must bring about an end to state support for transnational terrorism.

?? In practice, only a handful of states currently sponsor or shelter terrorists. If the United States eliminates the Al Qaeda network and overthrows the Taliban regime that supports it, then other states may withdraw their support for terrorist organizations. Other states may need to be coerced or overthrown.

?? Other states passively sponsor terrorism by turning a blind eye to the activities of terrorist organizations on their soil. These states fear the domestic backlash of a hard-line approach to terrorist organizations. Convincing them to change their behavior may prove difficult.

Potential Secondary Objectives

If one of the four potential primary objectives becomes *the* primary objective, then the others become important secondary objectives. Additional secondary objectives could include the following:

(1) Capture or eliminate Osama bin Laden. Bin Laden is the spiritual and organizational leader of Al Qaeda. He is also responsible for much of the organization's fundraising. His capture or elimination can be expected to reduce Al Qaeda's effectiveness, either temporarily or permanently. However, putting him on trial would grant him and his organization undue legitimacy. It would give him a prominent venue from which he could spread his ideology. And it might lead to additional terrorist acts as part of an effort to free him. On the other hand, killing bin Laden could turn him into a martyr and inspire additional acts of terrorism.

(2) Capture or eliminate the senior leadership of Al Qaeda. Al Qaeda is not a one-man organization. Rather, it relies upon sophisticated fund-raising, planning, intelligence, and operations networks. These networks allow Al Qaeda to have a global reach. Eliminating Al Qaeda requires that the United States not only capture or eliminate Osama bin Laden, but his senior lieutenants as well.

(3) Eliminate or disrupt funding for Al Qaeda. One distinguishing characteristic of Al Qaeda is its access to substantial financial resources. This funding, from a diverse array of business interests, investments, and donors, enables Al Qaeda to operate across the

globe. Eliminating Al Qaeda requires that the United States eliminate or disrupt its funding.

?? It is desirable to choke off funding for Al Qaeda. However, given the many sources of funds that the organization enjoys, such an objective may be impossible to achieve. Nonetheless, degrading those resources will reduce the range of operations that it can undertake.

(4) Overthrow the Taliban regime. The Taliban regime in Afghanistan and Al Qaeda enjoy a symbiotic relationship: the Taliban shelter Al Qaeda, while Osama bin Laden supports the Taliban. Elimination of the Taliban may be necessary to root out the Al Qaeda presence in Afghanistan. In addition, the fall of the Taliban would provide a concrete demonstration of the price to be paid by regimes that sponsor terrorism.

?? The Taliban have limited legitimacy within Afghanistan and even less legitimacy outside the country. It is a brutal and repressive regime that has done little to help the Afghani people. Only three states recognize the regime, and only one—Pakistan—maintains diplomatic relations. Few will mourn the Taliban's demise.

?? The United States should, however, anticipate the negative consequences of overthrowing the Taliban. For example, neighboring countries may experience increased refugee flows. Moreover, if the United States played a prominent role in the overthrow of the Taliban, then other regimes, perhaps even potential coalition partners, will likely denounce U.S. actions and could distance themselves from the United States and its long-term goal of eliminating global terrorism.

(5) Enhance regional order and stability. Terrorists and their supporters exploit and exacerbate domestic and regional instability. A sustainable victory in the terror war may well entail not only defeating terrorists and their supporters but also tackling the underlying conditions that allow our enemies to thrive.

?? Adverse social, economic, and political conditions give rise to the discontent that extremists manipulate and exploit. Those conditions include relative deprivation, communal frustration, moribund economies, lack of opportunity, unemployment, corruption, despotism, oppression, and the failure of political authorities to reconcile modernity and tradition.

?? A long-term commitment to enhancing regional order and stability via an array of bilateral and multilateral initiatives, including humanitarian assistance and nation-building, may be required to consolidate victory in the terror war.

Recommendations/Actions: Policy makers must clearly identify primary and secondary war objectives.

Newport Paper: 03

**U.S. WAR OBJECTIVES:
HOW NARROW OR BROAD?**

Purpose: To examine the implications of formulating U.S. war objectives narrowly or broadly.

Background: Ensuring the security of the United States, its interests and forces abroad, and preserving international order and stability requires that the perpetrators of the 11 September attacks be held accountable. In his address to the nation on 20 September 2001, President Bush declared that "the only way to defeat terrorism as a threat to our way of life is to stop it, eliminate it, and destroy it where it grows." The specific objectives of what the President called "our war on terror" may be formulated narrowly or broadly. How narrowly or broadly has implications for U.S. strategy and policy, the resources that must be brought to bear, the development and maintenance of needed domestic and international support, and the prospects for victory.

Discussion: The case can be made for formulating U.S. aims in the war on terror narrowly or broadly. Broad, grand objectives akin to those adopted during the two world wars and the Cold War provide a cause around which to rally domestic and international support. More narrow, limited formulations of objectives, such as guided DESERT STORM and OPERATION ALLIED FORCE, may prove less problematical—diplomatically, economically, and militarily. As a rule, the broader and more ambitious the objectives, the more difficult it will be to accomplish them and the more protracted will be the effort required.

Decision makers must be aware at the outset of the possible implications, and potential complications, of embracing either narrowly or broadly defined objectives. The potential risks and unintended consequences of either narrow or broad formulations of war aims must be systematically considered.

There are risks in attempting either too little or too much. The adoption of limited but achievable objectives could result in a meaningless victory; the pursuit of ambitious but unattainable goals could entangle us in an unwinnable war. Accomplishing narrow, limited aims may leave unfinished business that obliges us to remain engaged in a holding or containment operation for an indefinite period of time and imposes an ongoing resource drain. Overreaching could find us abandoned by coalition partners who did not share our ambitious aims and result in a protracted effort in which not only international but also domestic support erodes, from which there is no apparent exit, and which requires that ever greater resources be applied to the pursuit of elusive goals.

Two key choices illustrate the dilemmas confronting the United States:

(1) Eliminate Al Qaeda vs. eliminate all terrorists with global reach. Terrorism is a global problem. The disruption and defeat of transnational terrorist networks would be an invaluable contribution to world order. Yet policy makers must decide if the United States is at war with the perpetrators of the attacks of 11 September or with terrorists generally. In his speech to the nation the President proclaimed, "Whether we bring our enemies to justice, or bring justice to our enemies, justice will be done." Those responsible for the attacks of 11 September must indeed be brought to justice. The costs and risks of bringing that particular set of villains to justice, however, are likely to be dwarfed by the costs and risks of bringing all terrorists and their supporters to justice.

Finding, stopping, and defeating Osama bin Laden and Al Qaeda involves a different level of commitment and effort than finding, stopping, and defeating *all* terrorists with global reach. The challenges of apprehending or eliminating bin Laden and disrupting and defeating Al Qaeda, which should not be underestimated, are relatively straightforward in comparison with the challenges that will be encountered if the objective is to disrupt and defeat all terrorist groups with global reach. Not all terrorists with international reach currently pose a clear and present danger to the United States. Not every fight against every terrorist is necessarily our fight. Coalition partners and their publics, as well as our own, who enlist in a campaign against bin Laden and Al Qaeda may well become increasingly unwilling to tolerate the costs and risks of a broad, protracted campaign against all transnational terrorists and their supporters.

(2) Topple the Taliban vs. topple all regimes that support terrorism. The elimination of regimes that aid and abet terrorism would make the world a decidedly better place. Ridding the world of not only transnational terrorists but also their state supporters would enhance the security of the United States and its allies and friends. The Taliban regime has given Al Qaeda refuge and has allowed Al Qaeda to use its territory as a staging ground for attacks on the United States. Thus the case for toppling the Taliban is strong. It is, however, one thing to bring down the Taliban and contend with the consequences of doing so. It is another thing to declare that it is a U.S. war aim to topple all regimes suspected of "sponsoring and sheltering and supplying terrorists." Doing so may well oblige the United States and its coalition partners to engage in multiple simultaneous nation-building operations from which there may be no easy exit. Decision makers must determine how many enemies they want to engage simultaneously, or even sequentially. It may not be prudent or feasible to wage a campaign against Al Qaeda, all other terrorist groups with demonstrated or latent/potential global reach, *and* the regimes that sponsor, shelter, or supply them.

The more aggressively we act to terminate state support for terrorism, the more likely it is that we will be effective in preventing states from supporting terrorism in the future. But the more aggressive we are now in eliminating state support for terrorism, particularly by overthrowing regimes other than the Taliban, the more follow-on problems we may create for ourselves and others, particularly Arab and/or Islamic states that explicitly or implicitly back us. Toppling regimes, particularly those aligned with Islamist forces, is fraught with peril. Our enemies will portray a campaign against particular Islamist militants and their state supporters as a U.S.-led, Western crusade against Islamic

fundamentalism, and indeed Islam, generally. Such a clash would not be in the interests of the United States (or its allies and friends).

The United States must be wary as well of allowing its objectives to be determined or shaped by the tools at its disposal. Those tools are better suited to doing battle with states than with terrorists. The United States has a hammer in its tool kit, but not everything is a nail. War aims should be determined by U.S. strategic interests, not the tools it does or does not possess.

Recommendations/Actions: Decision makers should carefully consider the strategy and policy implications of narrowly or broadly formulating U.S. war objectives. The potential risks and unintended consequences of embracing either narrow or broad objectives must be carefully considered from the start.

Newport Paper: 04

**U.S. WAR OBJECTIVES:
NEAR, MEDIUM, AND LONG TERM**

Objective: To examine how U.S. war objectives might evolve.

Background: Numerous U.S. government officials have made it clear that they expect the war on terrorism to be protracted. As President Bush asserted, “Our determination goes beyond the immediate and the short term... We will need patience and determination in order to succeed.” It is important to maintain support for a protracted war effort. Public and allied support will help ensure that vigilance is maintained, that tolerance for sacrifices continues, and that temporary setbacks will not weaken the political will of key constituencies. Policymakers can help ensure continued awareness of the complexity of the war effort, and thus its potential length, by clearly articulating the priority assigned to particular objectives as the war unfolds over time.

Discussion: If the war on terrorism is protracted, defense planners need to think through how the priorities assigned to particular objectives may shift as the war progresses. Some objectives have a higher priority than others depending on the timeframe in question. Other objectives may shift in response to external developments such as how long Al Qaeda remains a threat, how long coalitions can be held together, and how long domestic political environments in key allies/adversaries allow sufficient cooperation with U.S. objectives. Shifts may also result from U.S. reassessments. Our understanding about what must be done, and when, will evolve.

Potential shifts in the priority assigned to specific objectives over time should be evident in our strategy for the war on terrorism. Identifying possible changes in American objectives over time will help prioritize our diplomatic, political, economic, and military efforts and facilitate appropriate shifts in the balance among the components of our effort. Although the war is unlikely to evolve in discrete stages, it is important to identify the challenges the U.S. is likely to confront in the pursuit of its objectives over the near, medium and long term, particularly if the U.S. pursues broad as well as narrow objectives.

U.S. Objectives Over Time

1. Near Term

(1) Prevent further terrorist attacks on the United States. Defending the U.S. homeland and protecting U.S. interests and forces abroad are immediate and long-haul objectives. Initially, our efforts are likely to focus on high pay-off activities against the perpetrators of the 11 September attacks; in the medium to long term our efforts are likely to be

substantially expanded. This central objective will dominate other objectives throughout the timeframes in question.

(2) Disrupt or eliminate the Al Qaeda terror network. Choices about how to accomplish this end—capturing or eliminating Osama bin Laden and the senior leadership of Al Qaeda, eliminating or disrupting funding for Al Qaeda, disrupting and eliminating state support for Al Qaeda—will influence how American objectives evolve. It is possible, if not likely, that the threat from Al Qaeda will be greatly reduced by the elimination of bin Laden himself. Alternatively, his elimination might provoke others (terrorist groups or their state supporters) to actively oppose the U.S. and/or create more long term adversaries through his martyrdom. The success or failure of early efforts to accomplish this objective will determine whether it continues to be a primary objective over the medium and long term.

(3) Defeat terrorist groups with global reach. In the early stages of the war this broad objective is likely to be assigned lower priority than eliminating Al Qaeda. The demonstrated capacities of Al Qaeda far outstrip those of other terrorist groups with global reach. If other groups demonstrate such a capacity, our calculus could change. However, it may be difficult to take on all transnational terrorist organizations simultaneously; a sequential approach may be more feasible. The United States may be best served by tracking and disrupting the activities of these organizations in the near term while preparing to eliminate them in the future.

(4) Terminate state support for terrorist groups with global reach. With the exception of overthrowing the Taliban regime, the elimination of regimes that support terrorist groups with global reach is likely to be pushed into the future. Marshalling the resources (both material and political) for eliminating regimes that support transnational terrorists will take time and preparation. A sequential approach may be less risky than parallel, global engagement. Choices about which regimes might be targeted and how they might be handled will depend in large part on their behavior during our effort to eliminate Al Qaeda. Coercion of suspect regimes, however, is likely to continue as necessary throughout the war on terror.

(5) Ensure regional order and stability. Order and stability will not be restored immediately. Disorder and instability may even increase in the near term. The restoration of regional order and stability will require a sustained effort and significant resources. There are limits to what the United States and its coalition partners will be able to do in the near term. While the provision of humanitarian assistance may help mitigate some of the adverse consequences of the events that have been set in motion, the restoration of order and stability is an objective that can be expected to be assigned a higher priority over the medium to long term.

2. Medium Term

(1) Prevent further terrorist attacks on the United States. This objective will remain in place indefinitely. The priority assigned to this objective should not be diminished in the

medium term even in the possible absence of further catastrophic attacks on the U.S. homeland. The danger is that the public, law enforcement agencies, the armed services, and intelligence agencies become complacent in the wake of initial success. During this time the U.S. should deepen the capacity to prevent further attacks by ensuring that the requisite resources, human capital, and intergovernmental cooperation are devoted to homeland security and by improving intelligence capabilities, especially HUMINT, and mechanisms for sharing intelligence among our allies and coalition partners.

(2) Disrupt or eliminate the Al Qaeda terror network. Al Qaeda is organized into a cell structure that is highly resistant to disruption and elimination. "Sleeper" agents who have burrowed into our society, and those of our allies and coalition partners, are likely to remain at large. Overt and covert operations to keep the pressure on the remaining cells and individual members of Al Qaeda are likely to continue during the medium term, and perhaps into the long term as well. If we are successful in our efforts, the focus is likely to shift to preventing Al Qaeda's revival through the recruitment of new members, the transfer of its members or capabilities to other terrorist groups, or the emergence of another "bin Laden-like" charismatic leader.

(3) Disrupt or eliminate terrorist groups with global reach. Success against Al Qaeda may enable us to move more aggressively against other transnational terrorist groups in the medium and long term. The success of the campaign against terrorists with global reach may well be even more dependent upon international support than the campaign against Al Qaeda. Coalition maintenance, however, may become more difficult as the U.S. shifts from a campaign against the perpetrators of the 11 September attacks to transnational terrorists generally. The difficulties of maintaining support should not be underestimated. Defections by individual states are likely. The processes and institutions by which international support and resources can be maintained and employed in the war against terror will require greater attention. Building "coalitions of the willing" outside familiar institutional contexts (e.g., NATO) may help preserve U.S. flexibility in the face of multiple but perhaps less well-defined terrorist threats. It may also be advantageous to expand the mandate and capabilities of international organizations for fighting international terrorism. Building a sustainable UN majority to support future U.S.-led coalitions for the war on terrorism could also be beneficial.

(4) Terminate state support for terrorist groups with global reach. As other objectives are achieved, it will be possible to devote greater attention to state support for international terrorist groups—beyond that provided by the Taliban for Al Qaeda. The challenges posed by a broad campaign against the state supporters of terrorism mirror those posed by a campaign against transnational terrorist groups. Gaining consensus on which states should be held accountable for supporting terrorist groups will be difficult. Actually achieving coalition support to move against those states will be even harder.

(5) Ensure regional order and stability. Fostering regional order and stability is a tall order. The challenge of rebuilding the failed and failing states that play host to transnational terrorist organizations is likely to emerge full-blown during the medium term and endure into the long term. Frontline states in the war on terrorism are likely to

require continued diplomatic, political, economic, and military assistance. New regional security organizations and/or alliances may be necessary. Their foundations must be laid during the near and medium term if they are to develop over the long haul.

3. Long Term

The evolution of the priorities assigned to U.S. objectives—the shift in emphasis from narrower to broader objectives—and the challenges entailed in achieving them can be expected to continue. The further ahead we attempt to look, however, the less reliable will be our efforts to anticipate the future. Discussion of the long term is also hampered by the impossibility of assigning a timeline to "the long term." Finally, unanticipated events, or wild cards, could wreck havoc on timelines for achieving our objectives. Examples of potential **wild cards** include:

- ?? The discovery and public acknowledgement that other states (e.g., Iraq) directly aided Al Qaeda in its attacks of 11 September;
- ?? A WMD attack on the U.S. homeland or its facilities and/or forces abroad;
- ?? A WMD attack on the homeland or forces of a coalition member;
- ?? A collapse of the Pakistani state that leaves its nuclear weapons unaccounted for;
- ?? Escalation of the conflict between Israel and the Palestinians, especially if accompanied by intervention by another state such as Syria or Egypt;
- ?? An attempt by a major power, perhaps even a regional power, to take advantage of the U.S. preoccupation with the war on terrorism;
- ?? A severe disruption in the flow of oil from Southwest Asia;
- ?? The loss of a critical coalition partner (e.g., Great Britain, Saudi Arabia or Russia);
- ?? A massive operational failure by the United States and/or its coalition partners;
- ?? The United States and/or its coalition partners sustain a high level of casualties.

Recommendations/Actions: Policymakers must be attuned to how the priorities assigned to U.S. objectives might evolve and to the challenges that may arise as they attempt to accomplish those objectives over time.

Newport Paper: 05

**TERROR WAR:
IS A FORMAL "DECLARATION OF WAR" NEEDED?**

Purpose: To examine whether a declaration of war is necessary to combat international terrorism and those states that support it.

Background: There have been five U.S. declarations of war (War of 1812, Mexican War, Spanish American War, World War I, and World War II). The United States has not declared war since 1941. That said, the United States has engaged in small and large scale wars many times since 1945, including the Korean, Vietnam, and Gulf Wars. In each post-World War II situation, U.S. military and naval forces have engaged in combat with an enemy without Congress having declared war. In each case, however, Congress necessarily "approved" these wars, usually, but not always, by Joint Resolution.

A declaration of war announces that the legal state of war exists between states. It is not legally relevant between non-state actors. In all the armed conflicts of the last 50 years, the United States and others have not suffered operationally as a result of not being in a legal state of war, and there is no reason to believe that the present conflict will be different in this respect.

Discussion: The United Nations Charter disfavors declarations of war, and the operative paragraphs of the Charter do not use the word "war." Under the Charter, which is the fundamental document for world order, the international use of force is permitted in individual or collective self-defense (an "inherent right," predating the Charter, in the language of Article 51), pursuant to Security Council resolutions.

A declaration of war in the present situation could simplify the task and cut through the political underbrush. Certainly, a declaration of war (by Congress, typically, through Joint Resolution) would give the United States at least three benefits. First, a declaration would allow the President to use wide-ranging authorities to control and affect most areas of national life. More than 100 existing statutes contain provisions triggered by a declaration of war. These range from permitting the President to seize industries and other private property critical to the war effort to allowing the Executive Branch to exceed budgetary constraints imposed by the Congress. Second, declaring war would arguably strengthen our national will by focusing the mental energies of the American public on the struggle against terrorism. If the "will of the American people" is our strategic center of gravity in the new terror war, then a course of action that strengthens that center is of great benefit. Third, as the United States has not declared war for more than 50 years, our friends and allies, both at home and abroad, would view a declaration of war as proof that the United States is fully committed to winning the terror war.

On the other hand, there are equally good reasons not to seek a declaration of war. For example, President George H.W. Bush declined to seek a declaration of war for DESERT STORM because he did not see a need for emergency powers, and he did not want to provide support for Iraq's claim that it was fighting the United States, not the world. Additionally, President Bush did not need a declaration of war from a constitutional perspective. As in the present case, Congress approved a Joint Resolution authorizing the President to use force against Iraq. Assuming that the terror war will not require military operations exceeding the scope of DESERT STORM, the Joint Resolution of September 18, 2001, like the Joint Resolution of January 1991, gives the President all necessary constitutional authority to use force. It follows that declaring war would give the President more power than he needs. Viewed from this perspective, Congress might hesitate to approve a request to declare war because such an action would be an unnecessary shift in the balance of power between the Executive and the Congress.

Additionally, a declaration of war might make it more difficult to build a coalition against terrorist organizations and the states that harbor and use them. For domestic political reasons, potential allies or coalition partners might be uneasy about allying themselves with a nation in a legal state of war. A declaration of war may well divert attention from the attacks on the United States to debate about the appropriateness of the U.S. response and discourage countries from joining an anti-terrorist coalition. There is in fact no way to simplify the complex political context of the campaign against terrorists and countries that use them by formally declaring war. Thus, a declaration of war would not succeed in stopping countries from trying to interfere with a U.S. exercise of belligerent rights if they were inclined to do so; and if they are not inclined to interfere, there is no need to test the limits of their tolerance with a declaration of war. A declaration of war is not necessary as a U.S. constitutional matter for the United States to use force against terrorists and the states that use them as weapons or harbor them.

Recommendation/Action: Policy makers should carefully weigh the advantages and disadvantages of formally declaring war in the present circumstances. At this time, it is not clear that the President needs a declaration of war to use America's armed forces in the terror war. If, as the war unfolds, however, states continue to defy the international consensus to destroy terrorism, then a declaration of war against those specific states could be examined as a possible course of action.

Newport Paper: 06

WHAT IS THE KIND OF WAR UPON WHICH WE ARE EMBARKING?

Purpose: To better understand the nature of the terror war.

Background: Understanding the nature of the war upon which we are embarking is a matter of great importance if we are to fight purposefully, with maximal efficiency and effectiveness, and at the lowest possible cost. Arguably, one of the great problems that bedeviled the United States during the war in Vietnam was that we fought the war we *could* fight, even the war we *preferred* to fight, rather than the war we actually had on our hands.

Discussion: To comprehend the nature of any war is not easy, for no war has a nature that is freestanding and can be "discovered" like a vein of silver in the earth. This is so because the nature of a war is determined by the interaction of the belligerents. The enemy is not an inanimate object, but possesses an active, adaptive will. Since both sides can adapt and change, the kind of war we will be fighting will not necessarily remain constant but will be mutable and may change as conditions change.

We must first ask "Who are our enemies?" Although the rhetorical necessity for describing the current conflict as "a war against terrorism" is obvious, doing so does not clarify what our objectives are. Terrorism is a means and a tactic, not an "enemy." Moreover, it is not the case that the United States has always been unalterably opposed to terrorist tactics. During the American Revolution, the British condemned the activities of colonial militias as a species of terrorism, just as the Gestapo denounced the sabotage of the Resistance in occupied France. It may therefore be more accurate to say that we are in a war against the terrorists themselves. But again, which ones? Just those associated with Bin Laden? All of those with global reach? Are we at war with the states that may have had a role in the attacks of September 11? With all states that give even indirect assistance to terrorist organizations in the modern world? Should we deal with these adversaries simultaneously or sequentially?

We must also ask what our enemies want. What are they attempting to achieve? Grasping the enemy's political objectives is fundamental to an evaluation of his strategy. What does he perceive to be our critical vulnerabilities? Alternately, does he believe that we have a center of gravity, and if so, what does he think it is, and how might he seek to attack it?

We must ask similar questions about ourselves. What do we want to achieve in this war? What is our desired end state, the outcome at which we aim? What conditions must prevail for this outcome to exist? What sort of "peace" do we envision at the end of this

war, and how sustainable will it be? The responses to these questions that we and our adversaries develop will shape the war upon which we are embarking.

Although we do not, and can not, yet have answers to all of these questions, in view of the stated policies of the administration to date we can be confident that the war on which we are embarking will manifest the following five characteristics.

(1) Not a "Normal" War. This war is neither about control of territory nor dominion over economic resources, any more than it is a traditional contest for political hegemony. Although it is in many respects an ideological conflict, and the belligerents possess distinct ideologies, they do not agree at all about what sort of ideological conflict this is, or what precisely is at stake. In this respect it is fundamentally different from such previous ideological conflicts as the Cold War, which both sides understood as a duel between democratic capitalism and communism. No such consensus now exists. To our present enemies (or at least Al Qaeda) the war is a religious war, or a war that must rapidly be transformed into a religious war, one that pits true Islam against godlessness and unbelief. But to the United States this is exactly what the current war *is not*, and must not be allowed to become. On one level, of course, the United States is fighting in self-defense, to protect its citizens and way of life. But on a deeper level the U.S. administration clearly views the war as a battle between a world view that stresses freedom, justice, tolerance and the rule of law and one that advocates theocratic tyranny, applauds mass murder, and justifies itself through the perversion and distortion of religion. This suggests that one of the most important aspects of the terror war may be the struggle to define the meaning of the war, and to influence the way in which the war is perceived throughout the world.

(2) Homeland a Battle Zone. There is a domestic front in this war. Our enemies have brought the war to the American homeland. Indeed they have taken up residence among us; they know us and our vulnerabilities. This war will continue to encroach upon our way of life. This is especially difficult because as a maritime nation we have relied on the oceans to serve as a buffer. We have fought most of our wars "over there." We no longer have that luxury.

The dilemmas associated with home-front security pose challenges akin to those the nation confronted during the Civil War, the two world wars, and the Cold War. But in many respects our current dilemmas transcend those we have ever confronted in the past. There is every reason to believe that there will be additional terrorist attacks within the United States. Should the terrorists employ weapons of mass destruction (and it is prudent to anticipate that they will try to) the United States could be confronted with enormous casualties, both civilian and military. A U.S. military built to protect our homeland by preparing to fight abroad must now adapt to these new realities.

(3) A Long War. The war will be protracted. If we are to take the President literally, U.S. goals in this war may well be extremely ambitious: when he calls for the elimination of global terrorism, he sets the bar very high. The United States could well target not just

one terrorist group or network, but potentially dozens. Moreover, the President has also pledged action against states that harbor or support terrorists.

The duration of a war of this magnitude may well be numbered in years, or even tens of years. Maintenance of public support will be indispensable to success. This means that the U.S. government must take pains to supply the American people with "incremental dividends"—that is, tangible proof during the course of the war that progress is being made and that the United States will eventually achieve the political victory it has defined for itself. The identification of our objectives and what constitutes victory is essential. The duration of the war will also pose a challenge to the cohesion of any international coalition that the U.S. assembles. Coalitions can be weakened by disputes over policy, strategy, or both. But they can also be damaged when the passage of time magnifies perceptions of inequalities of burden and risk among coalition partners.

(4) Elusive Adversaries. The war will confront the United States with a novel and particularly challenging set of adversaries. More often than not, the United States has gone to war against states. But terrorists are non-state, transnational actors. It is therefore possible that in certain respects the present war will more closely resemble the struggle to suppress piracy in the 18th and 19th centuries than it will "traditional" interstate conflicts. However, it should be kept in mind that the arduous war against piracy eventually involved striking blows not only at the pirates themselves but also at the states that supported or tolerated them.

As the present war may be much the same, our list of adversaries may also come to include states and/or political regimes as well as terrorist cells. Insofar as that occurs the United States could find itself waging fully traditional interstate war or wars within the context of the broader war against terrorism. The war could therefore become both conventional and unconventional at the same time, and might require the United States to stage conventional and unconventional operations either simultaneously or in phased sequence.

(5) A Multi-Spectrum War. Success in this war will doubtless require the United States to employ the full spectrum of its national power: economic, diplomatic, informational, and military. Economic operations will be used to dry up the enemy's sources of funding; diplomatic operations will be employed to isolate our enemies and rally our friends; information operations will be designed to deceive the enemy and destroy his communications networks; and psychological operations will be employed to sow mistrust and discord among the terrorists, their sponsors and supporters. Such "effects based operations" as these are designed to paralyze and, consequently, defeat the enemy.

In his initial speech to the joint session of Congress the President emphasized that the war will include "dramatic strikes visible on TV and covert operations secret even in success." Thus we can envision not only air strikes against the terrorists and their bases, but also special operations against individuals and groups. Still further, since we may eventually wish to destabilize or overthrow governments implicated in supporting terrorism, conventional land and naval warfare capabilities may prove no less useful than

air warfare and special operations. It may be possible to topple the Taliban regime in Afghanistan by a combination of international isolation, psychological pressure, and covert support to resistance groups. But such expedients may not be adequate to rid Iraq of its Ba'athist despotism, should we determine that we need to do so. To accomplish such a task we would have to engage in conventional war, which could require upgrading our conventional military capabilities.

Recommendations/Actions: A comprehensive understanding of the nature of the war that has now begun will be developed in an iterative process that will depend on knowledge of our policy and strategy, the policy and strategy of our allies, the policies and strategies of our enemies, and accurate predictions about what will happen when all of these collide. Future *Newport Papers* will address these very subjects.

Newport Paper: 07

**THE TERROR WAR:
PERSPECTIVES ON COALITION ISSUES**

Purpose: To examine coalition considerations unique to the war on terror.

Background: The Bush administration moved quickly to assemble a coalition to support its campaign against the perpetrators of the 11 September attacks specifically and against terrorists with global reach and their supporters generally. The adoption of a coalition strategy was not surprising. Multilateralism has long been central to U.S. foreign policy generally and U.S. military strategy specifically. Because the war on terror has significant unique dimensions, however, tried and trusted coalition formulas may not fit. Indeed, some of the advantages of traditional coalitions may be disadvantages in the current situation. In addition, a protracted war on terror may pose unique problems for coalition maintenance.

Discussion. The following set of three key coalition issues must be addressed as the strategy for the continuing war on terror unfolds.

1. Constraints on U.S. freedom of action. Because coalition partners inevitably attempt to influence the formulation of strategy and policy, U.S. freedom of action will be constrained by its coalition partners. The most pressing issue is the whether the benefits of a coalition outweigh their costs.

A broad coalition enhances the political legitimacy of U.S. actions, presents a united front to our enemies, increases the diplomatic, political, and economic pressures that can be brought to bear, adds to the military capabilities arrayed against terrorists and their supporters, and ties partner states more closely with American objectives, thereby increasing their level of commitment to the war on terrorism over the long term. By taking unilateral action or building only a small, select coalition of close partners, however, the U.S. could remain relatively free to define its objectives according to uniquely American security interests. Coalition partners will attempt to impose explicit or implicit constraints on the ability of the United States to define war aims, select military targets, and decide when military and political objectives have been achieved.

2. The purpose of a coalition. The calculation of potential benefits and costs will be influenced by the purposes for which a coalition is formed and the role(s) to be played by its members. Traditionally, coalitions are formed to enhance legitimacy and improve not only military but also diplomatic, political, and economic capabilities. The international community generally recognized the right of the United States to respond forcefully following the events of 11 September. Moreover, Article 51 of the United Nations Charter clearly provided the legal basis for any military action. Outside of the Muslim

world, the United States has encountered no significant opposition to measured actions aimed at holding accountable those responsible for the 11 September attacks and at preventing future attacks.

As the war on terrorism continues, all states should be encouraged to provide maximum diplomatic, economic, informational, and moral support; to cooperate fully in all matters related to intelligence-sharing and security coordination; and to search for ways to enhance their value as partners in a long-term campaign against terrorism. These broader contributions to the war effort may be of greater value than token military contributions.

Many states may wish to join a U.S.-led coalition for reasons of internal politics, prestige, or to gain favor with the United States. Piling on traditional allies in a war on Islamist-inspired terrorism, however, may do little to enhance coalition legitimacy, particularly in the eyes of the Muslim world. In the Greater Middle East and Central Asia, the participation of non-U.S. NATO forces other than those of Turkey in any military action could erode rather than augment the legitimacy of American actions as the war continues. Including too many Western coalition partners could be counter-productive. For purposes of maintaining legitimacy over the long haul, Arab and/or Muslim coalition partners may be of greater value than Western partners. Though the military forces they can contribute may be of limited practical use, these states can provide unique intelligence, basing, and access. Their participation in a coalition could well be the most effective means of enhancing and maintaining the legitimacy of American actions in those parts of the world where it really matters. It should be recognized, however, that the participation of Arab and/or Muslim states could seriously constrain U.S. freedom of action.

If large-scale, sustained military operations against states other than Afghanistan become necessary in the near future, the United States could consider building and maintaining a coalition with the smallest possible number of Western states—perhaps only Great Britain—and the maximum number of Arab and/or Muslim states. This will minimize the appearance that Western powers are "ganging up" on a particular state and help reduce any possible backlash against the United States. It should appear that Muslim states are playing a leading role in enforcing law and order in their own "back yard." Under this approach, possible constraints on U.S. freedom of action are viewed as a small price to pay for the advantages entailed in the enhanced legitimacy provided by regional support. The advantages of a carefully constituted coalition to achieve short-term objectives are seen as outweighing the potential advantages of unilateral action.

The case can be made, however, that maximizing Western participation in the U.S.-led coalition, despite the symbolic military contributions of some, will strengthen the U.S. position. By constructing a solid diplomatic, political, economic, and military front over the long term, the United States will both impress adversaries with the commitment of its coalition and help deter efforts to employ "divide and conquer" strategies against the U.S.-led coalition. After all, states in what has been called the "arc of crisis" have exploited tensions (and differing material interests) among the Western allies to further their own interests in the past. Moreover, the military contribution of even less capable

Western states is important because it compels coalition partners to take a public stand and gives them a vested interest in the success of coalition operations. According to this logic, concrete support from traditional allies should not be sacrificed in a quest for regional support and sanction that may well prove futile.

In a long-term, perhaps lower-intensity, war against terrorism, a traditional military coalition will not necessarily be appropriate. Under these circumstances, a coalition may need to be "floating," with the United States and selected other states as permanent members and others coming and going as they see fit to contribute, are called upon, or find politically expedient. In some cases coalition members might wish to keep their involvement covert so as to avoid unfavorable press both at home and abroad. The United States should find ways to enhance bilateral ties with partners in the long-term war against terrorism and the development of new organizations—security, political, and economic—that might both support the current campaign and lay the foundation for future regional security, political order, and economic development.

3. *Sustaining coalition support for a protracted war.* As the events of 11 September recede, the initial outpouring of international support for the United States will diminish. If military operations are prolonged, divisions within the coalition will increase and members may be tempted to withdraw. To maintain long-term international support, particularly that of Arab and/or Muslim states, the United States should demonstrate that it is responsive to the needs of the Greater Middle East and Central Asia, not just U.S. domestic demands for retribution. It should address the root causes of its problems in this part of the world. A more serious effort must be made to find viable solutions to the Palestinian-Israeli conflict, the situation vis-à-vis Iraq, and the oftentimes disruptive U.S. military presence in Southwest Asia, the most contentious issues presently alienating moderate regimes in this part of the world from the United States. If the United States demonstrates that it will be constructively engaged in the Middle East over the long term, moderate states within the region may be more inclined to remain in a U.S.-led coalition against other regional states (or states).

Recommendations/Actions: Policymakers must consider carefully the implications of the complexities of the unique war upon which we have embarked as they employ and attempt to maintain the coalition they have built.

Newport Paper: 08

ENEMY OBJECTIVES

Purpose: To analyze enemy objectives as formulated by Usama bin Laden and *Al Qaeda*.

Background: Usama bin Laden (UBL) and *Al Qaeda* are not mindless terrorists. They have a set of goals and objectives that have been clearly articulated in UBL's *fatwas* (edicts) of 1996 and 1998 and in numerous interviews with him since 1993. Their goals and objectives have been designed to have broad-based appeal in the Arab and Islamic worlds. UBL and *Al Qaeda* have managed to create a nexus between those who hate America for *what it is*—such as the fundamentalists who view it as an immoral, materialistic, and anti-Islamic nation—and those who despise it *for what it does*—such as mainstream Muslims, secularists, nationalists, intellectuals, and media. During the Gulf crisis of 1990-1991, Saddam Hussein formulated an approach that linked nationalist and religious motifs. While his strategy resonated with some, it was ultimately unsuccessful since Saddam was perceived as a hypocrite. Whether consciously or unconsciously, UBL has followed a similar strategy. But UBL's strategy resonates more effectively among the masses of people in the region who have had ten years of becoming more acquainted with the world's only superpower. In contrast with Saddam Hussein, UBL is seen as heroic and pious by many. More importantly, he is seen as successful against America, whereas Saddam was not.

Discussion: UBL and *Al Qaeda* have five main objectives. They are a combination of primary and secondary, narrow and broad, and near-, medium-, and long-term objectives.

1. Remove U.S. forces from the Arabian peninsula and totally eliminate the American presence in the Middle East. These are the principal near-term goals of UBL and *Al Qaeda*. Both as a citizen of Saudi Arabia (although an Islamic fundamentalist would not refer to himself as a citizen of *Saudi Arabia*) and as a Muslim, UBL sees the U.S. presence in Saudi Arabia specifically and in the region generally as humiliating and sacrilegious. When the rulers of his country called upon outside powers to defend their land, they essentially acknowledged that they had squandered billions of dollars on defense. A Muslim ruler who cannot defend that part of the Islamic community over which he holds sway forfeits his legitimacy. And the presence of "infidels" on the land of the "two holy mosques" is blasphemous. Not since the time of the Prophet Muhammad when the "infidels" were expelled from the holy land has it been defiled in such a manner. In the words of the February 1998 "Declaration of the World Islamic Front for *Jihad* against the Jews and the Crusaders," an edict which appeared under UBL's signature:

For more than seven years the United States is occupying the lands of Islam in the holiest of its territories, Arabia, plundering its riches, overwhelming its rulers, humiliating its people, threatening its neighbors, and using its bases in the peninsula as a spearhead to fight against the neighboring Islamic peoples.¹

2. Extend support to Muslim groups worldwide that are fighting oppressive and un/non-Islamic systems (in, for instance, Algeria, Bosnia, Egypt, Kosovo, Chechnya, Kashmir, Philippines, Indonesia, Myanmar, Uzbekistan). Another near-term objective of UBL and *Al Qaeda* is to provide support to other militant Islamic fundamentalists that share their goals. Muslims fighting oppression everywhere are regarded as worthy of material support (i.e., logistics, funds, training, etc.). Some of the members of Islamic fundamentalist organizations in the above-named countries have received training in *Al Qaeda* camps in Afghanistan. *Al Qaeda* operatives and veterans of the Afghan war against the Soviets have also returned to their countries to help organize or lead anti-government groups; Algerian veterans of the Afghan war, for instance, were in the forefront of the insurrectionary war and horrendous acts of terror by Islamists over the course of the 1990s.

3. Free the Al Aqsa Mosque in Jerusalem and ultimately bring about the return of Palestine to the Islamic Umma (community). Israeli control of *Al Aqsa* Mosque and of the holy land is an affront to all Muslims. Contrary to the perceptions of some observers, UBL did not come to the longer-term Palestinian issue late in the game or merely in an opportunistic manner. He genuinely believes that the "Zionist entity"—which is the fundamentalist code for Israel—is illegitimate. The portrayal of the Israeli-Palestinian conflict as a struggle in which a powerful Israel is supported unswervingly by America resonates with Arabs from all walks of life. Like most other fundamentalists, UBL believes that the Muslim world will not ultimately reconcile itself to the loss of Palestine as it did to the loss of *Al Andalus* (i.e., Spain) to the infidels. In UBL's own words:

Let the whole world know that we shall never accept that the tragedy of Andalusia would be repeated in Palestine. We cannot accept that Palestine will become Jewish.²

4. Save the Arab countries from the threat of disintegration at the hands of the "Zionist-Crusader" conspiracy. The presence of U.S. forces on Muslim lands and of the "Zionist entity" in the heart of the Islamic world is perceived as promoting the "Zionist-Crusader" goal of breaking up the most important and most powerful Arab states—UBL specifically names Egypt, Iraq, and Arabia—into little "statelets" that are easier to dominate and control. This is a nationalist message that has been articulated by secular

¹ As quoted in Bernard Lewis, "License to Kill: Usama bin Laden's Declaration of Jihad," *Foreign Affairs*, Vol. 77, No. 6, November/December 1998, p. 14.

² As quoted in Tom Mashberg, "History is key to bin Laden's loathing of U.S.," *Boston Herald*, October 14, 2001, p. 8.

Arab politicians, thinkers, and leaders since the beginning of the conflict with Israel. The Arab fear of "balkanization," however, was heightened in the 1970s and 1980s when Israel provided support to secessionist minorities within the Arab world—to the Maronite Christians in Lebanon and to the Kurds in Iraq. The fear of "balkanization" was articulated as well by Saddam Hussein during the 1980s and 1990s and has been picked up by UBL.

5. Overthrow the "taghut"(oppressive rulers) in Muslim societies and establish Islamic states. This goal, which is the preeminent long-term goal, or the end-result of all the others, has not been articulated as well or as often by UBL. It is not clear why this is so. However, a number of possible reasons could play a role. First, UBL may not have a clear idea of what this goal should be; naturally he calls for the overthrow of "apostate" regimes and the setting up of an Islamic state where the *Sharia*, the divine law, is the sole source of legislation. Apart from that he does not say much more. Second, UBL is a lay person, he has no religious education or training. Third, it may be that UBL has focused on near-term objectives for tactical reasons. UBL has, until recently, avoided verbal or military assaults against Arab governments because he presumably did not want them to side with the United States in the current conflict or to take active counter-terrorist measures against fundamentalist groups within their respective societies. Arab governments, however, have not enthusiastically sided with the United States in the current war. Furthermore, some Arab governments have used the current crisis to intensify their campaigns against Islamic groups. Not surprisingly, UBL has stepped up his verbal assaults on those governments.

Actions/Recommendations: It is imperative that U.S. policymakers understand fully the goals of UBL and *Al Qaeda*. If U.S. strategy for the war on terror is to be successful, the nation's leaders must know what it is that our enemies want to accomplish.

Newport Paper: 09**THE STRATEGY OF USAMA BIN LADEN AND AL QAEDA**

Purpose: To develop an understanding of Usama bin Laden and *Al Qaeda's* strategy for achieving their objectives.

Background: Usama bin Laden (UBL) and *Al Qaeda* have adopted a number of very ambitious goals (see *Newport Paper* No. 08). Despite U.S. successes in Afghanistan, UBL and *Al Qaeda*, or their successors, can be expected to fight on. The multifaceted and well-articulated strategy they have developed still requires our attention.

Discussion: Based on a careful reading of UBL's statements, declarations, and edicts, nine central components of the strategy adopted by UBL and his organization can be identified.

1. Peaceful means do not work. UBL and his followers discount peaceful ways of achieving their goals. They believe, first, that Muslim rulers have become subservient to the West. Moreover, the physical presence of American forces in and around the Islamic world makes it difficult for Muslim rulers to stand up to the West. Second, current Muslim leaders are not responsive to the advice proffered by leading members of their societies and rely on imprisonment and torture to control their populations. From UBL's perspective, these rulers must be overthrown. However, left to themselves, the masses in Muslim countries are not capable of organizing and sustaining armed struggle. What is needed, in UBL's view, is a dedicated revolutionary vanguard focused on armed struggle against the enemy. Third, UBL does not believe that the Islamic community is capable of implementing a successful economic boycott against the Western-dominated global economy. The Islamic community is not mobilized, organized or developed enough to undertake a boycott or do without Western goods. Since peaceful means will not work, Islamists must resort to armed struggle.

2. Focus on the "enemy who is afar" (i.e., "Zionist-Crusaders") before turning to the "enemy who is near," the taghut (oppressive domestic ruler). Until recently, Islamic fundamentalists saw the world in terms of a triad of enemies, of which one, the Communists, have disappeared. UBL and his Afghan war veterans are convinced that they played the key role in the defeat and eventual collapse of the Soviet enemy. There are two enemies left: the Zionist-Crusaders and the oppressive domestic Muslim rulers. The West and its "artificial" creation, Israel, known to UBL and other fundamentalists as the "Zionist entity," cannot be separated. Traditionally, Israel represented the spearhead of the Western-crusader presence in the region. Sometimes it acted in the interests of the West in the region, and sometimes the West acted in Israel's interests in the region. The result is a symbiotic relationship, hence the term "Zionist-Crusaders." The Zionist-Crusader alliance has been augmented by the establishment of a physical presence by the

United States. The presence of both the Zionist entity and of "infidel" forces in the heart of the Islamic community is not only an act of aggression justifying self-defense; it also buttresses the oppressive ruler at home or, as on many occasions, prevents him from acting in the interest of the community. In the final analysis, not only is the enemy who is afar more powerful, he is no longer afar; indeed, he has never really been afar, he is *in* the region. That is why this enemy needs to be engaged first. Hence UBL "applauds" the attacks by Muslims against American forces in or around the holy land (Dhahran in 1995, Khobar in 1996, U.S. embassies in Nairobi and Dar-es-Salaam in 1998, and the U.S.S. Cole in October 2000).

3. Develop flat non-centralized networks with autonomous cells and establish links with like-minded groups. This refers, first, to how *Al Qaeda* is structured and second, to its links with other groups like *Islamic Jihad*. *Al Qaeda* was established as a clearing-house in 1988 for Muslim volunteers going to the war in Afghanistan; it was not a rigid hierarchical organization, but rather a flat one. It has evolved into a flat, decentralized network with loosely affiliated members all over the globe. These loosely affiliated members can come up with a plan of attack which *Al Qaeda* blesses by providing organizational skills, training, money, and weapons as well as assistance in deception, denial and operational security. Second, *Al Qaeda* has established strong links with other longer established Islamic groups; in the case of the Egyptian faction from *Islamic Jihad*, they seem to have merged. The structure of *Al Qaeda* and its links with other violence-oriented Islamist groups have given UBL a far greater reach globally than he would otherwise have. It also makes *Al Qaeda* potentially very resilient and survivable, even when key nodes and cells are destroyed.

4. Sponsorship of states. While *Al Qaeda* has established cells in more than fifty countries worldwide and links with many other terrorist organizations, it has also had a physical location for its headquarters and leadership. Since May 1996, that location has been Afghanistan. The relationship between *Al Qaeda* and Afghanistan's Taliban regime was not simply, or even predominantly, one of state support or sponsorship of a terrorist organization. The *Al Qaeda*-Taliban relationship was symbiotic. *Al Qaeda* received sanctuary. But it provided the Taliban regime with financial resources, military support that provided an effective combat edge against the Taliban's internal opponents, and military training. While the *Al Qaeda*-Taliban relationship was one of mutual dependency, the Taliban was more dependent on *Al Qaeda* support than *Al Qaeda* was on Taliban support. This was a case of a terrorist-sponsored state rather than merely a case of state-sponsored terrorism. *Al Qaeda* can be expected to survive the downfall of the Taliban. It can also be expected to search for a new refuge. Countries with weak, failing, or failed states provide *Al Qaeda* with its most likely targets of opportunity.

5. Wage a "defensive Jihad"(armed struggle). A defensive *Jihad* is justified when the Islamic community is under attack from aggressive forces—as it is now in UBL's view. In his August 23, 1996 "Declaration of War Against the Americans who occupy the Land of the Two Holy Mosques," UBL stated unequivocally that the community was under attack:

...[T]he people of Islam had suffered from aggression, iniquity and injustice imposed on them by the Zionist-Crusaders alliance and their collaborators; to the extent that the Muslims blood became the cheapest and their wealth as loot in the hands of the enemies. Their blood was spilled in Palestine and Iraq. The horrifying pictures of the massacre of Qana, in Lebanon are still fresh in our memory. Massacres in Tajakestan, Burma, Cashmere, Assam, Philippine, Fatani, Ogadin, Somalia, Erithria, Chechnia and in Bosnia-Herzegovina took place, massacres that send shivers in the body and shake the conscience.¹

A defensive *Jihad* means that it is incumbent upon all individual Muslims to strike back. UBL enunciated this clearly in the February 22, 1998 edict signed under his name, called "Declaration of the World Islamic Front for *Jihad* Against the Jews and the Crusaders," in which he stated:

To kill Americans and their allies, both civil and military, is an individual duty of every Muslim who is able, in any country where this is possible, until the Aqsa Mosque and the Haram Mosque are freed from their grip and until their armies, shattered and broken-winged, depart from all the lands of Islam, incapable of threatening any Muslim.²

UBL implicitly highlights here the difference between an offensive and a defensive jihad. When the *umma* (Islamic community) goes on the offensive, war is conducted by professional soldiers and volunteers; however, when it is under attack, the defense of the *umma* becomes the obligatory duty of every *individual* Muslim. It is also a clever strategy on the part of UBL; he can claim that he is not responsible when outraged individual Muslims vent their anger against the United States but that he can understand their actions.

6. Guerrilla Warfare and Terrorism. What does holy war consist of at this stage? Notwithstanding his disdain for the United States, UBL does not underestimate the difficulty of fighting the United States. He is quite aware of the technological superiority of the United States:

...[I]t must be obvious to you that, due to the imbalance of power between our armed forces and the enemy forces, a suitable means of fighting must be adopted i.e. using fast moving light forces that work under complete secrecy. In other words to initiate a guerrilla warfare, where the sons of the nation, and not the military forces,

¹ Usama bin Laden, *Declaration of War (I)*, as translated by MSANEWS, 12 October 1996.

² From Bernard Lewis, "License to Kill: Usama bin Ladin's Declaration of Jihad," *Foreign Affairs*, Vol. 77, No. 6, November-December 1998, p.15.

take part in it. And as you know, it is wise, in the present circumstances, for the armed military forces not to be engaged in a conventional fighting with the forces of the crusader enemy....³

From the evidence of *Al Qaeda* operations, we must be wary of viewing UBL's concept of fast-moving, light forces within the traditional framework of guerrilla warfare. *Al Qaeda*'s concept of operations includes infiltrating alien societies, losing oneself in an urban environment, and using the enemy's technological and social vulnerabilities to one's advantage. It also involves the salutary application of terror as part of the strategy of *counter-terror*. UBL argues that the activities of America and Israel in the Muslim world constitute terror. It is thus permissible to respond to terror with terror. Initially, UBL's conception of terror was limited to the targeting of uniformed U.S. personnel on Muslim soil; however, he made no distinction between unarmed or armed military personnel; hence the killing of off-duty American military personnel was legitimate. Two years later, in 1998, he argued that American civilians anywhere were a legitimate target.

7. *Seek other means of military power.* UBL believes that it is incumbent upon Muslims to ultimately acquire whatever kind of weapons are required for the *umma* to be able to deter aggression, defend itself in case of attack, and retaliate. Islamic warfare traditions entertain notions of establishing and maintaining a correlation of forces and of deterrence. In 1998, UBL expressed an interest in the acquisition of weapons of mass destruction:

Acquiring weapons for the defense of Muslims is a religious duty. If I have indeed acquired such weapons [WMD], then I thank God for enabling me to do so. And if I seek to acquire these weapons, I am carrying out a duty. It would be a sin for Muslims not to try to possess the weapons that would prevent the infidels from inflicting harm on Muslims.⁴

In early November 2001, UBL claimed that *Al Qaeda* has nuclear weapons and that it would use them if the U.S. used weapons of mass destruction against *Al Qaeda*. In this context, UBL has adopted a deterrent posture. It is not clear whether his claim is accurate or mere propaganda. *Al Qaeda*, however, has long been suspected of seeking a nuclear capability. Indeed, while it may not have been able to acquire *bona fide* nuclear weapons, reports indicate that it has sought and may have acquired radiological weapons (i.e., "dirty" nuclear weapons).

8. *Multi-layered and redundant financial network.* Any organization needs finances to be able to implement its goals. It was the great Roman statesman Cicero who said that "the sinews of war are unlimited finances." The common perception in the media is that

³ Usama bin Laden, *Declaration of War (II)*, as translated by MSANEWS, 13 October 1996.

⁴ Rahimullah Yusufzai, "Conversation with Terror," *Time*, January 11, 1999, p. 39.

UBL is the "rich uncle of terrorism," bankrolling attacks through a personal multi-million dollar inheritance. This is incorrect; in fact, it is not clear how much *personal* wealth UBL has and it is not clear that he uses it solely or primarily to finance terror operations. Instead, he relies on two concepts familiar to Americans: the establishment of legitimate businesses and companies and the use of other people's money. While he was in Sudan from the early to the mid-1990s, UBL set up companies that engaged in legitimate business. His organization also gets funds from "pass the hat donations" provided by individuals after prayers on Fridays and from a large number of charities, some of which are unwitting accomplices.

9. Develop a broad-based appeal. UBL and *Al Qaeda* have established a nexus between those who hate America for *what it is* and those who hate it for *what it does*. Islamic fundamentalists will always hate America for what it is: a successful, secular, open and material society. There is not much that could be done to assuage this kind of hatred. There are also many more who detest America for its allegedly unjust policies—its support for tyrannical and unrepresentative governments in the Arab and Islamic worlds and its support for Israel. UBL's focus on the Palestinian and Iraqi situations and America's perceived hypocrisy is masterful because it resonates among secular Arabs and mainstream Muslims who otherwise view his ideological agenda with disdain. He has shown Arab and other Muslim leaders to be spineless and has outflanked Saddam Hussein, the Arab media, and intellectuals.

Actions/Recommendations: Policymakers must develop a basic understanding of the strategy of UBL and *Al Qaeda*. Understanding their strategy is a prerequisite to successfully countering it in the continuing war against terrorism.

Annex A

The Worldview and Motivations of Usama bin Laden

Purpose: To provide an analysis of the worldview and motivations that have shaped the objectives and strategy of Usama bin Laden and *Al Qaeda*.

Background: Terrorism directed against the United States is not a new phenomenon; Americans and American interests globally have been frequent targets of terrorism. In 2000 almost half of terrorist acts worldwide were directed against Americans and American interests. UBL and his shadowy *Al Qaeda* network represent a new and deadlier form of terrorism that could be a portent of things to come. Many terrorism experts have pointed to the emergence of a deadly religious or millenarian terrorism which, in contrast with the secular terrorism of the 1970s, seeks to inflict massive casualties, is technologically more innovative, and often undertakes suicide missions. Policymakers must be aware of the worldview and motivations that drive the enemy in the new war on terror.

Discussion: Usama bin Laden's worldview and motivations can only be understood in the context of the turmoil-ridden environment in the Arab and Islamic worlds and his role in the war waged by the Afghans against the Soviet invasion and occupation of their country between 1979 and 1989. Conditions in the Arab and Islamic worlds helped shape the views of Islamist ideologues such as the Palestinian Abdallah Azzam and the Egyptian Ayman al-Zawahiri, two men who have had a deep ideological impact on UBL. His experiences in Afghanistan further shaped UBL's worldview and helped him develop a flair for organizational and managerial skills.

The Political, Socio-Cultural, Economic and Ideological Context. The Arab and Muslim worlds' fifty year fling with Western secular ideas has not led to significant development or modernization. Instead, these worlds have been rocked by societal breakdown, crises of cultural identity and political legitimacy, failing economies that are incapable of providing jobs for burgeoning populations, and collapsing infrastructures that cannot provide for basic human needs.

The failure of Western secularism to address Arab and Muslim needs has provided a fertile ground for Islamic fundamentalists, who have gained strength over the years. That failure justifies their opposition to regimes which have relied on *hulul mastawrada*, or "imported solutions." Their alternative is the *Nizam Islami*, or Islamic order. For fundamentalists the virtues of their solution are self-evident. Islam is both a religion and socio-political system. There is no separation between church and state. The Prophet Muhammad was both a religious figure who received the Koran as a revelation from God and a political leader who conducted affairs of state, engaged in diplomacy, and fought wars. But since the death of Muhammad, Muslims have never really been able to implement a virtuous Islamic order for any sustained period of time. During times of crisis, of which there have been many in Islamic history, fundamentalists or reformers have risen to promote their solution.

The fundamentalists call for the implementation of *hakimiyat allah*, or God's rule, under which the divine law, the *Sharia*, would hold sway. An Islamic divine order is characterized by the sovereignty of God alone; it stands in stark contrast to the secular order created by mere mortals in the West and imported over the course of several centuries into Islamic lands. Muslims living within man-made secular orders are living under a modern *jahiliyyah*, a Koranic term that describes the state of ignorance and barbarism that prevailed in Arabia before the revelation to the Prophet Muhammad. The modern day *jahiliyyah* is illegitimate and good Muslims cannot go on living under such systems.

What is to be done? Taken to its logical conclusion the political vision of most Islamic fundamentalists inevitably implies a violent confrontation with the state and its supporters. The most vivid and clear expositions of violent confrontation with and overthrow of the existing systems are to be found in the writings of two Egyptian fundamentalists, Sayyid Qutb who wrote *Ma`alim fi al Tarik* (Signposts) and Muhammad Abdel Salam Farag who wrote *Al Faridah al Gha`ibah* (The Neglected Duty).

Men like Sayyid Qutb and Farag believed that their vision faced a triad of enemies: the existing Arab state, the Western-Zionist nexus, and the Communists. An armed struggle, characterized as *jihad*, must be waged against this triad. In the 1960s and 1970s, most Islamic fundamentalists argued that the main and critical battle was against the "enemy who was near," the Arab state. This view was well articulated by Farag in his manifesto: "We must begin with our Islamic country by establishing the rule of God in our nation...the first battle for *jihad* is the uprooting of these infidel leaders and replacing them with an Islamic system from which we can build."⁵

But fighting the Arab state has posed major problems. Notwithstanding its decay and corruption, the Arab state has a formidable apparatus of law and order in the shape of large security services and paramilitary forces. Both Sayyid Qutb and Farag lost their lives in their struggles against the Egyptian state. The Soviet invasion of Afghanistan in 1979 provided many fundamentalists and novices with the opportunity to fight a deeply unpopular country and system. One of these novices was the Saudi Usamah Bin Laden.

Usama bin Laden: The Rise of a fundamentalist. There is little in UBL's early life to suggest that he would emerge as the Islamist leader of a terrorist network. It was the Soviet invasion of Afghanistan in 1979 that constituted UBL's "conversion on the road to Damascus." That "conversion" contributed to the evolution of his worldview in four ways.

First, it provided the opportunity to fight one of Islam's triad of enemies, a particularly godless one, on the side of the Afghan *mujahideen*, the religiously inspired warriors. The visible external enemy—the Soviet Union—was a substitute for an internal oppressive enemy. It is not clear that UBL had formulated any distaste or even deep-seated hatred

⁵ As quoted in Asaf Husain, *Political Terrorism and the State in the Middle East*, London: Mansell Publishing Company, 1988, p. 86.

for the ruling *Al Saud* family at that stage. He had not yet adopted a fundamentalist point of view. His family and business links to Saudi Arabia were too strong to cut. And the *Al Sauds* had not yet committed the unholy of unholies—inviting the infidels into the Arabian peninsula. However, the war in Afghanistan served as UBL's introduction into the world of Islamic fundamentalism. In addition, his strategy of focusing on the external enemy first, in contrast with Farag's focus on the enemy who was near, appears to have emerged from his experience in Afghanistan.

Second, the *jihad* in Afghanistan brought UBL face to face with the military and technological strength of a superpower. He was impressed yet disdainful at the same time. UBL thought that the Soviets were ruthless but also a paper tiger because, while they had material power, they lacked faith. He contrasted that lack of faith with the faith of the Afghan freedom fighters and the thousands of other Muslims who joined them. In UBL's view, his new superpower enemy, the United States, despite its impressive military capabilities, is similarly afflicted with a lack of faith.

Third, UBL's identification of the United States as an enemy dates to the Afghanistan war. According to a French journalist who interviewed him in 1995, UBL stated then that after the Soviet Union, the "next target was America... This is an open war to the end, until victory." In UBL's view the fact that he and the Afghan guerrillas were aligned with the Americans was simply due to the fact that they were fighting a common enemy, not because they shared common ideals. For UBL and *Al Qaeda*, the lack of ideological affinity need not rule out operational collaboration.

Fourth, the war in Afghanistan allowed UBL to develop a set of political and organizational skills which were to be put to great use in the post-Afghan war era when he turned his attention to the United States. Contrary to journalistic analyses, UBL did not rush into Afghanistan with an AK-47 to battle the Soviets. The *jihad* was not only about killing and dying in the name of God. It required extensive preparation, the construction of a logistical infrastructure, the solicitation of funds and of allies, and the recruitment of Muslim volunteers from other parts of the Islamic world, mainly the Arab world. UBL set up *Al Qaeda* ("the Base") to facilitate these activities, particularly the recruitment of volunteers from the Arab world.

UBL entered Afghanistan as a *dilettante*; he left a mature and experienced veteran of the war, even if he did not fight in more than two major battles. Among the most important lessons he apparently absorbed were a belief in superpower vulnerability and the belief that spiritual fervor and extensive preparation could be more than a match for the material and technological superiority of the other side.

Certain characteristics now associated with UBL emerged at that time: he was a facilitator and fund-raiser whose organization acted as a clearing-house for Muslim volunteers for the war against the Soviets. What is noteworthy is that UBL had not yet developed an articulated fundamentalist vision, one dedicated to overthrowing the enemy close to home, the Saudi ruling family, and the setting up of an Islamic system. Indeed, UBL solicited and received Saudi aid in fighting the Soviets in Afghanistan. Nor did

UBL emerge with an articulated vision of change in the wider Islamic world. His philosophical views were probably embryonic, but it is possible that the Palestinian thinker Abdullah Azzam, who was killed in 1989, and Ayman al-Zawahiri, his second in command and a committed Egyptian Islamist, contributed to the development of his religious zeal.

When UBL returned to Saudi Arabia he began to focus his attention on an enemy that *was* close at hand—not the Saudi regime but Saddam Hussein of Iraq. UBL saw the Iraqi leader as an aggressive and greedy secular Arab nationalist leader who might threaten the sanctity of the two holy places, Mecca and Medina. When Iraq invaded Kuwait in August 1990 and seemed to threaten Saudi Arabia, UBL suggested that the kingdom rely on its defenses and augment them with thousands of war-hardened veteran Afghan Arabs. To his consternation, the Saudi ruling family invited in the Americans to defend the two holy places. In the 1998 declaration of the "World Islamic Front for *Jihad* against the Jews and Crusaders," UBL's dismay at this betrayal by the Saudis was palpable:

Since God laid down the Arabian peninsula, created its deserts, and surrounded it with its seas, no calamity has ever befallen it like these Crusader hosts that have spread in it like locusts, crowding its soil, eating its fruits, and devouring its verdure; and this at a time when the nations contend against the Muslims like diners jostling around a bowl of food.⁶

This episode was a critical milestone in the maturation of UBL's Islamic worldview. It prompted him to question the political legitimacy of the *Al Sauds*. One of the key duties of an Islamic ruler is to be able to defend the Islamic community from aggression. UBL also began formulating the idea that the American presence in the land of the two holy places constituted an act of aggression against Islam. In 1995, UBL issued a major critique of the Saudi royal family for its lack of commitment to Islam, its squandering of public funds, its inability to defend the country, and its subservience to the Americans. He also began advocating attacks on the U.S. military presence in Saudi Arabia.

The Saudis exiled UBL and stripped him of his nationality. He set himself and his organization up in Sudan, a friendly Islamic state. He spent much of his time there engaged in setting up companies, establishing sources of funding, and providing safe haven for the veterans of the Afghan war. It is not clear what he learned about Islam from Hasan al-Turabi, Sudan's urbane and polished Islamic thinker and at that time the real power in the Sudan. Notwithstanding his bleak reputation in the West, Turabi's writings have had great influence in Sunni Islamic thought. Sudan under Turabi became a haven for some of the more extreme Islamists, particularly those from Algeria and Egypt who were convinced of the necessity of overthrowing regimes in the Islamic world by force.

⁶ Usama Bin Laden as quoted in Bernard Lewis, "License to Kill: Usama Bin Laden's Declaration of Jihad," *Foreign Affairs*, Vol. 77, No. 6, November/December 1998, p. 14.

Aware of the bloody and to date futile struggles of the most extreme Islamic groups fighting the regimes in Algeria and Egypt, UBL apparently became further persuaded of the necessity of focusing first on the external enemy that propped up oppressive regimes. The enormously altered geopolitical context of the 1990s reinforced that shift in strategic focus. The downfall of the Soviet Union allowed UBL to focus on the United States as *the* external enemy.

Recommendations/Actions: Policymakers must be cognizant of UBL's worldview and motivations if they are to comprehend his objectives and strategy and formulate a successful counter-strategy in the war against the perpetrators of terror.

Newport Paper: 10

**POTENTIAL ADVERSARIES IN THE TERROR WAR:
INDIVIDUALS, GROUPS, AND STATES**

Purpose: To identify the most significant individuals, groups, and states—as well as the linkages among them—that may employ terrorism against the United States and its interests.

Background: In late September 2001, before the outbreak of the war against *Al Qaeda*, the Secretary of Defense ordered the Pentagon's senior military commanders to address who the United States will need to confront, the nature of the war against terrorism, and the options available for confronting terror worldwide. As the United States plans for a post-Afghanistan phase of the war against terrorism it is clear that it needs to carefully scrutinize the wide range of potentially hostile individuals, groups, and states that could employ terrorism against it and its global interests.

Discussion: There is no globally united terrorist entity that is centrally controlled under one leadership. Terrorist groups—some with the help of state sponsors—have targeted the United States since the early 1980s. Many groups, including the post-Afghan war remnants of *Al Qaeda*, may continue to do so well into the future as revenge for America's actions in Afghanistan. The amorphous and decentralized nature of extremist groups will make the war against terrorism difficult and protracted.

Individuals

Generally, individuals by themselves are not capable of being more than a nuisance. They neither have the infrastructure nor reach to sustain a concerted and devastating terror campaign. Few terrorists are "lone wolves" or free agents *per se*, though some like Ramzi Yousef—the mastermind of the attempt against the World Trade Center in 1993—and Ahmed Ressaam—who sought to bomb Los Angeles Airport in 1998—come close to fitting the bill. Individual leaders are important, however, because of the role they play in setting up and maintaining a terrorist organization. Leaders matter. *Al Qaeda*, for instance, would not exist without Usama bin Laden. While a complete list of all potentially important terrorist leaders cannot be provided here, it is critical to focus attention on the likes of **Usama bin Laden** and his deputies (and potential successors)—particularly **Ayman al-Zawahiri**, **Abu Hafs al-Masri**, and **Abu Zubaida**—because of their important roles in *Al Qaeda*, their organizational abilities, and their proven track record of establishing extensive links with other terrorist organizations and of executing terrorist attacks.¹

¹ Inconclusive reports indicate that Abu Hafs al-Masri and Ayman al-Zawahiri may have been killed in the U.S. aerial bombing campaign. It should be borne in mind that *Al Qaeda* leaders have proven to be masters of deception and misdirection.

The founders and leaders of terrorist organizations have been critical to their emergence, growth, and development. In order to ensure the continuation of their vision and work, they may well have also prepared others to take over in the event of their demise. The emergence of a possible second echelon leadership that may even be more motivated and have less compunction about committing ever more horrific acts of terror should be monitored. Unfortunately, without adequate intelligence, we may not know of a second echelon leadership until it commits an act of terror for which it claims responsibility.

Terrorist Organizations

Al Qaeda is the most notorious terrorist organization confronting the United States. Its strength probably totals several hundred hardcore members and several thousand sympathizers. *Al Qaeda's* larger significance is that it serves as a nucleus and umbrella organization for a global financial and logistical organization that ties together many Sunni terror groups including the Egyptian Islamic Jihad and the Filipino Abu Sayyaf Group. The 11 September 2001 attacks on the United States pulled together terrorists who had served other groups like Egypt's Al-Gamaa al-Islamiyya or the Algerian Groupe Islamique Armee.

Hizballah is a radical Shia group based in Lebanon and led by Sheik Hasan Nasrallah. It is committed to an Islamic state and the destruction of Israeli influence. With several thousand members, a legal political following inside Lebanon and heavy support from Iran, Hizballah is known to have been involved in many anti-American terror attacks, including the suicide bombing of the U.S. Embassy and Marine barracks in Beirut in October 1983 and the U.S. Embassy annex in Beirut in September 1984. Hizballah has cells in Europe, Asia, North American and, as the 1992 and 1994 attacks on the Israeli embassy and cultural center in Buenos Aires amply demonstrated, South America. Hizballah may well retaliate against U.S. interests should the United States decide to strike at its bases in southern Lebanon or if the United States is seen as continuing to provide Israel with near-unconditional support.

HAMAS, headed by Sheik Ahmed Yasin, and the ***Palestine Islamic Jihad***, led by Dr. Ramadan Shallah, are terror groups that are committed to an Islamist Palestine and the destruction of Israel. They employ suicide bombers against Israeli military and civilian targets in Israel, the West Bank and Gaza, Lebanon, and Jordan. The exact number of cadres is unknown; their sympathizers apparently number in the tens of thousands. They were very active during the Palestinian uprising that broke out in October 2000. There is considerable evidence that Hizballah, which is far better trained and more experienced, has provided support for HAMAS and Islamic Jihad over the course of the past year. HAMAS and the Palestinian Islamic Jihad still have very limited capabilities for strikes beyond Israel, Jordan, and the Palestinian territories. Their modus operandi has been the suicide bomber, a tactic at which they have become very adept. Their limited reach may change if they develop stronger links with Hizballah and *Al Qaeda*. Given the animosity for the United States in the Middle East, it is possible that U.S. interests in the region may be targeted by these two groups in the coming years.

Al-Gamaa al-Islamiyya, active since the late 1970s, is Egypt's biggest militant group. Dormant inside Egypt since 1998, it has an aggressive external wing with a worldwide presence. With their spiritual leader, Sheikh Omar Abd al-Rahman, imprisoned in the United States, the Islamic Group, under the *de facto* leadership of Mustafu Hamzqa, is believed to be aiming at U.S. and Israeli targets. The group signed bin Laden's 1998 *fatwa*.

Al-Jihad, a.k.a. Egyptian Islamic Jihad, has several hundred devoted members and is most notorious for its 1981 assassination of Anwar Sadat. *Al Jihad* like *Al-Gamaa al-Islamiyya*, has observed a cease-fire inside Egypt for several years as a result of their less than successful terrorist campaigns; recent attacks have been aimed against external targets. For example, in 1998 *Al Jihad* planned an attack on the U.S. Embassy in Albania. This was thwarted and the assault team was captured and ultimately extradited to Egypt, where its members were executed after a trial. Today *Al-Jihad* is tightly bound to Al-Qaeda. One of its leaders—Ayman Zawahiri—emerged as Usama bin Laden's right hand man. He formally merged Al-Jihad with bin Laden's "Combined World Islamic Front against Jews and Crusaders." This is one of the most lethal terror organizations in the world. Its adherents are consumed by a deep-seated hatred for the United States, Israel, and the Mubarak regime. Many of its members are either former "Afghan Arabs" or ex-members of the Egyptian security services or military who have been discharged for extremist views. They are professional and well-trained; they may well participate in attacks against American interests.

Algeria's *Armed Islamic Group* (GIA) has struggled since 1992 to overthrow the secular, French-model regime in Algiers and replace it with an Islamic one. Since 1998, it has been joined in its violent methods by a splinter faction called the *Salafi Group for Call and Combat* (GSPC). Both groups target foreigners, including expatriates living in Algeria. More than 100 foreigners—chiefly Europeans—have been killed since 1992, most with their throats cut. Both groups have also been known to hijack aircraft and place bombs in public places, usually in France, which is regarded as a key supporter of Algeria's secular government. GIA has primarily focused on European targets in the past. There are few tangible American interests in Algeria; however, the possibility of GIA members targeting American interests in France cannot be discounted.

Support for India or even neutrality in the Kashmir dispute may draw attacks from *Harakat ul-Mujahidin* (HUM), a group based in Pakistan that operates mainly in Kashmir. HUM's secretary general signed bin Laden's 1998 fatwa calling for attacks on U.S. and Western interests. The group targets Indian troops in Kashmir and wields terrorism against civilian targets. It kidnapped and murdered five foreign tourists in 1995 and hijacked an Air India flight in December 2000. Several Harakat militants were killed in the 1998 U.S. cruise missile strikes on Afghan terrorist camps. HUM has several thousand armed supporters in Pakistani and Indian Kashmir, many are Afghan and "Arab Afghan" veterans. The group's terrorism is augmented by a more radical splinter group—*Jaish-e-Mohammed*—whose rhetoric is overtly anti-American, reflecting bin Laden's growing influence and the fact that many of its men trained in Afghanistan. A third Kashmiri terrorist group, *Lashkar-i-Tayyba*, sent thousands of volunteers to fight with

the Taliban. Until recently, all three groups were recognized as legitimate "freedom fighters" by the Pakistani government, which provided them with critical intelligence and even covering fire from regular army units. Popular support for Islamism remains high in Pakistan. "You in America will call me a terrorist," a 42 year-old Pakistani Islamist told the *Wall Street Journal*, in October 2001, "but I am a freedom fighter. You will pay for forgetting me." Given the support that the U.S. has extended to the Musharraf government in Pakistan and the warming of relations between the U.S. and India, the United States should be alert to the possibility of its citizens and interests becoming targets of these groups.

In the Philippines, the *Abu Sayyaf Group* (ASG) targets Americans to underscore its demand for an independent Islamic state in western Mindanao and the Sulu Archipelago. Founded in 1991 by Abdurajak Janjalani, a Filipino mujahed, returning from Afghanistan, ASG reportedly has 1,200 fighters and several thousand more sympathizers, many of whom are motivated as much by the prospect of ransom money as by Islam. The group, some of whose members trained in Afghanistan, operates largely in the southern Philippines but abducted foreign tourists from two different resorts in Malaysia during 2001. Its receipts from kidnapping and extortion are an estimated \$25 million and the group is solidly linked to *Al Qaeda*. The group attempted to kill Pope John Paul II when he visited Manila in 1995 and planned "Operation Bojinka"—"big bang"—an audacious plot to blow up eleven wide-bodied civilian airliners over the Pacific. ASG's amateurism is evident in its reliance upon kidnapping individuals and holding them for ransom. Its links with *Al Qaeda* may contribute to its "professionalization," whereby it will develop the capability to target Americans and U.S. interests on a far large scale than before. It is not clear that the security and intelligence services of the Philippines are sufficiently equipped or trained to deal with a "break-out" in terrorist activities. In early 2002, U.S. military advisors began arriving in the Philippines to assist government forces engaged in operations against the ASG.

Elsewhere in Southeast Asia, the agenda of Indonesia's *Laskar Jihad* reputedly calls for the elimination of Christians in the Moluccas and central Sulawesi and the establishment of an Islamic state. It was established in Central Java in 2000 and is lead by Jaffar Umar Thalib, a Yemeni religious leader who fought against the Soviet Union in Afghanistan. Another recent arrival on the scene is *Jemaah Islamiah*, an organization that operates in Indonesia, Malaysia, the Philippines and Singapore and was established by Riduan Isamuddin and Abu Bakar Baasyir, two Indonesian clerics. According to Singaporean authorities, it has links to *Al Qaeda*—a charge denied by its leaders.

State Sponsors of Terrorism

State sponsors provide terrorist organizations with infrastructure, training, weapons, and diplomatic passports for their personnel. Such states do not often directly control terrorist organizations but there is a considerable coincidence of interests and enemies. The State Department's *Patterns of Global Terrorism* judged **Iran** "the most active state sponsor of terrorism in 2000," a verdict little changed in 2001. Main beneficiaries of Iranian logistical, military and intelligence assistance are the Lebanese Hizbullah and the Palestinian rejectionist groups, namely Hamas, Islamic Jihad and Ahmed Jibril's Popular

Front for the Liberation of Palestine—General Command. Iran apparently also aids terrorist movements in the Gulf, Africa, Turkey and Central Asia. Knowing that the international community reviles terrorism, Tehran masks much of its support to terrorists, but not all. Hizbullah, for example, is a flagrant Iranian protégé rendered respectable by its big political wing in Lebanon and its provision of social services to Shia communities. Iran may have been an advisor to the Khobar Towers bombing and cannot yet be excluded from involvement with *Al Qaeda*. Although President Khatami's reform movement has massive popular support, a diehard group of conservatives gathered around the Supreme Leader Ayatollah Khamenei controls the key military and security agencies that would support terrorists.

Iraq continues to sponsor the Abu Nidal Organization, whose Black September group achieved its greatest notoriety in the 1980s. Saddam Hussein also sponsors the Palestine Liberation Front (PLF), one of the secular Palestinian guerrilla armies led by Abu Abbas, who masterminded the *Achille Lauro* hijacking in 1985. Iraq also supports the *Mujahedin-e-Khalq* (MEK), a guerrilla/terror organization which follows a peculiar mix of Islamic and Marxist ideas. This organization has sought—unsuccessfully—U.S. sympathy against the clerical regime in Iran. It has not attacked U.S. interests in recent years, but did so in the 1970s when the Shah was in power. If the United States and the regime in Iran were to substantially improve bilateral relations, there is a possibility that the MEK may once again target U.S. interests.

Syria harbors and supports several anti-Israel terrorist groups, including Ahmad Jibril's Popular Front for the Liberation of Palestine-General Command, the Palestine Islamic Jihad, and the Popular Front for the Liberation of Palestine. This involvement with terrorist groups points to President Asad's chief motivation, which is to regain the Golan Heights in its confrontation with Israel.

Although **Sudan** has turned against terrorists in the last several years, the country is still home to a number of bin Laden's profitable front companies and is used as a refuge for *Al Qaeda* as well as Egypt's Islamic Jihad and Al-Gama'a groups. Many Palestinian Islamic Jihad and HAMAS operatives are also believed to move freely about Sudan.

Libya has dramatically curtailed its sponsorship of terrorism. One of the most notorious sponsors in the 1980s, Libya today is "the rogue who came in from the cold." Still, Libya has yet to comply with all UN Security Council requirements on Pan Am 103—disclosing all it knows, renouncing terrorism altogether, and paying compensation. Although Libya expelled its branch of Abu Nidal in 1999, it maintains contact with the Palestine Islamic Jihad and the Popular Front for the Liberation of Palestine-General Command.

The case of the Kashmiri terrorist groups is murkier. When the United States considered listing **Pakistan** as a state sponsor of terrorism in 1990, Islamabad moved the most visible terrorist groups to eastern Afghanistan and charged Jamaat-e-Islami (JI), Pakistan's oldest Islamist political party, with their care and feeding. When Usama bin Laden came to Afghanistan in 1996, he founded training camps at Khost for the Kashmiri

mujahedin, earning the gratitude and solicitude of the Pakistani government. It is against links like these through the Inter-Services Intelligence (ISI) and Pakistani army that President Musharraf is now campaigning.

Terrorist-Sponsored States

Countries with weak, failing, or nonexistent central authority are likely to provide terrorist organizations like *Al Qaeda* with fertile soil to establish themselves. While Afghanistan under the Taliban was the prime example of such a state, other potential terrorist-sponsored states such as Somalia, which has no effective central government, have now appeared on the U.S. radarscope because they are regarded as possible safe havens for bin Laden and the remnants of *Al Qaeda*. States with nonexistent or weak central governments and severe socioeconomic crises are attractive to terrorist organizations. For example, the Yemen government lacks control over huge expanses of its more remote and inhospitable territories where bin Laden allegedly has the allegiance of many; Pakistan does not exert effective central government control over its vast Northwest Frontier and Northern Tribal Areas. The United States has every reason to be worried by the problems afflicting countries such as Indonesia—the world's largest Muslim nation—and the Philippines—a country with a debilitating insurgency in a peripheral region.

Recommendation/Action: The United States must be fully cognizant of the wide array of individuals, organizations, and states—and the relationships among them—confronting it in the war on terror.

Newport Paper: 11

RUSSIA AND THE TERROR WAR

Purpose: To explore Russia's contribution to the war against terrorism.

Background: President Vladimir Putin has vigorously supported the U.S. war on terrorism. Indeed, during his November trip to the U.S., he reportedly told Bush: "The mission [in Afghanistan] must be completed ... It [is] more important than ever ... that the U.S. stay the course and finish the job of rooting out terrorism from Afghan soil." Given prior tensions on issues ranging from Chechnya to Kosovo to missile defense, Putin's offer of broad cooperation is somewhat surprising. Moreover, the Russian President is going against strong currents in Russian military and public opinion that favor a position of neutrality.

Discussion: It is important to determine what capabilities Russia brings to the war on terror, the durability of Russian cooperation, Russian objectives, and the price of Russia's support in the war.

What capabilities is Russia providing? Russia has provided support in three areas: diplomatic, intelligence, and military.

1. *Diplomatic.* The sensitivities of deploying U.S. forces into Pakistan and the need for staging areas in ex-Soviet territory north of Afghanistan elevated the importance of Russian cooperation in the war. Moscow has used its substantial influence in Central Asia to forge a consensus behind supporting U.S. efforts in the region. This influence derives primarily from economic and security dependence, but also from cultural, historical, and linguistic ties. While the U.S. should not underestimate the capacity of Central Asian states to act independently, having Moscow's support, on balance, increases the pace of decision and action in Central Asia. Of all the Central Asian states, none are more closely aligned with Moscow than Tajikistan. When Kabul suddenly fell to the Northern Alliance, the U.S. was on the verge of deploying significant numbers of aircraft to Tajikistan. Moscow expects gratitude for its role in making that possible. Russian air corridors have also likely played an important role in the U.S. buildup. Moscow's diplomatic role has also included serving as a go-between with Iran, as the U.S. undertakes military action in close proximity to this long-time adversary. Finally, Russia's involvement provides the political advantage of having an anti-terrorism coalition that is truly global, and not simply composed of traditional western allies.
2. *Intelligence.* Despite the Soviet Union's defeat in Afghanistan during the 1980s, Russia has a long tradition of efficient intelligence collection in Central Asia.

Indeed, the Russian secret services have been strong in precisely the domain where U.S. intelligence has long been criticized: human intelligence. Contacts derived from collaboration with Russian intelligence seem to have been important to structuring effective relations with the Northern Alliance, which had received Russian assistance for several years. Indeed, Russian weapons (and military training) appear to have been a crucial element in the recent battlefield successes of the Northern Alliance. That Russia's intelligence agencies have monitored and targeted terrorist groups in Afghanistan becomes evident when it is considered that the Kremlin debated whether or not to conduct air strikes in May 2001 in response to Taliban provocations against various Central Asian states. Russian intelligence is apparently sharing vital information on the disposition and layout of various cave complexes in Afghanistan. Intelligence coordination could also prove important to the wider war on terror by increasing U.S. abilities to interdict the financial networks of terrorist groups.

3. *Military.* In Tajikistan, Russia fields the 8,000-man 201st Motor Rifle Division, in addition to 11,000 border guards, many of whom are Tajiks. These forces have shored up Tajikistan's government against Islamic militants over the last decade. If the U.S. makes significant use of airfields in Tajikistan, they will also provide an important line of defense, insulating the American bases from the still fluid and unstable situation in Afghanistan. Russian forces in Tajikistan have also reportedly been placed on alert to undertake search and rescue operations, if called upon by U.S. forces. During the battle for Kunduz, Russian troops played an important deterrent role, ensuring that the trapped Taliban (foreign) elements did not attempt an otherwise feasible breakout into southern Tajikistan.

Is Russian support for the war on terror sustainable over the long-term? Despite domestic unease concerning Putin's pro-American orientation, his unchallenged position in Russian politics suggests that Russia's support for the U.S. in the war on terror is relatively stable. Putin is likely to be Russia's President until at least 2008. If the U.S. widens the war on terror to pursue other state sponsors, Putin is most likely to object if Russian economic interests are threatened. For example, Russia is owed billions by Iraq and sees a potentially lucrative market there, as in Iran. However, if Putin is convinced that Russia will benefit more from following the U.S., he will pursue that course. Without any *quid pro quo*, there could be some backsliding to the obstructionist position vis-à-vis the United States of the mid-1990s.

Russia's Strategic Objectives and the Price of Its Cooperation The salience of the Chechen issue in Russian domestic politics and its evident significance for Putin personally—he rose to prominence in Russian politics on this issue—suggest that it is one of the most important determinants of Russia's policy toward the war on terrorism. Moscow is seeking a way to legitimize, both at home and abroad, its war in Chechnya. This is evident in Moscow's continuous efforts since 11 September to tie those attacks to groups active in Chechnya. Some of these alleged links appear to be credible. That senior U.S. officials are conscious of the importance which the Kremlin attaches to this issue is suggested by a number of statements taking a more lenient view of Russian

actions in Chechnya. Here, the U.S. must be vigilant: first, that Russia does not use this reprieve from criticism to assert greater control over the so-called "near abroad," for example, in Georgia; and second, that the issue does not add to the perception that the war on terror is a war on Islam.

The wrenching economic transition that Russia has endured over the last decade ensures that Moscow places economic gains near the top of its wish list. World Trade Organization membership is one Russian priority that U.S. leaders have recognized and accelerated. Repeal of the dated Jackson-Vanik trade restrictions is another. Debt rescheduling and incentives for U.S. corporations to invest in Russia, perhaps as part of a future aid package, are also on Russia's economic wish list. Russia expects as well to benefit from its emerging role as a valuable alternative to Persian Gulf oil supplies. Russia is the world's second largest exporter of oil, and its disinclination to cooperate with OPEC favors U.S. interests. Indeed, heavy investment in infrastructure may boost Russian exports by 20 percent over the next four years. A Russia that is well integrated into global trade is more likely to cooperate in setting a fair price for oil.

Putin's alignment with the anti-terrorism coalition also must be viewed in the context of his strategy to reassert Russian influence, both in Central Asia and in Europe. In Central Asia, Moscow seeks to control and limit Western influence by interposing itself as a broker. Russian officials have been engaged in a vigorous shuttle diplomacy between the various capitals, attempting to "synchronize watches," with varying degrees of success. American leaders face potentially difficult trade-offs between the diverging interests of these coalition partners: Moscow would prefer guarantees that the U.S. military presence be limited and temporary, while Uzbekistan, America's closest Central Asian partner, has requested longer term guarantees of security.

Tensions between Uzbekistan and Russia could plausibly favor U.S. interests. After all, Uzbekistan pulled out of the Moscow-dominated CIS security organization in 1999 and has pursued close contacts with NATO, as an active member of the Partnership for Peace program. Uzbek-Russian tensions, however, should not be exaggerated. In fact, the root of these tensions appears to have been mismanagement and drift under Yeltsin. One of Putin's first foreign policy successes in 1999-2000 was reaffirming good relations with Uzbekistan. Indeed, the Uzbek and Russian presidents have been in close contact concerning the war in Afghanistan. Moreover, any attempt to play the "Uzbek card" risks arousing genuine Russian fears about a new "Great Game" competition among the great powers in Central Asia. As it gauges American intentions, Moscow will be keenly aware of the extent to which the U.S. is willing to coordinate military and economic initiatives in the region. A potential point of unity with the Russians concerning the geopolitics of the region is a joint interest in limiting Chinese influence, which has risen steadily during the 1990s.

Russia is, of course, attempting to influence the political end game in Afghanistan. Russian officials were the first foreign representatives to arrive after the Taliban were ousted from Kabul. However, these representatives appear to be acting in conformity with an apparent agreement reached at the Crawford summit. While Russia has backed

leaders of the Northern Alliance, the Kremlin seems to appreciate the need for a diverse post-Taliban government. Former Afghan King Zahir Shah visited Moscow as recently as June 2001.

Putin's October 2001 tour of Western Europe included a number of unprecedented events, including a speech before the German *Bundestag* and a meeting with NATO's Secretary General in Brussels. This outreach to Europe could be interpreted cynically as part of a campaign to foster opposition to the U.S. deployment of missile defenses. But there is no evidence that Putin has tried to link cooperation in the terror war to concessions on missile defense. At Crawford, both presidents agreed not to allow the missile defense issue to inhibit cooperation in other spheres. Rather, it appears that Putin is seeking a qualitative transformation in Russia's relationship with the West. Consistent with such a transformation, Moscow has secured Washington's support for negotiating with NATO to form a new and invigorated Russia/North Atlantic Council. The new forum would take the lead in structuring cooperation in the fields of counterterrorism, WMD proliferation, and peacekeeping. A genuine restructuring of East-West security arrangements will facilitate Russian cooperation in the continuing war on terror.

Recommendation/Action: As U.S. policymakers move to take advantage of the capabilities that Russia brings to the war on terror, they must be aware of Russia's objectives and the price to be paid for Russian cooperation. If the focus of the war effort shifts away from Central Asia, Russia's cooperation may become somewhat less important. But as long as the U.S. seeks to project power into Central Asia, Russian support will remain vital.

Newport Paper: 12

CHINA AND THE TERROR WAR

Purpose: To assess China's responses to the terror war and the opportunities for and limitations of U.S.-Chinese collaboration to combat the terrorist threat.

Background: China was among the first states to condemn the terrorist attacks against the United States. Chinese officials were stunned by the magnitude of the 11 September events, and quickly acknowledged the threat posed by terrorist actions to international stability and to Beijing's security interests. China's border with Afghanistan, its close ties with Pakistan and several of the Central Asian republics, and its own experiences with ethnic separatist activities in western China underscored these concerns. At the same time, the Chinese clearly recognized that the abrupt and intense U.S. focus on the terrorist threat sharply reduced previous American preoccupations with China's strategic challenge to U.S. interests in East Asia. Beijing thus saw and acted on the near-term opportunity to improve bilateral relations with Washington and to align with the burgeoning coalition arrayed against Al Qaeda. However, Beijing's continued unease about Bush administration policies toward China, its wariness about large-scale U.S. military interventions on China's periphery, and worries about the longer-term course of U.S. strategy in the terror war has placed limits on Chinese support. Sustaining longer-term U.S.-Chinese collaboration in the war is far from certain, especially should U.S. military operations extend to states beyond Afghanistan.

Discussion: *What explains China's initial reactions to 11 September?* China's unequivocal condemnation of the terrorist attacks reflected the leadership's clear recognition of the dangers posed by Al Qaeda. Several sources claim that Chinese President Jiang Zemin watched the terrorist attacks on CNN, and immediately convened an emergency Politburo meeting to deliberate Chinese policy responses. In the first days following the attacks, some Chinese chat room participants argued that America's power and international dominance made it a natural target for such terrorist activity, the implication being that the United States "got what it deserved." But the leadership quickly suppressed these sentiments and (in contrast to other recent Chinese reactions to the U.S. use of force) sharply limited any criticisms of U.S. policy in China's official media.

The Chinese also sought to distinguish between support for the elimination of the Al Qaeda network in Afghanistan and unconditional backing of longer term U.S. counter terror strategy. During a visit to Washington the week after the attacks, Chinese Minister of Foreign Affairs Tang Jiaxuan set forth Chinese "principles" governing support for U.S. military actions: (1) there had to be conclusive evidence that the targets of military retaliation were responsible for the attacks; (2) the target(s) of any counter attack should be kept strictly limited; (3) civilian casualties and collateral damage needed to be kept to

an absolute minimum; and (4) all military actions should be fully consistent with the U.N. charter and international law. In addition, the Chinese very early called for the establishment of a new Afghan coalition government. Beijing also counseled far stronger U.S. support for Pakistan and for General Musharraf in particular. Having stated its primary concerns, China helped craft the U.N. Security Council resolution that provided ample sanction for the U.S. military campaign against the Taliban and Al Qaeda. Chinese diplomats subsequently offered full backing to the Bonn Accord creating an interim Kabul government.

China has also vigorously pursued renewed intelligence collaboration with the United States. China's proximity to Afghanistan, its long-standing close ties with Pakistan, and the fact that significant numbers of Chinese nationals are known to have been trained in the Al Qaeda organization provide the Chinese with ample information of clear intelligence value to U.S. counter terror operations. In early December 2001, Ambassador-at-Large Francis Taylor led a delegation to Beijing for the purpose of upgrading and formalizing this cooperation. The two sides established a bilateral financial terrorism working group and biannual meetings on intelligence, law enforcement, and financial monitoring. Equally important, in meetings with Japanese Prime Minister Koizumi, senior Chinese leaders concurred with Japan's unprecedented naval deployments to the Indian Ocean. This suggests a degree of flexibility that few would have thought possible prior to 11 September. At the same time, the Chinese quickly approved a five-day port visit to Hong Kong by the USS STENNIS en route to the Arabian Sea, thereby indirectly endorsing U.S. military strikes in Afghanistan. Talks on military maritime safety issues were also resumed. China's readiness to cooperate in the terror war at multiple levels has had a major positive impact on U.S.-Chinese relations.

China's early signals of support for U.S. policy paid immediate dividends for Beijing, including high level contact with senior Bush administration officials, early consultations between U.S. and Chinese counter-terrorism experts, and (most important) President Bush's decision to travel to Shanghai for the APEC economic summit in mid-October—the only overseas trip that the President has undertaken since 11 September. During the summit, Presidents Bush and Jiang pledged common efforts to move toward a constructive and cooperative relationship, with the U.S. also noting that relations had to be "candid." Such statements of common purpose, though necessarily formulaic, were a far cry from earlier U.S. pronouncements that China was a prospective "strategic competitor" of the United States. In addition, the U.S. appears ready to resume senior-level military-to-military contacts, which were suspended during the EP-3 standoff. Some Chinese officials may also have believed that early support for U.S. military actions could enable much more vigorous suppression of ethnic separatist forces in western China. By claiming that as many as 1,000 Uighur separatists may have been trained in Al Qaeda camps in Afghanistan, the Chinese explicitly sought to make common cause with the United States; U.S. officials have rejected this rationale.

What do the Chinese see as the potential downsides to supporting U.S. policy? Despite its support for coalition military operations in Afghanistan, China also sees potential

longer-term risks to its political and security interests in U.S. leadership of the terror war and Washington's burgeoning military presence in Central Asia. The major breakthroughs in U.S.-Russian relations prompted by 11 September have sharply reduced the possibilities of a Chinese-Russian coalition to constrain U.S. strategic dominance. Increased U.S. political and economic support for Pakistan (though strongly urged by Beijing) suggests that the United States will increasingly serve as Islamabad's primary international benefactor. Though China has long seen Pakistan's viability as pivotal to South and Central Asian security, a disproportionate U.S. role could diminish China's standing and stature in Islamabad. In addition, the prospect of a substantial, open-ended U.S. military presence in areas contiguous to China's western borders, including new U.S. security commitments to the ex-Soviet states of Central Asia, clearly increases U.S. political-military advantage at China's expense, and among states that China had assiduously cultivated over the past half decade. A major Chinese diplomatic initiative toward Central Asia, the Shanghai Cooperation Organization, has been all but eclipsed by U.S. actions in the present crisis.

The U.S. campaign in Afghanistan also seems very likely to affect future Chinese strategy toward Taiwan. The campaign's major successes to date have no doubt reminded China's leadership of the potency of U.S. military power, and America's readiness to use it. U.S. military prowess will thus prove helpful in cautioning Beijing about any use of force against Taiwan. Indeed, a setback to Beijing's interests in Taiwan's parliamentary elections of early December 2001 (when pro-independence forces won a major electoral victory at the expense of those committed to increasing political links to the mainland) did not precipitate anything approximating a full-blown cross-straits crisis, as occurred in 1996. Though the Chinese are seeking to avoid any major escalation of tensions with the United States during the current crisis, some Chinese leaders may believe that the U.S. preoccupation with the terror war will distract Washington from ongoing attention to developments in the Taiwan Strait. U.S. officials may need to disabuse their Chinese counterparts of any such miscalculation.

It is, however, the prospect of future U.S. actions against other states accused of harboring, financing, or supporting international terrorism that pose the largest concerns for the Chinese. So long as the United States remains focused on countries where there is unambiguous evidence of support for terrorist activities, the Chinese will neither impede nor second guess U.S. actions. Though China clearly entertains serious reservations about a counter-terrorist strategy that could entail successive military operations against other sovereign states, they have thus far kept their reservations in check. However, heightened military pressure against major U.S. adversaries such as Iraq is viewed very warily by the Chinese—unless Iraq can be tied unambiguously to the Al Qaeda network. The Chinese would also be profoundly concerned about a military campaign that might spread beyond Afghanistan, and could potentially create risks of far greater regional instability, especially in Pakistan. Thus, Beijing's near-term concurrence with U.S. military operations in Afghanistan does not constitute a blank check for subsequent U.S. actions. This underscores the need for continued close consultations with China on future steps in the terror war.

What have been the net gains for both countries of Chinese support for the terror war? China's support for the terror war reflects Beijing's keen appreciation of the potential dangers to international security and stability posed by global terrorism. This has clearly facilitated U.S. efforts to assemble as broad a coalition as possible to counter terrorist threats. Compared to the roles of Russia, Pakistan, and the frontline states of Central Asia, however, China's role is less direct. The Chinese are not a core member of the international coalition, except insofar as future actions in the terror war require additional Security Council support. But the Chinese recognize the opportunity to strengthen and regularize diplomatic, security, and intelligence consultations with the United States. This political breakthrough cuts both ways, since it obligates both countries to heightened consultation, especially as the United States contemplates future steps in the terror war. This could apply in particular should efforts to root out terrorist networks shift toward the Philippines, Indonesia, Malaysia and/or other Southeast Asian states, where an enhanced U.S. military presence and future U.S. military operations could represent a major security concern to China.

Chinese interests do not afford Beijing a realistic option to distance itself from the terrorist threat. Indeed, the Chinese have sought to exploit the intense international focus on terrorism to justify actions against domestic groups opposed to Communist rule. The U.S. clearly cannot condone Chinese actions against groups with legitimate grievances, as opposed to against ethnic separatists prepared to use internal violence for larger political ends. But more positive Chinese involvement in the terror war warrants careful consideration, including possible Chinese contributions to the rebuilding of Afghanistan and enhanced coordination of U.S. and Chinese political and economic support for Pakistan. The looming questions for U.S.-Chinese relations concern the clarification of the larger ends and means in the terror war, and whether this might potentially entail a more direct Chinese participation in these actions. This bears in particular on the possible extension of U.S. military operations beyond Afghanistan. Given China's abiding suspicions about major power intervention in the internal affairs of sovereign states, this is an especially sensitive issue for Chinese leaders. The U.S. cannot allow Chinese concerns to dictate future U.S. steps in the terror war, but neither can Chinese concerns be ignored or dismissed. The Chinese are seeking to define an appropriate, sustainable contribution to the anti-terror campaign. The U.S. retains ample incentives to encourage China's fuller involvement in this struggle, in as much as it will facilitate broader restraint in Chinese regional policies and contribute to much more productive U.S.-China relations.

Recommendations/Actions: The terror war has reestablished a basis for heightened security consultations between the United States and China, including new opportunities for political and intelligence collaboration. Increased U.S. engagement with China does not guarantee future Chinese support for U.S. actions, but such support would be impossible in the absence of such efforts. The United States therefore needs to continue to explore the potential opportunities for heightened collaboration with Beijing presented by the terror war.

Newport Paper: 13

JAPAN AND THE TERROR WAR

Purpose: To explore Japan's participation in the war on terror and the possible long-term advantages and disadvantages of its involvement.

Background: This is a historic moment for Japan. The Japanese government is skillfully using the current crisis to reinterpret its 1947 constitution and thereby reduce restrictions on the Japanese Self-Defense Force. Prime Minister Junichiro Koizumi has publicly vowed that Japan will be part of the international coalition organized by the Bush administration, thus avoiding the criticisms leveled at Japan when it failed to send forces to the Persian Gulf in 1990. But there are larger domestic and international issues at stake. In October 2001, the Japanese Diet passed a bill giving the Self-Defense Force the authority to provide rear area support during the anti-terror war. This bill removes the fifty-year-old restrictions on the country's armed forces going overseas. During November 2001, Japan sent three warships and two supply ships to the Indian ocean. Japanese troops have also prepared to help protect American military bases in Japan.

The 11 September terrorist attacks decreased opposition inside and outside Japan to a reinterpretation of the Japanese constitution, which renounces the use of force. The Japanese government and the Diet have given the Self-Defense Forces the authority to assist the anti-terror coalition. Other Asian powers, most importantly China, appear to accept this change for now. Japan is currently the only East Asian country to have fully joined the coalition. Therefore, Japan is making an important contribution to the international and regional legitimacy of the entire anti-terror operation. The U.S. government has actively supported Prime Minister Koizumi. His proposals conform to long-term American efforts to convince Japan to play a greater role in regional and global security.

Discussion: It is important to determine what Japan can contribute to the war on terror and to understand the implications of its emerging role.

What capabilities can Japan bring to the war? Japan is providing support in three areas: logistical support; protection of American bases in Japan; and financial support for both the war effort and peacekeeping operations in Afghanistan.

1. Logistical Support. The Japanese Self-Defense Force is one of the largest and most modern military organizations in the world. Its maritime force outnumbers the U.S. Pacific Fleet. On 29 October 2001, the Japanese Diet passed the "Anti-Terrorism Special Measures Law," granting the prime minister the ability to use the Self-Defense Force to achieve the goals of the war on terror. The specific assistance Japan would provide was thereafter detailed in the "Basic Plan Regarding Response Measures," adopted by the Diet

on 16 November 2001. The two measures enable the Japanese government to assign military personnel and ships from the Maritime Self-Defense Force to carry supplies, provide medical services, relay communications, conduct repair and maintenance work, help with search-and-rescue operations, and use weapons to protect itself and anyone under its care.

The single most controversial issue has been the question of using deadly force for self-defense. While Koizumi has made it clear that the new measures would keep Japan's troops out of combat, the language regarding when Japanese military personnel can return fire in self-defense is vaguely written and therefore difficult to interpret. On 7 December 2001, the Diet voted to give Japan's Self-Defense Forces the authority to fire arms not only in self-defense but "to protect soldiers and refugees from other countries." Clearly, this law allows the Japanese Self-Defense Forces to defend themselves and coalition partners while transporting supplies and providing medical treatment. In November 2001, the Japanese Air Self-Defense Forces for the first time began to support U.S. troops in Japan by transporting non-military supplies between Yokota Air Base and Kadena Air Base. Tokyo's dispatch of three warships plus two supply ships during the same month marked the first time a Japanese military contingent has been put in harm's way since the end of World War II.

2. Base Protection. In accordance with recent actions by the Japanese government and the Diet, the Japanese Self-Defense Forces have been given the authority to guard U.S. bases in Japan in emergencies. In early December 2001, the Self-Defense Forces began a nine-day exercise to practice protecting U.S. bases in case of an emergency. About 180 Self-Defense Force troops stationed in the town of Zama in the Kanagawa Prefecture were mobilized for the exercise. This is the first time Japanese forces have prepared to provide direct force protection for U.S. forces in Japan.

3. Financial Support. The Japanese government has also committed itself to making substantial financial contributions to the war on terror. It has promised \$24 million in emergency grant aid to Pakistan. An additional \$6.5 million has been specifically earmarked to support Afghan refugees in Pakistan. In November 2001, Japanese Foreign Affairs Minister Makiko Tanaka told Pakistani President Pervez Musharraf that Japan will play an active role in providing support for rebuilding Afghanistan and for United Nations peacekeeping efforts. Most recently, following the collapse of the Taliban regime in Afghanistan, the Ministry of Finance was reportedly considering increasing Japan's grant aid to Afghanistan by 10-30 billion yen (\$80-240 million) from the amount originally planned in the fiscal 2002 budget. Other possible future aid projects include \$200 million for construction of roads and educational facilities in Afghanistan and \$100 million for each of the countries surrounding Afghanistan—Iran, Tajikistan, Turkmenistan and Uzbekistan—to maintain stability and help them deal with Afghan refugees.

What are the implications of Japan's contribution? While Japan's decision to participate in the anti-terror coalition by sending ships and personnel from the Maritime

Self-Defense Force to the Indian Ocean has resulted in international acclaim, this action also led to increased concern among its regional neighbors, especially China.

Japan has firmly portrayed terrorism as a global problem in all of its public statements. Tokyo's decision to aid the anti-terror coalition by airlifting supplies and sending ships is intended to reassure both allies and the international community that Japan is willing to contribute more than just money to help solve this problem. In particular, the Japanese Diet has described the 11 September events as "extremely vicious and unforgivable acts of violence not only to the United States but also to all humankind," and has called on all nations to overcome their differences and work together to eliminate this threat. The broad multilateral character of the anti-terrorism coalition greatly facilitated Japan's participation in the war.

China was initially extremely concerned about Japan's military participation in the anti-terror war. But the events of 11 September provided Prime Minister Koizumi with an unforeseen opportunity to save Japanese "face" in its troubled relations with China. Koizumi traveled to China in early October, where he apologized for Japan's military actions during World War II. The PRC's top leaders, President Jiang Zemin and Prime Minister Zhu Rongji, publicly assented to Koizumi's reinterpretation of the overseas role of Japan's military. Koizumi's apology apparently greatly tempered China's initially adverse reaction to Japan's naval deployment.

Japan hopes to use its participation in the anti-terror war to provide an opportunity for other nations, especially those East Asian nations that are most sensitive to Japan's militaristic past, to observe the Self-Defense Force in action. Tokyo wants these other countries to judge for themselves whether Japan continues to pose a military threat. To this end, the Diet has put strict limits on both the size and the scope of its overseas support operations. Tokyo has also stated that the main key to success is to ensure that the Japanese forces are used sensibly and effectively. China's concerns would increase should the Japanese force be assigned to tasks that lie outside the carefully proscribed limits set by the Diet.

The Japanese government's deployment of Maritime Self-Defense Force ships to the Indian Ocean is a watershed event in modern Japanese and East Asian history. Japan recognizes that international terrorism poses a serious challenge to world order. Even though it is beset by severe economic problems, Japan has become a full partner in the international effort to eradicate terrorism. This is a major step in what Japanese government reports have described as Japan's slow but determined post-World War II journey to once again become a "normal nation" with a more engaged military and greater international responsibilities—including, perhaps, a permanent seat on the U.N. Security Council. The Japanese government's use of the war on terror to work toward reinterpreting its constitution so as to reduce restrictions on the Japanese Self-Defense Force serves the immediate needs of the anti-terror coalition. However, it could lead to future problems should China, other Asian countries, or Russia fear that Japan might attempt to reassert more aggressively its military standing in Asia.

Recommendations: Policymakers must be aware of the diplomatic, economic and military capabilities that Japan brings to the war on terror, the limitations on their use, and the significance and implications of Japan's participation.

Newport Paper: 14

**THE TERROR WAR:
ALTERNATIVE FUTURES**

Objective: To identify and evaluate the range of potential end states, or outcomes, that could emerge in the war on terror.

Background: In wartime, one key component of a grand strategy vision is determining what "end state" or alternative future the nation would like to exist once hostilities have finished. End state refers, in this case, to the strategic environment in which the United States will operate after the cessation of hostilities. The relationship between war objectives and end states is not always straightforward. In order to determine what potential end states might emerge in the wake of the war on terror, we must attempt to determine the impact of our actions on the international environment.

Developing an exit strategy depends, in part, on understanding what objectives and end state the nation is trying to achieve. With a desired end state established, an exit strategy can be developed that allows for the withdrawal of U.S. military forces once an objective or set of objectives have been achieved. Similar reasoning can be applied to the war on terror. To know how long the war on terror should last and when "victory" can be declared, policymakers must think about what end states are both desirable (or at least acceptable) and achievable.

Discussion: Determining what end state is preferred is a political decision that should be made on the basis of national objectives and a careful analysis of the costs and benefits of achieving potential end states. Military leaders should provide substantive inputs into this end state analysis when the armed forces will be one of the primary policy instruments employed and may bear a disproportionate share of the costs in terms of lives, resources, and, perhaps, blame if things go wrong.

At this time it is impossible to determine what end state will emerge, either by design or by chance, from the war on terror. This point paper identifies potential end states so that policymakers can understand which possibilities are both desirable and achievable given national objectives and inevitable resource and political constraints. Strategic, operational, and even tactical choices must be informed by an understanding of what outcomes are preferred and achievable. The entire range of potential end states, from good to bad, must be explored. Decision makers must know what they should seek to avoid as well as what they seek to achieve.

Alternative End States (ordered from most desirable to least desirable)

1. Best of All Worlds. In this end state the United States and its coalition allies defeat all terrorists and their state supporters quickly and with few long-term political, diplomatic or military costs. Indeed, the war on terror might even present opportunities for resolving long standing U.S. foreign policy problems unrelated to the immediate 11 September attacks, including Saddam Hussein's continued rule over Iraq, the anti-American stance of Iran, and the Israeli-Palestinian conflict. The war on terror might also strengthen existing alliances (e.g., NATO) and allow useful new security arrangements to develop. For example, with the on-again, off-again rapprochement between the United States and Russia there is preliminary evidence that this is already happening. By definition, this end state highlights benefits rather than costs, even though those costs may be significant.
2. Terrorism and State Supporters of Terrorism Defeated. This end state is less favorable than the first because although state sponsors of terrorism and terrorist groups with global reach are eliminated, success comes at a greater price and long standing problems remain unresolved. There may be significant political, diplomatic, and economic costs associated with achieving U.S. war objectives as well as some undesirable unintended consequences. Specific costs might include alienating existing allies and weakening U.S. moral authority within the international community. Unintended consequences might include delays in modernizing U.S. military forces (as defense budgets focus on operational vice transformational efforts) and/or damage to the global economy for a significant period.
3. Terrorism Defeated. By eliminating known terrorist groups, threats to the American homeland, U.S. interests and facilities abroad, and perhaps to key U.S. allies will have been reduced. Terrorists with the global reach necessary to strike at the American homeland, including Al Qaeda and similar groups, will no longer exist. Accepting this end state would mean that states that aided and abetted terrorist groups would remain in place. It also implies that state supported terrorism or new terrorist groups might re-emerge in the future. This end state suggests the achievement of a more narrow set of objectives than is required for accomplishing either of the first two outcomes
4. State Supporters of Terrorism Defeated but Not Terrorist Groups. The U.S. armed forces and intelligence agencies are currently best suited to confront states and their militaries. Historically, American security structures have not been focused on terrorist groups because, in general, states have posed the greatest threat to U.S. interests. As a result there is some danger that in the war on terror the United States will defeat any and all states that support terrorist groups but will not be able to eradicate the terrorists themselves. Already Afghanistan's Taliban regime has been toppled but Al Qaeda and its leaders have not yet been eliminated as threats. Reports suggest that Al Qaeda and pro-Taliban elements remain active in parts of Afghanistan; other elements have apparently fled to other countries with the help of Iran and/or some factions within Pakistan.
5. Restore Status Quo Prior to 11 September. In the post-Cold War period the United States has operated in a world in which terrorists with global reach and state sponsors

thrived. Key allies as well as the United States itself were victimized at Khobar Towers, the port of Aden, and elsewhere. Responses were limited and some states turned a blind eye toward anti-American terrorism as a matter of policy. Many commentators have claimed that the 11 September attacks represent a seminal event that has changed history; in effect they argue that there is no going back. Given the demonstrated (no longer theoretical) threat to the American homeland and to civilian non-combatants their claims are reasonable. It is not clear that the United States can return to the pre-11 September status quo even if it wanted to.

6. Status Quo. In this end state, the 11 September attacks would be acknowledged as part of the cost of doing business for a superpower. There would be no continuing, long-term war on terror as currently envisioned. The United States would treat the 11 September attacks as a larger version of Khobar Towers and USS Cole incidents. Domestic law enforcement and international intelligence capabilities would be used to find the “criminals” who perpetrated the September 11 terrorist attacks. Externally, the United States would use political and diplomatic channels to gain the cooperation of any states found to have harbored the perpetrators with the intention of bring them to justice in a court of law. Success or failure in these endeavors would be less important than following a familiar process and adhering to a particular set of principles (the rule of law, for example).

7. Permanent State of War. This “end state” is not really an end state per se because it implies that the war on terror will not come to conclusion. It involves ongoing and prolonged conflicts with both terrorist groups and their state supporters. The war will be nasty, brutish, and long—a new Thirty Years War. It might involve a perpetual tit-for-tat relationship between the United States and its coalition allies and terrorist groups and their state sponsors. Given the nature of the terrorist threat, it could also mean accepting some permanent level of risk to the American homeland and/or trading freedom for greater security. One or more state-on-state conflicts involving conventional forces and even missions requiring military long-term occupations might occur in this end state. Nation-building may become a larger component of U.S. foreign policy because the United States may have to provide economic and governance assistance to those countries whose regimes have been overthrown and/or where large-scale socio-economic disruptions continue. This option would be the most costly to the United States and the most dangerous to ordinary Americans and to American interests writ large.

8. America "Loses." There remains the possibility that the United States could "lose" the war, not by being defeated on the battlefield but by withdrawing into a "Fortress America." An American withdrawal from the war would be a victory for Al Qaeda and its supporters. After all, one of the avowed aims of Al Qaeda (and of some other terrorist groups as well) is to drive the United States out of the Greater Middle East. A U.S. withdrawal would also undermine key regional allies and weaken U.S. economic interests abroad. Such a future might emerge if the war drags on and the U.S. public (and key political leaders) tire of wartime sacrifices. Support for the war effort could erode if the perceived economic and political costs of the war are great. Heavy military casualties might also reduce the willingness of some to continue the campaign against terrorists.

Paradoxically, the more successful the United States is in defending its homeland against terrorist attacks the more likely it is that some will argue for returning home; according to this logic, America's involvement in the world, including making the world safe from terrorists, is a source of trouble that should, and can, be avoided.

Recommendations/Actions : In adjusting U.S. war objectives in response to events, and in the natural evolution of objectives from the short to the long term, decision makers, both civilian and military must clarify which end state is both desirable and feasible.

Newport Paper: 15

**PAKISTANI MILITANT GROUPS:
POLICY CHALLENGES AND SOLUTIONS**

Objective: To examine the problem of Pakistani extremist groups and possible responses to their activities.

Background: Throughout the 1990s, Pakistan has pressured long-time rival India by directly endorsing and supporting extremist groups in Afghanistan and Indian-held Kashmir. The jihads engaged in by these groups have also had serious internal repercussions on Pakistan: motivated by radical ideologies imported from the Persian Gulf, a generation of Pakistani extremists have waged a brutal sectarian war against their country's religious minorities. Moreover, there is evidence that extremists have infiltrated the very foundations of the state itself, notably the armed forces and the intelligence service. Finally, Pakistan's terror wars in Kashmir and Afghanistan have not brought it any modicum of security. Quite the opposite. Islamabad's Taliban clients in Afghanistan were swept away by America's war on terrorism, leaving uncertainty in its wake along this vast border region. A suicide attack on the Indian parliament in mid-December 2001 brought Pakistan and India to the brink of war. Rarely has there been a greater challenge for the U.S. foreign policy establishment than the resolution of the multiple, interrelated security dilemmas afflicting South Asia today.

Discussion: Pakistani militancy is a multi-faceted phenomenon encompassing a multitude of conflicting agendas. Several groups are focused solely on internal sectarian violence in Pakistan proper, while others concentrate their efforts on "liberating" Indian-held Kashmir. A third cluster cultivates close ties with international Islamic terrorist groups, including Osama Bin Laden's *Al Qaeda*. Clearly, it is this latter grouping that poses the greatest threat to American regional interests and the protection of U.S. forces in the region, although the others cannot be ignored.

Collective Strengths and Weaknesses

Collectively, all of the Pakistani militant organizations enjoy a similar set of strengths and weaknesses. The United States can maximize the effectiveness of its counter- and anti-terrorist policies by exploiting these strengths and weaknesses and seeking out the terrorists' centers of gravity.

(1) **Strength: Jihad Culture.** A critical strength is the "jihad culture" that permeates Pakistani society, especially the youth. Decades of poverty, corruption, dictatorships, Afghan wars, and Gulf Arab donations have ensured a steady stream of angry young men for Pakistan's terrorist groups.

(2) Strength: Weak Central Authority. A chronic lack of central authority is another strength common to all Pakistani militant organizations. Regardless of whether the country is run by elected cabinet or military dictatorship, Pakistani governments have generally proven less than capable in confronting their militants. At the local level, anemic government responses have granted Pakistani militants latitude to effectively "take over" vital sectors of society, such as social services and parts of the national education system.

(3) Strength: Funding Networks. Pakistani militant groups tap into a rich vein of financial support from émigrés, the Gulf Arab oil states, and Iran. These states help fund not only the groups themselves but the religious schools that disseminate the motivating ideologies of the militants.

(4) General Weaknesses. For all their strengths, Pakistani militants are weakened by a number of significant shortcomings. The performance of Pakistani religious parties in national elections has been distinctly unimpressive. Furthermore, the groups themselves are badly fragmented by political squabbles, personality clashes, and infighting. Finally, and perhaps most importantly, Pakistani Islamists lack a galvanizing, charismatic leader of the same caliber as Ayatollah Khomeini, Musa Sadr, or Osama Bin Laden.

Importance to the United States

In the aftermath of 11 September, Pakistani militants have become an important national security concern for U.S. policymakers. Not only do they possess links with the Taliban and *Al Qaeda*, they also pose a potential threat to the stability of Pakistan itself—the Muslim world's only nuclear power. Finally, the mid-December suicide attacks on the Indian parliament by suspected Pakistan-backed terrorists have escalated tensions between India and Pakistan to levels not seen since their 1971 war.

(1) *Al Qaeda Lives On.* As America continues its war on terrorism, it is increasingly clear that some senior *Al Qaeda* leaders are likely to be hiding in Pakistan. Indeed, Osama Bin Laden himself may be sheltered by the Pakistani extremist groups that he sponsored, trained, and armed. At least three of these pro-Bin Laden groups are U.S. designated Foreign Terrorist Organizations, including *Harakat ul-Mujahedin (Movement of Holy Warriors)*, *Jaish-e Mohammed (Army of Mohammed)*, and *Lashkar-e Tayiba (Army of the Pure)*. They can be expected to assist *Al Qaeda* in reconstituting its capabilities as it prepares for a new round in the war on America.

(2) The Danger to Pakistan. A coup by *Al Qaeda* sympathizers against the government of President Musharraf is not out of the question. Numerous reports have emerged regarding Pakistani intelligence and the extent to which it has been compromised by Islamist sympathizers. Washington does not want to face the prospect of serious unrest in Pakistan at a time when the hunt for *Al Qaeda* and Taliban leaders is paramount. Pakistan is a volatile, potentially unstable state: the presence of nuclear weapons makes this country a current, critical U.S. national security concern.

(3) War with India. The activities of Pakistani militants have brought Islamabad and New Delhi to the brink of war. Forces have been mobilized, the rhetoric has escalated, and the specter of nuclear war has been invoked. The United States has been heavily engaged in ameliorating those tensions; however, Pakistan's support for terrorism in Kashmir lies close to the heart of the problem. The onus, therefore, is largely on Islamabad to determine whether its support for terrorism will continue to be in its national interest.

Possible U.S. Policy Options

Several options are available to U.S. policymakers in defusing the Pakistani terrorist threat, including intelligence sharing, public diplomacy, the designation of more groups as Foreign Terrorist Organizations, aid programs, and a possible settlement of the Kashmir dispute. Clearly, many of these solutions require discrete diplomacy, careful monitoring, and sufficient financial resources for direct assistance.

(1) Intelligence Sharing. Intelligence sharing with India and the Central Asian republics will undoubtedly improve U.S. capabilities to monitor and ultimately neutralize extremist support networks. All of these states have suffered the consequences of Pakistani-sourced terrorism, be it the Islamic Movement of Uzbekistan or the Jaish-e Mohammed group in Kashmir. Intelligence sharing is a key step toward eradicating that threat.

(2) Public Diplomacy. The U.S. must also continue to publicly highlight the dangers posed by Pakistani extremists not only to Americans but to key regional allies such as the new government in Afghanistan, the Central Asian states, and India. Continued press revelations have made some Gulf Arab states distinctly uncomfortable and could dissuade them from blatantly funding extremist schools and militant groups in Pakistan.

(3) Designate more Terrorist Organizations. The United States recently designated two Pakistani-backed militant groups—*Jaish-e Mohammed* and *Lashkar-e Tayiba*—as Foreign Terrorist Organizations (FTO). Other Pakistani extremist groups such as Sepah-e Sahaba Pakistan (Army of the Companions of the Prophet), and Lashkar-e Jhangvi (Army of Jhangvi) merit reexamination as FTO candidates, given recent revelations of their links to both the Taliban and Al Qaeda. This is more than a symbolic gesture. It ensures that public diplomacy is engaged and could dry up potential sources of financial and logistic support.

(4) Foreign Aid. Washington must also explore foreign assistance programs that directly improve Pakistan's ability to monitor and neutralize extremist groups. Towards that end, U.S. aid programs could help Pakistan shut down the radical religious/terrorist training schools, dismantle the terrorist training camps, and clamp down on sectarian violence. For example, the United States could fund police training and passport/visa monitoring equipment.

(5) Kashmir. Finally, the United States cannot ignore the looming problem of Kashmir, since this dispute impacts so heavily on Pakistani national security decision making.

Only a partial or complete resolution of the Kashmir conflict, be it through plebiscite, independence, autonomy, or related mechanism, will ensure minimum security for both India and Pakistan. If Indian sensitivities prohibit direct American involvement in a Kashmir resolution effort, Washington might encourage a low-key, third-party approach such as the 1993 Oslo Process which facilitated greater Israeli-Palestinian dialogue.

Recommendations/Actions: Policymakers must be sensitive to the problems posed by Pakistani militants both for the region as a whole and Pakistan itself. The war on terror must encompass those Pakistani groups that are clearly antagonistic to U.S. interests and pose a direct threat to U.S. forces and citizens. Furthermore, the U.S. must be engaged in facilitating a resolution to the Kashmir dispute, for this conflict underpins much of the region's current tensions and instabilities.

Newport Paper: 16

THE ISLAMIC REPUBLIC OF IRAN AND THE TERROR WAR

Purpose: To weigh the case for and against a campaign against the Islamic Republic of Iran (IRI) in the ongoing war on terror.

Background: Iran has been one of the most active state sponsors of terrorism for many years. Iran allegedly directed the 1983 truck bombings of the U.S. embassy, Marine headquarters and French army barracks in Beirut. It has poured millions into Hamas since its birth in 1987, is the chief financial supporter of Hizballah, and is assumed to have coordinated Hizballah's 1992 bombing of the Israeli embassy and Jewish community center in Buenos Aires. In 1989, Iran placed Salman Rushdie and his publisher and translators under sentence of death and seriously injured Rushdie's Norwegian publisher in a 1993 assassination attempt. Iranian death squads killed dozens of Iranian dissidents in Turkey and Western Europe in the 1990s. Its agents also reportedly orchestrated the 1996 Khobar Towers bombing in conjunction with Saudi Hizballah.

Both the Clinton and Bush administrations moved away from the "dual containment" policy by relaxing sanctions against Iran. By assisting reformist President Muhammed Khatami, the United States has sought to outflank Iranian hardliners and improve relations. Though that strategy has paid dividends, most notably during the U.S. intervention in Afghanistan, conservative elements in the Iranian state have continued their sponsorship of terrorism, allegedly sheltering some Al Qaeda fighters in eastern Iran and transferring others to Lebanon and shipping 50 tons of arms and explosives to the Palestinian Authority in January 2002. In the Israeli-Palestinian dispute, Iran remains as "rejectionist" as ever, inciting Israel's enemies to wage the "new Intifada." Iran also pursues weapons of mass destruction, including the development of plutonium at the Russian-aided Bushir facility and chemical and biological weapons. Such weapons in the hands of a secretive and fractured regime place President Bush on the horns of a dilemma: should he wage a preemptive war against Iran's custodians of terror and WMD or turn the other cheek and continue a policy of rapprochement, which, given the friendly attitude of most Iranians, could well succeed over the long term?

Discussion:

The Case for Military Action

If Iran continues its support of terrorism and allegations concerning the arms shipment from Kish to Gaza and the transshipment of Al-Qaeda fighters from Afghanistan to

Lebanon are true, the United States may feel compelled to deliver on its pledge to combat terrorism and its supporters by taking military action against Iran. The very organization of the Iranian military offers a discriminating way to strike at hardliners in the IRI government.

To "coup proof" the Iranian armed forces after the fall of the shah, Ayatollah Khomeini and his successors created an Iranian Revolutionary Guard Corps (IRGC or *Sepah*) to neutralize the politically suspect regular army, or *Artesh*. Over the years, the IRGC has burgeoned into a parallel military with its own ministries, army, navy, and air force. The Revolutionary Guards have first call on all resources, direct the missile and WMD programs, and command the irregular *basiji* youth battalions that are mobilized to control popular unrest.

Any U.S. strike against Iran should hit the *Sepah* and spare the *Artesh*. This would not be as difficult a task as it seems. *Artesh* and *Sepah* bases are physically separated. Attacks might be aimed at air defenses, missile sites, aircraft, ships and submarines, armor, trucks and fighting vehicles. Another set of potential targets would be Iran's defense industries. These are regarded as critical pillars in Iran's economic "self-sufficiency jihad." Key facilities are the Shahid Kolah Dooz Industrial Complex (self-propelled guns), the Hadid complex (tanks and APCs), and the Iranian Armed Forces Aviation Industries Organization (aircraft components, avionics, and jet trainers), and the Panha Company (attack and utility helicopters.) Attacks on IRGC barracks are to be discouraged; much of the *Sepah* is drawn from the normal conscript pool. Many if not most of the *Pasdarans* ("revolutionary guardians") are the same disaffected 19-year-olds that are found in the ranks of the *Artesh*.

The mere threat of such a campaign might change the behavior of even hardliners in Tehran. The economic loss would be too great, the political risk too high. Stripped of a well-armed, mobile IRGC, hardliners would be truly vulnerable to the street revolution that only threatened during the fall of 2001.

Psyops and "information attack" may prove more effective than military strikes. Moderate Iranians eager to rejoin the community of nations may well recoil at the news that their leadership gives institutional support to terrorism and harbors Al Qaeda killers. Hostility already prevails between the Iranian people and their inept, semi-authoritarian government, which is widely disparaged for its corruption, hypocrisy, incompetence, and joylessness. Cleverly conceived and worded psyops that stress these negative attributes and accuse the IRI government of spreading world terrorism may widen the gulf and put pressure on the regime. Moderate Iranians struggling with massive unemployment may not be long willing to continue shouldering the cost of a WMD and ballistic missile program.

The Case Against Military Action

It should not be assumed that a heavy military blow will clarify and improve Iranian behavior, for the clerical regime in Tehran will always present the United States with

multiple, often contradictory policies. Decision-making in the Islamic Republic is singularly complex because of the three executive organs in the Islamic Republic: the supreme leader (Ayatollah Ali Khamenei), the president (Muhammed Khatami) and the "expediency council" (Ali Rafsanjani). The last mediates between the first two, generally tilting toward the former but almost invariably producing muddy compromises. The government usually works at cross-purposes, with some ministries dominated by Khamenei, others by Khatami. Matters are further complicated by "personal networks" that wend through each of the three executives as well as the *majlis*, or parliament, and make rapid, concerted decision-making all but impossible. This explains the mixed signals coming from Tehran. Iranians do not always speak directly, and even when they do there is no clear consensus across all levels of government.

Hardline elements around Khamenei are using terrorism and a WMD program to underscore their commitment to the traditional anti-Western, anti-Zionist goals of the Islamic Republic. Alarmed at growing secularism and pro-Americanism in Iran, they are seeking ways to prevent the convergence of American and Iranian interests and re-polarize them.

For Iranian hardliners, President Bush's "axis of evil" speech and threat of military action is a boon. It enables them to portray America as an "arrogant aggressor" and replay the rhetoric of 1979. Moreover, it forces Khatami to adopt similar "hardline" rhetoric to defend his patriotic credentials. This is the downside. The upside is no less apparent. By drawing a "line in the sand," Bush is offering reformist elements in Iran the opportunity to join a just, international cause and cast aside their unwanted clerical regime. Seen in this light, the 2002 State of the Union address is itself a "psyop," a stern warning to the Iranian leadership and a direct approach to the Iranian people. It could strengthen moderate Iranians and force a salutary showdown between reformers and hardliners. By this logic, however, everything would be lost by U.S. military action, which would rally all Iranians to the hardline camp in a time of national crisis.

There are other issues, chief among them the absence of a pro-Western opposition ready to seize power in the event of a U.S. attack. Khatami is above all a mullah. He is in no hurry to deliver the Islamic Republic into the hands of the sinful West. What Khatami wants is a reformed Islamic Republic, where mullahs relax but do not obliterate their strictures and permit greater, but not total, freedom for Iran's restless young population. Khatami's calls for a "dialogue of civilizations" sum up his program. He does not want to merge Iran's relatively pious "civilization" with the West's; rather he wants to use "dialogue" as a means to emphasize and maintain the difference while harvesting all the economic benefits that greater openness will bring.

Finally, if pressed, most Iranians would construe WMD and missiles as essential for national defense, particularly if Iraq has them. Iran's conventional forces are old and thoroughly depreciated, leaving WMD-armed ballistic and cruise missiles as Iran's only credible deterrent.

Recommendations/Actions : Policymakers must carefully weigh the advantages and disadvantages of military action against Iran. One course may be diplomatic pressure and "information attack." Iran's "culture of paranoia and distrust" credits America with superhuman powers; Iranian decision-makers may ultimately prefer to discuss U.S. accusations and seek real solutions rather than further escalate tensions.

Newport Paper: 17

**SETTING OUR COURSE IN THE TERROR WAR:
SYMPOSIUM EXECUTIVE SUMMARY**

Purpose: To provide highlights from the Naval War College symposium "Setting Our Course In the Terror War."

Background: The Naval War College conducted a symposium, "Setting Our Course in the Terror War," 29-31 October 2001. The symposium featured a series of speakers and panels, with representatives from Navy, Coast Guard and Joint commands and civilian specialists. An agenda and list of panelists are attached. The full report may be obtained by contacting Dr. Lawrence Modisett, whose contact information appears on the cover of this paper. It is also available on the SIPRNET at www.nwdc.navy.smil.mil.

Executive Summary:

The Naval War College conducted a symposium, "Setting Our Course in the Terror War," 29-31 October 2001. It featured a series of speakers and panels, including representatives from Navy, Coast Guard and Joint commands and civilian specialists. Key observations are highlighted below, by topic.

Continuing value of sea power. Speakers and participants, including the Chief of Naval Operations, ADM Clark, noted that operations in Afghanistan had reaffirmed the enduring contributions of the Navy to U.S. power projection capability, including sovereign platforms, strategic reach, flexibility, and stealth.

Need to balance roles, support USCG. ADM Clark and others underscored the challenge of balancing the continued requirement for forward deployments with the resumption of the Navy's traditional role of homeland defense, now undertaken in support of the Coast Guard. Participants recognized that the resource constraints of the Coast Guard, critical even before 11 September, require significant use of Navy assets. But one participant warned if diversion of assets significantly reduces the ability to operate forward, "we give our enemy a victory." Recommendations included coordinating procurement plans, revisiting the National Fleet concept, and continuing to activate Reserves, especially those with scarce specialized skills.

Maritime intercept operations (MIO). Discussion of operations focused most heavily upon MIO. VADM McGinn, Deputy Chief of Naval Operations for Warfare Requirements and Programs, offered the vision of a 2-3 year campaign that would eliminate the ability of an enemy to use the sea-lanes to attack the United States. Participants saw no significant military challenges to U.S. ability to conduct such operations. Citing a high success rate for container inspections in Rotterdam, they believed proper analytical methods could aid significantly in screening potential targets

for MIO. They also believed ship seizures would lead to greater self-policing. Targets should include not only "floating truck bombs" but illegal trade used to finance terrorist networks. Participants saw ample legal grounds for conducting MIO against suspected terrorists, including Article 51 of the United Nations Charter. Some believed rules of engagement require reevaluation.

Logistics. Participants noted that in the current campaign, the key role of naval forces has been to provide a sea base for tactical air support and special operations. This is likely to remain so, since access to most land bases will remain problematic. Participants called for greater emphasis on "offensive operational logistics" and recommended the Navy consider Army Prepositioned Ships as an alternative platform, as the UK did in the Falklands. The Global 2001 war game demonstrated the value of doing transfers at sea from Maritime Prepositioned Force platforms to high-speed lighterage, but such operations face difficult challenges, including heavy seas, C2 connectivity, and missile defense of logistics assets ashore.

Information operations (IO) and public diplomacy. ADM Clark cited information operations and public diplomacy as areas requiring "new thinking." Participants noted the endurance, signature control, and sovereignty of Navy platforms are advantageous for IO operations and called for a Navy component in U.S. IO strategy. ADM Fallon, Vice Chief of Naval Operations, cited the need to do better in matching IO preparations to expected challenges, such as non-literate audiences. The Honorable Alberto Mora, General Counsel of the Navy, noted parochialism among agencies hampers IO policy.

Intelligence. Discussion of operational issues led to extensive discussion of intelligence requirements and capabilities. Much of it focused on the need to better exploit existing data bases by upgrading data mining tools, improving connectivity among government agencies, expanding exchanges with other nations, and reaching out to sources not traditionally tapped, particularly the commercial sector. Participants also warned, however, that expanded cooperation must be balanced against the need for operations security. Both General Counsel Mora and ADM Blair, Commander-in-Chief, U.S. Pacific Command, noted there has been a relaxation of restrictions on information sharing between law enforcement and intelligence agencies. On collection, participants noted the Navy has given up much of its capability to the Joint world and cannot always count on those assets. They called for improving capabilities for persistent surveillance, using aerostats, Global Hawk, space-based radar, and combined radars. They also cautioned that collection systems built for blue water operations don't work well in the littoral. Participants noted the need to reexamine human source collection and strengthen analysis. Many emphasized the role of special operations forces (SOF) in intelligence collection, and some suggested it may be the primary role of SOF.

International cooperation. Many participants commented on the importance of allies and coalition partners in anti-terror operations. ADM Clark cited the value of international cooperation to the Navy as it attempts to maintain global operations while devoting four aircraft carriers to combat missions. There was a general sense that U.S. policy emphasis had shifted from unilateralism toward coalitions which, in the words of

VADM McGinn, may represent a "convergence of interests" or a "convergence of fears." Several participants cited as a model the "security communities" ADM Blair has fostered, where nations cooperate when they have mutual interests at stake, without making long-term binding commitments. ADM Blair particularly cited advances achieved in international cooperation through security assistance, training, and greater communications interoperability.

Security. The need for security was another overarching theme. Both ADM Fallon and VADM Mullen noted that recent terrorist attacks, particularly on the *U.S.S. Cole* and the Pentagon, had fundamentally changed thinking among naval personnel, heightening the focus on personal and operational security. As threats to combatants, participants cited mines, shore-launched torpedoes, and high speed underwater weapons. They also noted that under-manning of security forces had made land bases more vulnerable, requiring reinforcement by personnel from other specialties.

Continuing budget issues. Participants were not optimistic about future Navy budgets. ADM Fallon, VADM Mullen, and General Counsel Mora cautioned that any funding increases to fight terrorism were unlikely to relieve the long-term shortfalls apparent before 11 September when, in the words of the General Counsel, "managing the Navy was like managing a company in Chapter 11." Congressional Research analyst Ron O'Rourke warned that increased defense funding might not even cover needs arising directly from the current conflict. In allocating future spending, participants stressed the need to find the right balance between homeland defense and forward deployments, and between current operations and long-term investment. ADM Fallon recommended focusing resources on "high-value assets" related to information, engagement, access, and flexibility. One participant urged that cuts fall most heavily on "single-mission assets."

Transformation. Recognition of the challenges posed by anti-terror operations and continuing budget constraints evoked numerous views on naval transformation. VADM Mullen noted a tendency of the Sea Services to resist change, "which is sometimes a good thing and sometimes not." He called for improving command, control, communications, and intelligence (C4I); defense against chemical and biological warfare; and logistics. Mr. O'Rourke argued that the Navy lacks a clear vision for innovation and this shortcoming undercut the DD21 program. Indeed, participants expressed widely diverse views on future surface combatants. They noted the campaign in Afghanistan has validated the utility of aircraft carriers, but they also extolled the performance of unmanned aerial vehicles (UAVs) and called for their wider deployment on a range of platforms. Mr. O'Rourke recommended deploying UAVs on SSGNs as well as surface combatants, acquiring a naval version of the AC-130 gunship, and developing large, deep-penetrating weapons that could be launched from naval platforms. One participant believed increased MIOs would require lighter, faster ships but also affirmed a continuing need for big ships to "send a message." VADM Mullen noted smaller ships would make it easier to maintain forward presence but raise issues of sustainability and force protection, and he called for more investigation of what is technically feasible. ADM Fallon noted "big decks" provide flexibility. Another

participant suggested amphibious groups may replace carrier battle groups as the "universal force package."

Acquisition process. Participants recommended changes in the acquisition process to increase speed in fielding systems, sharing information between systems, and integrating new technologies into existing systems. To speed the fielding of new systems, they recommended the acquisitions community provide contractors general performance requirements, rather than design details. To speed the exchange of information, often hampered by unique proprietary features, a standard interface should be defined. To leverage advancing technology, there should be separate acquisition programs for new classes of platforms, which take 10 or more years for first delivery, and electronic equipment, which advances in 18-month roll-overs. New equipment could then more easily be used to upgrade existing platforms. Participants also considered the possibility of downgrading military specifications and relying more on commercial technology, but they acknowledged such a proposal would have to consider carefully the additional risks.

Deployments. Along with changes in platforms, weaponry, and acquisitions, some participants called for innovation in deployments. VADM McGinn suggested going from 6 to 7 month deployments, and ADM Fallon called for testing a Naval War College proposal for swapping crews and platforms to achieve greater efficiencies.

Setting Our Course in the Terror War

US Naval War College
29-31 October 2001

Notes:

Discussion on the first day will be at the unclassified level through the luncheon address and open to the news media. Beginning with the session at 1400 Monday, discussion will be at the SECRET level (except ADM Blair's unclassified address at 0930 Wednesday).

Day One (Monday 29 Oct)

MORNING PROCEEDINGS UNCLASSIFIED

- 0820 Admin remarks Dr. Lawrence Modisett
- 0830 Introduction RADM Rodney P. Rempt, USN
President, Naval War College
- 0845 Keynote address ADM Vernon E. Clark, USN
Chief of Naval Operations
Naval Missions In the New Strategic Environment
- 0945 Break
- 1000 Panel *Strategy Over the Next Five Years: Threats and Missions*
Moderator: Prof. Bradd Hayes
Scene-setting brief: The Security Environment Over the Next Five Years
(Presenter: Prof. Mack Owens)
Group discussion; general discussion and Q & A
- 1200 Lunch Officer's Club

AFTERNOON PROCEEDINGS SECRET

- 1330 Address VADM Michael G. Mullen, USN
Deputy Chief of Naval Operations for Resources,
Requirements and Assessments, N8
- 1415 Panel *Navy Contributions To Homeland Defense*
Moderator: Dr. Ken Watman
Scene-setting briefs: NWDC Draft Operational Concept;
Lessons from Homeland Security Series (Presenters: CAPT

Tom Crowley, USN, Navy Warfare Development
Command; Dr. Ken Watman)
Group discussion; general discussion and Q &A

1600 Break

1615 Briefing of
Opportunity RDML Michael C. Tracy, USN
Commander, Navy Region Northeast/ Submarine Group
TWO
The Submarine Campaign

1700 Conclusion of Day One

Day Two (Tuesday Oct 30)

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| 0800-1600 | War Game | Concepts of Operations [<i>conducted in parallel to groups</i>] |
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MORNING PROCEEDINGS SECRET

0800 Admin remarks Dr. Lawrence Modisett

0815 Address Mr. Ron O'Rourke, Congressional Research Service
*Long-Term Implications for the Navy of the Current
Conflict*

0900 Panel *Naval Offensive Counter-Terror Operations*
Moderator: Prof. Barney Rubel
Scene-setting brief: Update on current operations against
Afghanistan (Presenter: CAPT Bruce Carter, USN)
Group discussion; general discussion and Q &A

1045 Break

1100 Report on Panels Summary of First Three Panels
Moderator: Dr. Lawrence Modisett
Prof. Bradd Hayes
Dr. Ken Watman
Prof. Barney Rubel

1130 Remarks ADM William J. Fallon, USN
Vice Chief of Naval Operations

1200 Lunch NWC Café

AFTERNOON PROCEEDINGS SECRET

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| 1400 | Panel | <i>Naval Operational Concepts Beyond the Terror War</i> Moderator: Prof. Tom Fedyszyn Scene-setting brief: The QDR and the Terror War (Presenter: CAPT Sam Tangredi, USN) <i>Group discussion; general discussion and Q &A</i> |
| 1600 | Break | |
| 1615 | Remarks | VADM Dennis V. McGinn, USN Deputy Chief of Naval Operations for Warfare Requirements and Programs, N7 |
| 1700 | | Conclusion of Day Two |
| 1715 | Reception | Mahan Rotunda |

Day Three (Wednesday Oct 31)

Revised Schedule for Day Three

McCarty-Little Auditorium

| | | |
|------|---------------|---|
| 0815 | Admin remarks | Dr. Lawrence Modisett |
| 0830 | War game | Brief-out of Scenario Two (SECRET) Dr. Ken Watman |
| 0915 | Break | |

Spruance Auditorium

| | | |
|------|--------------------|---|
| 0930 | Address | ADM Dennis C. Blair, USN Commander-in-Chief, U.S. Pacific Command (UNCLASSIFIED) |
| 1030 | Break | |
| 1045 | Summary Brief | Analytic Over-View (SECRET) Dr. Ken Watman |
| 1100 | Remarks | Hon. Alberto Mora General Counsel of the Navy |
| 1130 | Concluding remarks | RADM Rodney P. Rempt, USN (SECRET) President, Naval War College |



Setting our Course in the Terror War

US Naval War College
29-31 October 2001

Panel Members

Panel 1

Strategy Over the Next Five Years: Threats and Missions

Moderator: Prof. Bradd Hayes

Scene-setting brief: The Security Environment Over the Next Five Years

(Presenter: Prof. Mack Owens)

Members:

Mr. Hank Gaffney, CNA

Prof. Ahmed Hashim

Prof. Peter Liotta

Prof. Mack Owens

Dr. Harvey Sapolsky, MIT

Mr. Steve Schlaikjer, CNO/POLAD

Panel 2

Navy Contributions To Homeland Defense

Moderator: Dr. Ken Watman

Scene-setting briefs: NWDC Draft Operational Concept;

Lessons from Homeland Security Series

(Presenters: CAPT Tom Crowley, USN; Dr. Ken Watman)

Members:

RADM Michael F. Lohr, USN, N3/5L, NJAG

RADM Robert F. Duncan, USCG

RDML Miles Wachendorf, USN, N51

Mr. George Heavey, U.S. Customs Service

CAPT Tom Crowley, USN, NWDC

CAPT Bruce Stubbs, USCG (ret), Anteon

Panel 3

Naval Offensive Counter-Terror Operations

Moderator: Prof. Barney Rubel

Scene-setting brief: Update on current operations against Afghanistan (CAPT Bruce Carter, USN)

Members:

RADM Harry W. Whiton, USN, Commander, Naval Security Group

RADM Steve Smith, USN, SECNAV/OPA

RADM Charles L. Munns, USN, Commander, Submarine Group EIGHT

RADM Daniel S. Mastagni, USN, SEVENTH FLEET

RDML Charles Johnston, USN, NAVAIRSYSCOM

RDML Miles Wachendorf, USN, N51

RDML Michael C. Tracy, USN, Commander, Navy Region Northeast/ Submarine Group TWO

RDML (sel) Robert T. Moeller, USN, CINCPACFLT N3/5/7

Mr. Ron O'Rourke, Congressional Research Service

CAPT Ronald W. Brinkley, USN, SWOS

CAPT Dave Jones, USN

Panel 4

Naval Operational Concepts Beyond the Terror War

Moderator: Prof. Tom Fedyszyn

Scene-setting brief: The QDR and the Terror War
(Briefer: CAPT Sam Tangredi)

Members:

RADM Steve Smith, USN, SECNAV/OPA

RADM Daniel S. Mastagni, USN, SEVENTH FLEET

RDML John C. Harvey, USN, N12

RDML Paul Sullivan, USN, NAVSEA

RDML Christopher M. Moe, USN, N71

Mr. Hank Gaffney, CNA

Dr Edward Liszka, ONR

CAPT Don Inbody, USN, OSD C3I

CAPT Sam Tangredi

CAPT Scott Thomas, USN, N421

CDR John Dickman, USN, SSG

Newport Paper: 18

CENTRAL ASIA AND THE TERROR WAR

Purpose: To explore the role of the newly independent states (NIS) of Central Asia (Kazakhstan, Kyrgyzstan, Uzbekistan, Tajikistan and Turkmenistan) in the war on terror.

Background: The states of Central Asia have been enthusiastic supporters of the U.S. war on terror. Even before the 11 September attacks, these regimes were already extremely hostile to the spread of extremism in Central Asia generally and to the Taliban in particular. During the 1990's, NATO's Partnership for Peace (PfP) program created a basis for cooperation with the NIS of Central Asia. The developing relationship between the United States and the NIS has also been facilitated by positive developments in U.S.-Russian relations since 11 September.

Discussion: It is important to recognize what the NIS have brought to the war on terrorism and the advantages and disadvantages of close cooperation with these states.

How have the NIS of Central Asia contributed to the anti-terror coalition? Above all, these states have offered proximity. Uzbekistan and Tajikistan, the "frontline" states, share a border with Afghanistan of almost 850 miles. The basing options they have provided have been particularly welcome given political instability in Pakistan.

Indeed, the NIS offer a relatively stable environment from which to project power into the region over the long term. Although the NIS are all ruled by ex-Communist officials, the region has not witnessed large-scale political violence since the early 1990s, with the exception of Tajikistan. Of all the NIS, Tajikistan is most dependent on Moscow. Cooperation in this case depends entirely on positive relations with Russia. Tajikistan was the site of a vicious civil war during the early 1990s. A 1997 peace accord seems to be holding with the help of almost 20,000 Russian troops, who had also been guarding the border against the Taliban. U.S. special forces have been operating from bases along the border with Afghanistan, while C-17 transports have been making refueling stops at the airport outside of the capital of Dushanbe. In a significant sign of support for the U.S. war on terror, Tajikistan joined PfP in February 2002.

Uzbekistan has given timely and significant assistance to the United States. Less than a month after 11 September, U.S. combat forces were already deploying to the Uzbek base of Khanabad, which is located about 100 miles north of the border with Afghanistan. Three thousand U.S. troops have been deployed to Khanabad, including elements of the 10th Mountain Division, which played a leading role in *Operation Anaconda* during March 2002. Due to concerns about the Islamic Movement of Uzbekistan (IMU),

American forces in Uzbekistan have kept a very low profile. However, preliminary reports suggest that the U.S. deployment has been well received by the Uzbek people.

Uzbekistan's President Islam Karimov has taken a very hard line against internal opposition. His harsh rule is justified in the name of preserving stability, which is perceived to be gravely threatened by Islamic militants. It is noteworthy that the State Department had pronounced the IMU to be an international terrorist group prior to the 11 September attacks, suggesting that Karimov's fears have some basis in reality. On the other hand, Uzbek forces easily repelled IMU incursions in both 1999 and 2000. By some accounts, the larger objective of the IMU is to bring the whole of Central Asia under strict Islamic rule. The IMU was so intertwined with the Taliban that its leader and many of his fighters appear to have been killed during the fighting for the north Afghan city of Kunduz in late 2001. The IMU may be vulnerable to financial pressure, since its success in recruiting has been attributed to salaries provided with funds from Saudi charities.

Kyrgyzstan and Kazakhstan, which are both much more secular than the states to the south, could prove to be more reliable partners of the United States. As the most liberal state among the NIS of Central Asia, Kyrgyzstan has long been favored in U.S. aid policies to the region. The U.S. and its allies are in the process of erecting a significant base outside the Kyrgyz capital of Bishkek. The United States is likely to deploy F-18 and F-15 strike aircraft, as well as transport aircraft to Kyrgyzstan. Six French Mirage 2000s are already flying from the base. Indeed, French pilots flying out of the Kyrgyz base flew combat sorties during *Operation Anaconda* in March 2002. Kazakhstan is the wealthiest and most stable of the NIS. Although it has offered its airbases for use by American forces, the U.S. has at this time only accepted the offer of overflight rights. Both Kyrgyzstan and Kazakhstan remain closely linked with Russia. This is particularly true for Kazakhstan because of its lengthy border with Russia and large ethnic Russian population. As with Tajikistan, therefore, cooperation with Kazakhstan and Kyrgyzstan depends to a large extent on positive U.S.-Russian relations.

In contrast to the other NIS states, Turkmenistan has shown little enthusiasm for joining the anti-terrorism coalition. Early on in the crisis, Turkmenistan declared its neutrality in the conflict. This position reflected Turkmenistan's close ties with the Taliban, with Iran, and also a disinclination to align with the West. This country has contributed to the humanitarian aid effort, however, allowing USAF transports to land and off load cargo destined for displaced Afghans.

In addition to providing proximate bases in an environment of relative stability, the NIS have provided diplomatic and intelligence resources in the war on terror. Having the vocal support of a bloc of regional states enhances the coalition's legitimacy. This support has remained important as the U.S. tries to secure the peace. The United States has been wooing Turkey as the possible overall leader of peacekeeping operations in Afghanistan—no doubt because it is hoped that Turkish troops will less offend the sensibilities of the local population. The participation of local NIS forces in peacekeeping operations might also assuage Afghan cultural concerns. Indeed, NIS

militaries have been trained for precisely this mission in the exercises of the Central Asian Battalion that have been conducted yearly under PfP auspices since 1997. The use of Uzbek or Tajik peacekeepers in the southern Pashtun areas of Afghanistan may be inadvisable, but Kazakh and Kyrgyz troops would be appropriate. Ethnic ties between the frontline states and groups inside Afghanistan have also yielded certain diplomatic and intelligence benefits. For example, Northern Alliance Gen. Abdurrashid Dostum, an ethnic Uzbek, is apparently a close personal friend of the President of Uzbekistan. Maintaining such relationships are integral to the success of the new regime in Kabul. Finally, the NIS are crucial to the successful flow of humanitarian aid into Afghanistan. Humanitarian contributions should not be denigrated. The stability of the government in Kabul may ultimately depend on the ability of the international community to improve the lives of most Afghans.

What are the risks and costs of NIS involvement in the war on terror? The strong commitment of the NIS to combating radicalism unfortunately brings with it a concomitant reputation for suppressing human rights. Uzbekistan, potentially America's most important ally among the NIS, is one of the very worst offenders. There, thousands of activists have been imprisoned and torture is widely practiced. Additionally, the state suppresses information with tight controls over the media. The current leadership's repressive policies could conceivably fuel a rebellion that eventually brings a virulently anti-American government into power, on the model of the Iranian revolution. However, this development remains a very remote possibility primarily because local culture and traditions (Sufism, Hanafi Sunnism) are opposed to radicalism and to political violence in general. The situation in Tajikistan is slightly less oppressive, but also more unstable, at least in the short term. Even Kyrgyzstan, briefly known as Central Asia's "island of democracy," has seen growing encroachments on civil liberties. Rioting recently broke out in a southern Kyrgyz town over the detention of an opposition leader. This incident is an exception to what has been relatively stable governance in Kyrgyzstan. Indeed, the countries of the northern tier (Kyrgyzstan and Kazakhstan), which emerged from nomadic civilizations, are much more secular. Their cooperation with the United States could be less problematic than that of the more religious NIS states of the southern tier. All of the NIS populations are relatively well educated and absorbed a large dose of secular culture during the Soviet period, but widespread poverty suggests that stable democracy will remain a remote aspiration for the foreseeable future. In cooperating closely with these regimes, the United States runs some risk of guilt by association. Steady policies of political and economic engagement could, however, plant the seeds for long-term liberalization.

NIS leaders have expected and received economic compensation for their cooperation. Aid, investment, debt forgiveness, and trade concessions are priorities for these poverty-stricken states. Indeed, financial assistance has been the most salient motive for Kyrgyzstan, which is reportedly getting \$40 million for services rendered. Aid to Uzbekistan has been tripled to \$160 million. There, economic reform has proceeded very slowly. Both the IMF and World Bank closed their offices in Tashkent over the last few years because of the leadership's unresponsive and lackluster economic policies. This situation creates the potential for American assistance to be derailed by corrupt elements

and increasing inequality, potentially leading to an anti-American backlash. Aid should be targeted and configured for sustainable development.

A possibly more complex issue concerns the extension of security guarantees. In defining the content of future commitments, a number of factors must be considered. First, there is a danger of antagonizing Russia by playing the "Uzbek card"—exploiting Uzbek-Russian antagonism to develop stronger U.S. relations with Uzbekistan. An open and multilateral approach that recognizes Russian interests in the region and includes those states more closely aligned with Moscow, for example Tajikistan, is least likely to raise suspicions about a new "great game." Second, Uzbekistan has been accused of fanning ethnic tensions in Tajikistan (where about one quarter of the population are ethnic Uzbeks) throughout the 1990s. Thus, there are some grounds for concern that a blanket extension of security guarantees could embroil the United States in the region's ethnic conflicts. Finally, the human rights abuses of these regimes create an obvious tension among U.S. foreign policy goals: strategic imperatives generated by the war *versus* fostering democracy abroad.

Substantially upgrading the PfP program—increasing military assistance and the frequency and scale of joint exercises—and developing closer economic ties could enhance U.S. relationships with the NIS of Central Asia and persuade them of the desirability of a continuing U.S. military presence in the region. In addition to ensuring that Afghanistan does not lapse once again into a haven for terrorists, linking the NIS of Central Asia closely with the West would have a number of additional benefits: securing access to the region's energy supplies, bringing additional pressure to bear on potentially hostile regimes such as Iran and China, and expanding the group of moderate, pro-American Muslim states.

Recommendations/Actions: Policymakers must be aware of what the NIS of Central Asia bring to the continuing war on terror and the advantages and disadvantages of their involvement in the war.

Newport Paper: 19**NATO AND THE GLOBAL WAR ON TERROR**

Purpose: To assess the role of NATO in the global war on terror and the impact of the war on the alliance and the evolving transatlantic strategic community.

Background: America's European allies provided critical support at the onset of the global war on terror. British diplomacy contributed to the swift invocation of Article V of the NATO Charter and the immediate passage of condemning resolutions in the UN Security Council. Individual allies and the European Union (EU) collectively extended unprecedented legal and financial cooperation in the war effort, with particularly extensive exchanges among police and immigration authorities. Perhaps most significant was the intensification of intelligence-sharing, as demonstrated by the string of Al Qaeda arrests and adoption of unprecedented financial controls.

The involvement of European forces in anti-terror operations has been slower to take shape. At the behest of the United States, European participation was kept to relatively low levels in the Afghanistan campaigns. NATO as an organization has not played a central role. The most important discussions and decisions have been confined to bilateral channels with Britain, Germany, France, and Italy. Britain has been the most active and visible partner, with roles both in offensive and reconnaissance operations. Until the beginning of the peacekeeping phase in Afghanistan, most other allied cooperation has been relatively low profile. European countries and others focused largely on backfilling missions that might otherwise be undertaken by U.S. forces (in Kosovo and providing AWACs coverage over the east coast of the United States), establishing symbolic presence (Gulf deployments and watch operations off the Somali coast), or coordinating special forces/intelligence activities. The EU is now committed to organizing and funding the Afghan reconstruction effort.

Discussion. The political impact of the war on the transatlantic alliance has become a matter of controversy. A growing number of European critics argue that European support was taken for granted by Washington and that a unilateralist United States has sought little more than multilateral diplomatic cover from Europe. In their view, European contributions to the war were relegated to sideline operations. Some now question how long the terror war will continue. Opposition to extending the war to include campaigns against Iraq and other state sponsors of terrorism has grown. Official sentiment is divided even in Britain about future cooperation with American-led campaigns. European political elites on the whole do not see the intersection of the terror threat with that of the proliferation of weapons of mass destruction (WMD) with the same degree of clarity or inevitability as their Washington counterparts. Finally, as in past decades, there are sharply differing European perspectives on who is responsible for the

terror and turbulence in the Middle East. More broadly, there is a growing demand for American leadership, but only with appropriate, effective, and extensive consultation.

For their part, some American observers view European reactions as evidence of a basic lack of political will and an unwillingness to meet responsible military goals. Europeans are seen as using the absence of a regional threat to Europe as an excuse to avoid global military engagement. The United States, consequently, must bear both the responsibility for and the costs of maintaining international order. Others see this period as just one more step in NATO's demise. Most stress the growing capabilities gap between American and allied forces—particularly in airlift, global reach, speed of action and even basic communications capabilities—which further complicates operational cooperation.

The onset of the global war on terror may well have prevented the United States and its European allies from drifting further apart. The Bush administration has used the war on terror to push for a broad new policy agenda and to stress more mature relations with both traditional allies and a newly assertive European Union. How Europe responds to these initiatives will, in the long run, determine whether alliance drift is inevitable or can be averted.

This is clearly a critical transition period for an Atlantic Alliance poised on the edge of a second round of expansion. Structurally and politically, NATO is not yet finished with a decade of change sparked by the campaigns in Bosnia and Kosovo and the Partnership for Peace (PFP) outreach to Central Europe, Russia, and the former Soviet republics. Under American leadership, NATO is clearly attempting to transform itself from a defensive alliance concerned primarily with territorial defense to a political security community that has acknowledged a wide range of shared interests beyond its geographic area and that faces a broad spectrum of threats.

The United States has much to gain from maintaining Allied interest, cooperation, and involvement in the global war on terror. If the United States devalues, directly or indirectly, the most effective international cooperative framework that it has been able to create in the last five decades, it may weaken a key pillar of its own national security. The Western nations remain the most formidable powers in the international community. Moreover, Western cooperation and solidarity are seen as significant assets by the American people. Although American popular enthusiasm for the war on terror since 11 September has been remarkable, the level of domestic support for subsequent phases of the terror war may fall if the United States is viewed as acting alone, without the material and moral support of our long-time European allies.

The potential benefits and risks of Allied involvement in the global war on terror are best explored in the context of the principal U.S. goals for transatlantic relations.

1. Retain and strengthen American leadership in the Euro-Atlantic space. The United States has effectively reasserted political leadership and increased the incentives for key states to give first priority to bilateral relationships. Prime Minister Blair's initial stance as "first friend" was quickly imitated by Germany's Schroeder and France's Chirac. Little

has been said since 11 September about further steps towards a common European foreign and security policy (CSFP) or about a new division of labor between NATO and the EU in the military arena. Work continues but at a far slower pace and with little of the grandiose rhetoric heard before the war. The potential threat to American leadership posed by European initiatives has receded.

The next phase in the war, especially if it involves action against Iraq, will pose a greater leadership challenge. At present, few allies would support even unilateral American action without intense consultation and direct new evidence of links between Sadaam Hussein and Al Qaeda.

2. Mobilize a broad European consensus within a reinvigorated NATO to expand the European zone of stability. The United States seeks major changes in NATO over the next five years. Most significantly, it advocates maximal eastward expansion of the alliance and a major reinvigoration of Partnership for Peace arrangements. These changes will require a major reform of most NATO political structures and the negotiation of a new, broadened political consensus. Before 11 September, the United States faced allied indifference, if not opposition, to both types of change. Most allies were turning inward, especially Germany and France. Under the present circumstances, the United States may have an opportunity to set new parameters for the transatlantic relationship, ones flexible enough to allow for later adjustment.

Since the start of the war there has been progress in some areas (e.g., intelligence cooperation, integration of Russia) but little significant movement on broader political goals. In the coming season of summits, the United States could (1) link NATO's eastward expansion agenda to broader anti-terror goals and the heightened needs for transparency and cross-border cooperation; (2) seek a common commitment to essential WMD counter-proliferation measures, both direct and preventative; and (3) foster a PFP that mobilizes allies and partners against potential sources of terror in Central Asia and the Caucasus.

The risk is that Europe will respond with rhetorical support but little action, much less a meaningful division of labor. Neither European reluctance to embrace change nor the American inclination to propose commitments that cannot be implemented can be allowed to prevent necessary reforms. Cooperation is especially critical for (1) developing a strengthened counterproliferation regime that denies technology, components, and intellectual property to WMD proliferators and (2) including European partners in both theater and national missile defense programs .

3. Foster enhanced Allied military capabilities. The gap between American and Allied capabilities in both readiness and technology now equals that evident during NATO's first years. Few states have kept pace in modernization; all have reduced manpower and technological investment since 1989. Europe can barely support the present level of effort in Bosnia and Kosovo. Domestic considerations will prevent European governments from seeking significant new resources for defense in the foreseeable future.

The United States faces a choice: on the one hand, it could press for purpose-built European forces for the war against terror; on the other hand, it could ask Europe primarily to provide logistics and/or backfill forces, thereby relegating Europe to a secondary military role. There is little domestic political support within Europe to buy forces, invest in catch-up technologies to match American capabilities, or provide the logistical capabilities necessary to support America's global role. In the long run European publics and emerging political elites concerned primarily with domestic prosperity may not support campaigns in which Europe shoulders the burden of peacekeeping, financial reconstruction, and nation building while the United States decides when and how to fight wars.

4. Solidify a new European role for Russia. For a decade, the United States, and the West generally, have searched for the appropriate approach for dealing with Russia. Should Russia be regarded as a now vanquished superpower, as "Upper Volta with missiles," as a global strategic partner, or as a potentially resurgent adversary? The Bush approach prior to 11 September was to treat Russia as a "normal" country. Neither special support nor special treatment was to be expected. There was a "business plan" vis-à-vis Russia, but one to be unrolled at times and places of Washington's choosing.

11 September elevated Russia's status to a global ally with special responsibilities and thus raised again the question of Russia's role in Europe. At times the level of cooperation and openness between Moscow and Washington has been reminiscent of wartime cooperation—the intelligence sharing that has taken place, for example, and President Putin's *de facto* support for the establishment of American bases in Central Asia. The level of cooperation in WMD counterproliferation also continues to intensify. Meaningful arms reduction steps may emerge from negotiations in the near future.

But there is not yet evidence of a complete Russian reorientation. The Putin government has continued its charm offensive vis-à-vis Western Europe, especially Germany. It has both promised special partnerships and suggested that Russia join NATO and the EU in the not-too-far-off future. Since the beginning of 2002, despite his political ascendancy, Putin has also faced growing domestic criticism for having "given too much" to the West with little in return.

The improvement of Russian-NATO relationships and the Europeanization of Russia may well serve U.S. interests. But the United States should ensure that Russian engagement with NATO is gradual and measured. It must also be wary of Russian tactics that reflect traditional "divide and conquer" ambitions (e.g., a special Berlin-Moscow tie outside the general Western engagement). The "NATO at 20" initiative is an appropriate first step. But the United States should seek to more clearly define Russian involvement in areas in which Russia has both responsibility and accountability for crisis decisions and the global counter-terrorism efforts.

Recommendations/Actions: The U.S. conduct of the global war on terror can benefit from a high level of transatlantic coordination and solidarity, particularly from intensive interactions in intelligence, political consultation, and military preparations.

Policymakers, however, should not take the support of the European members of NATO for granted. By advancing a compelling case founded on mutual interests, the United States can secure both the European commitments and assets necessary to ensure continuing success against all facets of the terror threat, including the WMD dimension.

Newport Paper: 20

GRAND STRATEGY FOR THE TERROR WAR

Purpose: To contribute to the continuing development of a grand strategy for engaging and defeating terrorist organizations with global reach and their state supporters.

Background: Grand strategy is the highest level of strategic vision. It encompasses and integrates all elements of statecraft and provides the framework for establishing priorities, developing coherent strategic decisions, and allocating the resources necessary to implement the chosen strategies. In the absence of such a framework, strategic choices are too often incoherent and reactive, and resources are allocated on the basis of short-term, parochial interests rather than long-term, national interests. Historically, the failure to develop a coherent grand strategy has resulted in an inability to achieve objectives or in unnecessary loss of blood or treasure.

Previous *Newport Papers* have identified U.S. objectives in the current war as well as those of our enemies. Our adversaries include the terrorist groups with global reach as well as the states that support and/or give them sanctuary. While a major component of our grand strategy must focus on the destruction of the current enemy, it must also address long term political and economic factors that contribute to the rise of terrorism as an instrument of those disenchanted with or disenfranchised by the current world order.

Discussion: A grand strategy essentially lays out a plan for integrating and employing the instruments of national power. It can be envisioned as the answer to a series of interrelated questions:

- 1) What conditions do policymakers wish to prevail in the world? What security environment is most in accord with the interests of the United States?
- 2) What steps should be taken in order to achieve those conditions? What plan of action is most likely to bring about the desired conditions?
- 3) Given the security environment and resource constraints, what combination of the instruments of power best supports the chosen strategic alternative?
- 4) What are the opportunity costs and risks associated with the preferred strategic alternative?

As policymakers develop a U.S. grand strategy for the continuing global war on terror, the following focal points must be considered in detail.

The Goal. The overarching goal of U.S. foreign policy and grand strategy is the creation and maintenance of an open political and economic order that maximizes liberty, prosperity, and peace. Terrorism is at odds with this order.

The Objective. The grand strategy objective in the ongoing war is to disrupt and destroy the networks of terrorists with global reach and terminate state support for terrorists.

The Security Environment. Real strategies must be implemented in time and geographic space. Thus a strategy must take account of the security environment. Part of a grand strategy may be directed toward the goal of changing the security environment if it is at odds with U.S. interests or maintaining it if it is in accord with our interests. A dominant feature of the international political system today is globalization. Globalization has increased prosperity in many parts of the world and aggravated tensions and stresses in others. A successful grand strategy should aim to maximize the positive aspects of U.S. led globalization such as increasing interdependence, cooperation, prosperity, and peace while at the same time minimizing or mitigating negative aspects such as the disruption arising from the rapid destruction of traditional societies, uneven development, and the continuing unequal distribution of resources.

Resources. The defense budget has been increased substantially as a result of 11 September; however, critical choices must still be made. Policymakers must determine the appropriate mix of offensive and defensive capabilities. The danger is that DoD's resources will be spent on a variety of "wish lists" that have little or nothing to do with the global war on terror. Policymakers must also determine whether significant additional resources must be allocated to such non-military areas such as foreign aid, educational reform, and debt relief.

The Means: Instruments of Statecraft. A grand strategy for defeating terrorists with global reach and their supporters will require the patient and flexible application of all available tools of statecraft. In addition to the military instrument, these tools will include traditional diplomacy, economic statecraft, intelligence operations, law enforcement, and public diplomacy/information operations.

Grand Strategy. Terrorism is an "asymmetric" form of warfare. A U.S. grand strategy for attacking terrorist networks should be asymmetric as well. It should pit U.S. and allied strength against the terrorists' weaknesses. Terrorists must rely for sanctuary on either supportive governments—e.g., Iraq and Iran; governments that look the other way—e.g., Yemen (until recently); or failed states—e.g., Somalia, Afghanistan, and Lebanon. A grand strategy designed to attack terrorist networks must focus not only on the networks themselves, but also on those states or governments that provide sanctuary to terrorists, either intentionally or as the result of weakness. The campaign against Al Qaeda and the Taliban in Afghanistan provides a model for this approach.

This grand strategy must be global in focus and multifaceted in terms of the instruments of power. The idea is to apply relentless pressure on the terrorist's network, denying

them sanctuary, the time to plan attacks, and material support by attacking their finances, recruitment, and training facilities.

Diplomacy and Statecraft. Diplomacy will likely be the cornerstone of our grand strategy for the global war on terror. To defeat the terrorist network, it will be necessary to maintain a coalition of states that will cooperate with the United States. This goal is best achieved by creating and securing a commonality of interests among a broad array of states, while deterring the use of force by potential aggressors. As the war so far has illustrated, diplomacy under such conditions can be difficult. The interests of allies and friends will diverge. The key is to focus on shared interests.

International institutions such as the United Nations can be used to secure common interests. The open international order created under U.S. leadership is based on the principles of economic openness, political reciprocity, and the management of conflict as much as possible through multilateral institutions. International institutions can help overcome and integrate diverse and competing interests. They help concentrate resources while spreading the burdens, habituating other states to American leadership, and helping avert political backlashes that might otherwise be triggered by unilateral U.S. actions. International institutions also create incentives for states to cooperate in mutually beneficial ways by reducing the “transaction costs” of making and enforcing agreements. Because of reciprocity, which serves to enhance predictability in the international system, even the most powerful states have an incentive to follow the rules and conform to norms. Such institutions in principle support U.S. objectives because when states join, they are in effect agreeing to a process that shapes, constrains, and channels their actions. DESERT SHIELD and DESERT STORM illustrate the benefits of achieving U.S. interests within the framework of multilateral cooperation.

Economic Statecraft. Even in a time of war, the goal of U.S. economic policy should be to maintain an open international economic order. But the United States should not shrink from applying economic pressure against both terrorists and their supporters. The key to an economic strategy against a terrorist network is to dry up its funds and disrupt its system of economic support while compelling supporters of the network to withdraw support. Many of the tools that the United States deployed against the Soviet Union in the 1980s can be used to this end in the current war. These include economic sanctions, strategic trade policies, export controls, financial controls and the like. It must be made clear that the cost of supporting terrorism far exceeds the benefits.

Intelligence. Terrorism is “war in the shadows.” Effective intelligence is the key to preventing terrorist attacks, keeping terrorists on the run, and ultimately destroying terrorist networks. The United States must fully mobilize its intelligence community if it is to succeed in this war. Human intelligence assets may well prove critical.

Law Enforcement. Law enforcement is a major instrument in this war. While the military component of the current war has received the most publicity, the law enforcement component may be equally important in the long run. Law enforcement organizations should work more closely with intelligence agencies and the military. The

use of special operations forces (SOF) in support of foreign anti-terrorism efforts is an example of the sort of foreign law enforcement operations that will loom large in this war.

Information and Public Diplomacy. All war has an informational aspect. Deception may be involved. But just as important is making sure that one's own point of view is disseminated in such a way that it cannot be distorted by the enemy.

The United States has paid insufficient attention to this aspect of national power. This lack of attention is based on the assumption that the Western way of life will sell itself. But clearly this is not the case. A grand strategy against the terrorist network should include the creation of such instruments as the Cold War's Voice of America and Radio Free Europe.

Making a positive case for the United States and the Western way of life is only part of the information equation. The other part is to stress that Al Qaeda represents a distortion of Islam, and of religion generally. Public diplomacy and informational campaigns should play an expanded role in this war.

The Military Instrument. The military instrument necessary to execute this grand strategy must be flexible, agile, and multifaceted. It must be joint in the sense that it provides the unified commander with the complete array of tools needed to accomplish the mission.

During the early part of the campaign in Afghanistan, the combination of air power and SOF-supported anti-Taliban Afghan fighters seems to have been very effective in dislocating the Taliban and rooting out Al Qaeda. Some concluded that this combination constitutes the wave of the future in military operations, and that many of the other parts of the military will be of declining importance. Others criticized this approach, arguing that relying so heavily on our Afghan allies had permitted high-ranking members of Al Qaeda to escape. The strategy was later modified to include more direct action by both SOF and conventional ground forces. This illustrates exactly the sort of flexibility and ability to learn that the military will have to demonstrate in order to cope with a terrorist threat while still maintaining the capability for carrying out the other tasks it might be assigned.

Recommendation/Actions: Policymakers must ensure that the U.S. grand strategy for the global war on terror provides a focused and coherent plan for effectively integrating and employing all of the instruments of national power.

Newport Paper: 21

**MARITIME HOMELAND SECURITY
CONCEPT OF OPERATIONS**

Purpose: To examine the emerging Maritime Homeland Security mission and develop a preliminary concept of operations (CONOPS).

Background: Military commanders are charged with making operational decisions. Every day, they and their staffs resolve many simple, routine and/or complex problems. To help them think through their options, while applying their knowledge, experience and judgment, military commanders use a decision-making tool called the Commander's Estimate of the Situation.

The estimate of the situation is a logical process of reasoning by which a commander considers all the circumstances affecting a military situation as to a course of action (COA) to be taken to accomplish a mission. Joint Pub 1-02 defines the CES process as "a logical process of reasoning by which a commander considers all the circumstances affecting the military situation and arrives at a decision as to a course of action to be taken to accomplish the mission."

In the CES, the commander evaluates all the elements of a situation that impact the employment of forces and assets. The decision to select a certain COA is the basis for the development of plans and the issuing of combat orders. The commander's estimate also transmits the decision to the next higher command echelon for approval.

The commander's estimate leads to the adoption of a COA that is:

- ?? Adequate (one that accomplishes the mission),
- ?? Feasible (one that allows for the accomplishment of the assigned mission with forces and assets available), and
- ?? Acceptable (one that is worth the estimated cost or risks).

Discussion: The detailed methodology for conducting a CES is contained in NWP 5-01 (Rev A), *Naval Operational Planning*. The generic commander's estimate consists of seven principal steps:

?? **Mission Analysis.** The superior's mission is dissected to identify the specified and implied tasks and to distill the essential tasks, those required to achieve the conditions which define success. Married with the purpose of the mission and coupled with a review of restraints and constraints, the commander states known facts and assumptions leading to a restated mission. With this review the Commander can now issue his initial planning guidance and intent to his staff.

?? **Analysis of Factors Affecting Possible Courses of Action.** Identify those factors that might influence the choice of a course of action and to draw conclusions about how these factors might favor or hinder own or enemy courses of actions. The aim is to identify and tabulate strengths and weaknesses for own and enemy forces and to make an initial determination of the *adequacy* of one's own forces. Traditionally, the principal factors affecting the possible courses of action of both sides in a conflict are factors space, forces, time, and their interactions.

?? **Enemy Courses of Action (ECOAs).** Identify enemy capabilities and then estimate how the enemy commander could combine those capabilities into enemy courses of action (ECOAs). The primary source of information on ECOAs is the intelligence estimate. Enemy capabilities are considered in the light of all known factors impacting military actions, including time, space, and forces.

?? **Own Courses of Action (COAs).** A COA is any course of action open to a commander that, if adopted, would result in the accomplishment of the mission. For each COA, the commander must envisage the employment of own forces and assets as a whole, taking into account externally imposed restrictions and limitations, the factual situation in the area of operations, and the conclusions previously determined during earlier steps in the CES process.

?? **Analysis of Enemy Courses of Action and Own Courses of Action.** The heart of the commander's estimate process, this analysis is nothing more than war gaming - either manual or computer assisted. In the previous steps of the estimate, ECOAs and COAs were examined relative to their basic concepts. ECOAs were developed based on enemy capabilities and COAs developed based on own mission and capabilities. In this step a dynamic analysis is made of the probable impact each ECOA has on the chances of success of each COA. The aim is to develop a sound basis for determining the feasibility and acceptability of the COAs. Predicted outcomes may also show the need to consider additional modifications to the COAs that could mitigate risk or improve the likelihood of success.

?? **Comparison of Own Courses of Action.** Consider each COA's advantages and disadvantages, identify actions to overcome disadvantages, make final assessments of feasibility and acceptability and weigh the relative merits of each.

?? **The Decision.** Finally, the commander selects the single COA that, in his estimation, offers the greatest chance of accomplishing the mission. A concept of operations (CONOPS) to support the COA is determined and the commander states his intent.

In practice these steps may not take place in the sequence listed, but might occur concurrently with each other.

Issues. During the course of conducting the CES for the Maritime Homeland Security mission, the following issues were identified:

- ?? What is the proper location and size of Joint Operating Area (JOA)? Is there a requirement for a 200 NM extension of the maritime JOA?
- ?? Who are the maritime forces? Navy, Coast Guard, USMC, Canada, Mexico, other coalition partners or allies?

- ?? Intelligence & Information collection and dissemination.
 - ?? Can we detect threats?
 - ?? Is JFCOM integrating the overall detection plan and what are the maritime tasks?
- ?? What are the civil authority support requests?
- ?? Does maritime actually have a NORAD support mission?
- ?? Who is the interagency lead for Homeland Security?
- ?? What are the size, composition, and tasks for the maritime portion of the reaction force?
- ?? What support will the Land Component (and other components) require from the maritime forces?

- ?? What is/are the measure(s) of effectiveness - no leakers?

- ?? What do we need to do to streamline our Command and Control arrangements? (LANT/PAC, USN/USCG, NORAD, JFCOM/PACOM/SOUTHCOM/TRANSCOM)

- ?? What additional international and/or domestic legal authorities or modifications does JFCOM need to accomplish the mission?
 - ?? New laws/regulations required for C2?
 - ?? New laws/regulations required to accomplish mission?
 - ?? Coordination and promulgation of Rules of Engagement/Use of Force policies in the HLS interagency environment.

- ?? What are "critical infrastructures?" What "critical infrastructures" are required to be protected by the maritime force?

- ?? Force Sustainment Issues.
 - ?? Mobilization level required?
 - ?? RRF activation?
 - ?? USN hull transfers to USCG?
 - ?? New construction (USN/USCG)?

?? Coalition contributions?

Recommendations/Actions: Recently, the CINLANTFLT and JFCOM staffs, together with the Naval War College Operational Planning staff, assisted by the U.S. Coast Guard and other agencies, developed a Commander's Estimate of the situation and a preliminary CONOPS for Maritime Homeland Security.

The classified Maritime Homeland Security CONOPS may be viewed at the NWDC HLS web site:

<http://nwdc.navy.smil.mil> under the CONOPS menu,

or directly at:

[http://mbc.nwdc.navy.smil.mil/media/NewportPapers_Maritime_HLS_CONOPS\(Secret\).doc](http://mbc.nwdc.navy.smil.mil/media/NewportPapers_Maritime_HLS_CONOPS(Secret).doc)

Newport Paper: 22**HOMELAND SECURITY
MARITIME COMMAND AND CONTROL**

Issue. The maritime Command and Control (C2) Structure for Homeland Security

Background. Prior to 11 September 2001, U.S. maritime forces had planned on the Cold War structure of the U.S. Maritime Defense Zone (MDZ) Atlantic and Pacific Commands to provide for U.S. coastal and harbor defense (NWP 3-10 *Naval Coastal Warfare*). When activated, these commands were to coordinate defense operations using Naval Coastal Warfare (NCW) forces composed of active duty and reserve Navy and Coast Guard personnel in cooperation with other commands and agencies. Coast Guard District Commanders were to serve as NCW Commanders and local Coast Guard Captains of the Port were to serve as designated Harbor Defense Commanders within the activated MDZ Structure. In order for this structure to be implemented, USCG assets were to be shifted from the Department of Transportation to the Department of Defense, specifically under command and control of the U.S. Navy. Due to numerous factors arising from the 11 September 2001 attack, many of which are tied directly to the diffuse nature of the terrorist threat, many USN and USCG leaders believe that the MDZ structure is not suitable for today's maritime defense mission. Therefore, a new C2 structure should be developed and considered that focuses all affected federal, state, and local authorities on the maritime security mission and clearly establishes who is the lead agency.

Discussion.

- a. **Threat.** The maritime HLS organization must be organized to deter and defeat a new type of enemy – one which can asymmetrically attack targets within the maritime area of operations from within and beyond the continent, by air, land, and sea. The threat will be long-term, and to defeat it, the maritime C2 organization requires access to national C4ISR with a fused and responsive all-source intelligence structure. This structure must be designed to detect the danger with sufficient standoff in both time and space to allow for neutralization of the threat.
- b. **Joint and Interagency Requirements.** Though much of the maritime HLS force structure will be built upon some combination of naval and Coast Guard assets, the organization will also require the support of other DoD Services, as well as many Federal, State, and local agencies, in order to accomplish its mission. Such an organization must be configured to assimilate these dissimilar forces and to address their unique requirements. The organization must resolve a myriad of force interoperability challenges, not the least of which will include: communications, intelligence dissemination, differing views of ROE and use of force, and varying legal authorities.

c. **Nature of the C2 Problem in HLS.** Existing C2 structures are insufficient to address the many C4ISR and operational facets of the HLS problem: the number of CINCs owning a significant portion of the problem (JFCOM, PACOM, SOUTHCOM, NORAD, TRANSCOM); the extensive USN/USCG cooperation required; the desirability of melding LANT/PAC efforts; and the necessary participation by other government agencies and departments (DOT, DOJ, TREASURY, STATE, COMMERCE, DOE, HLS). It also includes state and local authorities and international alliance/coalition military and law enforcement agencies. All these make a clearly defined command and control structure imperative. Attempts to combine multiple existing C2 structures into a single entity (or organize commands, agencies, or departments into a single existing command structure) may prove less capable of action or decision-making than creating a specialized C2 organization which is responsive to the specific mission of HLS.

d. **Common Assumptions.**

Due to the size of the US coastline and traditional maritime working relationships, two concurrently operating structures may be required: one in the Atlantic and one in the Pacific.

USCG retains statutory authorities regardless of C2 structure.

CINCFJCOM retains no less than OPCON for all potential models.

e. **Potential Command and Control Options.**

Joint Force Maritime Component Commander (JFMCC): USCG lead

?? Pros: a solid structure for unity of command/effort; USCG more familiar with the capabilities and requirements of other federal, state, and local law enforcement agencies and the coordination issues involved with working with them.

?? Cons: the JFMCC concept is not designed to support interagency operations; the USCG is currently unfamiliar with JFMCC organizational structure and developing doctrine; no existing USCG C2/C4ISR structure is available to provide such command; and, this construct requires the USCG operational commanders to report to (and be tasked directly by) JFCOM, which may not be acceptable to the Coast Guard.

JFMCC: USN lead

?? Pros: a solid structure for unity of command/effort; the USN is more familiar with this organizational structure and is developing a JFMCC doctrine (Preliminary Coordination Draft NWP 3-32 *Joint Force Maritime Component Commander Handbook*); Navy C4ISR is extant; this construct provides good linkage with JFCOM.

?? Cons: the JFMCC structure is not designed to support interagency operations; the USN is not organized, trained and equipped for such a large coastal protection role; present legal restrictions would hamper

USN effectiveness in law enforcement activities; and, the USN tasking authority over USCG assets is not defined.

~~✍~~ ~~✍~~ MARDEZ

?? Pros: unity of command/effort; doctrine established; C2 structure and staff augments identified; previously gamed; least manpower intensive

?? Cons: theory only; not interagency; places USN in the “lead” for HLS as the MARDEZ is a USN echelon three command

~~✍~~ ~~✍~~ New organizational structure under HLS Cabinet Post: TBD

?? Issues: undefined structure with yet to be identified legal and budgetary authority.

~~✍~~ ~~✍~~ Joint Interagency Task Forces (JIATFs)/Joint Task Forces (JTFs) -

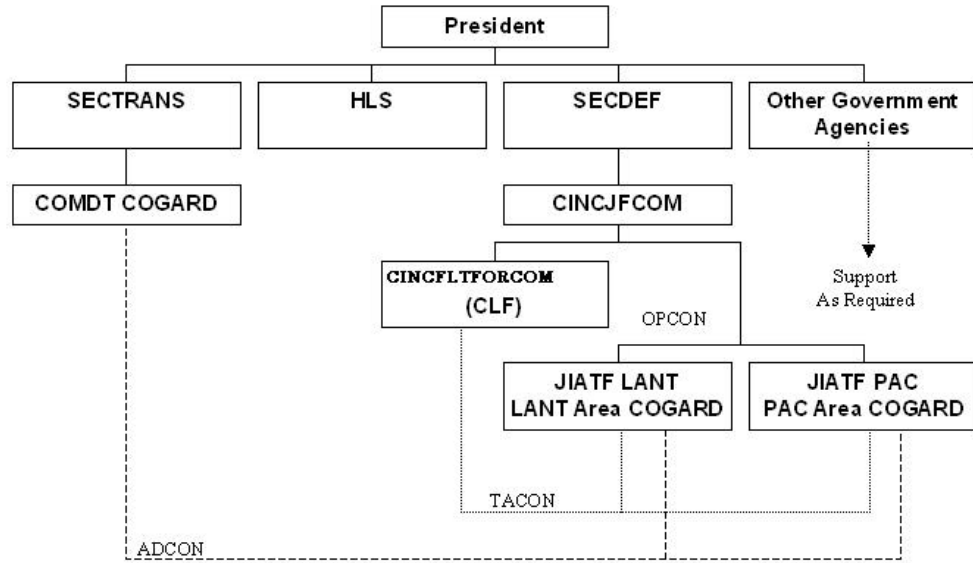
?? Pros: strongest USCG lead command authority for HLS; solid structure for unity of command/effort; provides for a clear link to JFCOM; currently exists as an established C2 relationship; provides best available structure for interagency coordination; two standing models (JIATF East and West) provide examples - the missions of JIATF East and West could even be expanded to include HLS.

?? Cons: the JTF/JIATF structure is the most manpower intensive option.

Conclusion. It should be recognized that HLS will be an enduring mission of the DoD - likely lasting for decades. Time should be taken at the outset to construct the C2 framework which will be most responsive to mission requirements. Presidential and/or congressional actions and/or legislation may be required to properly implement any of the above structures. In any event, a decision must be made so that coordination and planning can go forward.

Recommendation. The JTF/JIATF model offers the best combination of structure, function, and ease of implementation to solve the current C2 issue surrounding maritime HLS. It provides the Area Coast Guard Commanders with operational control of forces from CINCJFCOM while retaining all USCG missions and statutory authorities. This/these organization(s) should be built on existing headquarters structures (existing JIATFs, MARDEZ, Naval Numbered Fleet Commands, Area/District Coast Guard commands) to avoid piecing together an ad hoc organization. Further, Fleet Forces Command should be designated as the single naval component for CINCJFCOM’s execution of the maritime HLS mission.

Recommended Command and Control Structure



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MARITIME HOMELAND COMMAND AND CONTROL: TEACHING AN OLD DOG NEW TRICKS

Purpose: to discuss how the United States should view and conduct command & control for maritime homeland defense.

Discussion: On the morning of 12 September 2001, the United States awoke to the sobering challenge of securing and defending the maritime homeland from the threat of terrorism. Navy ships sailed on short notice to deliver impromptu coastal air defense. Coast Guard cutters patrolled coastal waters and harbors. Customs Service Port Directors surveyed the staggering volume of commercial vessel and container traffic, pouring through major port facilities. There was no command and control of the maritime homeland. Instead, there was independent effort. The Navy tracked commercial aircraft, the Coast Guard escorted commercial vessels, and the Customs Service inspected commercial containers. Organizational schemes, some left over from the Cold War and some adapted from the Drug War, were cobbled together to converge on an undefined maritime terrorism threat. Maritime Action Groups, Port Security Units, and Inter-Agency Task Forces relied upon *ad hoc* measures of coordination and cooperation. Five months later, a tough question still lingers. How should the United States command & control the maritime homeland?

The short answer is one commander, presiding over a unified command and control structure. Military services and federal agencies should serve as resource and force providers – to a single commander. Canadian and Mexican maritime services should coordinate with one U.S. commander.

The long answer is a command and control structure limited to three echelons, with centralized direction by objectives and decentralized execution by zones. The homeland security mission is inherently defensive -- secure, protect, defend. The area of operations is vast and non-contiguous, including coastlines and island archipelagoes in two oceans. Organization by security objectives and geographic zones is a new trick for an old dog.

The Old Dog

Unity of effort in the maritime homeland is attainable only by closing the seams separating law enforcement security and military defense, and by filling the void between shore defense and naval offense. The lessons of the past can lead us toward the future.

The Ancient Greeks fortified the entire Port of Piraeus and the road to Athens inside the great Long Walls in order to establish a shore defense in the maritime homeland, while their fleet protected distant trade routes and fought distant naval battles.¹ The United States employed this ancient strategy as late as World War II, when Navy Admiral Adolphus Andrews took command of the Eastern Sea Frontier and counted only twenty obsolete barges, tugs, and Coast Guard cutters at his disposal for defending the entire U.S. Atlantic Coast.² Army artillery fortifications defended strategic ports and coastal territory from enemy naval attack, while the Navy pursued enemy fleets in distant waters. Later during the Cold War, a Maritime Defense Zone strategy was developed to defend the U.S. against a naval attack from the Soviet Union. In the late 20th Century, modern transnational threats from poachers, smugglers, and terrorists generated a host of new agencies and task forces to fight largely independent maritime interdiction Wars on Illegal Drugs and Migration. In every case, independent command and control structures were constructed to counter individual maritime homeland security threats – German U-Boats, Soviet naval forces, and narcotics smugglers.

A new government entity has emerged, while new command and control structures have been proposed -- all focused on one threat, terrorism. However, the security and defense of the maritime homeland is larger than one threat. The old habit of creating a new command and control structure, tailored to meet each new maritime threat, should be left behind in the Twentieth Century. The old dog needs to learn a new trick -- command and control by security objectives, not by emerging threats.

Objectives

The first step toward designing a unified command and control organization is to define the security objectives. More specifically, the desired end state and the strategic objectives for Homeland Security must be converted into operational objectives. While various strategic documents outline specific threats and objectives, a desired state of homeland security has yet to be defined. In February 2001, the Hart-Rudman Commission revealed the lack of coherent strategic guidance for homeland security and recommended an urgent effort to focus strategy and resources on the homeland.³

One year later, the newly established Office of Homeland Security still has not defined the desired strategic end state or the strategic objectives. However, in the absence of clear guidance, a desired state of maritime homeland security can be extrapolated from existing security strategy. The National Security Strategy defines an end state for international security, "A stable, peaceful international security environment is the desired end state -- one in which our nation, citizens, and interests are not threatened."⁴ This desired security environment translates to the homeland through established strategic objectives.

The National Security Strategy also identifies seven objectives under the common goal of Protecting the Homeland: National Missile Defense, Countering Foreign Intelligence, Combating Terrorism, Domestic Preparedness Against Weapons of Mass Destruction (WMD), Critical Infrastructure Protection, National Security Emergency Preparedness, and Fighting Drug Trafficking and Other International Crime.⁵ One might insert the words "maritime" and "homeland" into each objective and declare them operational objectives. However, this simple conversion would produce a traditional equation for command and control -- independent objectives focused on threats. Several of these objectives also represent the mission of existing military commands and federal agencies. Somehow, these established strategic objectives should translate into clear operational objectives for the maritime homeland.

In order to establish attainable and coherent operational objectives, a common denominator must underscore each objective and lead toward the desired state of maritime security. *Secure and defend* is the common denominator for the maritime homeland. What must be secured and defended? The National Security Strategy answers this question succinctly: citizens, territory, infrastructure, resources, and interests.⁶ Critical infrastructure is expressed in terms of energy, transportation, water, finance, telecommunications, and emergency services. Resources include living and non-living marine resources claimed in the Exclusive Economic Zone, which extends two hundred miles seaward from the baseline.⁷ Interests are clarified to represent desired conditions within the international community, and as a result, do not translate entirely to the maritime homeland. The defense of military capabilities and information vital to national security are international security objectives, which translate logically to the homeland. In summary, the strategic guidance for maritime homeland security already exists in clear and concise form. A desired security environment and clear operational objectives for the maritime homeland can be derived directly from this existing strategic guidance.

Desired State of Maritime Homeland Security

An environment in which our coastal population, sovereignty, infrastructure, and resources are secure against threats from the sea.

Strategic Objective

Prevent, Detect, and Defeat maritime threats against major coastal population centers, territorial integrity and sovereign waters, critical coastal infrastructure, and marine resources.

Operational Objectives

(1) Secure and defend coastal territory and major coastal population centers.

- (2) Secure and defend citizens and shipping in territorial and internal waters.
- (3) Secure and defend energy, telecommunications, transportation, emergency services, and military capabilities infrastructure in territorial and internal waters.
- (4) Secure and defend information deemed to be vital to national security, that is located or accessible in territorial and internal waters.
- (5) Secure and defend living and non-living marine resources in the exclusive economic zone.
- (6) Secure and defend waters adjacent to a coastal emergency and assist the consequence management effort from the sea.

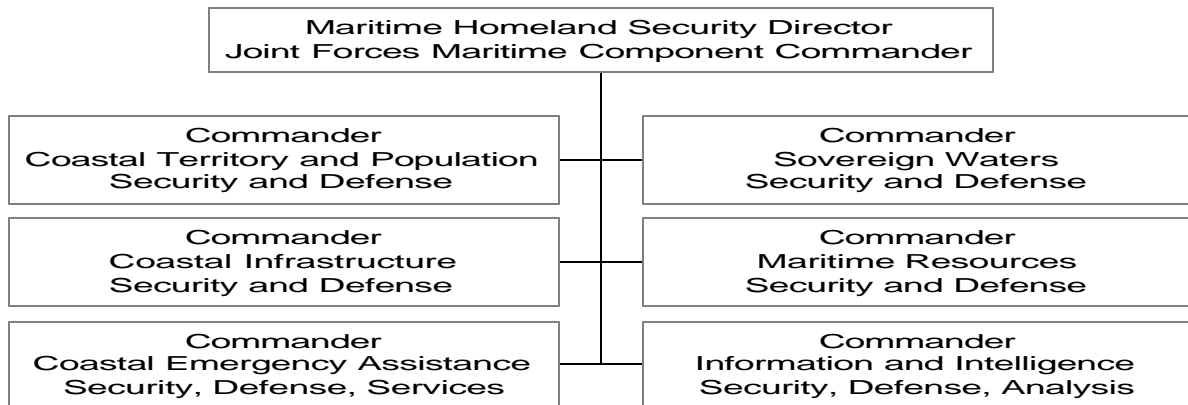
The desired security environment, strategic objective, and operational objectives provide a coherent framework for building a command and control structure. This can unify efforts to secure and defend specific objectives in the maritime homeland against *all* maritime threats.

Centralized Direction by Objectives

Centralized direction is a fundamental tenet of command and control.⁸ Concise guidance and decisions flowing downward in an organization are reciprocated by clear accountability flowing upward. The logic of this concept is an accepted norm within military and law enforcement cultures. The challenge lies in applying this concept to a unified command and control organization that combines both cultures. The answer is found in the common denominator of achieving objectives. The first echelon of maritime homeland command and control should be organized by security objectives.

It is necessary to unite efforts of the Coast Guard, Naval Service, and Customs Service, primarily responsible for maritime homeland security, under a common command and control structure, without diluting individual Service capabilities or controls. The disparate geographic areas of control used by each Service must be synchronized. Coast Guard District Commanders, Naval Force Commanders, and Customs Special Agents in Charge must preside over similar geographic spans of control. Military and law enforcement efforts must be synchronized

The complexity of existing spans of control provides sound support for organizing the first echelon of maritime homeland command and control according to operational objectives. Security and defense objectives can unite effort, centralize direction, and



clarify responsibility for achieving maritime security and defense objectives. The six proposed objectives could also represent the six functional components of maritime homeland security.

Subordination

Once the command and control structure is oriented directly toward operational objectives, the challenge proceeds to the process of linking this organization into the national hierarchies of control. The National Command level must exercise ultimate control over the defense of the maritime homeland, while National Law Enforcement Authorities must exercise ultimate control over law and order in the maritime homeland.

The most effective structure to integrate these fundamental controls is a combination of the Cold War Maritime Defense Zone (MDZ) structure, the current Defense Department Joint Force Maritime Component Commander (JFMCC) structure, and the Drug War Joint Interagency Task Force (JIATF) structure. The strong aspects of each organization can be used in synergy. The MDZ concept integrates Reserve forces and translates a common command and control structure between peacetime and wartime. The JFMCC concept integrates homeland maritime operations into the Unified Command Plan and the national chain of command. The JIATF concept produces fused intelligence and inter-agency synchronization, under the control of law enforcement authority. The answer to maritime homeland command and control is combining the best parts of all three models. The ideal organization should transition between wartime and peacetime, plug into the national intelligence network, and integrate defense and law enforcement efforts. However, the combination of these optimum contributions must first pass through a review of statutory constraints and options.

Statutory Considerations

The over-arching statutory constraint to synchronizing defense and law enforcement efforts is the *Posse Comitatus Act*.⁹ The statute serves to protect civilian citizens from direct military police action. Direct police action is interpreted as the fundamental surveillance, arrest, search, and seize authorities to enforce federal laws. While the statute does not specifically prohibit Navy and Marine Corps forces from enforcing federal law, the intent and application of the law is clear. Title 10 and Defense Department policy support the clear separation of military and police activities.¹⁰ However, the military can support law enforcement efforts indirectly and the Coast Guard can conduct law enforcement operations and military defense operations across the peace and war spectrum.¹¹

Another statutory consideration involves Military Support to Civil Authorities (MSCA). The Stafford Act, the Disaster Relief Act, and sections of Title 10 provide the legal guidance for military to support civil authorities. These provisions enable the military to support national emergencies with medical and infrastructure assistance. In terms of operational objectives in the maritime homeland, this authority synchronizes military and civilian efforts in the consequence management of coastal natural disasters and weapons attacks. However, these provisions are limited to support measures. The security and enforcement of a maritime disaster area remains the function of law enforcement authorities.

The United Nations Convention on Law of the Sea (UNCLOS) is a final legal consideration. U.S. statutes and maritime law enforcement policy conform to the general provisions of the convention.¹² Consequently, the U.S. delineates specific maritime zones based upon a common line of demarcation, known as the baseline. Internal waters, territorial waters, contiguous waters, and exclusive economic waters all represent distinct forms of national sovereignty and legal jurisdiction. In addition, the line of demarcation and the boundaries extending twelve and two hundred miles seaward represent layers of security and defense. Federal authorities also exercise command and control over internal waters, navigable from the sea – major rivers, bays, and the Great Lakes. These distinct zones of national and legal jurisdiction must be considered as part of the standard challenge to distribute forces across space and time.

In summary, statutory constraints segregate military and law enforcement authorities and delineate areas of sovereign authority within the maritime homeland. Coast Guard forces offer the best means to bridge military and law enforcement gaps. The establishment of maritime zones, based upon international convention and U.S. law, is a logical way to organize a joint effort across the vast geographic area of operations. The second echelon of command and control must convert the centralized direction of operational objectives into decentralized execution.

Decentralized Execution By Zone

Decentralized execution is a hallmark of effective command and control, and a logical product of centralized direction. A clear understanding of strategic vision and operational objectives is critical to the execution. This understanding has been met through expression of a desired security environment and operational objectives. The challenge now becomes matching Service jurisdictions and capabilities to operational objectives in space and time. The Navy, Coast Guard, and Customs Service are the primary

forces charged with maritime homeland security. There are six operational objectives to secure and defend, across two oceans and four distinct maritime zones.

A logical way to decentralize execution begins with dividing security objectives between the Atlantic and Pacific Areas of Operation. Navy and Coast Guard organizational structures already make this distinction. At this second echelon level, traditional joint staff organizations are useful mechanisms to command and control resources. Area Commanders can build staffs to command operations, intelligence, and logistics functions. This staff organization is an effective tool for integrating law enforcement and military control. A joint staff structure also facilitates the translation of operational objectives into mission tasks.

International waters beyond the Exclusive Economic Zone (EEZ), greater than two hundred miles from the baseline, represent the outermost layer of a defense in depth and can be described as an Approach Zone (AZ). The lack of federal jurisdiction, and the distance from population centers and territory make this zone ideal for military surveillance and detection. Navy capabilities are best employed in obtaining surface, sub-surface, and air information in the AZ. Bona fide naval threats should be defeated in the AZ. In order to secure and defend other zones of the maritime homeland, early indications and warnings are needed from the AZ.

Economic waters between the Territorial Sea (12-mile limit) and the EEZ (200 miles) represent the next layer of security. This area can be described as the Economic Zone (EZ) and can be secured with limited federal jurisdiction. Economic waters also represent the spatial overlap between military defense and law enforcement security objectives. Oil platforms and fishery stocks are sovereign resources located well offshore. Coast Guard capabilities are well suited to securing and defending resources in the EZ. In addition, these capabilities should provide another layer of early indications and warnings.

Territorial Waters between the baseline and the 12-mile limit constitute the final layer of defense and form the Territorial Zone (TZ). Federal jurisdiction is clear and broad within the TZ. Foreign vessels bound to or from U.S. ports are subject to boarding and search in the TZ. In these waters, Customs Service and Coast Guard capabilities can enforce federal laws.

Internal waters extend well inland from the baseline and offer navigable access to ports, cities, and infrastructure. This Internal Zone (IZ) should be considered a rear area in military terms because the zone is located well shoreward of the three security layers. At the same time, there are significant mechanisms of control within the IZ. Customs Port Directors and Coast Guard Captains of the Port exercise significant legal jurisdiction over vessels operating in internal waters. The Coast Guard can establish Security and Safety Zones to regulate access to maritime spaces in the IZ. The Captain of the Port can control port entries and departures. Access to the IZ from U.S. territory is the more difficult side of security and defense. Once a ship, container, or person has already passed through the four preceding zones and reached *terra firma*, there are few mechanisms to control or deny access to Internal Waters. For these reasons, the IZ is a reaction and consequence management zone.

Once the objectives and zones are integrated, the decentralized execution becomes apparent. A Navy led effort in the AZ will deliver first line defense and early indications and warnings. A Coast Guard led effort in the EZ and TZ will deliver maximum security and defense, across two maritime zones with different degrees of sovereign control. A Customs Service and Coast Guard led effort in the IZ will deliver port and waterway security. This decentralized execution aligns capabilities with authorities, and organizes objectives across the space of maritime zones. At the same time, effort is unified under Area Commanders. Three echelon levels command and control the maritime homeland, by centralizing control and decentralizing execution.

Conclusions and Recommendations: Any proposed command and control structure for the maritime homeland should focus on a desired maritime security environment and established operational objectives, under the direction of one commander. A Coast Guard Admiral, other than the Commandant, should serve as the Maritime Homeland Security Director and Joint Force Maritime Component Commander.

The structure should adhere to the fundamental tenet of centralized direction and focus on operational objectives. The first echelon should comprise six components, corresponding directly to six operational objectives. Flag equivalent positions in the Navy, Coast Guard, and Customs Service should command these components. One component, a Maritime Homeland Intelligence Center, would correspond to the information security and intelligence production objective and resemble an expanded JIATF organization.

The command and control structure should decentralize execution. The second echelon should divide the organization between the Atlantic and Pacific Oceans, including two subordinate intelligence fusion centers, reconstituted from the existing JIATF organizations. The Coast Guard Area Commanders and staffs would comprise the core of a joint staff. Navy, Coast Guard, and Customs Service resources should be provided and integrated at this level.

Finally, the organization should synchronize resources across space and time, according to their capabilities and authorities. The third echelon should integrate Navy, Coast Guard, and Customs capabilities across the four maritime zones identified as the Approach Zone, Economic Zone, Territorial Zone, and Internal Zone. Two numbered Fleet Commanders should command all surface, sub-surface, and air assets assigned to the security and defense of the AZ, EZ, and TZ. District Commanders and Captains of the Port should command all shore and small surface resources assigned to the security and defense of the IZ.

The ancient strategy of naval offense and land defense should be left behind, along with the modern strategy of individual threats and independent effort. The defense and security of home waters is a compelling national security priority. Command and control models from the World War, the Cold War, and the Drug War are not the answer. The solution is a combination of these concepts -- a new trick for an old dog.

NOTES

¹ Robert B. Strassler, ed. The Landmark Thucydides: A Comprehensive Guide to the Peloponnesian War (New York: Simon & Schuster, 1998), 57-58.

² Homer H. Hickam, Torpedo Junction U-Boat War off America's East Coast (Annapolis: Naval Institute Press 1989), 5.

³ U.S. Commission on National Security/Twenty-first Century, Road Map for National Security: Imperative for Change, Phase III Report (Washington DC: 15 February 2001), 11

⁴ The White House, A National Security Strategy for a Global Age (Washington DC: U.S. Government Printing Office, December 2000), 9.

⁵ *Ibid.*, 20-26.

⁶ *Ibid.*, 24.

⁷ U.S. Department of State, Oceans Policy and the Law of the Sea, Fact Sheet, Department Web Site (28 May 1998), <<http://www.state.gov/oceans / policy/facts/html>>.

⁸ Milan N. Vego, Operational Warfare, Publication NWC 1004 (Newport, RI: Naval War College), 187.

⁹ Posse Comitatus Act, U.S. Code, Title 18, sec. 1385.

¹⁰ General Military Law, U.S. Code, Title 10, sec. 101-2801.

¹¹ The Coast Guard, U.S. Code, Title 14, sec.2.

¹² U.S. Coast Guard, Commandant Instruction, Maritime Law Enforcement Manual, M16247.18 revised 2001.

Newport Paper: 24**EMPLOYING AERIAL COERCION TO COMBAT TERRORISM:
RECOMMENDATIONS FOR THE THEATER CINC**

Purpose: This paper examines aerial coercion, its applicability to, and effectiveness against, state-sponsored and non-state terrorism.¹ While air power can be a powerful weapon for the Theater Commander-in-Chief (CINC) to employ in combating terrorism, it is not decisive in and of itself. In order to be successful, the Theater CINC must be able to determine when aerial coercion is applicable and under what conditions it will be effective. The selective application of air power, specifically the employment of high technology weapons against select targets that directly affect a terrorist's will to continue his course of action, can overcome both self-imposed operational constraints and enemy anti-coercion strategies. When employed in conjunction with other measures, to include the use (threatened or actual) of ground troops and diplomatic, economic, or information initiatives, aerial coercion can successfully change a terrorist's course of action and influence his behavior.

Discussion: War fighting at all levels (strategic, operational and tactical) is guided by 'principles of war' described as the bedrock of U.S. military doctrine.² This set of principles, however, primarily applies to conventional conflicts. Planning and operations for military operations other than war are guided by a separate set of principles. Contained in this distinct set are the principles of objective, unity of effort, and security that are derived from the former list, and the principles of restraint, legitimacy, and perseverance that are MOOTW unique.³ Restraint is the need to apply appropriate military capability prudently. Key to this principle is the concept of proportionality, which notes that force expended must be proportional to the objective sought. Both restraint and proportionality are crucial in the fight against terrorism. If force is not used judiciously, it will damage the user's legitimacy while enhancing the opponent's legitimacy.⁴

As the United States increasingly operates with multi-national forces, the legitimacy of an operation, based upon a specific audience's perception of the legality, morality, or rightness of a set of actions, will be paramount to sustaining the effort.⁵ Terrorism is a contentious issue within the international community, and is made even more so because it is ill defined under the United Nations Charter. Article 2, Paragraph 4, of the Charter states, "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any manner inconsistent with the Purposes of the United Nations."⁶ The exception to that rule, other than when authorized by the Security Council, is self-defense. Article 51 states that nothing "...shall impair the inherent right of individual or collective self-defense if an armed attack occurs."⁷ The phrase 'if an armed attack occurs' puts the commander in a legal gray area when contemplating anticipatory self-defense versus self-

defense after the fact. Harold Robertson in a recent Naval War College Review points out the “unreality” of forcing one side to “absorb the first blow,” “...especially in this age of missiles and weapons of mass destruction [and precision guided weapons], where the first strike may be fatal.”⁸ If military action in the fight against terrorism is conducted under the auspices of anticipatory or pre-emptive self-defense, the legitimacy of the operation may be challenged by coalition partners and the international community.

The final MOOTW unique principle, perseverance, underscores the importance of preparing for the measured and protracted application of military capability in support of strategic aims.⁹ Perseverance, when applied to coercive efforts, is absolutely paramount to credibility. Coercion, as Robert Pape suggests, is intended to force an opponent to “...choose between making concessions or suffering the consequences of continuing its present course of action.”¹⁰ If a lack of protracted action (either stated or implied) causes a terrorist to perceive there to be no credible threat, then there is no incentive for him to make any concession. Nowhere is this entire concept more important than in the fight against terrorism - especially involving non-state actors - where the causes are difficult to discern, the perpetrators are hard to target, and the outcomes are rarely decisive.

The objective of the fight against terrorism is to force the terrorists, either those committing or sponsoring the acts, to alter their behavior. This is accomplished when force, or its threat, is used to influence a deteriorating or potentially hostile situation, deter an adversary's action, or compel compliance. If air power delivers the ‘force,’ then it becomes aerial coercion. The degree to which a coercive effort is successful can be evaluated, in part, by examining the extent to which the principles of restraint, legitimacy, and perseverance were leveraged as means to reach the desired objective.

Aerial Coercion and State-Sponsored Terrorism

State-sponsored terrorism is an operational dichotomy. On one hand, the potential damage a terrorist group can inflict against a state is increased by the support, active or passive, given to such a group by other states.¹¹ On the other, it also increases the options available to those against which the terrorism was targeted. Under the 1949 Geneva Convention on the Law of Armed Conflict, state-sponsored terrorists are considered illegal combatants. As such, less stringent restrictions and legal obligations are placed on the

Theater CINC that, in turn, results in increased response options. Above all else, it provides the operational commander with a tangible target - a state - toward which a response can be directed. Studies have shown, however, that while often dependent on the type of government in power, states have difficulty accepting coerced change to actions they have put in motion.¹² Despite this reality, aerial coercion has been employed against state-sponsored terrorists on numerous occasions to deter further attacks and to compel them to act within international norms.

The 1983 air strikes by the United States against terrorist targets in the Bekaa Valley (see Appendix A) and the 1986 strikes by the United States against Libya (see Appendix B)

are two examples wherein aerial coercion was employed against state-sponsored terrorists. In both cases the United States demonstrated a great deal of restraint, some intentional and some unintentional. In the case of the Bekaa Valley strike, inadequate planning was largely responsible for the inconsequential nature of the targets selected. Insufficient training and poor execution were responsible for the limited number of targets hit. Operational failures aside, restraint in this case was not compatible with the overall strategic goal of the coercive effort. The results of the strike were not proportional to the damage caused by the terrorist attacks, nor did the targets hit have any meaningful effect on the terrorists. In the raid against Libya, although few targets were struck, their destruction had a profound effect on the coercive effort. The vast majority of the targets hit in the attack were selected with the specific aim of reducing Libya's ability to support terrorist activities. The 'personalization' of one target, however, significantly affected Libyan leader Muammar Qadhafi's will to continue the policy of supporting terrorism unabated.¹³

The effect the strike on Lebanon had on the legitimacy of the effort against terrorism was the exact opposite of that desired by the United States. The strike was viewed as an act of reprisal that, although technically a legal act in response to a prior illegal act, has a lower moral standing in the international community than self-defense.¹⁴ Rather than enhance the morality of the fight against terrorism, the strike on Lebanon elevated the status and legitimacy of the terrorists. The raid against Libya was also viewed by some in the international community as an act of reprisal, despite claims by the United States that it was an act of pre-emptive self-defense. As discussed, the concept of self-defense is universally accepted within the international community. The idea of *anticipatory* or *pre-emptive* self-defense is not universally accepted however, and the legitimacy of actions conducted under those auspices has been called into question. Nevertheless, the application of air power in an attempt to coerce Libya to end its support of terrorism was widely viewed as legitimate.

For a coercive effort to be successful it must be viewed as credible. The Theater CINC must, in both actuality and appearance, be prepared for the measured and protracted application of resources. Against Lebanon, there was no perseverance in the coercive effort against the terrorists. The United States withdrew militarily from Lebanon, there were no additional measures implemented against the terrorists or their sponsors, and the Lebanese sponsored terrorist group Hizballah remains one of the most active and dangerous in the world. Although direct military operations against Libya ceased after Operation El Dorado Canyon, other flexible deterrent operations continued. The international community joined the United States in applying long-term political and economic sanctions that, combined with the persistent threat of further military intervention, "succeeded in achieving the United States' political objectives."¹⁵ The credibility absent from the effort against Lebanon was evident in coercive effort against Libya. The measured and protracted initiatives implemented to deter Libya's continued support of terrorism ultimately compelled Libya to comply with international norms.

Aerial Coercion and Non-State Terrorism

Whereas state-sponsored terrorists provide the theater CINC a tangible foe, non-state terrorists are much more elusive. Because they operate across borders, with or without the acquiescence of the host country, non-state terrorists are difficult to target. While states are frequently difficult to coerce due to bureaucratic inertia and national pride, coercing individuals can be even more challenging because they are often committed to their current course of action no matter the cost. These two factors make the use of air power as the primary coercive agent against non-state actors extremely complicated. The United States has on occasion, however, turned to aerial coercion in an attempt to deter the actions of non-state terrorists.

In 1998 the United States launched cruise missile strikes against terrorist targets in Afghanistan and Sudan. Both the proportionality of the cruise missile strikes in relation to their targets and the overall application of military power were questioned. The goal of the strikes was to coerce Usama bin Laden to cease terrorist operations, but the targets selected did not achieve that aim. Evidence showed the targets were selected in large part due to political expediency. For example, the El Shifa chemical plant, explained a White House official, “could be struck with little risk of civilian casualties.”¹⁶ In 2001, the United States again employed air power against Usama bin Laden and his Al Qaeda terrorist network in Afghanistan. The United States, while employing significant air power against the Al Qaeda organization, has thus far limited its actions to purely military targets. The introduction of ground troops to find, fix, and identify targets has greatly increased the effectiveness of the air strikes and significantly minimized collateral damage. The low amount of collateral damage has consequently aided in sustaining the legitimacy of the operation.

The legitimacy of the 1998 cruise missile strikes was questioned both internationally and domestically. It also highlighted a problem that exists when attempting to confront non-state terrorists. Unilateral action may be required if terrorists are operating out of (but not necessarily sponsored by) countries that are not party to a coalition, or in situations where neither ‘friendly’ basing nor over-flight rights are available. The violation of another country’s sovereignty to achieve military and political objectives in the fight against non-state actors may be a necessity. The legitimacy of Operation Enduring Freedom in Afghanistan has been largely unquestioned thus far. The horrific nature of the terrorist attack that precipitated the response notwithstanding, almost universal international support has solidified the moral justification of the operation.

Similar to state-sponsored terrorism, if any attempt to coerce non-state terrorists is to be successful or even credible, it must be sustained. This sentiment was echoed in a 1998 article on the self-imposed limits of air power where Stephen Aubin stated, “...[e]ven in the case of the strikes against terrorist targets in Afghanistan and Sudan, the success of the cruise missiles (and this form of air power) ultimately depends on whether the war against world terrorism will be sustained by the Clinton administration.”¹⁷ After the strikes in Afghanistan and Sudan, the United States made no further attempt (other than hollow rhetoric) to persevere in its coercive effort against Usama bin Laden who, undeterred, continued sponsoring terrorist attacks against the United States. Forced to confront to same terrorist problem, the current Bush administration and the Department

of Defense have repeatedly stated that Enduring Freedom operations in Afghanistan are only the beginning of a long international campaign to end world terrorism. To date, the United States has shown requisite perseverance in eradicating the terrorist threat operating from within Afghanistan. The question remains, however, as to whether this operation will be credible enough to convince the remainder of the Al Qaeda network operating in other parts world to end its campaign of terror. If not, the United States must have the political and military will to continue the effort and finish the mission.

Enemy Options to Defeat Coercion

Coercion is a dynamic process. As such, terrorists will attempt to counter each move made by the United States with strategies designed to take advantage of perceived weaknesses. Coalition fracturing is an obvious strategy. Although the United States reserves the right to act unilaterally when national interests are at stake, it prefers to strengthen the legitimacy of its actions by operating within a coalition. With few exceptions, all United States coercive military operations since the end of the Cold War have been prosecuted under the auspices of the United Nations or NATO, or of *ad hoc* collections of allies or partners.¹⁸ Each coalition member brings its own set of interests. Terrorist states and organizations will try to leverage those interests in an attempt to split the coalition. State-sponsored terrorists may attempt to target specific states within the coalition, while non-state sponsored groups, like Al Qaeda, have unabashedly attempted to link their operations to a larger ‘cause.’ In an attempt to maintain coalition unity, restrictions are placed on the type and amount of force employed, which ultimately reward the adversary’s coalition-splitting efforts and further encourage such ploys.¹⁹

Another method of countering coercion is a casualty generating strategy. A common perception within the international community is that the United States is not willing to engage in a situation that could result in a large number of military casualties. In confirmation of those perceptions, a RAND study concluded that, in limited war situations, “...the public tends to be unwilling to tolerate anything more than minimal costs.”²⁰ Democratic states seem especially sensitive to casualties, so much so that “even newly democratic Russia feared raising its (friendly) casualty count too high in its war in Chechnya.”²¹ Capitalizing on this apparent casualty aversion, terrorists, both state and non-state sponsored, have struck military assets of the United States in the past with relative impunity. The 1983 bombing of the Marine Corps barracks in Beirut, which killed 241 and wounded 100, resulted in the ‘decision’ to move U.S. forces offshore.²² If terrorists can raise the level of ‘pain’ above what political and military leaders are willing to accept, especially in operations considered peripheral to national interests, then the terrorists have rendered coercion impotent.

The civilian suffering-based strategy is perhaps the most effective counter to coercive pressure from the United States. Once a coercive effort is undertaken, terrorists attempt to portray themselves as the victims. Those who cannot compete with the United States militarily highlight the loss of civilian life and collateral damage in hope of preventing further strikes and curtailing the coercive pressure completely. Sudan, a country virtually inaccessible to international media, invited television crews to view the damage to the

pharmaceutical facility in Khartoum in the wake of the 1998 cruise missile strikes.²³ The instant access of television, the so-called ‘Cable News Network (CNN) effect,’ has greatly aided efforts to sway international and domestic opinion towards those being ‘victimized.’ Due to an over-arching desire to uphold humanitarian norms, even when domestic and international support for further coercive strikes does not erode, the United States limits the coercive pressure it can bring to bear by imposing a range of restrictions on its activities.²⁴

Restraints

For aerial coercion to be an effective strategy in combating terrorism, the Theater CINC must have the will to overcome traditionally self-imposed restraints. Such restraints include a preference for coalition operations, intolerance for U.S. casualties, aversion to civilian suffering, sole reliance on high technology weapons, and an excessive commitment to international norms.²⁵ Of these, the first three are easily exploited by terrorist organizations and can lead directly to the counter-strategies previously discussed. The last two restraints arbitrarily limit the type and amount of military force the Theater CINC can employ.

The United States has the most advanced military and equipment in the world. Its reliance on high technology weapons has, paradoxically, rendered it at odds with the concept of perseverance. Colonel John A. Warden argues that “air power permits the *virtual* occupation of enemy territory by aircraft without requiring a potentially entangling and costly ground occupation.”²⁶ (emphasis added) This is not the same as an *actual* occupation. By removing the ground option, the United States has undermined its own credibility by declaring that it is not willing to assume the risks or incur the costs associated with that particular course of action. Operationally, the problem is similar. Aerial coercion employs precision weapons that “...by concentrating force to hit what they aim at (which may or may not be what they should aim at) achieve the desired effects with fewer engagements than non-precision weapons.”²⁷ While extremely effective, this is often construed as an attempt to ‘win wars on the cheap.’

Continued distortion by the United States of international norms also poses a problem for the operational commander attempting to coerce terrorists with the use of air power. In Afghanistan, the fear of criticism about civilian casualties not only influenced wartime decisions, but also increased the likelihood of Al Qaeda chieftains escaping because of its pervasive influence on U.S. strategy.²⁸ The United States continually imposes restraints on the type and amount of force that can be employed in military operations in an attempt to maintain legitimacy. While this loosely corresponds to the principle of restraint, which states military capabilities should be applied appropriately and prudently, it is not completely compatible with the concept of coercion. To be successful, aerial coercion, or any other form of coercion, must be credible. If the United States is not willing to increase the pressure it applies to an adversary, then any attempt at coercion will not be credible. At that point, terrorists can capitalize on such constraints and win a coercive contest despite being militarily, politically, and economically inferior.²⁹

Conclusions: Aerial coercion is extremely difficult to implement. Success can be attained only if the coercer is fully prepared to impose its demands by force and usually only after fighting a long way toward a military decision.³⁰ Properly applied, air power may not only negate enemy strategies to defeat coercion, but can overcome several self-imposed constraints as well. Because it has the most advanced military equipment in the world, the use of air power within a coalition often means the United States will provide the vast majority of the military forces. High technology weapons, in combination with its power projection capability, enable the United States - while *technically* a member of a coalition - to operate *effectively* but unilaterally.

Air power also makes it difficult to execute an effective casualty generating counter-strategy. Against low-technology adversaries, air power's inherent standoff range, especially when combined with precision-guided weapons, make it relatively invulnerable. The increased use of cruise missiles and unmanned aerial vehicles (UAVs) for reconnaissance and combat will make it exponentially difficult for adversaries to inflict casualties on U.S. military forces. Precision-guided weapons also negate civilian suffering-based counter-strategies. While not perfect, precision-guided weapons not only limit collateral damage, but bolster coercive strategies by enabling the coercer to turn punishment on and off at will, as well as modulate it into fine increments.³¹ Consequently, this also resolves the self-imposed constraint of conforming to international norms for, "in comparison with the devastating impact on civilians of coercive mechanisms such as sanctions, modern air warfare stands out as an increasingly efficient, effective, and humane tool of foreign policy."³²

Aerial coercion can be effective in combating both state-sponsored and non-state terrorism. For state-sponsored terrorism, the hostile act of another state provides the target state with a visible putative foe.³³ This not only increases the military and diplomatic options by which the Theater CINC can respond, but it increases the legitimacy of the operation. Legally, international norms concerning operations against hostile states are clearly defined. While restraint may become less of a concern against states that prove initially immune to coercion, perseverance is essential to success. The Theater CINC must be prepared politically and operationally for a sustained effort.

Despite increased difficulty, non-state actors can also be coerced through air power. The legal and political difficulties in dealing with non-state actors, however, will inevitably harm the legitimacy of any operation the Theater CINC implements. Because operations are likely to violate another country's sovereignty, restraint may also become a more significant issue. No attempt at coercion will be successful if the effort is not perceived as credible; thus, perseverance will again be of paramount importance - especially against individuals or groups who are committed to their cause no matter what the cost.

Recommendations: A relatively new entry to the lexicon of military jargon, aerial coercion has quickly become the military and diplomatic tool of choice for the United States. As such, the Theater CINC must be prepared to implement that option - even in conditions where the probability of success is less than favorable. In the fight against

state-sponsored and non-state terrorism, the Theater CINC can implement several measures to significantly enhance the coercive effects of air power:

1. Have the political and military will to finish mission. For coercion (of any type) to be successful, it must carry a credible threat of 'pain' beyond the benefits that an adversary may anticipate through resistance. Within parameters set by civilian superiors, this may involve ignoring international and domestic pressure, violating established 'norms,' and acting unilaterally to accomplish the mission.
2. Have a strategic plan. The most important aspect of the strategic plan is 'effective targeting.' Targets cannot be hit simply because they are targets. In a coercive effort, select targets will be struck in an attempt to change or deter an adversary's behavior. Consequently, each target chosen must have a direct effect on the terrorist's will to continue his course of action.
3. Implement in conjunction with diplomatic, economic and information initiatives. In certain situations, some flexible deterrent options may have limited applicability. However, coercive efforts against both state-sponsored and non-state terrorists must be a coordinated, protracted operation employing all means available. The Theater CINC should coordinate and integrate coercive efforts with initiatives from other national and international agencies.
4. Employ in conjunction with ground forces. Ground forces are required to accurately find, fix, and identify targets. Against state-sponsored terrorists they can be surrogate or multinational forces, while against non-state terrorists U.S. ground or Special Forces can be employed. Additionally, ground forces should be on stand-by for employment if aerial coercion is unsuccessful and, of equal importance, to signal further United States' resolve to finish the operation.

NOTES

¹ While there are instances where aerial coercion may also be applicable against domestic terrorism, they will not be addressed in this paper.

² U.S. Joint Chiefs of Staff, Doctrine for Joint Operations, Joint Pub 3-0 (Washington, DC: 10 Sep 2001), A-1. These principles include: objective, offensive, mass, economy of force, maneuver, unity of command, security, surprise, and simplicity.

³ U.S. Joint Chiefs of Staff, Joint Doctrine for Military Operations Other Than War, II-1.

⁴ *Ibid.*, II-4.

⁵ *Ibid.*, II-5.

⁶ United Nations. The Charter of the United Nations – 26 June 1945. (Reprint from AFP 110-20, 27 July 1981): 5-3.

⁷ *Ibid.*, 5-8.

⁸ Horace B. Robertson, Jr. "Contemporary International Law: Relevant to Today's World?" Naval War College Review, Summer 1992: 101.

⁹ U.S. Joint Chiefs of Staff, Joint Doctrine for Military Operations Other Than War, II-4.

¹⁰ Pape, 12.

¹¹ Henry W. Prunkin, Jr. and Philip B. Mohr, "Military Deterrence of International Terrorism: An Evaluation of Operation El Dorado Canyon," Studies in Conflict & Terrorism, Vol. 20, 1997: 268.

¹² Maj. Scott Walker, "A Unified Theory of Coercive Airpower," Airpower Journal (Summer 1997): 71.

¹³ David R Klubes, Conventional Strategic Bombing and Compellence, (Ann Arbor, MI: UMI, 1999), 313.

¹⁴ Richard B. Lillich, "Forcible Self-help Under International Law," Reprinted from U.S. Naval War College International Law Studies, Vol. 62, (Volume II of Readings) Newport, RI: Naval War College Press, 1980: 131.

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- ¹⁵ Klubes, 313 and Prunckun and Mohr, 277.
- ¹⁶ Whitelaw, Kevin and Warren Strobel. "It was a direct hit, but was it the right target?" U.S. News & World Report, Vol. 127, no. 7 (Aug 16-23, 1999): 27.
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- ²⁰ Maj. Charles K. Hyde, USAF, "Casualty Aversion Implications for Policy Makers and Senior Military Officers," Aerospace Power Journal (Summer 2000): 19.
- ²¹ Michael Horowitz and Dan Reiter, "When Does Aerial Bombing Work? Quantitative Empirical Tests, 1917-1999," Journal of Conflict Resolution, Vol. 45, no. 2, (April 2001): 150.
- ²² Byman and Waxman, 115.
- ²³ Ibid., 112.
- ²⁴ Ibid., 113.
- ²⁵ Ibid., 108.
- ²⁶ Maj. Marc K. Dippold, USAF, "Air Occupation: Asking the Right Questions," Air Power Journal, Winter 1997: 69.
- ²⁷ Col. Richard Szafranski, USAF, "Twelve Principles Emerging From Ten Propositions," Air Power Journal, Spring 1996: 78.
- ²⁸ William M. Arkin, "Fear of Civilian Deaths May Have Undermined Effort," Los Angeles Times, 16 January 2002, sec. 1, p. 1.
- ²⁹ Byman and Waxman, 107.
- ³⁰ Pape, 316.
- ³¹ Pape, 320.
- ³² Phillip Meilinger, "A Matter of Precision," Foreign Policy, no. 123 (Mar/Apr 2001): 78. Meilinger cites a 1993 study by the Harvard Center for Population on the sanctions imposed by the Organization of American States (in 1991) and the United Nations (in 1993) that not only failed to persuade coup leaders to surrender power but also caused considerable civilian deaths. Upwards of 1,000 children a month were killed compared to a handful of deaths, civilian and military, resulting from the United States' armed intervention.
- ³³ Prunckun and Mohr, 268.

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TERRORIST APPLICATION OF OPERATIONAL ART

Purpose and Introduction: The terrorist attacks committed by Osama bin Laden illustrate that he and al Qaeda have developed rudimentary understanding of the principles of operational art and network centric warfare, and how to apply them to terrorism.¹ The terrorist actions conducted by his network have evolved from isolated tactical actions to sophisticated strikes, synchronized in time and space, such as the simultaneous attacks against U.S. embassies in Kenya and Tanzania on August 7, 1998, and to the complex operation conducted on September 11, 2001, against multiple targets within the United States. Without operational art, war would be a set of disconnected engagements with attrition as the only measure of success.² The September 11 attacks indicate that bin Laden is moving beyond the attrition warfare typical of terrorism to target critical vulnerabilities and centers of gravity. He uses the basic principles of network centric warfare to multiply the effectiveness of his limited forces by dispersing them into survivable, redundant nodes. This paper explores how Osama bin Laden applies the principles of operational art and netted warfare to terrorism, and recommends how the United States can protect its vulnerabilities while exploiting those of bin Laden.

Discussion: Many of the operational functions inherent to operational art—logistics, command and control, command and control warfare, intelligence, protection—as well as the factors of time, space, and force, are relevant to a discussion of terrorism. The trick is to know when the concepts of operational art are relevant and not to force the issue when they are not. Further, not every aspect of bin Laden’s actions applies at the operational level of war. What is important is that he demonstrates the ability to apply those principles that do. Even when his actions fail to meet strict definitions of operational terminology as understood in U.S. joint doctrinal publications, they provide a disturbing illustration of what a determined, operationally savvy, strategically focused terrorist might do.

Strategy and Policy

Policy dominates strategy and strategy guides operational art; a brief discussion of Osama bin Laden’s policy and strategy is a useful starting point for understanding his application of operational art.³ The United States is one of the few nations that publish its National Security and National Military Strategies. Al Qaeda, a transnational organization, is not a state but does have policy objectives and strategic goals much broader than the limited, local focus typical to terrorist organizations. Bin Laden consistently has named four main grievances against the United States that define his policy objectives: the continued presence of U.S. troops in Saudi Arabia, U.S. support for Israel, U.S. treatment of Iraq, and U.S. support for “apostate” Islamic regimes such as Egypt and Saudi Arabia.⁴ It follows that Bin Laden’s policy is to compel the United

States to remove its troops from Saudi Arabia, compel the United States to abandon its economic and military policies against Iraq, undermine the security relationship between the United States and Israel, and dismantle the relationships between the United States and various Arab regimes. Terrorism is the centerpiece of his strategy for effecting this policy. In bin Laden's statements, one does not see him rail against the decadence of Western culture—drug and alcohol abuse, sexual permissiveness, illegitimacy, gender equality, tolerance of homosexuals, secularism. Consistently, bin Laden addresses his policy objectives.⁵

Bin Laden's policies are hostile to U.S. policies, which emphasize a lasting and comprehensive Middle East peace, security and well being for Israel, security assistance to Arab partners, and access to critical energy resources.⁶ To achieve his policy objectives, bin Laden must compel the United States to abandon or alter its policy objectives. To do this, he must raise the cost of the political object beyond its value.⁷ Bin Laden's rational calculus leads him to believe that the objective is more valuable to him than it is to the United States and the West. Understanding his adversary's critical strengths, weaknesses, vulnerabilities, and center of gravity is the key to raising that cost.

The operational commander bears primary responsibility for planning a campaign. Essential to this end is determining his adversary's critical strengths and weaknesses, vulnerabilities, and, most importantly, center of gravity. The operational commander must decide the objective upon which to direct the main effort, forces mix and how best to employ it, the scheme of operational maneuver, and how to protect his own center of gravity. The operational commander must assert unity of command to achieve unity of effort based on commander's intent, and must plan for the decentralized execution of task-oriented orders to preserve freedom of action.⁸ Osama bin Laden has shown an intuitive understanding of these operational functions.

Critical Strengths

The United States has several critical strengths at the strategic and operational levels of war. At the strategic level, the United States has a democratic, pluralistic society that is resilient, adaptable, and tolerant; a robust, diverse, economy that is the largest in the world and a source of great power; strong government institutions, in which Americans have an abiding faith, that transfer power smoothly and predictably; vast natural resources to sustain its people, including abundant arable land and clean water; a large, technologically unsurpassed military that is highly mobile, forward deployed worldwide, and well led; and tremendous capabilities for gathering and processing intelligence. Operationally, its critical strengths derive from the robust, diverse, capabilities of its military and forward presence, mobility, and power projection capabilities. These are formidable strengths that give pause to any adversary.

Critical Weaknesses and Vulnerabilities

Among U.S. critical weaknesses, as bin Laden might perceive them, are: an aversion to casualties; an aversion to protracted conflict; an aversion to collateral damages; inadequate homeland defense; ethnic, racial, cultural, and religious diversity; a very

legalistic view of terrorism as a law-enforcement rather than military responsibility; and an unfettered press that freely criticizes the government and other institutions. U.S. aversion to casualties, especially, has been a consistent theme in bin Laden's speeches⁹.

Critical vulnerabilities are those critical weaknesses and strengths that are vulnerable to attack.¹⁰ Among U.S. critical vulnerabilities that Osama bin Laden might exploit are the aforementioned critical weaknesses. Aversion to casualties, collateral damages, and protracted conflict might make a Fabian or attrition strategy attractive to a weaker adversary such as bin Laden. Diversity, civil liberties, and constraints on the military can facilitate terrorist activities. Inadequate homeland defense leaves vulnerable several of America's critical strengths, such as economy and natural resources, as well as citizenry.

Part of U.S. homeland defense vulnerabilities is a sub-optimal space to force ratio. Homeland defense suffers from inadequate unity of command, in spite of a newly established Office of Homeland Defense. The effort is supported by a hodgepodge of federal, state, and non-government organizations with sometimes overlapping and sometimes conflicting areas of expertise, responsibility, and jurisdiction. A combination of the *Posse Comitatus* Act and traditional American reluctance to see U.S. soldiers deployed on U.S. soil limits how much the military can contribute to the homeland defense force structure. Inadequate homeland defense is a vulnerability al Qaeda can exploit, as do smugglers of drugs and illegal aliens.

Center of Gravity

Centers of gravity, which may exist at each level of war, derive from critical strengths.¹¹ At the strategic level, the U.S. center of gravity is will to fight, founded upon the aforementioned critical strengths, and fueled by a righteous indignation and horror at the atrocities visited upon it on September 11th. America fights in self-defense with much greater ardor than it does to sustain regional policies. This is where Osama bin Laden has made his gravest error. As the Japanese in World War II, he has provoked a sleeping dragon.

Focusing on the U.S. strategic center of gravity is a crucial distinction from previous terrorist attacks. In terms of operational art, orienting on the center of gravity is essential to campaign planning.¹² The attacks on the World Trade Center complex and the Pentagon are part of a larger political - military strategy to achieve bin Laden's stated policy objectives by raising the cost of adhering to political objectives that he opposes beyond their value to the United States—in blood and treasure. There are many examples of countries whose will to fight evaporated after a limited tactical defeat, such as the French at Dien Bien Phu in 1954, or even at the perception of enemy strength, such as the surprise of the 1968 Tet Offensive.¹³ More relevant to bin Laden is the sight of U.S. troop withdrawals in the face of tactical losses in 1983 Beirut and Mogadishu, Somalia, in 1993, incidents to which he often refers.¹⁴

In order to exploit U.S. critical vulnerabilities and attack the U.S. strategic center of gravity, bin Laden directed strikes against high-value targets in the U.S. homeland.

These actions were primarily strategic as they were designed to have a major effect on the war as a whole rather than to shape the battlefield to facilitate an operation.¹⁵ Like the Doolittle Raid of World War II, these terrorist strikes have had additional operational effects—planned or not—of causing the United States to dedicate more resources to defending its borders, coastlines, and interior. The Commandant of the Coast Guard, Admiral Loy, pointed out that by November 2001 drug interdiction efforts had been curtailed to twenty-five percent of what they had been prior to September 11; fisheries enforcement had dropped even further.¹⁶ The *Washington Post* article in which his comments were made was also posted on the Cannabis News website.¹⁷ Other adversaries will no doubt exploit U.S. vulnerabilities as well, necessitating a greater outlay of resources to U.S. homeland defense.

It is speculative whether bin Laden directly targeted the U.S. economy with the September 11 attacks or whether the economic impact was merely an unintended consequence. Though the scope of the impact was probably unforeseen, there is anecdotal evidence to support the conjecture that the U.S. economy was an objective of the attack. The World Trade Center complex is not merely symbolic, but the center of America's financial district. Osama bin Laden is believed to have studied economics at King Abdul-Aziz University in Jeddah.¹⁸ He helped run his family's construction company, the largest in Saudi Arabia, and, while living in Sudan, was one of Sudan's "most active businessmen."¹⁹ Evidence that he sold stocks short to benefit from the collapse of the U.S. stock market would indicate that he was aware of the economic impact of the operation, though this allegation remains unproven.²⁰ It is clear, however, that bin Laden understands economics and has surrounded himself with technically educated advisors: accountants, engineers, doctors, and computer experts.²¹

The U.S. economy would be an obvious U.S. critical strength and a factor in the U.S. strategic center of gravity. Even in his first declaration of war against the United States in December 1996, bin Laden mentions the boycott of American goods.²² Cards distributed at a May 1998 conference with bin Laden in Afghanistan by the sons of Sheikh Omar Abdel Raman, currently imprisoned in the United States for his role in the 1993 World Trade Center bombing, called Muslims to *jihad* against Jews and Christians to "divide their nation, tear them to shreds, destroy their economy, burn their companies, ruin their welfare, sink their ships and kill them on land, sea, and air."²³ Analysts predict that the September 11 attacks will cost the United States 1.6 million jobs in 2002, cause \$83 billion in damage to New York City's economy, and may prolong America's economic recession.²⁴ Even if the economic effects of the attacks were unintended, bin Laden will likely learn from this experience, as will other hostile observers.

Terrorism creates psychological effects disproportional to its physical effects. This helps bin Laden compensate for a lack of force and compels the United States to commit tremendous resources against him. Tactical events of relatively minor military significance can have major strategic importance, as did the loss of eighteen U.S. soldiers in Mogadishu in October 1993, the accidental bombing of the Chinese embassy in Belgrade in May 1999, and Iraqi SCUD missile attacks on Israel during the Gulf War.²⁵ Normally space works to a large country's advantage—space to trade for time, defense in

depth, room to maneuver—but, in the United States, vast amounts of undefended space, coupled with a very free and open society, confer on the terrorist advantages such as freedom of movement. Modern civil aviation compresses time and space, allowing terrorists to move quickly between theaters and within the battlespace to carry out operational functions required by an operational commander. Cyberspace adds a new, virtual dimension to the concept of space and is a key area of concern for defending the homeland. In cyberspace, time and force become almost insignificant: anyone with access to the Internet has access to the battlespace.

Al Qaeda's attacks have been extremely violent compared to most other terrorist organizations that wanted publicity more than casualties. In the past, high casualties were seen to be counterproductive. High casualties work for al Qaeda for several reasons. First, high casualties fit with its strategic objective of driving Western powers from *dar al-Islam*, the land of Islam, by raising the cost of the policy objective beyond its value. Second, in war, destruction of the enemy is an end to itself. In bin Laden's version of *jihad*, all unbelievers are the enemy and he specifically advocates the killing of civilians. Third, high casualties and high profile terrorist spectacles demonstrate to like-minded people that the West is vulnerable and can be attacked successfully, on its own soil, on a grand scale. Lastly, it gives al Qaeda credibility—people gravitate towards power and decisive leadership, especially the downtrodden, marginalized, and politically disenfranchised.²⁶

Osama Bin Laden's Center of Gravity

An operational commander must not only define his adversary's center of gravity; he must cultivate and protect his own while minimizing his vulnerabilities. At the operational level of war, al Qaeda leadership and its cadre of dedicated fighters are bin Laden's center of gravity. They form his command and control, and serve as the nexus that links him tactically to affiliated terrorists worldwide. Lacking a true nation-state, bin Laden does not have a true strategic center of gravity, though some of his critical strengths are strategic in nature. His strategic and operational centers of gravity derive from certain critical strengths.

Bin Laden's critical strengths are his al Qaeda organization; his cadre of trained, dedicated fighters, many veterans of the war against the Soviets in Afghanistan; his worldwide federation of Islamic terrorist organizations, many of whose fighters have trained in al Qaeda camps; and the ideological underpinning supplied by a Wahhabi Islamic theology that is intolerant, violent, and fanatical. He enhances the strength of his forces by dispersing and linking them in a network. Wahhabism, predominant in Saudi Arabia and the Gulf states, provides a transnational ideology.²⁷ Significantly, all three countries that recognized the Taliban as the legitimate government of Afghanistan—Saudi Arabia, the United Arab Emirates, and Pakistan—also support Wahhabism. Though Saudi Arabia has officially denounced bin Laden and terrorism, Wahhabism has been inextricably linked historically to the political fortunes of the House of Saud, and Saudi Arabia has been the key to the growth of Wahhabism.²⁸ Saudi support of Wahhabism has strategic implications.

Among his critical weaknesses are the limited numbers of forces that he controls, especially those able to plan and execute complex operations; a lack of sophisticated weaponry; a lack of secure, real-time communication assets; and, strategically, the fact that the austere form of Islam that he espouses is not universally endorsed. Presently, his lack of weapons of mass destruction is a weakness; however, bin Laden has expressed the desire to add these weapons to his arsenal, which could offset other weaknesses.²⁹

Wahhabism's strategic implications stem from Saudi financial support that has allowed Wahhabism to be exported to the Balkans, Central Asia, and the United States.³⁰ Wahhabi *imams* control the majority of mosques in America.³¹ Wahhabism is the theology of the Taliban and is taught in the *madrassas*—Islamic schools—along the Pakistani-Afghan border. *Madrassas* flourish in Pakistan where over 7,000 of these religious schools educate over 600,000 students.³² General Zia ul-Haq, who ruled Pakistan in the 1980s, supported the *madrassas* as recruiting grounds for the war against the Soviets, and packed his army with Islamists.³³ Certainly not all *madrassas* are training students for holy war, but they are a radicalizing influence, and radicalized Islam is a powerful force for bin Laden. Poverty exacerbates the problem, leaving *madrassas* as the only educators in much of the region.

Whereas Americans see war as an aberration, something to be won quickly so everyone can get back to a normal existence of family and productive work, for many of bin Laden's followers, war is all they have ever known. For many in the poorest parts of the world, war and barracks life is a step up in the world.³⁴ Poverty does not cause terrorism, but poverty, demographics, and a radical theology form a fertile environment. Bin Laden works to develop this critical strength by appealing broadly to Arabs and Muslims who do not necessarily share his agenda. His December 22, 1998, declaration of the World Islamic Front focused on issues that resonate even with moderates: U.S. persecution of the Iraqi people and U.S. policy regarding Palestine.³⁵

Wahhabism and the war in Afghanistan were the defining influences for bin Laden and his international terrorist movement. The early 1980s found bin Laden, like many other Muslims from around the world, in Pakistan and Afghanistan supporting the *mujahideen* in their fight against the Soviets.³⁶ Early in the war he addressed logistics such as recruiting, finance, and construction. He used his construction knowledge and finance to import heavy equipment and build infrastructure such as roads, caves, tunnels, fighting positions, and weapons depots. He established the Jihad Service Bureau for propaganda and charity, and guesthouses in Pakistan for foreign fighters en route to Afghanistan. By 1986 he was in combat and in 1989 he founded al Qaeda, originally to track the ebb and flow of foreign fighters and to list the dead and wounded. Al Qaeda would evolve into a large clearinghouse for radical Islamic organizations.³⁷ Fighting in Afghanistan would focus bin Laden on foreign threats to Islam and leave him disdainful of superpowers.³⁸ It is estimated that twenty-five to fifty thousand foreigners fought in Afghanistan.³⁹ Though they played a minor role in the Afghan conflict, they would become a critical strength and the nexus between al Qaeda and its network of affiliated organizations.

Osama bin Laden's tactical centers of gravity derive from his al Qaeda organization, affiliated terrorist groups that share his goals, and the cadre of fighters he has trained. About 4,000 fighters make up al Qaeda's core while a vast gray area of overlap exists between this core and the many militant groups that have trained in al Qaeda camps.⁴⁰ German intelligence estimates that 70,000 fighters received such training.⁴¹ Bin Laden established his credentials as leader of the *jihad* movement by participating in Islamic struggles, particularly in Afghanistan. He has a core of dedicated followers, battle hardened from participation in international terrorism and Islamic nationalist struggles in Afghanistan, Chechnya, Palestine, and Somalia. Peter Bergen points out that "it is bin Laden's ability to attract recruits willing to martyr themselves that is the priceless commodity in his holy war."⁴²

Wahhabism and other radical, fundamentalist forms of Islam, however, do not have universal appeal. This is a critical vulnerability for bin Laden. Even in Afghanistan, which the Taliban controlled for more than a decade, the Taliban and Osama bin Laden were unable to mobilize the public to fight the United States and its allies. This was a key reason for their swift defeat.⁴³ However, scholars such as Samuel Huntington see an inevitability of war between Islam and the West because of the few prohibitions Islam has against violence, the absolutism of Islam that draws a sharp line between *Dar al-Islam* and *Dar al-harb*, the proximity of Islam and the West in Europe, the lack of a core state in the Islamic world which contributes to instability, and the demographic explosion in the Islamic world that provides a large pool of young, unemployed males as a source of violence and instability.⁴⁴ The ideal of a unified *Dar al-Islam* as one polity under a single sovereign caliphate is an enduring theme in Islam that appeals to bin Laden as an overarching goal.⁴⁵

Netted Warfare

Critical to al Qaeda's strength is the networked nature of its command and control and force employment. The three main tenets of network centric warfare describe forces that are geographically dispersed, knowledgeable, and effectively linked.⁴⁶ Bin Laden sustains a worldwide network of logistics, intelligence, command and control, and tactical nodes that are both virtual and physical. Some provide safe houses, others financial support or human intelligence, some are small tactical cells, and some merely sympathizers. Dispersal gives them a small "battlespace footprint" and enhances their maneuverability. It allows bin Laden to mass effects instead of forces, which exposes fewer of his forces to danger—an important aspect of force protection for al Qaeda given its small number of forces, a critical weakness. Al Qaeda forces are knowledgeable of their commander's intent from their indoctrination at al Qaeda training camps, *fatwas*, and bin Laden's declarations. Though it lacks the robust, real-time links that U.S. forces enjoy, bin Laden's network has made good use of the Internet and news media to stay effectively linked.⁴⁷ In network centric warfare, Metcalf's Law states that the potential value of a network increases exponentially as the number of nodes increases linearly.⁴⁸ Bin Laden similarly increases the value of his forces by widely dispersing and linking them; thus they constitute a robust, survivable network.

A network alone is not enough to create value without accompanying doctrine and organization to support it and exploit its advantages.⁴⁹ Though one has little access to what might be called al Qaeda's doctrinal publications, some assumptions can be drawn from analyzing what is known about the organization. Because al Qaeda evolved as an umbrella organization that sometimes coordinates and sometimes directs the activities of the federation of associated terrorist groups, bin Laden must take advantage of certain network centric principles to achieve his objectives. He seems to recognize that, as the decision maker, he does not necessarily need to own either the sensors or the shooters.⁵⁰ He gains advantages such as deniability and dispersal by not owning them. Bin Laden employs the decentralized command & control structure that is a network centric principle, rather than a traditional hierarchal structure. He issues task-oriented orders based on commander's intent and self-synchronization. He seems to grasp the fundamental principles of operational leadership, including the idea that "there is no greater error for a higher commander than unduly interfering with the actions and decisions of a subordinate commander."⁵¹ In terms of operational art, his use of netted warfare and decentralized command are great successes.

Conveniently, al Qaeda uses the West's communication systems, such as the Internet. His adversaries cannot interdict these systems without degrading their own capabilities. Al Qaeda forces use their opponent's open society and civil liberties for advantage, abetted by Saudi Arabian export of Wahhabism. They take advantage of the Western news media for operational and real-time, tactical intelligence. They use neutral banks for financing and invest in the markets of their adversaries. Such logistics nodes provide a networked base of operations within the battlespace, very different from a traditional linear base of operations from which forces have proceeded along lines of operations, via intermediate bases, to an area of operations. Al Qaeda is a netted system that is dispersed, yet linked; this allows bin Laden to mass effects when necessary.

As much as bin Laden shows an intuitive understanding of the benefits of network centric warfare and operational art, he is still at a major technological disadvantage against the United States. He offsets this somewhat with a superior human intelligence collection capability, which is especially important in low-intensity conflict. This capability is aided by the openness of Western society and a ubiquitous Western media. Bin Laden overcomes his communications weakness by using Internet chat rooms, embedding images in pornographic websites, and encrypting electronic mail.⁵² The Internet allows him to organize, coordinate, and communicate with large numbers of followers, donors, and potential recruits.⁵³ He uses the media to broadcast videos that contain veiled messages for his followers. In a video released just prior to the *USS Cole* bombing, he was shown wearing a Yemeni dagger, a *jambiya*, something he had never before been known to do.⁵⁴

Misssteps

It is yet to be seen whether Osama bin Laden can follow up the September 11 operation with sequential events to maintain a high operational tempo and press towards a

culminating point. This would be to his advantage. Given the long lead time required for the attacks on September 11, the *USS Cole*, and the embassies in Africa, it would seem likely that he planned follow-up attacks well in advance. Officials in Singapore announced in January 2002 that they foiled a plot by al Qaeda-linked terrorists to attack Western interests in that country, including embassies and U.S. warships.⁵⁵

Osama bin Laden underestimated the swift U.S. ability to round up Al Qaeda operatives and sympathizers worldwide, freeze financial assets, and invade Afghanistan. He may have expected only minimal reprisals with air strikes and missiles. He overestimated the pan-Arab support his attacks would inspire. Still, time is measured differently in the Islamic world, and bin Laden has shown great patience and determination. An operational pause might be part of his strategy. A high profile, major operation such as that of September 11, conducted after he appears to have been beaten, could have profound psychological effect in the same way the 1968 North Vietnamese Tet Offensive discredited U.S. military assurances that it was winning the war in Vietnam. In spite of the fact that foreign fighters played a minor role in the anti-Soviet war in Afghanistan, bin Laden believes erroneously that he beat one superpower in a protracted, ten-year struggle and assumes he can beat another.⁵⁶

Command & control warfare is an important method to shape the battlefield by disrupting the enemy's decision-making cycle. This is an operational function that bin Laden seems to have ignored so far. If his attack on the Pentagon and failed attack on the White House were attempts at operational command & control warfare, they indicate a fundamental lack of understanding of America's military command structure and laws for Presidential succession.

The irony of bin Laden's strategy is that the United States is now galvanized to eliminate terrorist cells in the countries that harbor them. Possibly, bin Laden foresaw that the September 11 attacks would bring massive retaliation, counting on this to further his goals by propagandizing civilian casualties caused by U.S. military attacks, encouraging spontaneous attacks against the West, and luring U.S. ground forces into a protracted, Soviet-style debacle in Afghanistan. Walter Lacquer points out a further irony. Though modern dictatorships have had success in stamping out terrorism with brutal, ruthless, determined repression, democratic societies are reluctant to curtail traditional freedoms and civil rights as long as terrorism does not exceed a nuisance level. Once terrorism rises to the level where it threatens the daily function of a society, the government will be under great pressure to defeat it using all means, "hence, the paradoxical conclusion that the more successful the terrorists, the nearer their ultimate defeat."⁵⁷ If bin Laden's goal was to attack the will of the U.S. people, he seems to have achieved exactly the opposite. Choosing the wrong strategy for attacking the U.S. center of gravity is the fatal flaw in his application of operational art.

Conclusion: Osama bin Laden and al Qaeda manage a transnational organization with political objectives and strategy. They apply the principles of operational art to conduct worldwide operations that are synchronized in time and space, and directed at U.S. centers of gravity and critical vulnerabilities. Bin Laden uses a dispersed network of command & control, intelligence, logistics, and tactical nodes to compensate for limited

forces, and uses well-trained, dedicated persons, analogous to special operations soldiers, as force multipliers. Al Qaeda demonstrates the ability to conduct detailed logistical and operational planning, and to acquire mission essential skills. It places no limits on violence and actively seeks weapons of mass destruction. These factors make al Qaeda far more dangerous than any previous terrorist threats to America. Though its present strategy is gravely flawed, al Qaeda will continue to improve its abilities in the realm of operational art and netted warfare until it is defeated, and others will learn from its example.

Wahhabism provides the theological underpinning of bin Laden's ideology and strengthens his organization.⁵⁸ For political reasons, the Saudi government supports spread of this austere version of Islam even as it condemns bin Laden and terrorism. This policy is incompatible with Saudi Arabia's relationship to the United States. Wahhabism, not Islam is a threat to the West.

Recommendations:

- To address its own critical vulnerabilities, the United States must:
 - Ensure its Middle East policies are just and consistent with national interests and be able to explain to its citizens and the world why these policies are just and worth the costs in blood and treasure.
 - Invest in homeland defense for the long term. Fund the Coast Guard and other federal agencies adequately.
 - Consider legislation that consolidates the homeland defense functions of various federal law, immigration, and customs organizations into a single force structure.
 - Review laws that restrict the use of the Armed Forces for homeland defense. Examine whether those restrictions are valid or merit modification.
 - Recognize that a free, open, diverse society and unfettered news media are greater strengths than vulnerabilities. Limits on civil liberties should be imposed with great reservation, careful consideration, and only where compelling interests exist.

- To exploit Osama bin Laden's vulnerabilities, the United States must:
 - Focus counter-terrorism efforts on terrorist centers of gravity. For al Qaeda, this means its leadership and core cadre of fighters.
 - Destroy al Qaeda's network by interdicting its command & control, communications, logistics, finance, and mobility functions.

- Deny terrorists safe haven by cooperating with allies and by unilateral action when absolutely necessary.
- Support the efforts of moderate Muslims to reverse the spread of Wahhabism.
- Develop better intelligence gathering capabilities, especially human intelligence, in failed, failing, and troubled states.
- Provide foreign aid in ways that enhance the stature of moderate, pro-Western governments and where it can alleviate the poverty and hopelessness that provides fertile ground for terrorist recruiters.
- Monitor and interdict the proliferation of weapons of mass destruction and the technology, expertise, and raw materials needed to produce them.
- Recognize that the war on terrorism is not a war between the West and Islam, and do not allow it to become one.

ENDNOTES

¹ Operational art is defined in U.S. joint doctrine as “the use of military forces to achieve strategic goals through the design, organization, integration, and conduct of strategies, campaigns, major operations, and battles.” Joint Chiefs of Staff, Doctrine for Joint Operations, Joint Pub 3-0 (Washington, DC: 10 September 2001), xii. Dr. Milan Vego of the Naval War College further explains, “operational art occupies an intermediate and indispensable position between policy and strategy on the one hand and tactics on the other. It serves both as a bridge and as an interface between these two areas of study and practice.” Milan N. Vego, Operational Warfare (n.p.: n.p., 2000), 1. Network centric warfare is defined as “an information superiority-enabled concept of operations that generates increased combat power by networking sensors, decision makers, and shooters to achieve shared awareness, increased speed of command, higher tempo of operations, greater lethality, increased survivability, and a degree of self-synchronization.” David S. Alberts, John J. Garstka, Frederick P. Stein, Network Centric Warfare, (Washington, D.C., 1999), 2.

² Joint Chiefs of Staff, Doctrine for Joint Operations, II-3.

³ *Ibid*, 593 and 4.

⁴ Peter L. Bergen, Holy War, Inc. (New York: The Free Press, a Division of Simon & Schuster Inc., 2001), 222.

⁵ Bergen, 222; Ahmed S. Hashim, “The World According to Usama Bin Laden.” Naval War College Review, (Autumn 2001), 23-28.

⁶ The White House, A National Security Strategy For a Global Age (Washington, DC: 2000), 58.

⁷ Carl Von Clausewitz, On War, trans. and ed. Michael Howard, Peter Paret (Princeton, NJ: Princeton University Press, 1976), 92.

⁸ Vego, 579.

⁹ Hashim, 25.

¹⁰ Vego, 309

¹¹ *Ibid*.

¹² Joint Chiefs of Staff, Doctrine for Planning Joint Operations, Joint Pub 5-0 (Washington, DC: 13 April 1995), xiii.

¹³ Vego, 5.

¹⁴ Hashim, 25.

¹⁵ Vego, 239.

¹⁶ Edward Walsh, “For Coast Guard, Priorities Shifted on September 11.” The Washington Post. 26 November 2001. <<http://www.nci.org/01/11f/26-4.htm>> [7 January 2002].

¹⁷ Edward Walsh, “For Coast Guard, Priorities Shifted on September 11.” The Washington Post. 26 November 2001. <www.cannabisnew.com/news/thread11423.shtml> [7 January 2002].

¹⁸ Bergen, 47.

¹⁹ *Ibid*., 29.

²⁰ “Bin Laden ‘share gains’ probe,” BBC News, 18 September 2001,

<http://news.bbc.co.uk/1/hi/English/business/newsid_1548000/1548118.stm/> [13 January 2002]. There does not appear

to be definitive proof that Osama bin Laden or elements in al Qaeda did, in fact, manipulate various stock markets to benefit financially from the 11 September attacks. Other sources are skeptical because major stock manipulations might have compromised the attack plans.

²¹ Bergen, 28.

²² Hashim, 26.

²³ Bergen, 101.

²⁴ "Study: Attacks will wipe out 1.6 million jobs," Newport (R.I.) Daily News, 11 January 2002, A5; New York City Partnership, "Study: Economic Impact Analysis of the September 11th Attack on New York," Newsday, 15 November 2001. <<http://www.newsday.com/business/ny-biz-partnershipstudy1115.htmlstory>> [22 January 2002]; Martin Crutsinger, "Greenspan: Economy still faces 'significant risks,'" Newsday, 11 January 2002. <www.newsday.com/business/sns-greenspan.story?=-ny%2Dbusiness%2Dutility> [22 January 2002].

²⁵ Alberts, Garstka, and Stein, 83.

²⁶ James K. Cambell, Weapons of Mass Destruction Terrorism, (Seminole, FL: Interpact Press, 1997), 3.

²⁷ Steven Schwartz, "Terrorism has a Name—Wahhabism." Free Republic. 05 October 2001. <<http://www.frerepublic.com/focus/fr/540730/posts>> [24 January 2002].

²⁸ A brief history of the House of Saud's historical ties to Wahhabism and support of fanatics can be found in: Judith Miller, God Has Ninety-Nine Names (New York: Simon & Schuster, 1996), 96-104, 117-119.

²⁹ Bergen, 100.

³⁰ Martin Indyk, "Back to the Bazaar." Foreign Affairs, January/February 2000, <<http://www.foreighaffairs.org/articles/Indyk0102.html>> [01 February 2002].

³¹ Shaykh Muhammad Hisham Kabbani of the Islamic Supreme Council of America estimates that as many as 80% of mosques in the United States are under the control of Wahhabi imams. Muhammad Hisham Kabbani, "Islamic Extremism: A Viable Threat to U.S. National Security," (An open forum at the U.S. Department of State, January 7, 1999), <http://islamicsupremecouncil.org/radicalmovements/islamic_extremeism.htm> [01 February 2002].

³² "Schools for Fanaticism," Vega, 25 (October 2001) reprint World Press Review, (January 2002): 13. The number of *madrassas* in Pakistan and other parts of the Islamic world is an estimate. The Hindustan Times puts the number of *madrassas* in Pakistan at 7,500 with 750,000 to a million students. Rick Bragg, "Madrassas nurture young Islamic minds for jihad," Hindustan Times. 14 October 2001.

<<http://www.hindustantimes.com/nonfram/151001/dLAME06.asp/>> [20 December 2001].

³³ Bergen, 146-149.

³⁴ Robert D. Kaplan, The Coming Anarchy, Shattering the Dreams of the Post Cold War (New York: Vintage Books, a Division of Random House, 2000), 44.

³⁵ Hashim, 27.

³⁶ Bergen, 50.

³⁷ Hashim, 21-22; Bergen, 51-59.

³⁸ Hashim, 20.

³⁹ Bergen, 55. Bergen cites several sources within a range of 25,000 to 50,000, with a CIA source stating the former.

⁴⁰ "Eight down, many more to go," The Economist, 24 (November 2002): 19.

⁴¹ "Middle East—Bin Laden Prognosis," In Perspective, The Oxford Analytica Weekly Column. 30 November 2001, <<http://www.ciaonet.org/pbei/oxan/oxa11302001.html/>> [21 December 2001].

⁴² Bergen, 104.

⁴³ "Middle East—Bin Laden Prognosis."

⁴⁴ Samuel P. Huntington, The Clash of Civilizations and the Remaking of the World Order (New York: Simon and Schuster, 1996), 263-265.

⁴⁵ Bernard Lewis, Islam and the West. (New York: Oxford University Press, 1993), 5; Department of State, Patterns of Global Terrorism-2000 (Washington, DC: 2001), Appendix B, 11.

⁴⁶ Alberts, Garstka, and Stein, 90-91.

⁴⁷ Bergen, 37-38.

⁴⁸ Alberts, Garstka, and Stein, 32.

⁴⁹ *Ibid.*, 103.

⁵⁰ *Ibid.*, 120.

⁵¹ Vego, 198.

⁵² Jack Kelley, "Terror groups hide behind Web encryption," USA Today. 19 June 2001. <<http://www.usatoday.com/life/cyber/tech/2001-02-05-binladen.htm>> [22 January 2002].

⁵³ Department of State, 5.

⁵⁴ Bergen, 185.

⁵⁵ "U.S. studying intelligence to avert attacks," Newport (R.I.) Daily News, 11 January 2002, A3.

⁵⁶ Bergen, 59.

⁵⁷ Walter Lacquer "Reflections on Terrorism" The Terrorism Reader, eds. Walter Laquer, Yonah Alexander (New York: NAL Penguin, 1987), 387.

⁵⁸ Henry Kissinger and Stephen Schwartz reach similar conclusions about liberating Islam from Wahhabi fanaticism. Henry A. Kissinger, "Phase II and Iraq," The Washington Post, 13 January 2002, <<http://ebird.dtic.mil/Jan2002/s20020114phase.htm>> [14 January 2002]; Stephen Schwartz, "Liberation, not Containment," National Review, 30 November 2001, <www.nationalreview.com/comment/comment-schwartz113001shtml> [24 January 2002].

Newport Paper: 61

**NAVY DECISION MAKING
IN THE TERROR WAR:
"HOME GAMES" vs. "AWAY GAMES"**

Purpose: Examine the relationship between overseas operations (away games) and close defense of the homeland (home games) in the context of the Navy's role in the terror war.

Background: There may be an intrinsic tension in the way the Navy approaches its decision making with respect to the "away game" portion of the war on terror and its "home game" responsibilities. For example, the 21st Century Navy stipulates the following set of strategic themes as the drivers for the Navy's operations and its investment strategy:

- Power and Influence from Command of the Seas;
- Sustaining Sovereign Power Overseas through Forward Naval Presence;
- Assured Access, the 21st Century Challenge for the Joint Force; and,
- Enabling the Transformation of the Joint Force to Fight and Win

These themes reflect the Navy's strategic tradition and clearly underscore the strengths that the Service brings to the overseas away game part of the war on terror. One could logically assume that these tenets will shape the Navy's mental map of its role in this war. However, the events of 11 September have confirmed that the context of this conflict has a domestic protection or home game venue as well as one that is carried out overseas.

In fact, given America's recent fixation (perhaps properly so) on the homeland aspect of security, the Navy may be forced to respond and reshape toward the home game's unique requirements, even though its own assessment might be to play the away game differently or better (specific to the new threat). This suggests that the Navy may have to strike a balance in its strategic posture and force structure -- how it thinks and acts -- with respect to the away game and the home game.

Discussion: How will the Navy balance the two roles as we proceed into the opening period of the Terror War? Though the C2 scheme for the home game is unclear as this paper is being written, one thing is certain: someone will be tapped to lead this effort and that someone will ultimately establish requirements for forces to conduct the coordinated operations that will characterize the home game. How will the Navy approach such complex issues as the requirement for MPA and surface combatants to conduct

surveillance during the IDTC? Will the Navy be prepared to provide surface ships to augment the Coast Guard's requirement to protect our maritime frontiers? Is the Office of Naval Intelligence well resourced to support the operational intelligence requirements of the home game? What are the requirements that might emerge from Domestic Support Operations? What are the GNFPP/OPTempo/ITEMPO implications of these requirements? Each of these represents true opportunity costs -- tradeoffs that potentially take away from the Navy's historical role in taking the fight overseas.

Newport Paper 01 (Strategy and Policy Considerations: The Terror War) stated that the "Navy must understand the fundamentals of war as well as the context in which it will fight." This Newport Paper contends that the essential element of this task, whether it is in the framework of the away game or the home game, is the requirement for a clear understanding of the operational meaning of security to the nation and its citizens.

There is no question that the Navy has a clear and compelling concept of what its traditional role has been in support of the prevent/deter mission that forms the core of the away game. Have the attacks on September 11 changed this fundamental view toward balancing capabilities and resources to address the protect and respond missions that will probably form the essence of the home game? In this regard, it is useful to recall that QDR 2001 states that:

✍️ "The highest priority of the U.S. military is to defend the Nation from all enemies. The United States will maintain sufficient military forces to protect the U.S. domestic population, its territory, and its critical defense-related infrastructure against attacks emanating from outside U.S. borders..."

This begs a simple question with complex answers: Should the Navy view its primary role, comparative advantages, and primary strengths any different today than before September 11? In other words, can the Navy, in fact, respond to both the home and away game by planning to play the away game better/differently?

In any case, the Navy must be confident of a compelling story to underscore the near-term decisions for both the away game and the home game; and its rationale for them must be convincing enough for Congress and the American people to believe that the Navy will continue to make a vital contribution to the security of our nation and its citizens.

Analysis: Oftentimes, the Navy only views the 'operational' meaning of security. This means that routinely, planners assess security on a linear scale of threat and capability to counter threat (i.e., we have more ships than they do hence a greater degree of security). However, careful understanding of the nature of true security is essential to informed decision making. Without it, further rigorous assessment is at risk, deliberate strategic and operational planning based on that assessment is flawed, rational resource allocation is ineffective, and making a coherent and compelling case for force structure decisions to the American people and their elected legislative body is much harder.

It is useful to organize a problem in constituent elements so that the Navy can correctly construct its roadmap in response to the Terror War. The following working hypotheses is proposed:

☞☞ First -- *Security* is the independent variable in this calculus; everything else is a dependent variable.

☞☞ Second -- *Security* is the absence of *fear*. In pure terms, security is the absence of physical harm (being killed). However, fear may be a more useful measure of relative security given the newly realized terror threat to the nation. Life/death gives an analytic output of zero or one, whereas fear can be scaled. Fear has also proven to be highly effective in changing the behavior of people, leading many to comment that the terrorist wins when we are coerced into certain behavioral change. The presence of fear indicates the absence of some measure of security; the absence of fear indicates the presence of some measure of security. This concept is equally as applicable to the nation's citizens (the individual) as it is to the nation (in aggregate).

☞☞ Third -- When all is said and done, *risk* is the exposure to possible loss or injury. Therefore, risk requires an assessment of the amount of fear or danger that a nation and its people assess that they are willing to accept.

☞☞ Fourth -- *Risk* is a function of *threat*, *vulnerability*, and *forseeability*. $r = f(T,v,F)$

If this working hypothesis is accepted, Navy decision making as well as its strategic posture in the war against terrorism must take due regard of:

☞☞ An objective assessment of the threats (T) and vulnerabilities (v) that will confront the nation.

☞☞ The *risk* that the nation and its people are willing to assume.

☞☞ Actions that the Navy can take to reduce to the maximum extent possible the *fear* associated with the *risk* in both the home game and the away game.

First Order Challenge. The first-order challenge for the Navy is to determine who and/or what causes fear (perceived) and danger (actual) in the security calculus of the United States and its citizens. Traditionally, the Navy has defined the nation's security as an inverse function of the level of the threat in the external security environment. The lower the threat level, the more secure the nation and its citizens are. Because of this, the Navy's estimate of the threat in the external security environment has driven both its decision

making and its risk assessment. This has affected, in part, the Navy's choice of a strategy and the forces to support it. Hence, the focus on away games.

However, if risk is a function of both threat and vulnerability, then it seems only prudent for the Navy to examine its role in that area of the security environment where the vulnerabilities are located -- the home game. The attack on September 11 confirms that it is equally important for the Navy to assess the nation's susceptibility to serious degradation of its vital elements of national power (or at least that portion of it that could emanate from the sea) and then determine what is the optimum role of the U.S. Navy in mitigating/eliminating a threat targeted at these vulnerabilities.

In short, the Navy should understand the relationship of the nation's weaknesses at home related to the nation's threats from and based overseas. This approach, if understood, might lessen the natural tension between the Navy's preference to play away games and the potential requirement to support the home game.

Second Order Challenge. The second order challenge is to determine just what it is the Navy can do to mitigate that fear (perception) and danger (actual). What should the Navy do with its more than \$300B in ships, planes and submarines to enhance the security of the nation and its citizens?

For example, Tab (A) is the Navy's portion of the recent supplemental appropriation to the terrorist attack. The emphasis is focused on capabilities and enhancements to support the away game. Some of the capabilities, situational awareness and force protection, probably address both the away and home game requirements. At this point, it is not unreasonable to conclude that these desired enhancements indicate that the away game constitutes the Navy's preferred strategic posture for the Terror War.

While this feeds the precept that says 'do what you have always done best,' a thorough analysis done in response to the first order challenge posed above might lead to a different list for follow-on appropriations. The Navy needs to begin this effort in earnest.

Influences that will skew the home versus away game analysis/assessment.

Influences leading to bias for the away game. The assessment of what to do given an understanding of the new calculus of fear and danger as it effects home versus away games has some other long standing issues and potential constraints attached. First, the fundamental home game mission is and has been legitimately a Coast Guard responsibility. This may limit the range of options for Navy contributions. Secondly, departures from tradition and traditional roles (for the Navy, the away game) are unusual, often temporary, and almost always executed with a sense of uneasiness. This provides a coefficient of inelasticity to change which leads to moderate vice radical decision. Furthermore, it also is a fundamental reason why assessment -- the foreseeability part of the relationship that is contained in the component of risk -- is so vital to the strategy and

operational business of our Navy. Traditions and norms help the leadership gauge their way of doing business against the objective conditions or trends that only a rigorous assessment can highlight. It may be a 'new' world, but it may not lead to a 'new' Navy.

Influences leading to bias for the home game. Security (national defense) is a public good. Public goods are available for all to consume and nonexcludable; it is impractical to exclude those who do not pay for it. As a public good spread across the expanse of America, defense has traditionally received less interest/focus among the American people than other issues which have a narrower constituency (and hence a more organized voice). The perception of high security at home has allowed the Navy to conduct mission analysis heavily focused on playing the away game -- and subsequently shape force structure to optimize its effectiveness overseas. The new American calculus of fear and danger could marshal an American people demand for investment in home game specific capabilities and investment. This is reinforced if additional terrorist attacks occur. Any Navy decision that seems to suboptimize its role in the home game may be received poorly by both congress and a much more unified American voice.

Recommendations/Actions: As the Navy makes decisions concerning its investment strategy and its role in the terror war:

- (1) The Navy should take lead in the national effort to begin a rigorous analysis of new calculus of security after September 11.
- (2) Understand the institutional and national bias as they affect the assessment leading to decisions that will shape strategic roles and force structure. Recognize that home game requirements may require different away game capabilities if the new equation of security is a function of fear and danger (risk). One size fits all may be too expensive -- trade-offs will be complex and could lead to unacceptable losses to capabilities in traditional missions.
- (3) Conduct a deliberate and rigorous assessment of the balance among the prevent, protect, and respond missions in the MCP and throughout the POM 04 development process starting with the ISPP.

SUMMARY OF USN SUPPLEMENTAL REQUIREMENTS

~~22~~\$4.9B for " increased worldwide posture"

- ?? \$1.2B for the mobilization of 15,000 Naval Reserve personnel
- ?? \$1.13B for increased ship and aircraft maintenance
- ?? \$0.43B for increased flying hours
- ?? \$0.35 B for additional spare parts
- ?? \$0.157B for enhanced career sea pay
- ?? \$0.28B for expected increased OPTEMPO in the war against terrorism.
 - ~~22~~ 1 year of steaming days for 1 CVBG (\$0.166B)
 - ~~22~~ 1 year of steaming days for 1 ARG (\$0.043B)
 - ~~22~~ 1 year of steaming days for 7 NRF ships (\$0.072B).

~~22~~\$4.8B for "procurement"

- ?? \$2.3B to fund the conversion of 2 SSBNs to SSGN platforms in FY02
- ?? \$0.31B in FY-02 to preserve the option of converting a total of 4 SSBNs to SSGNs,
- ?? Purchase 27 C-40A aircraft, 18 Marine Corps KC-130J planes, three Marine Corps UC-135 aircraft and four Navy C-37s.
- ?? \$0.101B to modernize Coast Guard command, control and communications.

~~22~~\$4.0B for "enhanced force protection" including:

- ?? \$2.3B for improved command and control
- ?? \$1.0B (about) to procure several AT/FP missiles and ship self-protection suites, including more STANDARD missiles, upgrades to helicopter weapons systems and enhancements to Coast Guard weapons systems.
- ?? \$0.778B to pay for 1,500 additional personnel to meet additional A/T and FP security needs, provide FP at six private shipyards, and perimeter protection and building hardening at Navy installations.

~~22~~\$1.9B for "offensive counterterrorism" including

- ?? Increase the Navy's inventory of precision guided munitions:

- \$0.6B for TLAM conversions and upgrades
- \$0.531B for laser guided bomb kits
- \$0.142B for the F/A-18E/F Super Hornet program
- \$0.1B for JDAMs

~~??~~\$0.49B for "increased situational awareness"

~~??~~\$0.176B for initial crisis response

?? Covers some homeland defense efforts on ships and in ports, including funding the COMFORT (AH-20) operations to provide relief to rescue workers in NYC.

~~??~~\$0.05B for Pentagon repairs and upgrades.

Newport Paper: 62

**JUSTICE AS A U.S. WAR AIM:
THE LEGAL IMPLICATIONS**

Purpose: To examine the legal implications of declaring “justice” a U.S. war aim.

Background: In his address to Congress and the nation on 20 September 2001, the President declared, “Whether we bring our enemies to justice, or justice to our enemies, justice will be done.” In the fairly recent past, when the United States has sought “justice” internationally—against Noriega, against the perpetrators of the bombing of Pan Am 103, and against the perpetrators of the Khobar Towers bombing, for example—the problem has been turned into a legal issue. The result in almost every case has been to reduce policy flexibility.

Since the United States has made “justice” a goal in the effort to suppress worldwide terrorism, important definitional and policy issues have been raised. National goals affect policy choices. Different instruments of policy support different goals and, indeed, definitions of justice. It is desirable to understand the policy impact of using one or another instrument in the pursuit of war objectives.

Discussion: “Justice” means different things to different people; for U.S. policymakers and political leaders, it typically means the outcome of law enforcement and judicial process. In cases of armed conflict, it also refers to the outcome—e.g., victory as the equivalent of justice. However, since World War I Americans (or at least some Americans) have seen victory as one, not necessarily sufficient, step on the road to achieving justice against an attacking enemy. Many leaders call for the trial and punishment of aggressors or leaders responsible for acts such as ethnic cleansing. Foreign policy and national security decision-makers may seek justice in non-judicial or non-legal terms and base choices on non-legal criteria and information. Law enforcement involves other approaches.

Over the last three decades, Congress and the Justice Department have pushed the limits of U.S. criminal jurisdiction geographically outwards in response to terrorist events. With a number of anti-terrorist statutes, some of which implement international treaties and some of which independently extend off-shore U.S. jurisdiction to cover the killing of Americans abroad in connection with terrorist events, law enforcement has increasingly become a regular part of U.S. international counter-terrorist actions and strategy. The statutes cover crimes on or against aircraft, crimes against persons, crimes against internationally protected persons, crimes against airport safety, use of plastic explosives, and the like. In addition, the Justice Department has interpreted pre-existing statutes, such as the law chartering the FBI, to allow extra-territorial law enforcement operations. The FBI engages in criminal investigations in foreign countries whenever it

can in connection with killings of Americans abroad. The goal is evidence that is usable in court according to the Federal Rules of Evidence. The number of examples is substantial, including the bombing of Pan Am Flight 103, the bombing of the Khobar Towers barracks in Saudi Arabia, and the attack on the USS COLE in Yemen.

Treaties underlying many of the relevant statutes create jurisdiction in affected countries. Defendants may find themselves in front of courts in a number of countries. In addition, the U.N. Security Council, exercising its authority to take whatever steps it deems necessary to restore or maintain international peace and security under Chapter VII of the U.N. Charter, may create an ad hoc international criminal tribunal.¹ As a result, the pursuit of justice through law enforcement may involve a number of fora in different jurisdictions and the resulting bureaucratic tensions among them.

Seeking at this time to try suspected perpetrators of the attacks, whether before U.S. courts, courts of other countries, or an ad hoc international tribunal would raise policy issues of great significance. Going to court—even indicting defendants—circumscribes one's policy options. For example, we could find ourselves having to deal with arguments that we lacked sufficient, legally probative evidence, and should not use military force until after a trial and appeals would have satisfied objective observers that we had found those truly responsible. Indeed, several nations have repeatedly asked for "evidence" that ties Osama bin Laden to the 11 September attacks. It might be argued that, unless we waited until a judicial process was complete, we would not have tried hard enough to resolve the problem peacefully, as international law is said to require, prior to exercising our inherent right to self-defense. If the perpetrators include governments and heads of government, we may find ourselves unable to negotiate arrangements were we of a mind to do so. For example, the indictment of Libyans for destroying Pan Am Flight 103 froze U.S.-Libyan relations and took away all policy flexibility. Similarly, the indictment of Noriega imprisoned U.S.-Panama relations: the U.S. Government wanted to quash the indictment in exchange for Noriega's departing Panama. Washington discovered it could not make such an arrangement because the public would not stand for so political a use of the criminal justice system.

Recommendations/Actions: These examples point to the importance of understanding the policy implications of identifying justice as a U.S. war objective. No such careful analysis took place either before the indictment of Noriega or before the indictment of the

¹ It did so to address alleged crimes in the former Yugoslavia and in Rwanda. A permanent International Criminal Court (ICC) is likely to come into existence soon, pursuant to the 1998 Rome Statute. Its jurisdiction would be limited to grave breaches of the laws of war, aggression, and genocide. Conceivably, the ICC could have jurisdiction if the attacks were orchestrated by a country party to the Rome Statute. The International Court of Justice (World Court) hears cases between states only and only with the consent of those states pursuant to treaty or agreement to submit a particular dispute to the Court. In the past, therefore, the World Court has not been an appropriate venue for criminal trials.

Libyans. At the moment, we have maximum diplomatic and military flexibility. Policy makers should be aware of the implications of surrendering or limiting that flexibility.

Newport Paper: 63

**THE USE OF FORCE IN THE WAR ON TERROR:
A LEGAL PERSPECTIVE**

Purpose: To examine the legal basis for using force in combating international terrorism.

Background: Since all actions of the United States Government must be in accordance with law, the U.S. military response to the attacks of September 11, 2001 must be lawful. This means two things: First, there must be a legal basis for using force; there must be an exception to the general rule that states are required to settle disputes by peaceful means. Second, assuming that there is a legal basis for using force, how that military force is used depends on whether operations occur inside or outside the United States: domestic military operations must comply with the U.S. Constitution and any applicable U.S. law; operations occurring outside the U.S. must comply with the Law of Armed Conflict either as a matter of law or policy.

Discussion: While Article 2(4) of the United Nations Charter requires that states "refrain in their international relations" from using force against other states, Article 51 of the Charter makes clear that every state has an inherent right of individual self-defense if an armed attack should occur. Since the September 11th terrorist attack was an "armed attack," it follows that the United States may use force to defend itself in the terror war. Consequently, Article 51 gives the United States the legal authority to use force against individual terrorists and terrorist organizations responsible for the attacks on the World Trade Center and Pentagon. Under the law, force also may be used against any state supporting or harboring the terrorists responsible for the attacks.

Given, there is a legal basis for using force, an equally important issue is how that force may be used. If U.S. armed forces are used to deter or prevent terrorists located inside the United States from committing acts of terrorism, any force used must comply with the Fourth Amendment to the Constitution. That amendment, when applied to a military operation, requires that force used to seize a person or property not be "unreasonable." What is reasonable or unreasonable depends on the facts and circumstances of a particular use of force. That said, the bottom line is that military and naval commanders at all levels are not accustomed to considering the applicability of the Fourth Amendment in deciding how to use force. Additionally, the prohibition on using the military to "execute" civilian laws as embodied in the Posse Comitatus Act and related legislation also indicates that any plans for the domestic application of military force be carefully considered.

Outside the United States, use of force is restricted by three legal principles: military necessity, proportionality, and distinction.

? "Military necessity" means that U.S. armed forces may use force only against those persons, places and property that, by their nature, location, purpose, or use, effectively contribute to the terrorists ability to commit acts of violence, and whose destruction, capture, or neutralization gives the United States a definite military advantage. Measured by this standard, force may be used against individual terrorists, their training camps, equipment and materiel. Mountain passes, roads, caves, buildings, power stations, communications nodes, and other facilities that directly or indirectly facilitate terrorist operations may also be attacked.

? "Proportionality" requires that any loss of civilian life and damage to civilian property resulting from a use of force must not be excessive in relation to the concrete and direct military advantage expected to be gained. It follows that a proportional use of force against Bin Laden's terrorist organization and its Taliban supporters is lawful, even if it results in unavoidable and unplanned damage to civilians and their property. For example, if the military advantage to be gained from destroying a Taliban command and control structure is great, attacking it with air-delivered ordnance is lawful, even if the bombing results in the unavoidable death of civilians.

? "Distinction" requires that any U.S. use of force distinguish (or discriminate) between combatants and non-combatants, and that military objectives be distinguished from protected property and protected places. For example, bombing an Afghan city that lacked any specified military objectives or targets would violate the principle of distinction. The ongoing Taliban efforts to conceal military equipment in schools or mosques are aimed at confusing this issue.

The principles of military necessity, proportionality, and distinction apply to America's use of military force outside its borders. These principles do not, however, constitute legal obstacles or impediments to our current use of force in the war on terrorism.

Recommendation/Action: Policymakers may lawfully use force against terrorists, their organizations, and those states that harbor or support them. Any domestic use of military forces must be reasonable within the meaning of the Fourth Amendment. Outside of the United States, any use of force must satisfy the principles of military necessity, proportionality, and distinction.

Newport Paper 64

**U.S. NAVAL RESERVE:
THE NAVY'S TEAM FOR "HOME GAMES"**

Purpose: Examine the advantages and disadvantages of enabling the U.S. Naval Reserve to act as the Navy's Executive Agent in all maritime aspects of Homeland Defense.

Background: Since the end of the Cold War, the Navy has tried to define what it wants from its Reserve Force. Legally, the purpose of a reserve component is to "provide trained units and qualified persons available for active duty...in time of war or national emergency..." (10 USC Chapter 13). This has been traditionally interpreted to mean the development of the ability to surge and sustain the Navy's response to protracted conflict. That is, upon mobilization, Naval Reservists are expected to do what active forces do, wherever active forces do it. In times of peace, they lighten the load of conducting forward presence.

Today's Naval Reserve is largely a microcosm of the Navy. Following the Cold War, it shrank in the same proportion as the active force. Its composition mirrors and complements that of the active force because it is designed to back-up the forward-deployed operational fleet. The Reserve's most salutary effect is relieving OPTEMPO/PERSTEMPO deficiencies by providing replacement sailors or entire units to the deployed fleet.

Discussion: The advent of the Terror War, however, presents a distinct challenge to this traditional notion because a critical Area of Operations has become the Continental U.S. The U.S. Navy is neither *organized*, *equipped*, nor *disposed* to address the naval dimensions of the domestic Terror War. The active Navy can provide some elements of this protection (combat air patrol, maritime interdiction), but only at a significant financial and opportunity cost. Thus, the Navy faces a choice. It can pay these opportunity costs or it can relinquish this crucial Area of Operations at a time when the American public is focused on it. See the discussion of this intrinsic tension in Newport Paper 61.

The U.S. Navy has shown a predilection toward fighting and winning the Terror War as far forward as possible. Indeed, it is sized and shaped to do so. There is little reason to suspect that this preference will (or should) wither, especially in light of recent events in which the Navy's power projection capacity played the central role in the dismemberment of the Taliban and Al Qaeda in Afghanistan. However, this leaves the equally important requirement of defensive naval security at home without an enthusiastic sponsor. This mission area could become the exclusive focus of the Naval Reserve. They could fight

the Navy's portion of the "home game". The Naval Reserve is already contributing to the domestic Terror War. Press reports suggest that the number of Naval Reservists called to active duty will reach 14,400 by the end of November. This activation of the reserves is based on matching individual skills with emerging terror war requirements, particularly in security, law enforcement, health care and intelligence. That is, many Naval Reservists have the skills to fight the Terror War, however, the Naval Reserve is not organized or chartered to do likewise, particularly in support of commercial interests.

The United States will need to take defensive measures along our coastlines as long as we face a terrorist threat. That there is a military element to this threat which may be generated "from the sea" is clear.

Analysis: Many of today's Naval Reserve functions are already ideally suited to continue their support of the domestic terror war:

- ?? **Naval Coastal Warfare (NCW).** The reserve Mine and Undersea Warfare (MIUW) units are the perfect building block around which to build coastal defenses against military threats including, mines, torpedoes, cruise missiles, small boats, clandestine swimmers. In conjunction with the Coast Guard (and assuming some easing of *posse comitatus* restrictions), they could protect all American ports against terror threats from the sea. Reserve mine countermeasures ships could be integrated under the NCW command. Maritime patrol aircraft could integrate into the Coastal Vessel Traffic Service. NCW Commanders could integrate their sea borne forces with landside security. This is already the principal contribution made by the Reserves and could be expanded to cover additional American ports, not only those with military assets present.
- ?? **Cargo Handling.** These units have expertise in loading and unloading containerized cargo. They could work with the Coast Guard to vastly expand the inspection of containerized shipping in American seaports.
- ?? **Field Hospitals and Medical Support.** Rapidly mobilizable medical units trained in mass casualty scenarios could be the first large medical units on the scene, particularly if used in conjunction with Hospital ships such as USNS Comfort. A hospital ship could be manned by medical reservists on each coast on 48-hour notice to sail.
- ?? **Reserve Air assets.** In particular, cargo and Medevac planes could be used in any mass casualty scenario. The Reserves could relinquish the reserve carrier air wing and shift completely to cargo and reconnaissance and patrol aircraft.
- ?? **Construction Battalions.** Reserve Seabees will remain a useful asset in almost any scenario. Certainly, their construction abilities would be a welcome addition to the Office of Homeland Security.
- ?? **Maritime Patrol Air.** Surface surveillance of the approaches to all major ports can be covered by high-endurance airborne assets such as the Reserve P3 and E2 fleet. This also allows for a C2 interface with NORAD assets.

The additional capabilities below should also be expanded by the creation of Reserve units in the following specialties designed exclusively for use in the domestic terror war:

- ?? **Cryptologic support**
- ?? **Interpreters**
- ?? **Intelligence**
- ?? **Risk Assessment** (to enable resource prioritization)
- ?? **Information Technology**

There are obvious complementarities between the war on domestic terror and the war on drugs. Not only are they considered parts of overall homeland security, the joint and interagency organizations designed to fight the war on drugs may be the models used to combat domestic terror. In similar fashion, the Naval Reserve could assume the Navy lead in this important area employing the assets below:

- ?? **Reserve Frigates.** Along with their embarked helicopters, these frigates could provide a considerable deterrent to the sea borne movement of drugs to the American coast. They would continue to work for JIATFs and help develop the Navy's expertise in Joint and Interagency Operations.

This would entail organizational changes for the Naval Reserve. Training and administration would be affected because of the requirement for new and different skill sets. The principal change, however, would require that the Naval Reserve would act as supporting forces for the military commander supporting the Office of Homeland Security as the new organization emerges. The Naval Reserve would have little difficulty supporting either CINCNORAD or CINCJFCOM.

Designating the Naval Reserve as the Navy's Executive Agent in the conduct of defensive security operations would result in a number of benefits:

1. The American public would feel more secure if "naval professionals" specializing in domestic terror are protecting their coasts. They would appreciate the Navy more. . This change would be deemed responsive to public and political pressure.
2. The Navy would rapidly develop an expertise in *interagency operations*. It is premature and problematic to predict the nation's ultimate organization for Homeland Security. It is safe, however, to note that it will be a complex *interagency network*. While the Office of Homeland security will (minimally) coordinate efforts, numerous other government agencies will contribute assets and expertise to its operations. The Naval Reserve could act as the Navy's Executive Agent on all such matters, developing cutting-edge expertise in *interagency operations*, which could be shared with the active forces.
3. The Navy would develop true expertise and specialization in defensive anti-terror operations. If the Terror War is indeed long-term, these talents will be invaluable to the nation.
4. Pressures on reserve deployments will be eased. To perform these operations, reservists would not be required to leave CONUS and would be less likely to be activated for excessively long periods.

5. The active forces would have a repository for hardware and platforms no longer useful in battle group operations. This equipment (frigates, maritime patrol aircraft) would be extremely valuable in the domestic terror war.
6. This mission area could be funded commensurate with its importance. The Coast Guard is short of resources and spread too thinly.

The principal shortcoming is that forward-deployed forces could no longer look to the reserves for support and back up in "away-game" crises. In addition, the skill sets required by the Naval Reserve would change appreciably, necessitating some personnel upheaval and augmentation.

Recommendations/Actions: Should the U.S. Navy opt to continue to emphasize its traditional role in the "away game" of counter-terrorist operations, the Navy should:

1. Re-examine the roles and missions of the U.S. Naval Reserve to determine its capacity to become the lead Navy agent in "defensive" homeland defense.
2. Get a legal opinion as to whether *posse comitatus* restrictions could be eased to allow the Reserves to play a more vigorous role in harbor security.
3. Develop a draft organization plan to allow the Naval reserve forces to chop to the CINC designated to control DoD assets in the defense of the homeland.
4. Conduct an analysis of the skill sets required to perform all (expanded) aspects of naval homeland defense.
5. Consider appropriate funding augmentations (and reductions) for the Reserves in the development of POM 04, starting with the ISPP.

Newport Paper: 65

**How Are We Doing?
Assessing Progress in the War on Terrorism**

Purpose: To identify strategic measures of effectiveness (MOEs) for America's war on terrorism.

Background: One of the fundamental tasks that statesmen and soldiers face in time of war is to determine the effectiveness of their strategy. Strategic MOEs should provide an indication of the success of a strategy and therefore progress toward achieving political objectives. Yet identifying meaningful MOEs for which data exists has proven to be extremely difficult. Often that which is measurable is a poor indicator of strategic success. The U.S. military's reliance upon body counts during the Vietnam War, for example, gave Washington (and the American people) a misleading view of our progress in that war. Often qualitative measures—those that indicate, for instance, changes in an adversary's will—are more insightful. However, the necessary data are frequently unavailable or unreliable.

Discussion: Measuring the success of U.S. strategy in the Terror War is a serious challenge. Because we lack a complete understanding of our adversary's goals, decision-making process, and operational concepts, as well as his force structure and deployment, it will be difficult for us to measure our ability to influence him. We nonetheless must develop a set of useful MOEs if we are to gain insight into our progress in the current war.

So far, discussions of Operation ENDURING FREEDOM in the press have tended to equate success with the control of territory, the capture or elimination of Osama Bin Laden, and the ouster of Afghanistan's Taliban regime. Such a view is at best incomplete, at worst misleading. It may delude us into declaring victory prematurely, or cause us to ignore the more important but less tangible dimensions of the struggle.

Because strategic MOEs should measure progress toward achieving objectives, they should be intimately connected with those goals. What follows are candidate strategic MOEs for three U.S. objectives in the war on terrorism discussed in Newport Paper No. 02. It is important to note, however, that this paper is a preliminary effort. A sustained and comprehensive effort to identify MOEs and to collect and analyze the data needed to measure our progress is required.

Prevent further terrorist attacks on the United States. Protecting the United States against foreign attack is a basic constitutional responsibility of the federal government. The U.S. Government must prevent further terrorist attacks against the United States, including the U. S. homeland and U.S. interests and forces abroad.

?? *Frequency, scale, sophistication, and effectiveness of terrorist attacks.* The most direct method of determining how successful the United States is at preventing terrorist attacks would be to examine the pattern of terrorist actions against the United States. If the U.S. strategy is working, then it should become progressively more difficult for international terrorist organizations to launch terrorist attacks. The frequency, scale, sophistication, and effectiveness of attacks should decrease over time. Measuring this accurately requires that we develop an understanding of not only those attacks that occur, but also those actions that are planned but are not executed, for whatever reason.

Even if we are successful, it may take some time for U.S. strategy to influence Al Qaeda's operations. Past attacks have taken between one and two years to plan and execute. Al Qaeda may already have established cells in the United States or other countries to plan and undertake future attacks. Such attacks may already be far along in their planning. As a result, terrorist incidents may actually increase before they decrease.

Disrupt or destroy Al Qaeda and other terrorist organizations with international reach. Al Qaeda is the largest, most sophisticated, and best funded terror network in the world. Destroying Al Qaeda will reduce the threat to the United States, its friends and allies, and provide a tangible demonstration of the U.S. commitment to eliminating international terrorism.

?? *Al Qaeda leadership.* One way to disrupt Al Qaeda is to kill, capture, or neutralize its leadership. The most direct way of measuring progress toward this goal would be to determine the proportion of the core Al Qaeda leadership that remains active over time. If we are successful, then the pool of those capable leaders who are truly committed to Al Qaeda should shrink. It should also be increasingly difficult for Al Qaeda to recruit new leaders.

Another way to determine whether this goal is being achieved would be to gauge the attitude of Al Qaeda leaders. While it is likely to be extremely difficult to measure this directly, it may be possible to do so indirectly through their actions. If we are successful, for example, then over time we should be able to induce members of the leadership to cooperate with us or to defect.

Of course, accurate measurement requires that we possess a good understanding of the size and composition of Al Qaeda's leadership. It also requires that we have the ability to confirm the death or defection of Al Qaeda leaders over time. Finally, we would need to understand what "critical mass" is required to keep Al Qaeda together as a cohesive organization. It may turn out that attacks upon the Al Qaeda leadership will cause the network to splinter into its component parts. On the other hand, it may be that Al Qaeda's global terror operations require only a small leadership. It is even possible that once unleashed Al Qaeda cells may have the ability to operate autonomously, which may in turn require that they be destroyed in detail.

?? *Al Qaeda operational cells.* Since Al Qaeda's cells do appear capable of operating semi-autonomously, decapitation may be an inadequate strategy for the destruction of the organization. Regardless of the outcome of our efforts against its leadership, the worldwide effort to root out and destroy Al Qaeda cells will remain important. As with the neutralization and elimination of its leadership, the most direct way of measuring progress toward this goal would be to determine what proportion of Al Qaeda's cells remain active over time. If we are successful, the number of operational cells should decrease; it should also become more difficult for Al Qaeda to form new cells. Accurate measurement presumes knowledge of the number of Al Qaeda cells, the ability to confirm the destruction of cells, and an understanding of what "critical mass" of cells might be required for the organization to function effectively.

?? *Popular support for Al Qaeda.* Another way to disrupt international terrorist organizations is to reduce the level of popular support that they enjoy. If we are successful, then we should expect the number of supporters to decrease over time. We should also expect the quality of recruits to decline. Of course, to measure this accurately we would need to know the current level of support for Al Qaeda. We would also need to be able to measure shifts in support over time. While it may be difficult to determine popular support directly, it may be possible to rely upon a series of proxy measures. For example, a number of news organizations in the Islamic world have conducted polls of public attitudes since September 11. Tracking these attitudes over time might be useful. It might also be fruitful to track the number of pro-Al Qaeda demonstrations in various countries over time. Finally, it would be useful to follow the tenor of coverage of Al Qaeda in the media, particularly in independent outlets such as the Al Jazeera satellite television network. When members of the Al Qaeda leadership are killed, for example, are they treated more like martyrs, or losers? Such coverage may both reflect and lead public sentiment.

To make sense of this data, we would also need to understand the minimum level of popular support that is necessary to keep a group like Al Qaeda in business. Other terrorist organizations have been quite successful with a small group of hard-core followers.

Terminate state support for terrorist groups with international reach. Disrupting or destroying Al Qaeda and other international terrorist organizations will not, in and of itself, bring an end to international terrorism. International terrorism exists, in part, because it enjoys the support—either active or passive—of states. If the United States is to eliminate terrorist organizations of global reach, then it must bring about an end to state support for transnational terrorism. The overthrow of the Taliban, for example, gives American and allied troops much greater freedom to hunt down Al Qaeda's members and eliminate its infrastructure in Afghanistan. It also sends a powerful message to those who aid and abet terrorists.

?? *Attitude toward terrorist organizations.* The United States seeks to establish a norm against international terrorism. It seeks to reduce the incentives, and increase the penalties, for publicly or privately supporting terrorist organizations. If we are successful, over time governments that sponsor international terrorism should end their support for such groups. Governments that turn a blind eye to support for terrorist groups on their territory and by their citizens should crack down. In other words, the number of supporters of international terrorism—both active and passive—will decrease. One way to measure this would be to gauge the attitude of the state-controlled media in Islamic countries.

?? *Material support for terrorist organizations.* The United States seeks to choke off financial support for international terrorism. UNSCR 1373, for example, calls upon all governments to freeze the assets of Al Qaeda and other terrorist groups. If such efforts are successful, then the amount of resources available to Al Qaeda will be diminished. One way of measuring the seriousness of foreign governments toward reducing financial support for Al Qaeda would be to monitor their implementation of new banking laws. It would also be desirable to learn whether Al Qaeda is getting a large amount of money from a few large donors, or small amounts of cash from a large number of donors. These represent qualitatively different levels of support.

On the other hand, understanding Al Qaeda's finances is likely to present a number of challenges. There is strong evidence that much of Al Qaeda's financing comes from informal channels and from black-market activities that are difficult to measure. Also, it is important to understand how much cash Al Qaeda really needs to be able to continue its operations. This is likely to be a difficult undertaking as well.

Recommendations/Actions: Policymakers should choose carefully the MOEs that they employ to measure progress in the war on terror. A dedicated effort to develop strategic MOEs for the current war should be established.

Newport Paper 66**- MILITARY SUPPORT TO CIVIL AUTHORITIES -
"Navy Roles And Responsibilities In Domestic Support Operations"**

Purpose: To examine the policies, programs and procedures which govern the employment of United States Navy capabilities as part the Department of Defense provision of support to civil governments and organizations, primarily under the guidance of the Stafford Act.

Background: The events of September 11, 2001 have highlighted the potential need to employ United States military capabilities in support of civilian authorities at the local, state and federal levels under a wide range of emergency circumstances. Much of existing doctrine is oriented toward natural disasters and does not explicitly address multiple, deliberate, concurrent, hostile, CONUS-wide attacks of the nature experienced on September 11, 2001. However, over the years the Department of Defense has developed both comprehensive planning and execution organizational structure to support civilian authorities in times of crisis. The mechanisms and related policies and procedures are in place to identify and employ existing U.S. Navy capabilities utilizing an 'all hazards' approach to contingency planning in a timely and effective manner.

State and local governments exercise primary responsibility to respond to domestic emergencies; the Federal Government provides assistance as required. On a Federal level the response is coordinated by the Federal Emergency Management Agency (FEMA). Within the Navy, OPNAVINST 3440-16 establishes the requirement to protect and restore Navy mission capabilities as the first priority of Commanders. Only after this objective has been satisfied will Navy Commanders shift their focus to the preparation and potential employment of military resources under their cognizance in support of civil emergencies. The remainder of this paper will be focused on the policies, programs and procedures that govern the employment of Navy forces in support of civil authorities as part of an over-arching emergency management plan at the local, state or federal level. Specifically, we intend to examine the responsibilities and functions identified in DOD Directives 3025.1, 3025.12, 5030.45, and 5525.5 with respect to Military Support to Civil Authorities (MCSA).

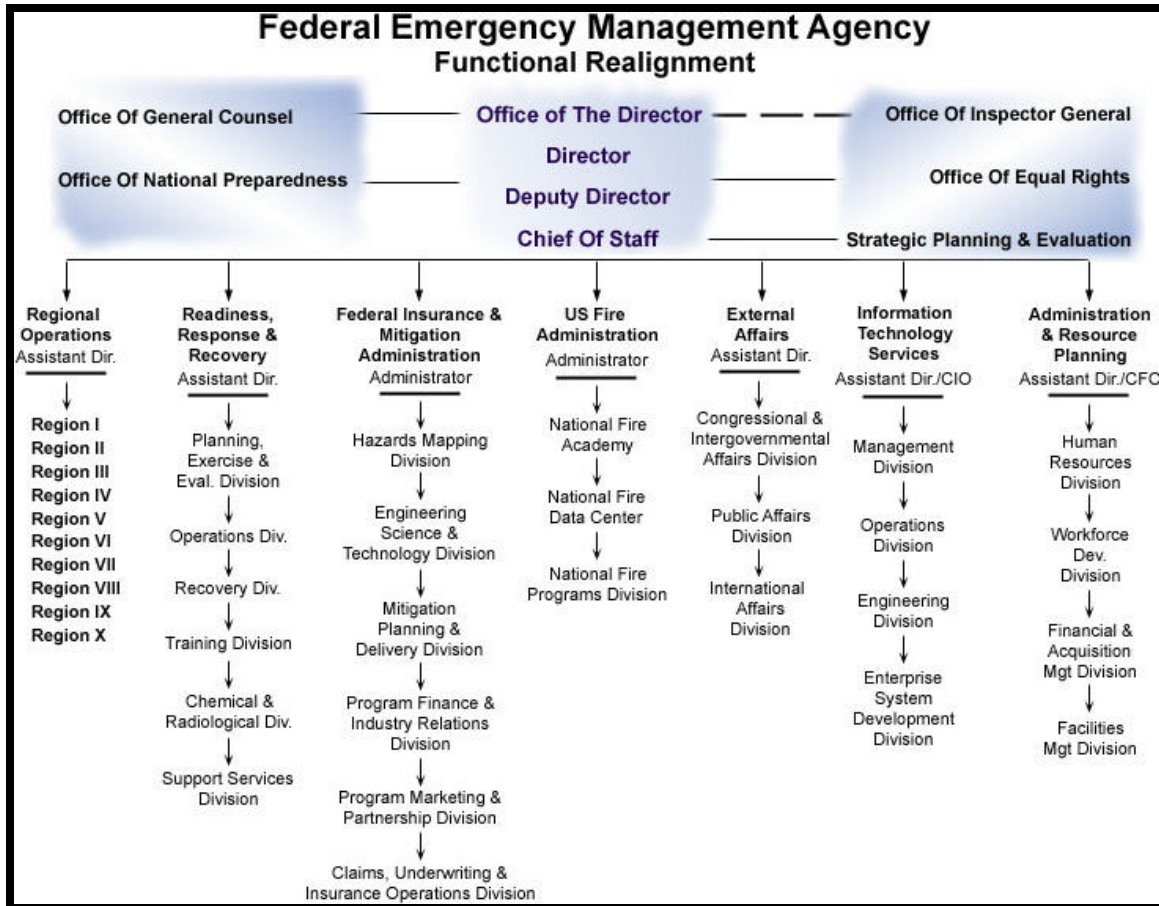
Roles and Responsibilities.

(1) **General.** The Federal Emergency Management Agency (FEMA) is authorized by the Robert T. Stafford Disaster Relief and Emergency Assistance Act as amended to lead and support the nation in developing and maintaining a national emergency management capability that helps people protect themselves and their families, homes, communities, and businesses from hazards. The US Military is primarily charged with the responsibility to organize, train, and equip forces to conduct

combat operations. However, it also has the capability and responsibility to respond to domestic emergencies and provide support to civil authorities as outlined in DOD Directives 3025.1, Military Support to Civil Authorities, and DOD Directive 3025.15, Military assistance to Civil Authorities. Such domestic support operations usually occur after a Presidential declaration of a major disaster or an emergency and are designed to *supplement* the efforts and resources of state and local governments. During domestic support operations the US military *always* responds in support of another civilian agency. The types of domestic support missions for which the US military routinely provides support include:

- ✂✂ Domestic Disaster Relief Operations (DODD 3025.1)
- ✂✂ Civil Disturbance Operations (DODD 3025.12)
- ✂✂ Support to Immigration Emergencies (SECDEF Memo)
- ✂✂ Support to U.S. Postal Service (DODD 5030.50)
- ✂✂ Military Assistance to Safety and Traffic (DODD 4500.9)
- ✂✂ Wildfires (MOU/MOA)
- ✂✂ Emergency Animal Disease Eradication (SECDEF Memo)

(2) Federal Emergency Management Agency (FEMA). The Federal Emergency Management Agency -- FEMA -- is an independent agency of the federal government, reporting to the President. FEMA is comprised of more than 2,600 full time employees who work at FEMA headquarters in Washington D.C., at regional and area offices across the country, at the Mount Weather Emergency Assistance Center, and at the FEMA training center in Emmitsburg, Maryland. Since its founding in 1979, FEMA's mission has been clear: *To reduce loss of life and property and protect our nation's critical infrastructure from all types of hazards through a comprehensive, risk-based, emergency management program of mitigation, preparedness, response and recovery.* Under the Stafford Act and Executive Orders 12148, Federal Emergency Management, and 12656, Assignment of Emergency Preparedness Responsibilities, FEMA has been delegated primary responsibility for coordinating Federal emergency preparedness, planning, management, and disaster assistance functions. FEMA also has been delegated responsibility for establishing Federal disaster assistance policy. In this stewardship role, FEMA has the lead in developing and maintaining the Federal Response Plan (FRP) that establishes a process and structure for the systematic, coordinated, and effective delivery of Federal assistance to address the consequences of any major disaster or emergency. The FRP clearly delineates the conditions and procedures to be followed for employing Department of Defense resources as part of the federal response to a major disaster or emergency.

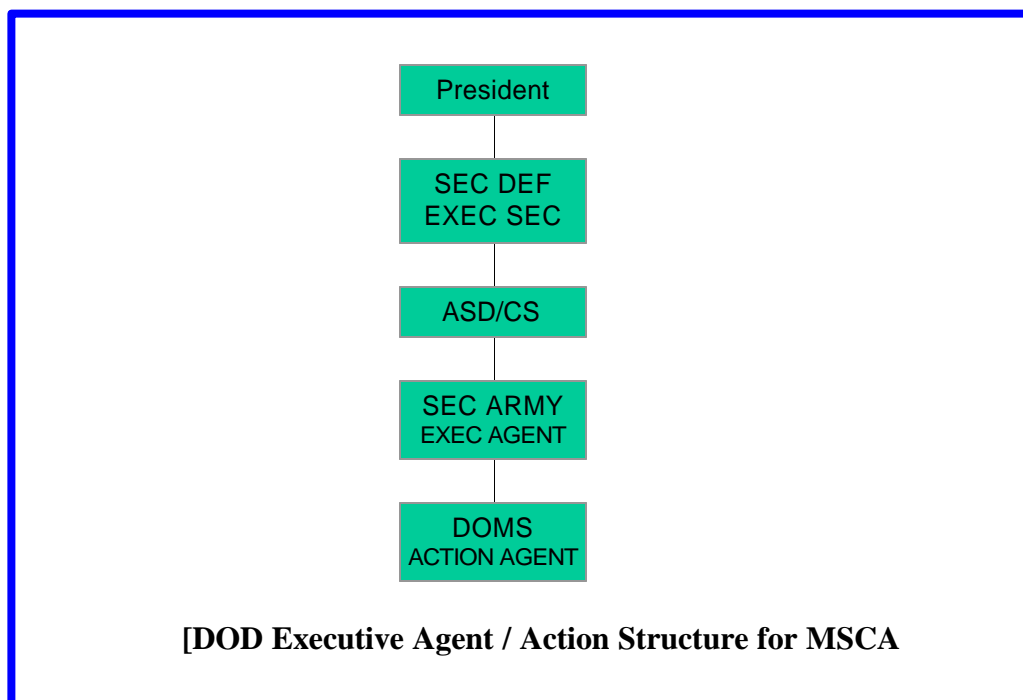


(3) **Department of Defense.** The Secretary of Defense is the approval authority for the employment of active federal forces in support of civilian agencies for declared emergencies. The Secretary of Defense directs in DOD Directive 3025.1 that the Secretary of the Army be his Executive Agent to task DOD components to plan for and commit DOD resources in response to requests from civil authorities for military support IAW the procedures established in the Federal Response Plan. In the wake of events of 11 September 2001 the Deputy Secretary of Defense issued a memorandum to the Secretaries of the Military Departments and the Chairman of the Joint Chiefs of Staff on September 13, 2001 restating the Secretary of the Army's role as the DOD Executive Agent. The Secretary of the Army executes its responsibilities through the **Director of Military Support (DOMS)** who serves as the action agent for planning and executing DOD's support mission to civilian authorities within the United States.

(4) **Director of Military Support (DOMS).** As the Secretary of the Army's action agent for planning and executing DOD's support mission to civilian authorities the DOMS performs the following functions:

- ✍ Ensures Executive Agent responsibilities for planning and execution are performed

- ☞☞ Directs Military Support to Civil Authorities (MSCA)
- ☞☞ Manages MSCA expenditures
- ☞☞ Directs and coordinates development of both generic and incident specific plans through the DOD planning agents.
- ☞☞ Establishes MSCA guidance for the National Guard
- ☞☞ Provides for the effective use of civil engineers
- ☞☞ Provides authorizations to perform emergency work



(5) Commanders in Chief of Geographic Combatant Commands. The Geographic CINCs serve as the Department of Defense *principal planning agent* and *supported command* for the geographic areas within the United States and its territories as designated in the Unified Command Plan (UCP). Specifically they are responsible for:

- ☞☞ Cooperative planning for MSCA operations between DOD Components, FEMA, and other Federal or State civil agencies (maintains liaisons with appropriate civil agencies such as FEMA).
- ☞☞ Activating and coordinating the use of Regional Emergency Preparedness Liaison Officer (REPLO) and State Area Command (STARC) Emergency Preparedness Liaison Officers (EPLOs) Teams

to assist in plan development and execution of emergency response actions.

☞ Evaluates MSCA plans, preparedness measures, and training in joint civil military exercises.

☞ As the Lead Operational Authority (LOA), provides MSCA response, as directed by the Executive Agent.

(6) Service/Component Commanders. For the purposes of this paper we will focus on how the US Navy executes its responsibilities with respect to MSCA. Currently the Navy has designated two Navy Principal Planning Agents, CINCLANTFLT and CINCPACFLT.



(7) Regional Management Coordinators/Planning Agents. The Navy concept of operations is based on centralized planning and local response. Planning and training is coordinated at the regional level. Execution and command and control of Navy forces engaged in MSCA will primarily be aligned with the Regional Planning Authorities (RPA is generally the NAVFOR CDR in the respective region). The responsibilities of the eight Navy Regional Planning Agents / Emergency Management Coordinators is to:

- ✍✍ Develop and/or update the Regional Emergency Management Plan. This plan provides one comprehensive and standardized plan for the region.
- ✍✍ Coordinate and manage the efforts of Sub-Regional Planning Agents (SRPAs) who prepare applicable appendices to the Regional Emergency Management Plan for areas within their designated area of operations.
- ✍✍ Coordinate the activities of Navy Emergency Preparedness Liaison Officers (NEPLOs) assigned to each of the States within their designated area of responsibility as well as the activities of the Regional Emergency Preparedness Officers (REPLOs) assigned to FEMA regions in their AOR (for example COMNAVREG NE includes FEMA Regions I and II).
- ✍✍ Determine equipment, material, and personal augmentation requirements for Navy installations likely to become 'Base Support Installations' (BSIs) in support of emergency operations. BSIs are selected for their ability to support infrastructure and service requirements such as airfields, staging areas, office space, emergency medical services, etc.
- ✍✍ Assist in the regions response to emergencies requiring MSCA.

(8) Regional/State Emergency Preparedness Liaison Officers. Each service component provides personnel to serve as Regional and State Emergency Preparedness Liaison Officers. Although regional liaison officers assigned to each of FEMA's ten regions remain under the command, control and administration of parent services, the 'Principal Regional EPLO' (a position filled by an Army Colonel at each region), provides policy guidance for the team. Regional and State EPLOs are specifically trained Reserve Officers operationally controlled by the Service RPA.

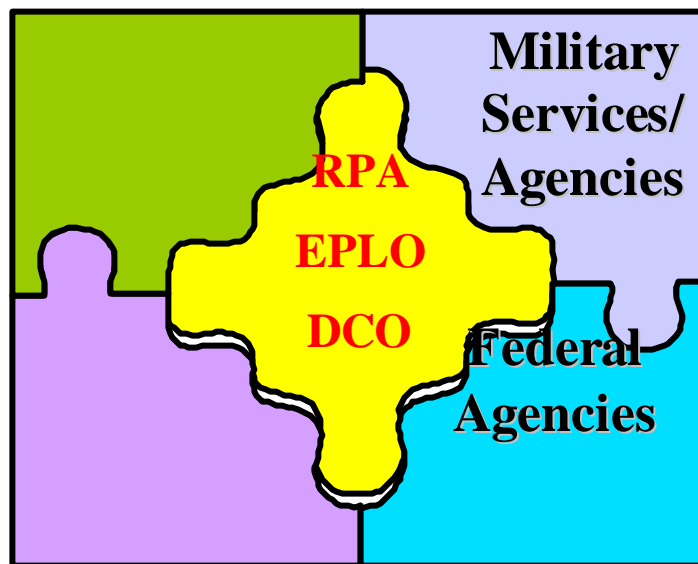
The Regional EPLO mission is to:

- ✍✍ Provide DOD and Service Liaison with Federal Regional Organizations and agencies
- ✍✍ Facilitate planning, coordination and training for MSCA
- ✍✍ Advise Federal agencies and organizations on DOD and Service capabilities (as contained in the DOD Resource Data Base maintained by FORSCOM IAW DODD 3025.1).

The State EPLO mission is to:

- ✍️ Provide Service representation and liaison to the military and civil authorities within the state, commonwealth, US possessions and other eligible jurisdictions
- ✍️ Facilitate planning, coordination and training for MSCA preparedness
- ✍️ Advise on DOD and Service capabilities and resources
- ✍️ Serve as a member of the Emergency Response Team (ERT) during an actual emergency

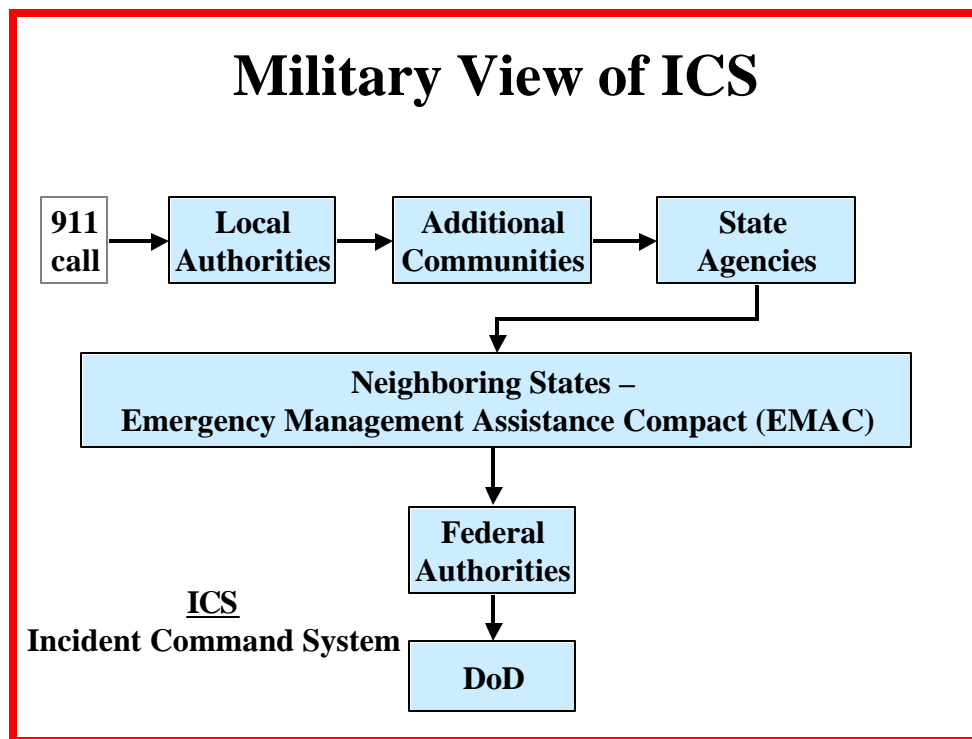
(9) Putting it all together. Upon execution of the FRP and prior to the appointment of a Defense Coordinating Officer (DCO), national-level requests for military support are made directly to the Director of Military Support (DOMS). DOMS exercises national-level oversight of the DCO function. There is a pre-designated DCO for each state who is responsible for coordinating DOD support to Federal Agencies at the Disaster Field Office (DFO). To ensure a coordinated and consistent DOD disaster response, the DCO is the single point of contact in the field for coordinating and validating the use of DOD resources. The DCO is the designated DOD on-scene member of the ERT supported by a Defense Coordinating Element (DCE), composed of administrative staff and liaison personnel, including the Emergency Preparedness Liaison Officer (EPLO), who normally will collocate with the ERT Operations Section. The DCO, through appropriate military channels, refers problematic/contentious military support issues to DOMS. DOMS facilitates resolution of issues at the national level.



(10) The JTF Issue. Based on the magnitude and type of disaster and the anticipated level of resource involvement, DOD may establish a Joint Task Force - Civil Support (JTF-CS) to consolidate and manage supporting operational military activities.

This consolidates operational control of all allocated DOD assets (except USACE personnel executing ESF #3 missions and the Joint Special Operations Task Force) but does little to change the mechanism by which requests for support are received. Although the JTF-CS Commander supplants the DCO as the senior DOD representative, the DCO will continue to exercise the ERT staff function of mission assignment coordination and validation, and will act as a liaison between the ERT staff and the JTF staff.

Recommendation/Actions: The plans, programs and policies are in place to effect a coordinated response from the Department of Defense and the US Navy. Support requirements normally begin with a 911 call to local authorities and as requirements exceed on-hand capabilities, requests for support are generated through a well-developed incident command system (ICS). DoD responds only when the requirement exceeds that of the wide network of civil agencies trained and ready to respond to civil emergencies. The DoD response is reactive in nature and predicated on a request for support validated by FEMA and the on-site DCO who will coordinate the DoD response with the supported CINC and/or the DOMS.



Newport Paper: 68

ECONOMIC DIMENSIONS OF THE TERROR WAR

Objective: To analyze the economic dimensions of the war on terror.

Background: The uncertain scope and length of the ongoing war on terror make it imperative that the United States develop a comprehensive strategy for conducting the war. As Secretary of Defense Donald Rumsfeld made clear, “Victory will require that every element of American influence and power be engaged.” In contrast to other recent conflicts that were short-lived and geographically contained (Kosovo, Bosnia, and even DESERT STORM), the war on terror is more akin to World War II, the Cold War, or even the war on drugs in its potentially global scope and temporal indeterminacy. The more effectively the United States can coordinate objectives and strategies across the military, political, diplomatic and *economic* realms, the sooner it will achieve its war objectives.

Discussion: Successful grand strategies do not rely solely on their military, political, and diplomatic components. The economic dimension of strategy is critical. This is especially true for the United States. Economic strength is a key component of U.S. national power. Bringing America’s economic might to bear will support military, intelligence, and law enforcement efforts to eliminate terrorists with global reach, their state sponsors, and the transnational networks that link terrorists and rogue states.

United States security objectives and operations (including the use of military force) are not always congruent with its economic interests. Interagency coordination (among, for instance, the Departments of State, Defense, and Treasury) is often complicated by the different perspectives, objectives, and experiences of policymakers. Resolving the tensions between security and economic policies is complicated by the fact that the most powerful tools of economic statecraft are often controlled by private actors. The U.S. government is generally loath to assert greater control over private economic resources even when doing so might facilitate the implementation of a more effective national strategy. Thus the United States can only encourage trade and investment in Afghanistan and other key frontline states in the war on terror using rhetoric and incentives. It cannot provide sufficient resources on its own (given the limits of foreign aid budgets) or compel private firms to act on its behalf. That said, the private sector and markets represent tremendous assets in the war on terror and defense planning in general: they are the source of the economic strength necessary to support defense expenditures.

The U.S. economy is also a source of vulnerability. Public support for the war effort depends, at least in part, on the general state of economic affairs. If at some point the war undermines the recovery of the national economy and/or shocks the global economy in

such a way that Americans experience real disruptions, support for the war effort may erode. In April 2002, for example, analysts speculated that rising oil prices—especially as they translate into increased gasoline prices—may weaken public support for the Bush administration and its handling of foreign policy, including the war. The potential for such shocks arising from the war on terror is relatively high. There are many possible wild cards and/or unintended consequences associated with prosecuting the war (see *Newport Paper* No. 04).

Economic Objectives

1. Maintain Economic Stability and Vitality. Before the 11 September attacks the American and global economies were already showing signs of weakness—economic growth was slowing, unemployment was creeping upwards, and the financial markets were volatile. After 11 September the economic situation worsened: the U.S. economy contracted, consumer confidence waned, and many firms announced layoffs. Predicted federal budget surpluses evaporated in the wake of reduced revenues and increased public, particularly defense, expenditures. With the Bush administration, DoD, and the individual Services all clamoring for increased funding to prosecute the war on terror and pursue military transformation, the national budget may remain in deficit for the foreseeable future.

Although the recession appears to have been short lived, projections of future U.S. economic performance assume a stable business environment free from domestic, economic, political or security crises. The economy remains vulnerable to external shocks—disruptions in oil supplies, for example—in part because public confidence plays a key role in a consumer-based economy. One objective of America’s strategy in the war on terror should be to support public confidence by providing an effective defense against terrorist acts and responding quickly and effectively should they occur.

2. Maintain Access to Overseas Energy Supplies. Since much of the world's energy supply (both oil and natural gas) lies within the broad confines of the arc of crisis, military operations in Central Asia have the potential to disrupt the flow of energy to the United States and its allies (especially Europe and Japan). Since our adversaries clearly recognize the vulnerability of the United States to “oil shocks” they may seek to counteract U.S. superiority in conventional military operations by targeting pipelines, SLOCs, processing and transport facilities, and individual shipments of oil or natural gas. In the long run some oil producing countries may be destabilized by their participation, however minor, in the war on terror. Insofar as the domestic difficulties of American adversaries or allies affect the flow of oil and natural gas or lead to embargoes, the American and global economies will be vulnerable. The current weakness in energy prices reflects, to some extent, Russia's willingness to cooperate in the war on terror. Destablizing events in Russia or in Russian-American relations could end this fortuitous circumstance. The U.S. military should be prepared to play a role in ensuring the flow of energy from the arc of crisis to the United States and its allies.

3. Apply Economic Statecraft to Support Military and Intelligence Dimensions of the War on Terror. The ability of U.S. financial regulators to track and halt financial flows is an important instrument in the campaign against Al Qaeda and other terrorists with global reach. While these economic capabilities lie largely within the province of civilian agencies and the intelligence community, the U.S. armed forces must be aware of the economic component of the war on terror and be ready to provide any support that may be required including, for example, the forces necessary to embargo terrorists and their supporters.

Military Support of Economic Objectives

1. Bolster Civilian Confidence. Setbacks in the war on terror are inevitable. The U.S. military can help bolster public confidence and thus the health of the economy by being prepared and by being present. Being prepared means, at least in part, maintaining the high state of readiness and prepositioning needed to optimize the response time of U.S. and allied forces. A robust overseas presence, including highly visible and/or symbolic demonstrations of American military power and commitment, can help maintain public confidence both at home and abroad. The U.S. military also must be seen as achieving "incremental victories." Clear progress in the war on terror will help maintain public confidence in what is likely to be a protracted war.

2. Secure SLOCs and Ensure Freedom of Navigation. The global economy is highly dependent on transcontinental transport systems including shipping firms using well-known sea-lanes and facilities such as canals and ports. Attacks on SLOCs and maritime infrastructure could contribute to a decline in economic activity and undermine a weak global economy. Working with the other services, the U.S. Navy must protect SLOCs and infrastructure even as it performs the more direct tasks of fighting terrorists and their state sponsors.

3. Prevent attacks on critical infrastructure. Aside from the energy and maritime infrastructures, numerous commissions (e.g., The President's Commission on Critical Infrastructure Protection, established in 1996) and experts (e.g., the National Infrastructure Protection Center) have identified nodes in local, regional, national and global economies that may be vulnerable to attack. The military services must work with the law enforcement and intelligence communities to protect such nodes. At home, the military role should be to support those agencies with primary responsibility. Abroad, the military must cooperate with coalition partners and intelligence agencies to deter attacks on American forces and installations as well as respond to attacks with "find and fix" missions against the perpetrators.

Unintended Consequence of War on Terror—the Economic Dimension:

1. Increased Defense Funding. Prior to 11 September, DoD and the Services argued that increased funding was needed if the readiness of the current force was to be maintained during a perhaps prolonged period of military transformation. With the military's new roles and missions in the war on terror (homeland security, for instance), the high

operating tempo associated with the current deployments, and the demonstrated requirement for different types of military capabilities to fight terrorists, the President has submitted a larger budget request to Congress than had been contemplated prior to 11 September. Whether current defense budget increases are sustained in the future depends at least in part on how the administration and DOD approach Congress and on the successes and/or failures in the current conflict. Some in Congress will continue to object to budget increases that may worsen projected federal budget deficits. Few, however, will object to appropriations deemed vital to national security.

2. Stimulus to U.S. Defense Industry. If defense spending increases sufficiently there will be an upswing in the health and prosperity of many defense firms. In a market economy, the bottom line profitability of individual firms is not necessarily an issue for defense planners. The critical question is whether defense firms will develop and produce the types of weapons systems necessary for military transformation and to fight the war on terror in both the short and the long runs. At present, it appears that some key transformation areas (UAV's for example) are attracting the attention and funding necessary to build the "military after next."

3. Nation-building in Central Asia. Two consequences of the ouster of the Taliban regime may foreshadow greater economic commitments in the future: humanitarian assistance to the Afghan populace and the effort to establish and maintain a coalition government in Kabul. Although the Bush administration initially denied interest in "nation-building," the continued threat posed by Al Qaeda and Taliban remnants have forced some rethinking of this position. Humanitarian, economic and governance initiatives presumably will require major expenditure of U.S. foreign assistance or significant contributions from other countries or international organizations. One potential consequence of shifting the focus of U.S. assistance programs to countries involved in the war on terror is that other aid recipients will receive less; given the wide range of U.S. global and regional interests, this may adversely affect other foreign policy objectives. The Bush administration has alleviated some fears by calling for progressive increases in foreign operations funding over the next five years. Frontline states such as Pakistan, Turkey, the Philippines, and Indonesia will not be neglected as the U.S. seeks to bolster the indigenous political and economic capacities of governments located in regions vulnerable to Al Qaeda, other terrorist groups with global reach, and/or their state sponsors.

Long Term Economic Consequences of War on Terror

In the long run, the war on terror may affect the evolution of the global economic system and, consequently, U.S. grand strategy. Two potentially contradictory global trends may emerge. First, 11 September may foreshadow a slowing of the decades long globalization process. At the least, the attacks highlight the disparate impact of globalization on economic winners and losers. Some parts of the world may now pull back from the integrated global economy. For some firms and even countries, 11 September emphasizes the risks of relying on cross-border economic transactions: Firms

and countries that pursue globalization strategies may be vulnerable to non-economic forces beyond their control.

Second, the ability of the U.S. to rally its friends and allies as well as some long-term adversaries to the anti- and counter-terrorist campaign, while impressive in the short run, may decline over time. Developments during the first few months of the war suggest that the interests of various coalition members diverge relatively quickly and may not allow the United States to sustain cooperation over time. Some even suggest that NATO itself may not survive the stresses of prosecuting this war. More recently, differing approaches to the ongoing conflict between Israel and the Palestinians have stressed U.S. relations with many European and Middle Eastern countries. Although this conflict is only indirectly related to the war on terror, the Bush administration's handling of the crisis is being closely monitored by many of the countries it expects support from in the war. In the end, traditional alliances as well as ad hoc coalitions may be less enduring, and therefore less prominent, in the future global system.

Each of these trends, if they come to pass, will influence the types of military forces the United States can and should field to meet its national security needs. The U.S. Navy, in particular, may need to adjust to a world in which globalization slows and alliances shift with the immediate issues of the day. For example, the Navy might place a lower priority on keeping the sea-lanes open for all and a higher priority on maintaining access to resources (e.g., energy) for the United States. Moreover, without a network of strong permanent allies and friends that provide bases for U.S. air and ground forces, the U.S. Navy might need to develop an even greater capacity to sustain operations from the sea (as opposed to supporting land-based forces) and/or deploy rapidly from CONUS. United States strategy and forces could be transformed in unexpected ways by the war on terror.

Recommendations/Action: Diplomatic, political, military, and economic objectives and strategies must be synchronized in the war on terror. DoD and the military services must coordinate their operations with those agencies charged with waging economic war against the likes of Osama bin Laden, terrorist organizations with global reach, and their state sponsors.

Newport Paper: 69

TECHNOLOGICAL MOBILIZATION FOR THE TERROR WAR

Purpose: To examine the requirements for and alternative approaches to technological mobilization for the global war on terror.

Background: Effective technological mobilization is important in fighting and winning the long term global war on terror. New technologies and weapons can enhance the ability of the combatant commanders to find and destroy terrorist organizations. In contrast to economic mobilization, which involves shifting the economy to full-scale, high-rate, war-time levels of production, the war against terrorism requires the United States to mobilize its public and private sector technological infrastructure. Technological mobilization involves accelerating the development of innovative technologies that will increase the ability of the U.S. military, intelligence, and law enforcement establishments to prosecute the war on terror and defend U.S. interests. Policymakers must determine how best to accelerate the development of technologies that will most effectively strengthen U.S. military capabilities and enhance U.S. security.

Discussion: Effective technological mobilization requires policymakers to address two questions: (1) What are the critical technologies that the United States should develop? and (2) What is the best way to develop these technologies? Difficult and complex choices face decision-makers in government agencies, most notably the Department of Defense, and private sector firms, about which technologies should be developed and how to most rapidly, effectively, and efficiently develop those technologies. Alternative approaches to developing and fielding the new technologies that the United States will need to fight terrorism, as well as the costs and benefits associated with those approaches, deserve serious attention.

Critical Technological Capabilities

There are six areas in which accelerating technological mobilization for the war on terror may be particularly advantageous:

1. *Detection of weapons of mass destruction*, particularly nuclear weapons and materials. While the United States has invested in developing technologies for detecting nuclear materials, it has not yet established the technological capabilities or operational infrastructure that give federal, state, and local officials high levels of confidence that the movement of nuclear materials into or around the United States will be detected. In view of evidence that Al Qaeda has attempted to acquire nuclear weapons and materials—and that some states may have been accomplices in that endeavor—the United States has a vital interest in ensuring that such devices and materials do not enter the country.

2. Defense against bioterrorism. The release of anthrax in the United States with letters mailed on 18 September 2001 from New Jersey highlights how imperative it is that government agencies detect and respond rapidly to releases of biological weapons. Government agencies and private sector firms should develop as rapidly and effectively as possible sensors that detect biological agents and the means to protect and or treat victims after detection.

3. Imaging, particularly for wide-area surveillance. While U.S. military and intelligence collection capabilities are without equal, the ability to find and identify mobile targets—and immediately task aircraft or other platforms to destroy them—must be improved. In particular, the U.S. military should improve its ability to detect, track, and destroy time-critical targets as they move about the battlefield. New technological capabilities should also be developed for real-time battlefield interdiction.

4. Detection and destruction of underground caves, tunnels, and facilities. The Taliban and Al Qaeda had an extensive array of underground complexes from which to operate and in which to hide. A number of states have also developed underground facilities. The United States must develop airborne and space-borne technologies for detecting precisely where these underground facilities are located, who or what is being stored in them, and their vulnerabilities. In addition, weapons to destroy these facilities should be developed and fielded.

5. Unmanned aerial vehicles. The U.S. military and Central Intelligence Agency operated unmanned aerial vehicles over Afghanistan for the purpose of collecting information. Both Predator UAVs armed with Hellfire anti-tank missiles and Global Hawk surveillance UAVs were employed by the United States in Afghanistan. Such platforms can loiter for extended times over an area while conducting surveillance, limiting the ability of enemy forces to move with impunity. Additional resources should be devoted to developing this promising technology.

6. Integrating and disseminating information. The ability to fuse, disseminate and act upon the enormous volumes of information collected by sensors deployed on ground, air, sea, and space platforms needs to be improved. The value of more effectively integrating and disseminating information has long been recognized. Events in Afghanistan reinforce the need to efficiently collect and transmit military and intelligence information in usable form to those who can act upon it in a timely manner.

Promoting Technological Mobilization

Technological mobilization for the ongoing war on terror can be accomplished in two ways. The first is to rely on established mechanisms and organizations—the traditional array of private sector defense firms, national and service laboratories, and universities—to develop the needed technologies and capabilities. Reliance on this approach has enabled the United States to develop and field military capabilities that are without equal. The second is to rely on organizations expressly designed to short-circuit the traditional approach and accelerate the development of advanced military technologies. This second

approach may well be the optimal route to technological mobilization for the global war on terror.

The DARPA Model. Since the late 1950s, the United States has invested much of its hopes for dramatic technological breakthroughs in one organization: the Defense Advanced Research Projects Agency. DARPA has assumed a unique and essentially dominant position in the U.S. defense research and development establishment. Its programs are responsible for impressive advances in military and commercial technologies alike.

DARPA was established in 1958 during the Eisenhower administration to mobilize U.S. technological resources for the space race with the Soviet Union. Its explicit function is to invest in the high-risk, high-payoff programs that, if successful, significantly advance the technological state of the art. DARPA developed many of the leading technologies of the late twentieth century, including the Internet, low observable (“stealth”) technology, and computer chips, and has explored the potential of directed energy.

The DARPA approach to technology development can best be understood in terms of three “rules.” First, DARPA is by intent and practice perhaps the most agile and responsive of all the public and private organizations in the U.S. research and development community. It can move with startling speed to develop new programs. The pace of decision-making and autonomy granted to its senior leadership and program managers often equals or even exceeds that of firms in the private sector.

Second, and perhaps more importantly, DARPA’s charter gives it the ability to ignore virtually all of the oversight and regulations established to govern the traditional system by which the government and private sector firms develop advanced defense technologies. Unlike that traditional system, DARPA has created and sustained a culture which depends on a highly streamlined and single-point review process. This permits senior decision-makers at DARPA and the Department of Defense to identify and fund the high-risk, high-payoff technologies upon which breakthroughs depend. This approach has profound implications for technological mobilization in wartime. DARPA program managers and senior leaders can be given the authority and autonomy to invest in promising technologies that could yield significant new military capabilities in a relatively short period of time.

Third, DARPA is effectively insulated from the operational requirements documents, mission needs statements, and other requirements documents that govern the traditional defense acquisition system. DARPA's ability to generate technological innovation is strengthened by its relative freedom from the rules and regulations imposed by Congress.

The Traditional Approach. While DARPA represents a critical option for accelerating technological development, government officials should not lose sight of the fact that the United States has developed large-scale, elaborate organizations for developing new military technologies. The traditional acquisition system was organized and operated by OSD and the military services to develop advanced technologies. There are several

important dimensions along which the traditional approach should be compared with the DARPA approach.

The first is the speed with which new technologies and capabilities are developed. While the traditional defense acquisition system maximizes the output of numerous weapons and systems; it is not designed to be agile or quick. Indeed, the system intentionally operates in a deliberate and measured, rather than a speedy and agile, manner (with the possible exception of "black" programs). The traditional system is not designed to generate the degree of innovation that DARPA does. It is, however, designed to minimize the risk of technological and programmatic failures.

Second, the traditional defense acquisition system is governed by a detailed, complex, and burdensome set of rules and procedures imposed for oversight and regulatory purposes. It is controlled deliberately by a highly decentralized, multiple-point review process which operates at many levels in the Department of Defense, other executive branch agencies, and Congress. Decision-makers in this system have vastly less flexibility than their counterparts at DARPA to identify, fund, develop, and test the high-risk, high-payoff technologies upon which U.S. military superiority depends.

Third, the traditional acquisition system is governed in the strictest possible sense by a legally and bureaucratically binding set of operational requirements documents, mission needs statements, and other governing documents. When a weapon system under development in the traditional acquisition system confronts technical, cost, or schedule problems or fails to meet the objectives specified in the requirements documents, the system can react harshly and decisively. Since the traditional system is tightly governed and controlled by these requirements, rules, and regulations, programs by law cannot proceed with further development until requirements are met or changed.

Accelerating Technological Mobilization for the Global War on Terror. The advantages associated with the DARPA approach are often thought to outweigh the risks. However, while DARPA has enjoyed a high degree of success in developing leading-edge technologies, its approach does have limitations. The price of pushing the development of high-risk, high-payoff innovative technologies is an extraordinarily high rate of failure. While the metric is crude, DARPA's success rate can be measured in terms of the number of programs that actually mature into operational technologies and systems. A rough estimate is that less than ten percent of DARPA new starts actually reach that level of maturity.

The value of the traditional defense acquisition system is its ability to develop technologies into weapon systems and capabilities in a routine, relatively low-risk fashion. This system by intent ensures that advanced systems and technologies move regularly and predictably from concept to operational capabilities. To guarantee that this system operates successfully, at a low rate of failure, the traditional system is governed by rules that are designed to minimize the risk of failure. At the same time, it is designed to be as open and accountable as possible, thereby increasing the number of individuals involved who may be able to slow or stop technological programs.

Policymakers must decide what levels of risk they are willing to accept as they accelerate the development of advanced technologies and systems for the global war on terror. The tradeoff is to either ensure success by using the requirements system to minimize the risk of failure (traditional system), or to reduce the importance of the requirements system's checks and balances in order to maximize technological advances (DARPA).

The U.S. defense acquisition system has balanced these two approaches to developing advanced military technologies. The vast majority of defense technology programs are conducted within the traditional system. On the other hand, while DARPA's budget is roughly \$2.0 billion per year, or less than one percent of the total U.S. defense budget, it has spawned a significant number of defense technologies during the last forty years. The critical question for the U.S. leadership is whether the current allocation of resources and emphasis will produce the technological innovation and responsiveness that is necessary to win the war against terrorism.

In the past the United States turned to new organizations to accelerate technological innovation. True technological innovation thrives in an atmosphere in which failure is a serious option. If failure is not an option, our ability to develop high-payoff technologies will be severely constrained. While the traditional system for developing defense technologies minimizes risk, maximizing innovation and technological development requires that we accept the risk of failure.

Recommendation/Action: Policymakers should review the requirements for and the alternative approaches to technological mobilization for the global war on terror. The expeditious development and fielding of new technologies for the war may require that the advantages and disadvantages of the traditional approach and the DARPA approach be carefully considered.

Newport Paper: 70

PAKISTANI MADRASSAHS AND THE SPREAD OF MILITANT RADICALISM

Objective: To examine the links between Pakistani madrassahs and Islamic militants and to explore how those links can be severed.

Background: Originally founded to teach the complexities of Islamic law to mature students, the religious schools (or *madrassah*) in Pakistan have evolved into a substitute for primary education. Much of the curriculum in these schools centers on rote memorization of the *Quran* and interpretation of religious texts; there is little or no emphasis on scientific or technical subjects that could benefit Pakistan's development. More importantly, a small minority of these schools (10-15 percent by most estimates) propagate an extreme, ascetic interpretation of Islam that is promoted by their Saudi and other Gulf Arab donors. Not surprisingly, these more radical schools are also notorious for their ties to extremist organizations like Osama Bin Laden's Al Qaeda or Afghanistan's Taliban. Indeed, these madrassahs are a prime source of recruits for Islamic insurgencies in Africa, Central Asia, Afghanistan, Kashmir, China, Indonesia, and the Philippines.

Discussion: The rise of the new madrassahs in Pakistan coincided with a series of external events that reshaped the face of Pakistani Islam. In brief, those events included the 1979 Iranian Revolution, the Soviet invasion of Afghanistan, the reign of Pakistan's "Islamic Dictator" Zia ul-Haq from 1977-1988, and a dramatic increase in donor funding from the Arabian Gulf. Throughout the 1980s and 1990s, the number of Pakistani madrassahs multiplied exponentially—from a few hundred in 1977 to 45,000 by 1999. This increase paralleled the dramatic decline in the Pakistani public education system during this time.

Links to Extremist Organizations

Several madrassahs cultivated close links with Al Qaeda, various Kashmiri and Central Asia extremist groups, and the Taliban. In fact, a substantial number of senior Taliban leaders emerged from a single madrassah located in northwest Pakistan. In 1997, virtually the entire student population of this school was sent to Afghanistan to assist the Taliban in its war against internal opponents. On the international terrorist front, at least one of the terrorists involved in the bombings of the U.S. Embassies in Kenya was educated in a Pakistani madrassah. In addition, there is evidence indicating that Richard Reid, the infamous "shoe bomber," attended a Pakistani madrassah. Finally, the "American Taliban" fighter John Walker Lindh attended a Pakistani madrassah before undergoing training at an Al Qaeda terrorist training camp inside Afghanistan.

Clearly then, the Pakistani madrassahs are a fundamental link in a militant training cycle that also included (until December 2001) attendance at terrorist camps in Afghanistan, and service on the front lines in the Afghan and Kashmiri wars. Many battle-hardened militants eventually returned to their home countries in Algeria, Egypt, the Philippines, Chechnya, or Uzbekistan to wage their own jihads. Given this role in indoctrinating future militants and providing recruits for terrorist organizations, the United States has a direct interest in curtailing, if not neutralizing, the activities of the extremist Pakistani madrassahs.

Some Modest Proposals

For the United States, the obstacles posed by the madrassahs are formidable. Kinetic weapons are, for the most part, useless. Furthermore, Pakistan's cultural sensitivities and obvious sovereignty concerns further inhibit the range of American policy responses. Indeed, even the sole remaining superpower cannot blatantly force an ally to reform its education system without arousing the grievances of outraged nationalism. Given these narrow parameters, U.S. options essentially boil down to generous financial assistance programs, discrete pressure on the government to shut down the more radical schools, and proposals for greater government control of the madrassahs.

Option #1: Fund Public Education and Vocational Training. The nature of Pakistan's security dilemmas has badly skewed its government spending programs and development priorities. Indeed, some thirty percent of Islamabad's budget is devoted to the military while less than two percent is earmarked for public education. Carefully targeted U.S. aid programs directed toward restoring public schools or providing vocational education could challenge the madrassahs' current monopoly on Pakistan's poorer students. Moreover, a greater focus on vocational training will meet Pakistan's development needs where a religious education clearly does not. Ultimately, of course, the onus is on Pakistan to effect these reforms: the United States does not want to find itself funding Pakistani schools even as Islamabad diverts ever greater resources to its military.

Option #2: Shut Down the Radical Schools. The United States has a vested interest in having the extremist madrassahs shut down, given their ties to Islamist extremists and their recruiting role for wars in Afghanistan, Kashmir, and beyond. Only the Pakistani government can fundamentally reform or disband the more radical schools. Washington should therefore search for suitable inducements to ensure that such reforms or closures are carried out. Such inducements might include debt forgiveness, credits, loans, direct development assistance, and tariff reductions in specific sectors such as textiles.

Option #3: Government-Run Madrassahs. The United States should facilitate, albeit in a discrete manner, Pakistani efforts to exert greater control over the religious schools. One possible model that has worked in Egypt, Tunisia, and Jordan is the government-funded madrassah. At the present time, Pakistan's madrassahs are run by private organizations with generous infusions of Gulf Arab and émigré cash. A government-run system would afford Islamabad not only greater control over the schools' activities but also an

opportunity to enforce a standard curriculum that better meets Pakistan's development needs.

Recommendations/Actions: Policymakers must recognize the vital role that Pakistani madrassahs play in the ideological formation of militants in South, Central, and Southeast Asia. The links between these schools and known international terrorists are sufficient reason to craft policies that either reform the most extreme schools or effectively shut them down.

Newport Paper: 71

**HOW NOW SHALL WE FIGHT?
THE RELEVANCE OF THE LAW OF ARMED CONFLICT TO THE UNITED STATES
AND ITS COALITION MEMBERS IN LIGHT OF THE TERRORIST ATTACKS OF 11
SEPTEMBER 2001.**

*[I]nternational law is not a static body of rules but rather a living creature, continually forged and shaped to serve the needs of an international community that itself is constantly changing.*¹ Horace B. Robertson, Jr.

Purpose: This paper addresses three issues regarding LOAC relevance and its impact on how we are to fight this new war. First, it analyzes what has changed on the battlefield since the terrorist attacks of September 11, 2001. Second, it discusses the issues such changes have created. And third, where appropriate it suggests changes to make the LOAC more relevant to U.S. war conduct in order to afford operational commanders an improved framework to use in armed conflicts.

Discussion: The United States is a nation governed by the rule of law, applying both domestic and international laws to arrive at a balance that maintains a free and ordered society. As a whole, the international community is organized around a body of laws that apply, in varying degrees, to the entire international community in an attempt to maintain order worldwide. However, the terrorist attacks against the United States on September 11, 2001, have signaled that the idea of a Westphalian state with a peaceful coexistence is a thing of the past. The subsequent actions of the United States, coalition partners, and enemy forces in Afghanistan present situations never before encountered in an armed conflict. As a result, the United States must examine whether application of the Law of Armed Conflict (LOAC) is still relevant to the wars we are fighting, and make necessary adjustments so that operational commanders will have a legal framework that is current and appropriate to helping them maintain superiority on the battlefield.

What Has Changed on the Battlefield Since 9-11?

Advances in technology require special operations forces to be within eyes-on range of the enemy for laser targeting. CIA agents (usually non-combatants) are also close to the action and reportedly operating Unmanned Aerial Vehicles (UAVs) equipped with missiles. U.S. Special Forces have been photographed in Afghanistan sporting beards and civilian clothes while holding their weapons.² Some foreign forces are fighting without wearing distinctive insignia (al-Qaeda, Northern Alliance, tribal/war lord forces¹), and some forces are swapping sides to avoid capture. While complying with the LOAC³

¹ The status of the Northern Alliance and tribal warlords would not be as troublesome if they wore a distinctive sign recognizable at a distance and obeyed the LOAC. The Geneva Convention of 1949 definition of lawful combatants includes "organized resistance movements to a party to the conflict that are under responsible command...." GPW, art. 4; GWS, art. 13.

(with exceptions for provisions the U.S. believes do not reflect the current nature of the LOAC²), the United States is fighting a non-state terrorist organization that does not observe the LOAC and is allied with the Taliban military, and the status of each as combatants is unclear. The U.S. is therefore at a disadvantage operating within a legal box where the enemy is not similarly constrained. At issue are whether the respective parties to the conflict adhere to the LOAC, whether the respective parties qualify as lawful combatants, and the treatment to which detainees (dependent on status) are entitled. Peripheral issues of documenting war crimes and LOAC violations are inextricably tied to these issues as well.

The issue of the status of participants to an armed conflict and the required treatment if captured arises on both sides of this war. News reports and photographs indicate that there are Central Intelligence Agency (CIA) agents in the war zone in Afghanistan who are not only collecting intelligence, but may be acting as combatants. While the CIA is authorized under Executive Order 12333³ to assist other U.S. Federal agencies, including the Department of Defense, if CIA agents are serving in a war zone as combatants, their current status is less than clear. Where there is no indication that the agent(s) in question carry weapons openly, wear a distinctive insignia, and are not armed forces under the responsible control of a military commander, they are probably not lawful combatants. The CIA might ordinarily involve itself in intelligence gathering, a non-combatant role, but not be carrying on a side-war with high-tech weapons. In this case, however, the CIA agents in the field appear to be packing more than just weapons for personal protection.⁴

New Issues on the Battlefield

With the realization that not all parties in the current armed conflict will obey the LOAC, operational commanders need to know which parties in an armed conflict follow it. This applies not only to the enemy, but to some "unsavory partners" the U.S. may have to engage as the lesser of two evils. The U.S. cannot force an enemy to follow the LOAC, but it can make better decisions for its own forces when it knows if an enemy observes the LOAC. In addition, operational commanders may be called upon at some point to provide evidence of war crimes and LOAC violations committed by an enemy. Knowing that the enemy does not follow the LOAC, U.S. forces should be particularly cognizant of

² For example, the United States position has been that Additional Protocol I to the Geneva Convention is contrary to customary international law, diminishes the distinctions between military and civilians, and is therefore not part of the LOAC. Protocol I allows a belligerent to attain combatant status by merely carrying his guns openly during each military engagement and when visible to an adversary while deploying for attack, thus dropping the requirement for a fixed recognizable sign. The objection that the United States had to this convention was a section that ostensibly would recognize revolutionary forces as legitimate military organizations, thus giving lawful status to groups who organized to overthrow legitimate governments. See *Operational Law Handbook* (JA 422), 5-5, International and Operational Law Department, The Judge Advocate General's School, United States Army, Charlottesville, Virginia (2000). This may have direct consequences on groups such as the Taliban and Northern Alliance in Afghanistan.

³ EO 12333, United States Intelligence Activities (4 Dec 1981) authorizes the Central Intelligence Agency (CIA) to "Conduct special activities approved by the President." (para. 1.8(e)); "participate in law enforcement activities to investigate or prevent clandestine intelligence activities by foreign powers, or international terrorist or narcotics activities" (para. 2.6(b)); and Provide specialized equipment, technical knowledge, or assistance of expert personnel for use by any department or agency...." (para. 2.6(c)) See also Pillar, Paul R., *Terrorism and U.S. Foreign Policy*, 117-119, Brookings Institution Press (Washington D.C. 2001), for a discussion on the assistance that the CIA is authorized to provide other U.S. agencies in fighting terrorism.

⁴ Even non-combatants are allowed to carry small arms for self-protection without taking them out of the non-combatant category. *The Annotated Supplement to the Commander's Handbook on the Law of Naval Operations*, Naval War College, Newport, R.I. (1999), 487. In addition, the fact that CIA agents in the field are not distinguishable from civilians may only serve to determine their status, but does not mean that they are violating the LOAC.

documenting the activities of the enemy forces and prisoners taken in combat, as the statements of operational forces may be the best source of evidence to convict war criminals and prevent them from fighting another day.

With coalition forces, U.S. commanders must ensure that all personnel operating under them abide by the LOAC because they may be held responsible for war crimes committed by persons under their command.⁵ There may be times, however, when the U.S. cannot guarantee that coalition forces fighting beside them adhere to the LOAC, but must employ such forces because they are essential to the mission. Although U.S. forces abide by the LOAC, when operating with coalition forces whose adherence to the LOAC is questionable, this fact needs to be recognized from the outset. Unless there is an imperative reason to use those forces, they should not be allowed to fight with the coalition. When such forces do fight with the U.S. coalition, U.S. commanders should not be placed in a chain of command over those forces. Instead, non-LOAC compliant forces should operate under their national chains of command so that U.S. commanders are not liable for any war crimes or LOAC violations committed by such forces. The Afghani Northern Alliance is a recent example of a friendly force that may not be following the LOAC and does not always follow U.S. guidance, but was important enough to the mission to not be excluded from the fight.

Operational Commanders also must be careful that their own forces do not commit war crimes or LOAC violations, thereby making themselves and their forces subject to prosecution, open to scrutiny and ridicule by the international community, and sacrificing LOAC protections enjoyed by lawful combatants. If U.S. Special Forces in Afghanistan are operating in civilian clothes and wearing beards, this is contrary to the current U.S. position that requires distinctive insignia identifiable from a distance. Special Forces' departure from the U.S. position would probably not affect their status as lawful combatants if captured, however, and is not a violation of the LOAC. Nonetheless, their appearance discredits the U.S. position that enemy forces who do not wear distinctive insignia are unlawful combatants, and adds credence to the position that GP I, which drops the distinctive insignia requirement, is or should be the accepted customary practice. The result probably will be legitimization of GP I as the LOAC standard for determining who qualifies as a lawful combatant.

New technology has increased the probability that combatants who are not normally on the battlefield (e.g., CIA agents controlling armed UAVs) or are close to the enemy but not distinctively garbed (e.g., Special Forces using laser "eyes on the target" for U.S. aircraft ordnance delivery) will be more openly involved in armed conflicts. Unanswered issues include the status of such individuals and who bears responsibility for their actions. Short of changes in the LOAC, and unless operating as military auxiliaries under a responsible chain of command, CIA agents who are *de facto* combatants may not be

⁵ "Command Responsibility. CDRs are responsible for war crimes committed by their subordinates when any of three circumstances applies: (1) The CDR ordered the commission of the act; (2) The CDR knew of the act, either before or during its commission, and did nothing to prevent or stop it; or when (3) The CDR should have known 'through reports received by him or through other means, that troops or other persons subject to his control [were] about to commit or [had] committed a war crime and he [fail]ed to take the necessary and reasonable steps to insure compliance with the LOW or to punish violators thereof.'" Operational Law Handbook (JA 422), 5-17, International and Operational Law Department, The Judge Advocate General's School, United States Army, Charlottesville, Virginia (2000).

lawful combatants as defined by the LOAC.⁶ If captured, they may be tried as spies instead of being afforded status as lawful combatants. Finally, whatever the activities in the battlefield, the chain of command responsible for such agents is important when looking at accountability for war crimes. As discussed above, the commander of individuals who commit war crimes and LOAC violations may be held accountable for them.

A sub-issue raised by the presence of CIA agents on the battlefield is the legality of assassinations in armed conflict. The LOAC prohibits and current U.S. policy disallows assassinations. However, an enemy's military leadership (al-Qaeda) is a legitimate target in an armed conflict. President Bush has expressed intent to "hunt down" al-Qaeda leaders with indifference whether they are brought back dead or alive, clearly making them a target. Al-Qaeda leaders are already legitimate military targets in the war in Afghanistan, and killing them is not illegal assassination under the LOAC, even if there is a mission specifically organized by U.S. armed forces for that purpose. Absent changes in the LOAC, if a CIA agent is not a lawful combatant but kills the enemy leadership, is it lawful targeting or an assassination? The distinguishing element is the person pulling the trigger – a non-military government agent versus active duty military. The other variable is that if such action is a war crime, who can be held criminally responsible? Even though the CIA is a U.S. agency, a U.S. military commander would not bear responsibility as long as the agent was not in the commander's chain of command. Most likely, responsibility would fall on the agent and his superior(s) who authorized, planned, and carried out the targeting. Unless in positive control of agent actions, U.S. military commanders may not want to make CIA agents auxiliary forces of the U.S. military, thereby legitimizing their actions and making what may be an illegal assassination, a legal and permissible targeting of the enemy's military leadership.

Status of Forces – Friendly Coalition

On the side of the coalition fighting alongside the United States, there are new issues regarding personnel employing firepower in an armed conflict. The status of the Northern Alliance and tribal/regional warlords in Afghanistan and the legitimacy of any military action that they take in the war are also at issue. An overly simplistic view is that their struggle is internal and the LOAC does not apply to them. Geneva Convention Article 4, however, anticipates forces like the Northern Alliance and Afghan tribal militia, and includes them within the definition of a party to the conflict. Assuming they are fighting in support of U.S. forces, however, UN Resolution 1368 (authorizing force against al-Qaeda and the Taliban) and the collective right of self-defense claimed by the U.S. brings them under the umbrella as lawful combatants. The legitimacy of their presence on the battlefield is therefore already covered by the LOAC and is a non-issue.

Status of Forces – the Enemy

⁶ However, under Geneva Convention art. 4, civilians who augment the military, fall under the military chain of command and otherwise comply with the LOAC are not illegal combatants and are entitled to POW status if captured. This would include CIA agents with UAVs. It is questionable whether DoD and CIA would cooperate in such an arrangement, because military commanders may want to restrict the CIA's actions more than the CIA is willing and military commanders should be concerned about liability for war crimes committed by CIA agents over whom they may not have positive control.

In order to determine the doctrine enemy forces will employ against them, Operational commanders must know whether the enemy follows the LOAC. Although the U.S. cannot force an enemy, who may not care if it is playing by the rules, to abide by the LOAC, U.S. commanders need to know what part, if any, of the LOAC the enemy obeys.

Once enemy forces are detained and placed in custody, operational commanders overseeing the detaining operations must ensure that they not only abide by the appropriate standards of treatment for the detainees, but also characterize the nature of their status properly. The President and SECDEF will establish the policy to determine detainee status, but this must be done with great care because new international law may be established in the process by way of customary practice.

Analysis to determine detainee status must first decide whether Taliban are lawful combatants. In order to qualify as such they must be measured against the four requirements of a lawful combatant. They appear to meet the first three requirements. Whether they follow the LOAC is unclear, however. In addition, while some commentators have made an issue of whether the Taliban comprises a legitimate state, that issue is not determinative of its status as combatants.

The ‘armed forces’ of a Party to an armed conflict include all organized armed forces, groups and units which are under a command responsible to that Party for the conduct of its subordinates, **even if that Party is represented by a government or an authority not recognized by an adverse Party.**⁴

If they are unlawful combatants, they are not necessarily due the protections of the Geneva Convention for POWs. Regardless whether parties to an armed conflict constitute lawful combatants, they are still subject to trial for any war crimes they commit. The problem with conferring POW status on an unlawful combatant (and terrorists in particular) is that once hostilities cease, unless the individual is tried for war crimes, the LOAC requires they have to be released and repatriated.

Problematic is the practice of the Taliban, when overrun, of changing sides and joining forces with the Northern Alliance. Regardless how customary that practice may be in that part of the world, it is illogical that swapping sides would legitimize those forces. A significant problem comes in ferreting out former Taliban members and assembling enough evidence to convict them of war crimes. A parallel problem is that of al-Qaeda falling under the Taliban forces. If the Taliban qualifies as legal combatants, it makes little sense that al-Qaeda members are terrorists one moment and the next fall under the chain of command of a recognized legal combatant, and instantly qualify for POW status if captured. Of course, Taliban and al-Qaeda members continue subject to trial for war crimes, even if they are given POW status, but it unnecessarily confers an undeserving legitimate status on a criminal organization. This practice would seriously increase the likelihood that persons who have committed war crimes (or have conspired to do so) will be released without punishment at the end of hostilities. As noted above, the operational commander should document enemy war crimes so that evidence to convict is available at trial.

Changing the LOAC

The Law of Armed Conflict does not address certain issues emanating from the war in Afghanistan and the September 11, 2001 terrorist attacks. Several changes should be made to the LOAC and the way we fight armed conflicts post “9/11.”

Whereas belligerents in past wars have generally obeyed the LOAC, in wars against terrorism, a new standard has emerged. The U.S. now must determine whether enemy forces can be expected to obey the LOAC in order to predict enemy doctrine employment. Also, U.S. commanders must know which friendly forces obey the LOAC. Recognizing that the U.S. can influence but not force coalition members compliance, the U.S. must either not utilize those coalition forces, or arrange a C2 structure that does not place U.S. commanders in the chain of command of forces that do not obey the LOAC, in order to avoid U.S. commander liability.

When faced with enemy forces as prisoners, however, operational commanders must focus on fair treatment rather than status, applying POW conventions even when such treatment is not obligatory. As a policy matter, this practice complies with applicable standards for all belligerents without unnecessarily bestowing status on them. As a matter of expediency, the U.S. should use tribunals to determine status of detainees so that individuals' status can be recognized, with the caveat that status is subject to change if additional evidence indicates such change is warranted.

Not all U.S. military members in Afghanistan have been wearing distinctive insignia that outwardly identifies them as U.S. forces, thus compromising their status as lawful combatants. It seems by practice, however, that the U.S. has recognized that GP I (which drops the distinctive insignia requirement for recognition as a lawful combatant) is now the applicable LOAC standard. The U.S. should thus either ratify GP I (with exceptions where needed) or acknowledge it as the customary LOAC without ratifying the additional protocol.

With the use of new technology, not all combatants are military personnel. Yet there seems to be little distinction between the functions of some civilians and military members on the battlefield, such that armed civilians of a party to the conflict should fall under the definition of “armed forces,” even without status as “military auxiliary.” This would bring CIA agents and other civilians serving a combatant role, not under the military chain of command, but still acting under U.S. authority, within the definition of a lawful combatant, and make it unnecessary for U.S. commanders to make CIA agents auxiliaries to U.S. military forces. With the application of GP I as the rule of law under the LOAC, the civilian population is not at any greater risk of getting confused with combatants that are CIA agents than with active duty forces not wearing identifiable insignia. By applying GP I and expanding the definition of “armed forces,” CIA agents would qualify for POW status as lawful combatants if captured.

Assuming GP I is now the established standard, thus dropping the requirement for belligerents to wear distinctive insignia, the LOAC appears sufficient to define the

Northern Alliance and tribal warlords as combatants. They already carry their weapons openly and Geneva Convention Article 4 categorizes them as a qualifying armed force. Whether they are lawful combatants will depend on their adherence to the LOAC.

The LOAC must expand the allowance of permissible targets in war in to allow targeting of terrorists as a legitimate practice in armed conflict, much the same way that the targeting of an enemy's military leadership is lawful targeting rather than an illegal assassination. In essence, this would legitimize the assassination of terrorists in a way that enjoys the support of the international community, and if publicized may have a deterrent effect on terrorist recruiting and other actions (though less so for terrorist extremists already committed to suicide attacks).

Legitimizing the targeting of terrorists could occur in a two-step process. First, the LOAC definition of an armed conflict would have to be expanded to include armed actions against terrorists and terrorism, by a State or State actor, under the right of individual or collective self-defense, reprisal, or a standing UN Security Council Resolution, regardless whether a State is involved in supporting, protecting, harboring, assisting, defending, or otherwise acting on behalf of terrorists in that State. The biggest problem with this first point is that it could ostensibly allow violations of a State's sovereign territory by belligerent forces in order to hunt down terrorists. This could be handled in one of two ways. The fact that there are terrorists within a State could be seen as *carte blanche* to invade the sovereign territory of that State. The better method (though lacking the element of surprise) would be to precede any incursion into a state's sovereign territory by a formal request to surrender the terrorists that are within its territory. Second, terrorists should be defined as lawful targets in armed conflict, just as the military leaders of enemy forces are defined as lawful targets. This combination would obviate the need to address the propriety of assassinations as a U.S. policy matter, because the killing of terrorists in an armed conflict would never be an assassination. Rather, it would be a lawful targeting of enemy forces.

The least settled issue in the current war is the status of terrorists. A new uniform terrorism code should be adopted that defines who qualifies as a terrorist, and applies criminal status on such individuals regardless of their chain of command or subsequent affiliations (e.g. side-swapping). The international community should place terrorists and their supporters outside the definition and protective status of combatants, such that when terrorists become engaged in armed conflict, they and their supporters are treated as criminals not eligible for POW treatment under the LOAC. Such a body of law should be adopted as an international uniform code, complementing domestic terrorism statutes, with the uniform code intended to supplement and serve as a minimum standard and gap-filler when domestic law is silent. It must not interfere with domestic law, making the international code a lowest threshold with individual States being able to make provisions more restrictive, but not less restrictive, so that States cannot legalize or legitimize terrorism.⁷

⁷ This idea is parallel to statutes such as the Uniform Probate Code, which does not override state Codes, but acts as a gap-filler where the State code is silent. The State code can be more restrictive but not less restrictive than the Uniform Code. In the same way, Domestic laws could be more restrictive than the international code, but not less restrictive, thereby not legitimizing terrorism in any manner.

Finally, this war has created a greater need for U.S. forces to be diligent about evidence collection and documentation of events when dealing with terrorists. Evidentiary safe-keeping is vital so that terrorists and war criminals can be easily identified, detained, tried, and convicted after capture, and can be assigned proper status as soon as they are detained, with a desired end state of not having to fight the same persons twice.

Conclusion: At the dawning of a new age of terrorism, the United States must be cautious and deliberate in how it wields instruments of national power in perhaps its most passionate role, U.S. homeland defense, recognizing that in changing times, decisions and subsequent actions at the operational level of warfare may create new international law with far-reaching consequences. While the Law of Armed Conflict is relatively intact and to a large extent still relevant, action is necessary to define how the U.S. is to fight, define the status of those we fight alongside & against, and how the parties to an armed conflict are to be treated. On the battlefield, it is the operational commander who will put those policies into practice. Where no laws exist that fully cover situations on the battlefield, the actions of operational commanders may become the customary laws of tomorrow.

NOTES

¹ Robertson, Horace B., Jr., "Contemporary International Law Relevant to Today's World?," *Naval War College Review*, Summer 1992, 103.

² Reference photos and story in *Navy Times* and *Time Magazine*, February 4, 2002, 39.

³ See "In Unconventional Conflict, U.S. Sticks To "Laws of War,"" *Newshouse.com* (December 5, 2001).

⁴ The Annotated Supplement to the Commander's Handbook on the Law of Naval Operations (Newport, RI: Naval War College, 1999), 296 (n. 11) (emphasis added). This explanation appears to include such parties as the Taliban.