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Student Publications



**STRENGTH** *and* **WISDOM**

# The *Army War College* Review

*The Army War College Review*, a refereed publication of student work, is produced under the purview of the Strategic Studies Institute and the United States Army War College. An electronic quarterly, *The AWC Review* connects student intellectual work with professionals invested in U.S. national security, Landpower, strategic leadership, global security studies, and the advancement of the profession of arms.

## *The Army War College Review*

Larry D. Miller, Editor

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Root Hall, B-14

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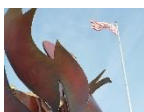
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## Cover

Flag flying over the Strength and Wisdom statue, a gift from the class of 2014, capturing the mission, spirit, and history of Carlisle Barracks (photo by Laura A. Wackwitz, Ph.D.).

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# The United States Army War College Student Publications

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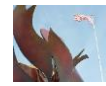
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# Learning Trust: A Leadership Lesson

Stephen C. Rogers

*The Army must learn the value of speaking truth to power as a means of achieving leadership goals. The ability to dialogue within, across, and outside the Force is essential to mission success. In the midst of significant transition, reflecting upon the experiences of the last twelve years of combat provides an opportunity to implement effective change in the strategic culture. By understanding the origins of mission command and approaching its implementation from a perspective of changing organizational culture, the Army stands to reap benefits well beyond empowering subordinate leaders. If successful, leaders will develop the ability speak truth to power when nothing less will do.*

Keywords: *Mission Command, Strategic Culture, Organizational Change, Speaking Truth to Power*

As we begin our transition following this time of twelve years of war, we must rededicate ourselves to the development of our leaders as our best edge against complexity and uncertainty.

—General Raymond T. Odierno<sup>1</sup>

The Army is at a strategic inflection point. Operations in Iraq are now behind us, the war in Afghanistan has transitioned to support mode, and the U.S. military is reorienting toward the Asia-Pacific region. All of this is occurring during a time of fiscal austerity, dwindling resources, and a four-year plan to draw personnel strength down to 490,000 or below. In the midst of embarking on a significant posture change, the Army must reflect on its experiences over the last twelve years of combat, counterinsurgency (COIN), and stability operations, and seize the opportunity to improve its core capabilities: leading Soldiers, executing missions, and meeting obligations.

Much is to be learned from recent experiences and accumulated lessons spanning the full range of how the Army prepares and employs its personnel and equipment in accord with doctrine. Positive change in leadership strategy has great potential to strengthen the military force as well as to help

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*Stephen C. Rogers (M.S.S. United States Army War College) is a Colonel in the United States Army. An earlier version of this article, written under the direction of Professor Philip M. Evans, earned a prestigious Army War College Foundation award for Outstanding Strategy Research Paper for the USAWC class of 2014.*

<sup>1</sup> General Raymond T. Odierno, Remarks at the Army War College Graduation Ceremony, Carlisle Barracks, PA, June 8, 2013, [http://www.army.mil/article/105138/June\\_8\\_2013\\_CSA\\_s\\_remarks\\_at\\_the\\_Army\\_War\\_College\\_graduation\\_ceremony/](http://www.army.mil/article/105138/June_8_2013_CSA_s_remarks_at_the_Army_War_College_graduation_ceremony/)

develop a competitive advantage that cannot be replaced by technology, weapon systems, or platforms.<sup>2</sup> Two related leadership challenges must be addressed: (1) Generating a means of empowering subordinates with disciplined initiative while concurrently underwriting the risk associated with that initiative. The full benefit of empowering subordinate leaders through the doctrinal concept of *mission command* has yet to be fully realized and remains largely misunderstood. The implementation of mission command provides an opportunity to positively change the Army's organizational culture in favor of a stronger, more empowered force. (2) Developing leader capacity to speak "truth to power" particularly when addressing senior leaders, civilians, and policymakers. Within senior ranks, the general lack of dissent in response to questionable applications of military forces tasked with securing strategic objectives threatens mission success. Army leaders must learn to dialogue within, across, and outside the Force undeterred by the trepidation associated with speaking truth to power when proffering dissenting views, alternative perspectives, and potentially unpopular options. Fortunately, both concerns can be addressed simultaneously as empowering subordinates and gaining voice are mutually reinforcing.

### Speaking Truth to Power in Iraq

The war in Iraq revealed significant fractures in American civil-military relations. Many in the military at the time opined that the war was severely mismanaged by senior civilian officials. Secretary Rumsfeld's dominant personality, excessive control, and micromanagement of tactical details forged an environment that was not conducive to entertaining contrarian perspectives. Senior military officers, however, cannot be wholly absolved from all responsibility associated with the decisions leading up to the war, nor its outcomes. By standing pat with the statutory obligation to provide the best military advice to political decision makers, senior leaders shaded the profession's moral courage and demonstrated leadership's inability to provide candid and compelling military counsel when needed.<sup>3</sup>

This indictment came as a surprise to many military professionals at the time, particularly in light of the renewed emphasis on providing candid military advice inspired by H.R. McMaster's 1998 seminal work, *Dereliction of Duty*. The complicity of the Joint Chiefs of Staff to form and pursue misguided policies in Vietnam, as described by McMaster, served as a "cautionary tale" for the Army officer corps and for many leaders across the military writ large.<sup>4</sup> Senior leaders, both military and civilian, agreed publically that the type of behavior McMaster detailed was unacceptable in today's military. In May 2004, recalling how General Hugh Shelton had distributed copies of McMaster's book to all senior military leaders while the Chairman of the Joint Chiefs of Staff, former commander of U.S. Central Command, General Anthony Zinni, USMC, (Ret.) stated:

The message to us, after we heard this from Hugh Shelton, is that will never happen here. And the message to us from Secretary [William S.] Cohen at that time, too, is that the door is always open, and your obligation to the Congress, which is an obligation to the American people to tell them what you think, still stands strong.<sup>5</sup>

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<sup>2</sup> Ibid.

<sup>3</sup> Frank Hoffman, "E-Notes, Dereliction of Duty Redux?" Foreign Policy Research Institute, November 2007, <http://www.fpri.org/enotes/200711.hoffman.derelictionofdutyledux.html#note7> (accessed February 27, 2014).

<sup>4</sup> Martin L. Cook, "Revolt of the Generals: A Case Study in Professional Ethics," *Parameters* 38, no. 1 (Spring 2008): 6.

<sup>5</sup> Gen. Anthony Zinni, USMC, (Ret.) Remarks at CDI Board of Directors Dinner, May 12, 2004," Center for Defense Information, 22 May 2004, quoted in Martin L. Cook, "Revolt of the Generals: A Case Study in Professional Ethics," *Parameters* 38, no. 1 (Spring 2008): 6.

Unfortunately, and possibly regrettably, both Cohen and Shelton retired from their positions in 2001, well before the Iraq invasion.

The failure of senior officers to question dubious analyses of intelligence reports and to provide subsequent sound military advice prior to the invasion of Iraq has been thoroughly documented. The issue surfaced most prominently in what has become known as the “Revolt of the Generals.” In 2006, six retired flag officers spoke against military policies pursued in Iraq, criticizing the civilian leaders most responsible for them.<sup>6</sup> Not surprisingly, the “revolt” generated as much controversy as did claims of failed generalship. The most obvious criticism was that these officers waited until they were retired before voicing dissent, causing some to wonder where their voices were while on active duty.

In April 2006, retired U.S. Marine Corps Lieutenant General Gregory Newbold publicly expressed regret that neither he nor others challenged the actions that led up to the invasion of Iraq more openly:

Flaws in our civilians is one thing; the failure of the Pentagon’s military leaders is quite another. Those are the men who know the hard consequences of war but, with few exceptions, acted timidly when their voices urgently needed to be heard. When they knew the plan was flawed, saw intelligence distorted to justify a rationale for war, or witnessed arrogant micromanagement that at times crippled the military’s effectiveness; many leaders who wore the uniform chose inaction.<sup>7</sup>

That same month, General Peter Pace, Chairman of the Joint Chiefs, offered a parallel, yet somewhat theoretical criticism of his fellow generals, without intimating any wrong doing by senior civilian policymakers or Secretary of Defense Rumsfeld. Pace stated, “We had then, and have now, every opportunity to speak our minds, and if we do not, shame on us because the opportunity is there.”<sup>8</sup> If the opportunity to speak their minds persisted throughout the war, senior military officers continued to forgo that opportunity in the face of additional contentious decisions. In late 2006, the war in Iraq was on the verge of being lost; General Casey’s strategy of transitioning security responsibility to the Iraqi military was failing; and any hope of achieving the U.S. strategic objective of “a democratic Iraq that upholds the rule of law, respects the rights of its people, provides them security, and is an ally in the war on terror” was rapidly slipping away.<sup>9</sup> The increasing problem of sectarian and intra-sectarian violence demonstrated that the Government of Iraq (GOI) could not effectively build a representative democracy in the absence of greater reconciliation. A new strategy was in order.

Early in 2007, one was adopted: “achieve sufficient security to provide the space and time for the Iraqi government to come to grips with the tough decisions its members must make to enable Iraq to move forward.”<sup>10</sup> To meet this goal, the U.S. military deployed an additional five U.S. Army brigades (bringing its total to 20) and extended the tours of approximately 4000 Marines already deployed. The force in Iraq, numbering 168,000 by September 2007, employed counterinsurgency practices that sought to underscore the importance of living among the people, improving security

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<sup>6</sup> Don M. Snider, “Dissent and Strategic Leadership of the Military Professions,” February 19, 2008, <http://www.strategicstudiesinstitute.army.mil/pubs/display.cfm?pubID=849> (accessed March 1, 2014).

<sup>7</sup> Gregory Newbold, “Why Iraq was a Mistake,” *Time*, 167, April 17, 2006, 42-43.

<sup>8</sup> General Peter Pace, *DoD News Briefing with Secretary Rumsfeld and General Pace from the Pentagon* (Washington, DC: U.S. Department of Defense, April 11, 2006).

<sup>9</sup> George W. Bush, State of the Union Address, January 23, 2007, <http://georgewbush-whitehouse.archives.gov/stateoftheunion/2007/index.html>

<sup>10</sup> U.S. Congress, Senate, Committee on Armed Services, Hearing to Consider the Nomination of Lieutenant General David H. Petraeus, USA, to be General and Commander, Multi-National Forces-Iraq, 110<sup>th</sup> Cong., 1<sup>st</sup> sess., January 23, 2007. <http://www.gpo.gov/fdsys/pkg/CHRG-110shrg42309/html/CHRG-110shrg42309.htm>

by wresting sanctuaries from Al Qaeda's control, and disrupting the efforts of the Iranian-supported militia extremists.<sup>11</sup>

Unfortunately, a significant mismatch existed between the military strategy and the political objectives the strategy was designed to achieve. Most troubling about the military strategy and, more importantly, the strategic objectives aligned with the U.S. national goal, was that everything beyond the pressing strategic military objective relied *solely* on the will of the Iraqi Government to conform to governing standards that were absolutely foreign to its institutional history. The U.S. certainly had a role in helping the GOI develop the systems and framework to form their governmental institutions, but to pursue a truly democratic Iraq that shared power and revenues was, and continues to be, a decision *only* for those with the authority and power to govern Iraq. Testifying before Congress, then-Lieutenant General David Petraeus stated:

Some of the members of this committee have observed that there is no military solution to the problems of Iraq. They are correct. Ultimate success in Iraq will be determined by actions in the Iraqi political and economic arenas on such central issues as governance, the amount of power devolved to the provinces and possibly regions, the distribution of oil revenues, national reconciliation and resolution of sectarian differences, and so on. Success will also depend on improvements in the capacity of Iraq's ministries, in the provision of basic services, in the establishment of the rule of law, and in economic development.<sup>12</sup>

Achieving drastic improvements, reconciliations, and setting conditions to establish democracy, would be phenomenal in the most passive environment. Attempting to achieve significant changes within the security context and political environment of Iraq in 2007 proved virtually impossible. Somewhere within the process of changing strategy and implementing the surge, senior military officials and the Bush administration apparently embraced the *assumption* that Prime Minister Nouri al-Maliki would deliver on his commitment to take reconciliation seriously and implement change in his national policies and political processes. Unfortunately, that would not be the case.

An alternative view is that no one in the USG administration or anyone among the senior military officials felt compelled to provide a dissenting opinion. Instead of considering alternative approaches, the U.S. "doubled-down" militarily in Iraq on this arguably false assumption. As a result, the U.S. military remained in Iraq for another five years, until late in 2011, having fully achieved *none* of its strategic goals or national security objectives.

Generally speaking, telling people things they do not want to hear is a difficult proposition, even in the most benign of situations. That difficulty compounds exponentially when the situation involves controversial information or contrarian recommendations delivered to powerful senior officials who hold sway over the messenger's career. Strategic leaders cannot be expected to possess the innate ability to *begin* speaking truth to power *after* they have arrived at the highest professional levels—those that require them to provide counsel and advice to their political masters. Senior military leaders must develop that skill much earlier in their careers, long before speaking truth to power becomes an essential component of their work, military action, and U.S. national security.

Learning to speak truth to power early in a career, however, cannot occur unless the environment welcomes candid professional exchange. Leaders at all levels must create a culture in which open, professional dialogue is accepted, expected, and desired. In senior subordinate relationships,

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<sup>11</sup> General David H. Petraeus, Report to Congress on the Situation in Iraq, 10 September 2007. <http://www.defense.gov/pubs/pdfs/petraeus-testimony20070910.pdf>.

<sup>12</sup> U.S. Congress, Senate, Committee on Armed Services, Hearing to Consider the Nomination of Lieutenant General David H. Petraeus, USA, to be General and Commander, Multi-National Forces-Iraq.



reasonably open communication requires a significant degree of trust both up and down the chain of command.

Because mission command is built on mutual trust, effective mission command can also serve as the foundation for improving professional dialogue and improving human interaction.<sup>13</sup> By understanding the origins of mission command and approaching its implementation from a perspective of changing organizational culture, the Army stands to improve its operational capabilities. In sowing the seeds of true professional dialogue, the Army may yet generate a lasting capacity to speak truth to power.

### The Seeds of Mission Command

In 2006, Lieutenant Colonel Douglas Ollivant and First Lieutenant Eric Chewning argued that the combined arms maneuver battalion, partnering with indigenous security forces and living among the population, should be the primary tactical unit upon which COIN operations are organized and conducted.<sup>14</sup> The article was so convincing that it won first place in *Military Review's* 2006 annual writing competition and, more importantly, it captured the attention of General Petraeus.

On January 8, 2007, shortly after it became public that he would succeed General Casey as the commander of all Multinational Forces in Iraq (MNF-I), Petraeus sent an email to Ollivant, then serving as the Plans Chief (G5) for the First Cavalry Division, Multi-National Division-Baghdad (MND-B), asking if he still believed his thesis and if it could be implemented in Baghdad. Ollivant told Petraeus that he did believe that the fundamental elements of the article formed the operational approach for MND-B's impending security plan *Fardh al-Qanoon* or "Enforcing the Law." This approach would move battalions and their subordinate companies off the Forward Operating Bases and into the communities. Senior commanders would empower company-grade and non-commissioned officers, now in extended daily contact with the population, with authority to secure the populace and improve their quality of life, using whatever innovative techniques these junior leaders deemed necessary and appropriate.<sup>15</sup>

According to Ollivant, "While we cannot transform our hierarchical Army into a fully networked organization overnight, powering down to the lowest practical level will enable the most adaptive commanders to implement a Galula-like solution."<sup>16</sup> The proposal to shift to networked operations was profound for an Army that historically concentrated decision making at the top.<sup>17</sup> Yet, it was not an altogether new concept among some senior Army leaders. General Stanley McChrystal, for example, noted that a similar networked approach had been instrumental in improving the effectiveness of special operations forces in Iraq and Afghanistan in late 2004.<sup>18</sup> Among conventional forces, however, successful application of this approach would require patience and determination at all levels of command.

Many have argued that this operational approach, coupled with the surge of additional combat forces into the Baghdad area of operations (AOR), resulted in a significant decline in violence due

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<sup>13</sup> Michelle Maiese, "Dialogue," *Beyond Intractability*, Conflict Research Consortium, University of Colorado, Boulder, Colorado, September 2003, <http://www.beyondintractability.org/essay/dialogue> (accessed February 27, 2014).

<sup>14</sup> LTC Douglas A. Ollivant and 1LT Eric D. Chewning, "Producing Victory: Rethinking Conventional Forces in COIN Operations," *Military Review* 86, no. 4 (July-August, 2006): 50.

<sup>15</sup> LTC Douglas A. Ollivant, email from General David H. Petraeus, January 8, 2007, provided to author during telephonic interview, January 31, 2013.

<sup>16</sup> Ollivant, "Producing Victory," 59.

<sup>17</sup> Linda Robinson, *Tell Me How This Ends: General David Petraeus and the Search for a Way Out of Iraq* (New York: Public Affairs, 2008), 122.

<sup>18</sup> Stanley A. McChrystal, *My Share of the Task* (New York: Penguin, 2013), 260, iBooks e-book.

largely to the incorporation of local fighters into the security apparatus. In what would grow to become the “Sons of Iraq” program, local men from multiple communities in Baghdad, familiar with their neighborhoods and the foreign AQI affiliates that had infiltrated them, organized into small groups that wrested control of their streets from AQI and continued to patrol and provide security in conjunction with U.S. and Iraqi Security Forces (ISF). Recognizing, supervising, nurturing, and weaving local groups into Baghdad’s fragile security fabric was not a task that could be driven, managed or even directed from the upper echelons of command. Rather, it required the initiative of junior leaders operating at the tactical level who understood the unique dynamics of each individual community, as well as the personalities of its governing body, ISF commanders, and a host of other informal local leaders including sheiks, imams, and advisory council members.

Initiative at this level and of this magnitude clearly entailed great risk, not only to the Soldiers who were operating alongside local fighters, many of whom were themselves former low-level insurgents, but also to overall mission success. Such initiative, therefore, had to operate within the bounds of a commander’s intent and had to be underwritten by commanders willing to accept the associated risk. Fortunately, both were displayed and opportunities flourished in 2007.

One of the first examples in Iraq where a senior commander underwrote risk of this magnitude occurred in early June 2007. Approximately one week after the first group of local fighters rose up against AQI and began fighting alongside soldiers from the 1<sup>st</sup> Battalion, 5<sup>th</sup> Cavalry in the Western Baghdad community of Ameriyah, Colonel Chip Daniels (then a Major and serving as the operations officer of 1-5 CAV) was summoned for a morning run with General Petraeus. Petraeus often used morning runs with junior officers to gain unfiltered feedback about areas of particular interest. After updating the commander on the week’s progress, Daniels expressed his concern that several members of the unit were nervous about the kind of risk they were assuming. “Do not stop! Do not let our Army stop you; do not let the Iraqi government stop you,” Petraeus replied emphatically. “You are doing the right thing and now is the time to take risks.”<sup>19</sup>

Instances of empowering junior leaders were not confined solely to general officers enabling field grade officers, majors, and lieutenant colonels. A recent *New York Times* article recounted the story of a young Lieutenant empowered well beyond the responsibilities normally associated with junior rank. Then Lieutenant (now Captain) Brandon Archuleta described one experience when he was approached by his battery commander to help lead a team of representatives in a town council where he supervised the administration of public services, conducted reconciliation talks with tribal elders, and distributed payroll funds to the ISF.<sup>20</sup> “My battery commander and my battalion commander realized they had a big challenge with governance. They knew they couldn’t be everywhere at once. It was quite empowering for them to delegate those authorities to me.”<sup>21</sup>

The idea that this kind of empowerment, springing from the bold and unique operational approach developed in Iraq in 2007, produced resounding tactical success is assuredly important; yet tactical successes would not be the enduring legacy. This approach with conventional forces—mirroring the similar approach instituted by General McChrystal in counter-terrorism Task Force (TF) 714—clearly demonstrated that Army forces of all types and at all levels could empower subordinates with initiative, exploit their successes, and underwrite the risk associated with inevitable mistakes.

<sup>19</sup> Robinson, *Tell Me How This Ends*, 238-239.

<sup>20</sup> Thomas Shanker, “After Years at War, the Army Adapts to Garrison Life,” *New York Times*, January 18, 2014.

<sup>21</sup> *Ibid.*

## Mission Command Takes Root

Some senior leaders took notice and began to take measures to institutionalize this initiative. During his 2010 Kermit Roosevelt Lecture at the Royal United Services Institute (RUSI), General Martin Dempsey presented his vision for how the Army should organize and operate as it approached the end of a decade of combat and adapted for the future and an increasingly uncertain global environment. His vision included the “need to redefine and rearticulate the command and control war-fighting function and reintroduce it to the force as mission command.”<sup>22</sup> For more than three years now, spanning his tenure as the TRADOC Commander, through a short five-month stint as the Army Chief of Staff, to his present responsibilities as the 18<sup>th</sup> Chairman of the Joint Chiefs of Staff, General Dempsey has been promoting mission command. He has emphasized the need to demand that subordinate leaders at all echelons exercise disciplined initiative while acting aggressively and independently to accomplish their missions—a tall order in today’s Army.<sup>23</sup>

According to General Dempsey, mission command “implies that collaboration and trust are as important as command and control.”<sup>24</sup> That might appear to many as something of an understatement, considering the words that followed: “Importantly, mission command is also about understanding, sharing and mitigating risk. As we decentralize capability, authority and responsibility to lower tactical echelons, we must not decentralize all the risk as well.”<sup>25</sup> If the Army truly embraces the concept and philosophy of mission command, then collaboration and trust will become more than simply *important*. If commanders and leaders accept the risk associated with affording junior leaders the authority and responsibility to make decisions that impact mission outcome, then collaboration and trust will be absolutely *essential*.

The challenge will be to harness these experiences and lessons and then translate them back to “Garrison Life” as troop reduction and fiscal austerity reduces training opportunities. After returning from Afghanistan in 2010 and in command of his own company, Captain Archuleta complained that he missed the responsibilities that his superiors had given him in war; and stated that many of his peers who felt similarly simply left active duty for business schools and the private sector.<sup>26</sup>

Currently, despite improvements over the last ten years of combat, the Army is culturally misaligned to exercise the kind of collaboration and trust we need to prepare for the future. At its core, the Army remains a very hierarchical organization. Its historical high power distance is not always conducive to implementing the kind of change that encourages organizations to become more flexible and adaptive.<sup>27</sup> Senior Army leaders who create both the value and the direction of the Army as an organization have instilled an expectation of obedience to orders and adaptation to organizational norms that thwart initiative and effectively limit the acceptance of risk.

As the Army transitions from more than a decade at war, a time when junior leaders enjoyed a great deal of flexibility and initiative as the tactical situation dictated, a return to historical and conventional organizational norms will appear more prominent and will likely increase the divide

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<sup>22</sup> General Martin E. Dempsey, “A Campaign of Learning: Avoiding the Failure of Imagination,” *Royal United Services Institute Journal* 155, no. 3 (June, 2010): 6-9.

[http://www.hks.harvard.edu/echrp/maro/news/2010/Journal\\_201006\\_Dempsey1.pdf](http://www.hks.harvard.edu/echrp/maro/news/2010/Journal_201006_Dempsey1.pdf) (accessed September 5, 2013).

<sup>23</sup> U.S. Joint Chiefs of Staff, *Joint Operations*, Joint Publication 3-0 (Washington, DC: U.S. Joint Chiefs of Staff, August 11, 2011), II-2.

<sup>24</sup> Dempsey, “A Campaign of Learning,” 8-9.

<sup>25</sup> *Ibid.*, 9.

<sup>26</sup> Shanker, “After Years at War, the Army Adapts to Garrison Life.”

<sup>27</sup> Stephen J. Gerras, Leonard Wong, and Charles D. Allen, “Organizational Culture: Applying a Hybrid Model to the U.S. Army,” November 2008, <http://www.carlisle.army.mil/usawc/dclm/Organizational%20Culture%20Applying%20a%20Hybrid%20Model%20to%20the%20U.S.%20Army%20Nov%2008.pdf> (accessed September 5, 2013).

between junior and senior leaders. Unless the Army is able to adapt at the senior levels—loosening at least the appearance of tighter control—junior leaders who have experienced greater flexibility, exercised more initiative, and made tough decisions in combat, will likely not conform well to tighter controls in a garrison environment. Less conformity, of course, will spiral toward tighter controls from the top, and the divide will widen even further. Mutual trust, running both up and down the chain of command, will diminish and the concept of mission command will likely remain just that.

### **The Way Forward: Nurturing Mission Command to Fruition**

If the Army is going to implement the Chairman’s vision to become more adept at decentralizing capability and authority, then we must recognize that change, like building mutual trust, takes time. Fortunately, the Chairman has developed a foundation for implementing the types of changes required to adapt Army culture to achieve the desired outcome. General Dempsey’s actions over the past three years when viewed through the lens of the Kotter model (Figure 1) indicate that he has: (1) established a sense of urgency, (2) created a guiding coalition through the Mission Command Center of Excellence (MCCOE), (3) developed a vision and strategy through his previously published White Paper, (4) communicated his vision, and (5) has begun to empower subordinates for broad-based action.

Figure 1: Kotter’s Eight Step Process for Creating Major Change<sup>28</sup>

1. Establishing a sense of urgency
2. Creating the guiding coalition
3. Developing a vision and strategy
4. Communicating the change vision
5. Empowering broad-based action
6. Generating short-term wins
7. Consolidating gains and producing more change
8. Anchoring new approaches in the culture

If the Army pursues Kotter’s model and builds upon General Dempsey’s accomplishments, only three steps in the change process remain: generate short term wins, consolidate gains, and anchor new approaches within the culture. Junior leaders have been accorded greater latitude and displayed exceptional initiative and leadership in the complex and ambiguous environments of Iraq and Afghanistan. In essence, the Army has already generated short-term wins and must now continue to recognize, reward, and encourage these junior leaders while opportunity for doing so still exists.

Cultural change takes considerable time and effort. Kotter’s model suggests, however, that the Army may be reasonably close to establishing the conditions required for institutionalizing the Chairman’s vision. To increase the likelihood of success, the Army should enact Kotter’s final two steps by implementing three initiatives: (1) refine training requirements for echelons below division; (2) incorporate feedback from 360-degree assessments into the promotion and command selection processes; and (3) incorporate mission command into all levels of professional education. The first two recommended initiatives facilitate efforts to consolidate gains and produce more change, while the second and third work to anchor those changes within Army culture.

Simply attempting to induce change through Kotter’s model, however, is not enough. Focus must be on implementing the *right* things when pursuing the model. All three recommendations align with

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<sup>28</sup> John P. Kotter, *Leading Change* (Boston, MA: Harvard Business Review Press, 1996), 21.

what Schein calls embedding mechanisms. The first two align with “what leaders pay attention to, measure, and control on a regular basis.” The final aligns with the “leader’s use of teaching and coaching.”<sup>29</sup> By implementing these types of changes, the Army can effectively introduce and inscribe new assumptions about how the organization operates. Understanding what this means requires clarity with regard to the best practices for implementing change.

Refining training requirements at the Brigade Combat Team (BCT) and below will further enhance trust establishing efforts between senior and subordinate leaders by empowering field grade officers to craft unit training plans based on their assessments of unit readiness. Currently, training is perceived as being overly burdened by cumbersome requirements generated from arbitrary checklists promulgated by multiple layers of bureaucracy from higher echelons of authority that never actually interact with the units in question. Trusting leaders who have been in the Army for ten to twenty years to develop training plans based on unit capabilities, while still retaining the rigor required to assure readiness, removes an unnecessary interdependency between small units and big Army. Moreover, providing mid-level leaders the opportunity to express their training priorities, specifically in terms of what their formations do not need to do, allows leaders latitude of judgment and increased responsibility. In short, this initiative provides emerging senior leaders with regulated opportunities to speak truth to power and take responsibility for doing so.

Consolidating gains and producing more change is a key tenet in Kotter’s process. Organizations are better able to build trust if they eliminate policies and structures that do not align with one another or the transformation vision.<sup>30</sup> Brigade and battalion commanders who have the latitude to train their subordinate formations will be more likely to “power-down” that latitude over time as senior leaders display the willingness to accept the risk associated with freedom to execute professional responsibility. Junior-level leaders will be accountable and will have to bear the consequences of risk, but that will establish a heightened sense of accountability, increased diligence, and enhanced professionalism.

Incorporating 360-degree feedback into the promotion and command selection processes institutionalizes the concept of professional dialogue, encourages speaking truth to power, and should be accomplished through two specific methods. First, leaders at all levels must be required to discuss a synopsis of their 360-degree feedback with subordinates two levels down. Second, senior-raters must be required to review the results of their subordinate leaders’ 360-degree feedback and consider that feedback when penning remarks on their officers’ evaluation report (OER).

The first of these two initiatives should establish open communication between leaders and those that they lead, increasing the likelihood of achieving true dialogue on key topics involving direct and organizational leadership skills. By displaying the willingness to describe and discuss what junior leaders assess as their strengths and weaknesses, even if it is institutionally directed, senior leaders build a sense of trust and confidence at all levels up and down the chain of command. That then establishes the conditions for senior leaders to analyze a subordinate’s 360-degrees assessment and incorporate that feedback when providing written comments on the OER. These initiatives promote the final two steps of Kotter’s model. They help to consolidate gains by developing people who can implement that change vision and they anchor these new approaches within the culture by promoting better performance through subordinate-oriented behavior.<sup>31</sup> When leaders at all levels understand—from their subordinates’ perspective—the implications of their actions and leadership

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<sup>29</sup> Stephen Gerras, “Organizational Culture”.

<sup>30</sup> Kotter, *Leading Change*, 21, 141-142.

<sup>31</sup> *Ibid.*, 21, 157.

methods, they are more likely to be receptive to feedback and to provide constructive feedback to others.

Finally, incorporating the tenets of mission command into the officer and non-commissioned officer professional education system is an enduring step that will ultimately anchor change into the military culture. A key component of this process is to develop effective ways to focus on leader-development and senior-leader succession.<sup>32</sup> Because the Army is an organization that promotes from within, and all members of the organization begin at the entry-level, this concept carries heightened importance. By incorporating the fundamental aspects of mission command into the educational system, the Army establishes the means to continue to communicate the change vision throughout the organization in a manner that is accessible at each echelon. Young leaders in their basic non-commissioned officers' courses, along with emerging senior leaders at a senior service college, will receive messages targeted at their specific role in the process. By utilizing this approach, the Army will ably target all significant stakeholders, from colonel to corporal while maximizing institutional acceptance of change.

Not represented in this change scenario, however, are the Army's most senior officers who must ensure that desired changes take root and become culturally embedded. To meet this goal, General Dempsey actively communicates his message to these leaders, utilizes his guiding coalition that includes fellow general officers at Fort Leavenworth (MCCOE) and TRADOC to help propagate the message, and supervises the revision of Joint doctrine to inform and guide supporting Army doctrine.

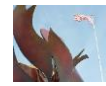
To be successful, these reinforcing mechanisms must be received and supported by the senior Army leaders. If executed correctly, comprehensively, and with appropriate senior leader involvement, the Army can build enduring trust among leaders at all levels, institutionalize the concept of mission command, help the Chairman achieve his vision for the future force, rejuvenate professional dialogue, and promote the artful skill of speaking truth to power. Ideally, achieving these objectives will reestablish a culture of professional forthrightness in the Army and, over time, prevent the kind of tacit complicity to misguided policies observed at senior levels in both Vietnam and Iraq.

## Conclusion

Hindsight is reportedly 20/20. That is only partially true, however. While professionals can certainly *see* what happened by studying the past, *understanding why* it happened is frequently elusive without close investigation. Thoughtful, unbiased analysis is required. The true importance of hindsight lies in learning from past mistakes and then fulfilling professional obligations to implement changes that help ensure similar mistakes do not occur in the future. Pursuing cultural change in the Army, particularly through effective inculcation and implementation of mission command, can better equip Soldiers and leaders to adapt in the contemporary strategic environment. Building upon the lessons of the last twelve years, nurturing and fostering the level of initiative and professional trust that young leaders have grown accustomed to, will help carry the force into the next generation, increasing the capacity, combat capabilities, and flexibility of Soldiers in a complex and ambiguous world. Moreover, and perhaps most importantly of all, increased trust will promote more frequent and higher quality professional dialogue between leaders and those who are led. With time, honest and frank professional exchanges will build the kind of confidence necessary to voice dissent and speak truth to power both within and external to the military organization.

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<sup>32</sup> Ibid., 21.



# Conflict Prevention: A Cautionary Analysis

Michael Robert Butterwick

*In the wake of Afghanistan and Iraq, the United Kingdom (UK) is pursuing a preventative approach to conflict in order to avoid embroilment in protracted military operations. To be successful, the UK must fully understand what prevention entails. A purely structural analysis of conflict may not be sufficient. Both hard power and soft power are key to effective prevention. To be successful the UK must remain a credible military power willing to act globally. Generating political will is essential and decisive. UK political leaders must explain to an increasingly skeptical public why early intervention, possibly involving military force, is vital to the UK's national interests. Prevention is not simple. It requires significant moral courage backed by political and financial investment.*

Keywords: *Conflict Prevention, Strategy, United Kingdom National Security Policy*

After bloody, costly and controversial conflicts in Iraq and Afghanistan, the United Kingdom's (UK) political leaders have sought fresh approaches to securing the UK's national interests without embroilment in protracted military operations. The UK's 2011 National Security Strategy (NSS), called for a "radical transformation in the way we think about national security and [how we] organize ourselves to protect it."<sup>1</sup> This transformation emphasizes conflict prevention and the ability to "identify crises emerging overseas early, to respond rapidly to prevent them . . . and to tackle the causes of instability, fragility and conflict upstream."<sup>2</sup>

Conflict prevention is not new. In 2001, Kofi Annan urged world leaders to move from a "culture of reaction to a culture of prevention."<sup>3</sup> He spoke in the wake of the international community's failure to prevent genocide in Rwanda, stop bitter ethnic war in Bosnia, and arrest Somalia's descent into

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*Michael Robert Butterwick (M.S.S. United States Army War College) is a Colonel in the British Army. An earlier version of this article, written under the direction of Professor Len Fullenkamp, earned a prestigious Army War College Foundation award for Outstanding Strategy Research Paper for the USAWC class of 2014. Colonel Butterwick resides in England.*

<sup>1</sup> Her Majesty's Government, *A Strong Britain in an Age of Uncertainty: The National Security Strategy* (London: Her Majesty's Stationery Office, 2010), 3.

<sup>2</sup> Her Majesty's Government, *Building Stability Overseas Strategy* (London: Her Majesty's Stationery Office, 2011), 18.

<sup>3</sup> Alex Bellamy, "Conflict Prevention and the Responsibility to Protect," *Global Governance*, No.2 (April-June 2008): 137.

state failure.<sup>4</sup> Indeed the concept is enshrined in Article 1 of the UN Charter which sets out to “maintain international peace and security and to that end: to take effective collective measures for the prevention and removal of threats to the peace and for the suppression of acts of aggression or other breaches of the peace.”<sup>5</sup> Since 2001, the concept has been increasingly institutionalized through the creation of new positions (e.g., The UN established Office of the Special Adviser for the Prevention of Genocide), institutions (e.g., the EU created Early Warning and Fusion Centre), and practices (e.g., African Union’s Panel of the Wise intervention in a series of post-2007 African crises).<sup>6</sup> As Ban Ki Moon put it, conflict prevention “is without doubt one of the smartest investments we can make.”<sup>7</sup>

Yet civil war rages in Syria; Egypt, Libya, and Tunisia all teeter on the edge of instability; South Sudan is divided by bitter conflict; and violence has erupted in Ukraine. Clearly, conflict prevention is not a simple strategy. It requires financial, political and moral investment. As the UK’s failure to intervene in Syria indicates, generating the will for early intervention may be more problematic than the NSS suggests. Is the UK guilty of seeking to avoid protracted warfare on the cheap?

This article explores the national implications of adopting a preventative approach to conflict. If the UK is to be prepared conceptually, physically, and morally for this transformation, more work must be done in terms of (a) defining conflict prevention and its parameters (what do we mean by “conflict prevention,” are we clear about which conflicts we are trying to prevent and why?), (b) exploring implications for its implementation (In what “ways” will prevention be conducted? When will we need to act and for how long? How will we generate the will to act in advance of a crisis? Do we have the strategic patience that may be required? What “means” will impact success? What instruments of national power will require investment? How must the instruments, particularly the military instrument, be organized?), and (c) embracing complexity. Doing nothing may often be the easy political option but it is not necessarily the right one. Exploring implications helps ensure that “preventing conflicts upstream” represents much more than empty words.

## Conflict Prevention

“Conflict prevention” is generally regarded as an interventionist approach based on the assumption that problematic structural dynamics cause outbreaks of violence within fragile societies. Change the dynamics to prevent the conflict. Build institutions through which disagreements can be channeled without recourse to violence. Seek to develop the rule of law, more representative forms of governance, and a more equitable distribution of wealth. Under this strategic umbrella, the military role serves, in part, to professionalize the security sector while ensuring that security forces act in ways that reduce the risk of violence rather than fuel it.<sup>8</sup>

<sup>4</sup> See for example, Boutros Boutros Ghali, “The timely application of preventative diplomacy is the most desirable and efficient means of erasing tensions before they result in conflict” or Dag Hammarskjöld who coined the term “preventative diplomacy” in 1960. Both quoted in A. Williams, *Conflict Prevention in Practice: From Rhetoric to Reality* (Canberra: Australian Civil-Military Centre, 2012), 1.

<sup>5</sup> Christoph Mikulaschek and Paul Romita, “Conflict Prevention: Toward More Effective Multilateral Strategies.” *Rapporteurs*, (December 2011), 2.

<sup>6</sup> Robert Muggah and Natasha White, *Is there a preventive action renaissance? The policy and practice of preventive diplomacy and conflict prevention*. (NOREF, Norwegian Peace building Resource Centre, Report, February 2013), 7.

<sup>7</sup> Williams, *Conflict Prevention in Practice*, 2.

<sup>8</sup> Numerous articles exist concerning the different concepts of “conflict prevention.” For further analysis, see Alice Ackerman, “The Idea and Practice of Conflict Prevention,” *Journal of Peace Research*, no.40 (May 2003), 339-347 or Williams, *Conflict Prevention in Practice*, 2.



“Structural prevention” underpins the UK’s approach. The UK’s cornerstone document, Building Stability Overseas Strategy (BSOS) defines both “stability” and “conflict” but not specifically conflict “prevention.” Stability—the desired end state—is characterized as a set of “political systems which are representative and legitimate, capable of managing conflict and change peacefully, and societies in which human rights and the rule of law are respected, basic needs are met, security established and opportunities for development are open to all.” The challenge is for the UK to address “violent conflict” that emerges when individuals and groups have “incompatible needs, interests and beliefs.”<sup>9</sup> This approach to conflict prevention targets the root cause(s) of instability, not merely symptoms.

The BSOS attempts to establish the attractiveness of pursuing conflict prevention. Warfare, it states, is “development in reverse” and “conflict deprives millions of their basic rights to life and security.” As violence spreads to more stable areas through refugee flows, terrorist activity, and organized crime, the UK’s security is negatively impacted. Conflict costs the world economy up to 12.6 billion dollars a year, undermining trade and commerce. Restoration of stability through deployment of UK armed forces entails significant financial and political costs associated with stability restoration.<sup>10</sup> Minimizing costs chimes well with the NSS’ declaration that “our most urgent task is to return our nation’s finances to a sustainable footing.”<sup>11</sup> Prevention rather than reaction makes moral, political and financial sense.

The BSOS analysis is insufficient, however. Neither “radical” nor “transformative,” it fails to tackle the hard questions: Under this program, will the UK really be less likely to need to intervene militarily in the future? If the UK focuses on the structural causes of conflict, what other drivers of conflict must be addressed? Is violent conflict simply a result of an inability to manage “incompatible needs, interests and beliefs,” or are there other elements in play? If some conflict can be usefully explained via this lens (e.g., the ‘Arab Spring’ or violence in South Sudan), what about conflicts with incompatible parameters (e.g., the motivation of Saddam Hussein in 1990, the tension on the Korean Peninsula, or Indian and Pakistani disagreements over Kashmir)? Is a preventative approach grounded in structural interventions inevitably going to fall short?

Likewise, the BSOS falls short of addressing the relationship between intra-state and inter-state conflict and change. Clausewitz comments that, “War is not merely an act of policy but a true political instrument, a continuation of political intercourse, carried on with other means.”<sup>12</sup> A one-dimensional view of conflict can be disastrous, even to the point of instigating war. As Thucydides noted, “the growth of the power of Athens and the alarm which this inspired in Sparta made war inevitable.”<sup>13</sup> For Spartan leaders “fear, honor and interest” were pre-eminent in their calculations. Athens’ decision to conduct a calamitous expedition to Sicily resulted from passionate debates about Athenian honor inspired by the oratory of men such as Alcibiades and Demosthenes.<sup>14</sup> Today, tackling instability between states is as central to the UK’s interests as is tackling instability within states.

Personality, leadership, and cold calculations of interests all play a role in causing violent conflict. Bosnia may have stemmed from an inability to resolve ethnic tensions but it took the rhetoric of Milosevic and Karadzic to turn festering discontent into bloody civil war. If the UK is to help “shape

<sup>9</sup> Her Majesty’s Government, *Building Stability*, 5.

<sup>10</sup> *Ibid.*, 8.

<sup>11</sup> Her Majesty’s Government, *A Strong Britain*, 14.

<sup>12</sup> Carl von Clausewitz, *On War*, eds. Michael Howard and Peter Paret (Princeton, NJ: Princeton University Press, 1976), 87.

<sup>13</sup> Robert B. Strassler, ed., *The Landmark Thucydides: A Comprehensive Guide to the Peloponnesian War*. (New York: The Free Press, 1996), 80, 1, 140.

<sup>14</sup> *Ibid.*, 6, 18.

a stable world,” then the preventative approach must address each element in light of its position in and effect on the larger geopolitical environment.<sup>15</sup> Doing so requires a wholly different toolkit. Diplomacy backed by effective deterrence must be part of that kit.

The role of deterrence and diplomacy in preventing conflict is hardly new, yet the UK faces new fiscal and political constraints with austerity threatening credibility. By 2020 the British Army’s strength will be at its lowest level since 1850.<sup>16</sup> The Royal Navy lacks an aircraft carrier until 2018 at the earliest. And, significantly, defense is not immune from future cuts.<sup>17</sup> In short, the jam is already spread very thin. Credibility is also a function of political will. When the UK joined the invasion of Iraq, traditional allies questioned the UK’s wisdom but respected the military muscle on display.<sup>18</sup> Conversely, the UK’s unwillingness to intervene in Syria caused consternation among Gulf allies. The Prime Minister’s insistence that there would be “no boots on the ground” in either Libya or Syria was important for the domestic audience, but raised questions for allies and adversaries alike.<sup>19</sup> When the UAE recently cancelled an order to buy UK Typhoons it may have concluded that the UK was no longer a reliable security partner.<sup>20</sup> The narrative of the UK’s military decline and its unwillingness to act must change if the UK is to be serious about prevention.

Credible deterrence and effective diplomacy are essential components of any conflict prevention strategy, but they cannot stand alone. The character of conflict is changing. What relevance has a credible military deterrence to preventing international terrorism? Great statesmen and conventional military forces are impotent weapons in the face of cyber attack or organized crime networks such as the narcotics cartels in Mexico. Transnational factors such as poverty and climate change also have the potential to cause violence both now and in the future.<sup>21</sup> If conflict is changing then prevention strategies must adapt and adjust.<sup>22</sup>

If the UK is seeking to avoid costly embroilment in inconclusive military campaigns, then the UK must be able to prevent violent conflict in all manifestations. If the causes of conflict are complex then our preventative approach must be complex too. A focus solely on upstream structural prevention will not achieve the results the UK anticipates or desires. Rather the UK must be able to intervene to prevent conflict across a broad spectrum ranging from structural indicators of impending intra-state violence to diplomatic signs of inter-state war. To do this the UK must ensure

<sup>15</sup> The UK’s core objectives are a “secure and resilient UK” that is “shaping a stable world.” Her Majesty’s Government, *A Strong Britain*, 10.

<sup>16</sup> Louisa Brook-Holland and Tom Rutherford, *Army 2020*, (London: House of Commons Library 2012), <http://www.parliament.uk/business/publications/research/briefing-papers/SNO6396/army-2020> (accessed March 20, 2014).

<sup>17</sup> See the UK’s First Sea Lord’s comments at, “Navy needs to be credible says Admiral Sir George Zambellas,” BBC website, February 10, 2014, <http://www.bbc.com/news/uk-26115095> (accessed February 27, 2014).

<sup>18</sup> Drawn from a conversation with officials at the British Embassy in Riyadh in 2010.

<sup>19</sup> See for example: “David Cameron: There is ‘no question’ of an international invasion of Libya.” *The Telegraph* website, April 17, 2011, <http://www.telegraph.co.uk/news/worldnews/africaandindianocean/libya/8457019/David-Cameron-There-is-no-question-of-an-international-invasion-of-Libya.html> (accessed January 10, 2014).

<sup>20</sup> See for example: “Blow for Britain and BAE Systems as UAE rules out Eurofighter deal.” *The Telegraph* website, December 20, 2013, <http://www.telegraph.co.uk/finance/newsbysector/epic/badot/10528636/Blow-for-Britain-and-BAE-Systems-as-UAE-rules-out-Eurofighter-deal.html> (accessed January 10, 2013). See also Saudi reactions to lack of US and UK action in Syria, “Saudi Arabia officially rejects Security Council seat,” *New York Times* website, November 14, 2013, [http://www.nytimes.com/2013/11/14/world/saudi-arabia-officially-rejects-security-council-seat.html?\\_r=0](http://www.nytimes.com/2013/11/14/world/saudi-arabia-officially-rejects-security-council-seat.html?_r=0). (accessed January 10, 2014).

<sup>21</sup> B. Rubin and B. Jones, “Prevention of Violent Conflict: Tasks and Challenges for the United Nations.” *Global Governance*, 13, (2007), 401. Consider, for example, the potential for conflict due to melting polar ice caps which exposes new maritime routes, fishing areas and other resource opportunities in the Arctic Ocean. See, “Russia to establish Arctic military command.” *The Diplomat* website, February 2014, <http://thediplomat.com/2014/02/russia-to-establish-arctic-military-command/> (accessed March 01, 2014).

<sup>22</sup> Muggah and White, *Is there a preventive action renaissance?* 2.

that its instruments of soft power are matched by the instruments of hard power. The development “carrot” must be backed by the military “stick.”

Of course the UK cannot prevent conflicts everywhere.<sup>23</sup> Instead, the UK must develop a robust mechanism to identify where future conflicts might take place and why they matter. After all, if the UK is going to prevent conflict its first action must be to understand it. A start has been made in this area. The NSS specified that the UK will generate an early warning mechanism derived from “all sources” that looks out 5 to 20 years.<sup>24</sup> This risk-based approach is proving to be effective in ensuring that countries at risk of instability are identified, cross government strategies are developed, and the National Security Council (NSC) receives due warning. The UK is not alone in identifying this requirement.<sup>25</sup> The EU’s Early Warning and Fusion Centre is a sophisticated initiative to identify trends in global conflict. ECOWAS, the AU and the OSCE have all invested in similar mechanisms.

Early warning, however, does not equate with early action.<sup>26</sup> Commentators predicted the catastrophes of Rwanda, Bosnia, and Darfur but despite this, little effective action was taken in time.<sup>27</sup> Generating political will is decisive. Political will unlocks resources. In the current context, however, generating political will is deeply problematic. The scars from Afghanistan and Iraq run deep. How deep is hard to quantify. The UK acted boldly in Libya, albeit only after violence had erupted and the Gadaffi regime had begun to attack civilians. Yet the language of the Syrian debate, the need for the Government to emphasize “no boots on the ground,” and a growing debate across Whitehall as to the utility of military force and land power in particular, all point to a dramatically changing political landscape.<sup>28</sup> Within Whitehall the fear of being dragged in to new conflicts limits ambition.<sup>29</sup> Yet prevention requires ambition if it is to work. Targeted development activity, defense engagement, and quiet diplomacy are all vital prevention tools though they may not have the desired effect.<sup>30</sup>

Doing more requires public engagement. Early intervention will require political leaders to gain the trust of a skeptical public. Arguments should not be based on graphic media imagery of suffering.<sup>31</sup> Rather, early intervention should be based on predictions by intelligence services as to

<sup>23</sup> SDSR states, “We will be more selective in our use of the Armed Forces, deploying them decisively at the right time but only where key UK national interests are at stake; where we have a clear strategic aim; where the likely political, economic and human costs are in proportion to the likely benefits, where we have a viable exit strategy.” Her Majesty’s Government, *Securing Britain in an Age of Uncertainty: The Strategic Defence and Security Review*. (London: Her Majesty’s Stationery Office 2010), 17.

<sup>24</sup> Her Majesty’s Government, *A Strong Britain*, 34.

<sup>25</sup> See USIPs work in this area at the USIP website, <http://www.usip.org/events/second-annual-conference-preventing-violent-conflict>. (accessed January 06, 2014). In addition see the conclusions of The Genocide Prevention Task Force at Madeline Albright and William Cohen, *Preventing Genocide: A Blueprint for US Policy Makers*, (Washington DC: US Holocaust Memorial Museum, 2008) 111-115.

<sup>26</sup> The Genocide Prevention Task Force recommended that “warnings of potential genocide or mass atrocities must be made an automatic trigger for a policy review.” This would prove useful but it still misses the point. The Genocide Prevention Task Force at Albright and Cohen, *Preventing Genocide*, 111-115.

<sup>27</sup> Bellamy, “Conflict Prevention,” 137.

<sup>28</sup> See the language of the Syria debate at “Syria and the Use of Chemical Weapons” Parliament website, August 29, 2013, <http://www.publications.parliament.uk/pa/cm201314/cmhansrd/cm130829/debtext/130829-0001.htm>. (accessed March 06, 2014).

<sup>29</sup> Personal observations whilst working in MOD 2009-11.

<sup>30</sup> See for example, “UK fund to prevent global conflict fails to make major impact,” *The Guardian* website, July 13, 2012, <http://www.theguardian.com/global-development/2012/jul/13/uk-fund-prevent-conflict-impact>, (accessed February 20, 2014). The report highlights the findings of an independent report into the Conflict Pool at <http://icai.independent.gov.uk/wp-content/uploads/2012/07/Evaluation-of-the-Inter-Departmental-Conflict-Pool-ICAI-Report1.pdf>. (accessed February 20, 2014).

<sup>31</sup> S. Stedman, “Alchemy for a New World Order: Overselling Preventative Diplomacy.” *Foreign Affairs*, 74, no. 3, (1995) 14-20.

the likely trends within a country or region. The problem for the UK is that trust has been broken by the Iraq war. The Chilcott Inquiry has yet to report, but the public narrative of Iraq and WMD is one of lies and intelligence manipulation.<sup>32</sup> Reestablishing trust is an essential pre-requisite for prevention.

The problem goes deeper, however. While routine engagement is likely to go unnoticed, more sizeable activity which risks soldiers' lives may not. By intervening militarily in advance of a crisis the UK will be lowering the threshold for military force.<sup>33</sup> Political leaders will not be able to use the narrative that military intervention stems from the failure of diplomacy and is a matter of last resort. Military intervention could even be the instrument of first choice.<sup>34</sup> Former U.S. Chairman of the Joint Chiefs of Staff, Admiral Michael Mullen, emphasized this, commenting that "the military may be the best and sometimes the first tool" for policy makers in a crisis.<sup>35</sup> Political leaders will need to change the public's perception about the purpose of military force. This debate has not yet occurred with the British public. If and when it does, political leaders will be unlikely to get an easy ride.<sup>36</sup>

Military intervention is not the only instigator of controversy. The development focus of the BSOS requires the UK to continue to be a global leader in international aid. Currently the UK spends about \$13.6Bn per year on aid and is the world's second biggest donor in absolute terms. By percentage of GDP the UK stands at number 6.<sup>37</sup> This is impressive. It is also contentious. When the Coalition committed to preserving the overseas aid budget in 2010 despite sweeping cuts to the rest of government spending, heated debate ensued. As soldiers have been made redundant, the UK has been ravaged by flooding, and investigative reporters have exposed wasteful aid projects, the tabloid press debate has become embittered.<sup>38</sup> Certainty of funding is critical to effective development initiatives. If the narrative of the UK's commitment to overseas aid changes then once again the UK's credibility will be at stake.

Clearly, conflict prevention is a factor of will. Much of what the UK will do may occur without notice by the NSC. However, when the UK needs to be decisive and act early—especially if military force is involved—questions will be raised and they will require an appropriate response from political leaders. A strategic document that declares that the UK will "prevent conflicts upstream" means nothing to a public tired of war, suspicious of intelligence, and concerned by wasteful aid

<sup>32</sup> See for example, "Iraq war the greatest intelligence failure in living memory," *The Telegraph* website, March 18, 2013, <http://www.telegraph.co.uk/news/worldnews/middleeast/iraq/9937516/Iraq-war-the-greatest-intelligence-failure-in-living-memory.html>. (accessed February 20, 2014).

<sup>33</sup> Goro Matsumura, "Conflict Prevention in the Information Age: The Role of Military in Crisis." (Carlisle, PA: US Army War College, 2001) 16.

<sup>34</sup> See the argument for early use of military force by Michael Lund, "Conflict Prevention: Theory in Pursuit of Policy and Practice," in J. Bercovitch, V. Kremenyuk and I.W. Zartman eds., *The SAGE Handbook of Conflict Resolution*, (London: SAGE, 2009) 306.

<sup>35</sup> See Mullens' speech on Military Strategy to Kansas State University, March 2010 at <http://www.cfr.org/defense-strategy/admiral-mullens-speech-military-strategy-kansas-state-university-march-2010/p21590>. (accessed March 03, 2014).

<sup>36</sup> Indeed SDSR acknowledges this when it comments on the limits guiding the use of UK Armed Forces. This limitation drives the desire for prevention while restricting utility. See Her Majesty's Government, *Securing Britain*, 17.

<sup>37</sup> Figures derived from the Organisation for Economic Co-operation and Development (OECD) <http://www.oecd.org/dac/stats/aidtopoorcountrieslipsfurtherasgovernmentstightenbudgets.htm>. (accessed February 26, 2014).

<sup>38</sup> See for example the following articles: "How can a nation ring fence foreign aid but slash defence? We reveal how your money is misspent...and even makes poverty worse." *Mail online* September 17, 2010, <http://www.dailymail.co.uk/news/article-1313139/How-nation-ring-fence-foreign-aid-slash-defence-In-week-exposed-aid-officials-living-high-hog-shocking-investigation-reveals-money-misspent--makes-poverty-worse.html>. (accessed February 28, 2014) or "Stop wasting aid budget on wealthy countries ministers told," *The Telegraph* February 16, 2014, <http://www.telegraph.co.uk/news/politics/10642649/Stop-wasting-aid-budget-on-wealthy-countries-ministers-told.html>. (accessed February 28, 2014).

spending. This moral issue requires a much more detailed explanation as to why the UK is pursuing the preventative approach and what a preventative approach actually entails.<sup>39</sup>

### Implications for Implementation

The UK is unlikely to be able to compel adversaries or have sufficient resources to change societies unilaterally.<sup>40</sup> We cannot act alone. Prevention must be multi-lateral. Unfortunately, as the failure to prevent civil war in Syria has dramatically shown, international consensus is often elusive.

International actors must agree on the issues at hand. Differing perspectives will yield differing responses; national interests will guide actions. Russian responses to the violence in Syria have angered western politicians but their genesis lies in a rational calculation of Russian interests in the region. Is the UK any different? Consider, for example, the UK response to the Arab Spring. Whilst welcoming democratic change, the UK trod a careful path with its Gulf allies to ensure that its rhetoric did not affect commercial interests, military basing, or the oil supply. Yet in Libya the UK acted decisively. Was this a reaction to Gaddafi's barbaric actions or pragmatism to ensure that post-Gaddafi the UK could benefit from the investments it had made in Libya since 2004?

Prevention also challenges sovereignty. This operates at two levels: national and international. First political leaders within fragile countries often wish to avoid internationalizing their internal disputes. Resolving conflicts may require bestowing legitimacy upon opposition groups.<sup>41</sup> Leaders may be in denial as to the risks they face.<sup>42</sup> Intervention may undermine the patronage networks upon which political leaders rely.<sup>43</sup> All these dynamics were at play in Yemen prior to President Saleh's removal in 2012. The UK sought to arrest Yemen's decline by developing more accountable governance, promoting the rule of law, and economic diversification. For Saleh the objective was simply personal survival. His priority was defeating secessionist claims in the south and Al-Huthi rebellions in the north. AQ-AP's presence was irritating but drew western aid and thus his activity to remove them was limited.<sup>44</sup> Economic restructuring and governance reform required a level of political risk he was not prepared to take. The result was stagnation and ultimately revolt which descended into violence in 2011. Second, the international community remains divided on the principle of intervention in internal affairs. The "Responsibility to Protect" was agreed at the UN World Summit in 2005.<sup>45</sup> Yet its implementation remains controversial. China and Russia continue to prevaricate and emerging powers such as Brazil, Argentina and India remain wary of policies that challenge the principles of sovereignty. This concern provided the narrative for Chinese and Russian inaction over Syria.<sup>46</sup>

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<sup>39</sup> For an in depth discussion of the limitations of political will see: Richard H Solomon and Lawrence Woocher, "Confronting the Challenge of Political Will." United States Institute of Peace, March 18, 2010, <http://www.usip.org/publications/confronting-the-challenge-political-will>, (accessed March 01, 2014).

<sup>40</sup> See, for example, the conclusions of an independent report on UK conflict prevention spending: <http://icai.independent.gov.uk/wp-content/uploads/2012/07/Evaluation-of-the-Inter-Departmental-Conflict-Pool-ICAI-Report1.pdf> (accessed February 20, 2014). Even UK actions in Sierra Leone occurred within the framework of a long standing UN mission. See for example, "Sierra Leone: one place where Tony Blair remains an unquestioned hero," *The Guardian*, online article, April 17, 2010, <http://www.theguardian.com/world/2010/apr/18/sierra-leone-international-aid-blair> (accessed February 20, 2014).

<sup>41</sup> B. Rubin and B. Jones, "Prevention of Violent Conflict: Tasks and Challenges for the United Nations." *Global Governance*, 13, (2007), 400.

<sup>42</sup> Mikulaschek and Romita, "Conflict Prevention," 9.

<sup>43</sup> Williams, "Conflict Prevention," 3.

<sup>44</sup> See, for example, leaders "hedging" to ensure continued aid in Mikulaschek and Romita, "Conflict Prevention," 17.

<sup>45</sup> *Ibid.*, 3

<sup>46</sup> Williams, "Conflict Prevention" 5.

Does this mean that multi-lateral prevention is inherently flawed? Not necessarily. In Macedonia, the UN and OSCE acted decisively and in concert to ensure that ethnic violence did not spill over from neighboring Bosnia.<sup>47</sup> The OSCE's work in Estonia following the collapse of the Soviet Union prevented simmering ethnic tensions from becoming violent.<sup>48</sup> Regional organizations, in particular the AU, have opted for conflict prevention. The creation of the African Standby Force is a testament of intent.<sup>49</sup> The EU is similarly investing in conflict prevention. International norms are shifting.<sup>50</sup> The UK must seize this opportunity. The "Responsibility to Protect" may be beyond the institutional capacity of the UN at the moment, but its adoption has signaled a direction for the future. If the UK is committed to a preventative approach then it must continue exerting influence to shape international norms. The UK must champion the "Responsibility to Protect." It must also encourage regional bodies such as the AU to develop their preventative capabilities further.<sup>51</sup> Achieving international consensus may be problematic, but that should not justify inaction.

Coherence internationally is important but coherence domestically is a necessity. Whole of government approaches rather than departmental stovepipes are essential in generating effective strategies.<sup>52</sup> The UK has learned hard lessons from Afghanistan and Iraq, but the culture of working across Government appears to have become ingrained into the British governmental psyche. The creation of the NSC in 2011, the establishment of the Stabilisation Unit in 2007, and also the presence of a myriad of other cross-Whitehall teams, stand as evidence that the UK understands the value of the comprehensive approach.<sup>53</sup> My own experience of working on Yemen 2009-2011, highlighted that the comprehensive approach was not just based upon formal processes but rather was embedded in daily informal discussions between desk officers. This led to deeper understanding, a greater willingness to compromise, and the generation of trust at the strategic level.<sup>54</sup> As always, more can be done but the UK is pursuing the right path in this regard. Two areas remain problematic, however.

First, resources must be aligned with strategic ends. The UK has created the tri-departmental Conflict Pool to fund prevention work. This pool ensures that country based preventative projects are underpinned by specific resources.<sup>55</sup> At the local level the fund is important, but its overall impact

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<sup>47</sup> Alice Ackerman, "Managing Conflicts Non-Violently Through Preventative Action: The Case of the Former Yugoslav Republic of Macedonia." *Journal of Conflict Studies*, 19, no. 1, (1999). This operation stands as a much quoted example of how conflict prevention can work. Ackerman suggests that a combination of UN, OSCE and other NGO actions were combined with the will of the Government and people of Macedonia to avoid ethnic conflict. Moderate behavior by ethnic leaders and institutional reform all helped to prevent rhetoric fuelling tension.

<sup>48</sup> Williams, "Conflict Prevention," 4.

<sup>49</sup> In addition ECOWAS was instrumental in preventing escalating violence in Guinea in 2009. See Muggah and White, *Is there a preventive action renaissance?* 7.

<sup>50</sup> *Ibid.*, 1.

<sup>51</sup> *Ibid.*, 8.

<sup>52</sup> Lund, "Conflict Prevention," 296.

<sup>53</sup> See, for example, cross government organizations such as the Cross Whitehall Afghanistan Group which seeks to pull together policy on Afghanistan with experts from the MOD, FCO and DfID embedded. Also see how the Cabinet Office draws personnel on secondment from the three main departments and the Treasury to ensure expertise pooling on key issues. See the Stabilisation Unit's website for further details on its work at <http://www.stabilisationunit.gov.uk/>. (accessed March 01, 2014).

<sup>54</sup> The physical of geography of Whitehall helps. With the MOD facing the Cabinet Office which stands next to the Foreign and Commonwealth Office which itself stands next door to HM Treasury with the Department for International Development a short 20 minute walk away ensures that informal contact is easy. During the Yemen strategy creation process informal discussion at desk level enabled issues to be resolved, wording to be amended and decision making at more senior levels to be enhanced.

<sup>55</sup> See the online guidance for the Conflict Pool at, "Conflict Pool, Strategic Guidance," [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/200169/Conflict\\_Pool\\_Strategic\\_Guidance\\_FINAL.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/200169/Conflict_Pool_Strategic_Guidance_FINAL.pdf). (accessed February 20, 2014).



has often been limited.<sup>56</sup> Conflict prevention is not simply a result of a series of well-meaning aid projects, it relies as much on hard power as on soft. Departmental turf wars over budgets are the stuff of government and it is wholly unrealistic to expect this to change. If prevention is to be the *approach* of the UK, however, political leaders must understand that prevention is actually funded by more than prevention specific funds. Reductions to the diplomatic footprint, cuts to the fighting capability of the UK's armed forces, and damage to the UK's international standing, will all impact preventative capability. Political leaders must fund the approach not just the activity if prevention is to succeed.

Second, a failure to work in a comprehensive fashion at the tactical level could undermine strategic effect. For the military, this will require new thinking. To be relevant, the Joint Force must contain a balance of hard *and* soft capabilities. Army 2020 is a bold starting point for the type of organizational change that is required. The creation of a Reactive Force (RF) focused on warfighting and an Adaptive Force (AF) focused on engagement and stabilization could make a significant contribution to prevention.<sup>57</sup> The RF must be capable and credible and the AF must be useful. The AF must be culturally aware, regionally aligned, and knowledgeable professional forces who can partner with indigenous forces effectively. Clumsy actions can entail strategic implications.<sup>58</sup> Given the decentralized nature of likely missions, the UK needs sustained investment in specialist training, often overseas, personnel procedures aligned to create continuity, and low level leadership of the highest order. The Army must now place institutional value on the tools of soft power. Future cuts to defense spending cannot be ruled out. The easy option will be to target the AF. To do so could have a significant effect on its moral component, however. If the perception is that the AF is undervalued, the net effect on the utility of the AF will be devastating.

If the military is to change then so too must their civilian colleagues. The effective work of the PRTs in Afghanistan and the International Stabilisation Response Team in Libya has provided the UK with a blueprint for cross government approaches to stabilization.<sup>59</sup> The key now is not to regress to type. Cross government teams working at the tactical level under a unified leadership must be the norm. The model of stabilization response must be applied to upstream conflict prevention as well. This requires the same attitude to risk pre-conflict as it typifies post-conflict. If the UK cannot conduct cross-government prevention work in dangerous places, then the desired effect is unlikely.<sup>60</sup> Prevention will not be risk free.

The timing of prevention is key. The UK uses the language of preventing conflicts “upstream,” but fails to specify how early in a conflict cycle “upstream” occurs, and whether “upstream” is always the right time to act. Early action is designed to address the structural grievances that can lead to

<sup>56</sup> See for example, “UK fund to prevent global conflict fails to make major impact,” *The Guardian* online article, July 13, 2012, <http://www.theguardian.com/global-development/2012/jul/13/uk-fund-prevent-conflict-impact>. (accessed February 20, 2014). The report highlights the findings of an independent report into the Conflict Pool at <http://icai.independent.gov.uk/wp-content/uploads/2012/07/Evaluation-of-the-Inter-Departmental-Conflict-Pool-ICAI-Report1.pdf>. (accessed February 20, 2014).

<sup>57</sup> The British Army, *Transforming the British Army; Modernising to Face an Unpredictable Future*. (Andover: CGS Design Studio, 2012) 3.

<sup>58</sup> The emphasis on pre-deployment training for Afghanistan on cultural awareness and preventing “green on blue” incidents was profound. From my own observations as CO 2RRF, 2011-2013.

<sup>59</sup> See the post deployment report of the Libya International Stabilisation Team at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/67470/libya-isrt-june2011.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/67470/libya-isrt-june2011.pdf). (accessed February 22, 2014).

<sup>60</sup> UK activity in Yemen for example is limited on account of the difficult situation on the ground. See for example the notes at para entitled, “what will we be stop doing?” in the DfID Yemen Operation Plan 2012-2015, (London: DfID, August 2012), 2 at, [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/67341/yemen-2012.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/67341/yemen-2012.pdf). (accessed March 01, 2014). It is important to question whether this is acceptable if the UK is pursuing a preventative approach? If so what does it mean for the UK's risk appetite?

conflict. Intervening late in the conflict cycle is much harder. By that point, positions have become embittered, emotions are running high, and options are more limited. Conflict may still be averted, but the causes may linger indefinitely.<sup>61</sup> Early intervention theory is compelling and has enjoyed some success. Following violence during the disputed 2008 elections in Kenya, for example, the UN and AU proactively sought to avoid a repeat for the 2012 elections through a coordinated series of interventions drawn from the lessons of 2008. The elections passed peacefully. The key was political will, a desire by Kenyans to avoid violence, and an identifiable activity around which to plan: the elections.<sup>62</sup>

Early intervention in the abstract—without an identifiable ‘moment’—however, is more problematic. The earlier the intervention the more difficult the generation of favorable political will. Conflict analysis is also more likely to be disputed. Will the fragile state simply muddle along? Will the grievances actually lead to conflict?<sup>63</sup> The outcome is often piecemeal preventive activity which fails to deliver the required impact.<sup>64</sup> On the other hand intervening late when violence is occurring is difficult. When UK politicians voted against intervention in Syria, the debate centered on what the UK could actually do to solve the conflict. The time for peaceful resolution had passed. These examples suggest there may be a “sweet moment” for intervention, perhaps when enough evidence exists of “danger ahead” to mobilize political will, yet well before widespread violence has erupted. Identifying that moment requires careful analysis, intuition, and bold leadership. Missing the moment in the face of the impetus to “do nothing” could be overwhelming.

Another consideration is ensuring that interventions are well targeted. The principle of ‘first do no harm’ applies. Inappropriate, ill-timed intervention holds the power to fuel potential conflict rather than halt it.<sup>65</sup> In Kosovo in 1999, for example, NATO air activity provided a catalyst for ethnic violence. Chadian peacekeepers operating in the Central African Republic have been accused of bias at best and war crimes at worst.<sup>66</sup> As the crisis in Ukraine has unfolded we question the extent to which the EU’s economic package actually helped to create the political dynamics which ultimately led to the current perilous situation.<sup>67</sup>

Security co-operation activity adds to the complexity. Reforming the security sector is important to prevention, yet proceeds with mixed effect. During 2011-2012, for example, protestors across the Middle East and North Africa clashed with security forces that were trained and equipped by the

<sup>61</sup> Mikulaschek and Romita, “Conflict Prevention.” 3.

<sup>62</sup> Sebastien Babaud and James Ndungu, *Early Warning and Conflict Prevention by the EU: Learning Lessons from the 2008 post-elections violence in Kenya*, Initiatives for Peacebuilding (Brussels, March 2012). Also the successful Macedonian intervention by the UN in 1994 had similar characteristics. Violence in neighboring Bosnia provided the focus, political leadership within Macedonia ensured UN action was welcomed and a desire amongst Macedonians to avoid violence ensured success. See Alice Ackerman, “Managing Conflicts Non-Violently,”

<sup>63</sup> Stedman, “Alchemy for a New World Order,” 14-20. See also Ackerman, “The Idea and Practice,” 342.

<sup>64</sup> Personal observations suggest that this bedeviled UK policy towards Yemen in the period 2009-11 where a desire to avoid entanglement prevented the UK from allocating the resources that were necessary to make a difference to the structural dynamics within the country.

<sup>65</sup> Lund, “Conflict Prevention” 298. Consider also how opposition groups may step up violence in order to be taken seriously and gain a seat at the negotiating table, see B. Rubin and B. Jones, “Prevention of Violent Conflict.” 400. See also the arguments of Edward Luttwak with regard to how war can result in a lasting peace whilst intervention to stop conflicts can cause lasting embitterment in, Edward Luttwak, “Give war a chance.” *Foreign Affairs*, July-August 1999, <http://www.foreignaffairs.com/articles/55210/edward-n-luttwak/give-war-a-chance>. (accessed March 21, 2014).

<sup>66</sup> See for example “HRW: Chadian peacekeepers help rebels flee” *The Washington Times* online article, February 6, 2014, <http://www.washingtontimes.com/news/2014/feb/6/hrw-chadian-peacekeepers-help-car-rebels-flee/> (accessed March 21, 2014).

<sup>67</sup> In addition, UK policies towards Yemen 2009-11 were designed to promote economic and political reform. Yet reform would have threatened the fortunes of key tribal leaders and violence would have been more likely rather than less. It was hardly surprising that Saleh sidestepped and evaded.



UK—a situation not lost on those protesting. The UK sometimes condemned security force action yet remained quiet at others.<sup>68</sup> The UK's continuing need for military basing, oil, cooperation on counter-terrorism and trade—particularly defense sales—muddied the waters of prevention in the Region. If the UK wishes to look through a preventive lens then it must consider how to square this particular circle. National priorities will drive action. A deep understanding of the situation in all its complexity, however, will ensure that those responsible for setting priorities are well informed.

### Embracing Complexity

Strategic decision making is driven by deadlines, schedules, an insatiable media appetite, and competing priorities. Leaders simply do not have the time to go deep so simplifying an issue is the goal of any strategic adviser. Simplicity briefs well. Yet simplicity is the enemy of effective prevention. How, then, is this “un-squarable” circle to be completed? To start, realistic strategic objectives must be developed. “Tackling the root causes of instability rather than just its symptoms” is a useful mindset but one that can generate false expectations.<sup>69</sup> Political leaders must recognize that conflicts act like systems where interventions against one aspect of the conflict may have consequences, often unforeseen, in other areas. Interventions designed to “prevent” conflict may be better seen as “transforming” an aspect of a conflict on the path towards prevention. Thus, rather than simplifying a conflict, a better approach may be to simplify the objective sought.<sup>70</sup>

How long will conflict prevention take? For the UK merely averting violence is not enough. As Robert Muggah notes, the “causes of conflict may be different to the causes of peace.”<sup>71</sup> The UK must, therefore, not only prevent conflict but also its reoccurrence. Approximately 50% of countries experiencing civil war return to conflict within 10 years.<sup>72</sup> The danger lies with merely freezing a conflict rather than solving it. Changing structural dynamics, however, will require sustained engagement. When France intervened in Mali it envisaged a short deployment. Yet a developing insurgency and the need to re-stabilize Mali have extended the mission.<sup>73</sup> At the inter-state level prevention may require long term deterrence. For example post-1982 the UK has maintained a credible garrison on the Falkland Islands backed by regular maritime activity. Evidently, conflict prevention is rarely a quick fix.<sup>74</sup> The UK will need to develop strategic patience.

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<sup>68</sup> See for example, “Bahrain’s deadly crackdown condemned by West,” *The Telegraph* online article, February 17, 2011, <http://www.telegraph.co.uk/news/worldnews/middleeast/bahrain/8331875/Bahrain-deadly-crack-down-condemned-by-West.html> (accessed February 23, 2014). See also Inge Friekland, “Rethinking Stability” in *Small Wars Journal*, February 19, 2014, <http://smallwarsjournal.com/jrnl/art/rethinking-stability> (accessed March 21, 2014). Friekland argues that the pursuit of stability has reinforced the position of authoritarian regimes which has had long term consequences for the U.S. She highlights, for example, that U.S. military aid to the Mubarak regime was at least \$1.3Bn per year whilst the literacy rate for women stood at 60%.

<sup>69</sup> Her Majesty’s Government, *A Strong Britain*, 25.

<sup>70</sup> Consider the changing objectives for the UK in Yemen. In 2009 the UK sought to “prevent state failure.” With the resources available this was an unrealistic objective. By 2012 the DfID objective was “a more stable, secure and prosperous Yemen.” A recognition perhaps that the UK could not achieve the objective of preventing state failure but also that interventions yield dynamics of their own. See Department for International Development, “Yemen Operational Plan 2012-2015” at, [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/67341/yemen-2012.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/67341/yemen-2012.pdf) (accessed March 21, 2014).

<sup>71</sup> Robert Muggah, *Conflict Prevention and Preventative Diplomacy: What works and What Doesn’t?* (New York: International Peace Institute, 2012), 2.

<sup>72</sup> Mikulaschek and Romita, “Conflict Prevention” 13.

<sup>73</sup> See for example, “French Lawmakers extend Mali intervention,” Voice of America website, online article, April 22, 2013, <http://www.voanews.com/content/french-lawmakers-extend-mali-intervention/1646825.html> (accessed March 03, 2014).

<sup>74</sup> Muggah and White, *Is there a preventive action renaissance?* 5. Also see Megan Grace Kennedy-Chouane, “Improving Conflict Prevention and Peacebuilding Assistance through Evaluation.” *OECD Journal*, 1, no. 8, (2010) 99.

Conflict prevention must have an end point as UK commitment cannot be indefinite. To determine when to end UK commitment requires understanding the effect that preventive activity has had. Yet measuring prevention is problematic. As Bill Flavin has commented, “It is difficult to prove that prevention works, because if it does, nothing happens.”<sup>75</sup> While the failure of prevention in Rwanda, Georgia, and Bosnia is tangible, is the absence of conflict between say China and Japan a result of economic ties, the upholding of international norms, or the deterrent power of the U.S. Navy? In austere times, measures of effect are essential for justification of continued funding. There is no easy answer here. No internationally recognized system for measuring prevention exists. Political leaders must recognize this difficulty. Measurement is more art than science. Artificial timelines are dangerous as are inflated expectations and a need to demonstrate success. The UK must develop an intuitive feel for how it needs to act, for how long, and with what level of effort. Developing that sensibility will require understanding well beyond the work of secret intelligence. Highly knowledgeable and trustworthy soldiers, diplomats and development workers will be critical in providing the understanding necessary to analyze problems, identify interventions, and assess their impact.

Perhaps most critically of all, political leaders must recognize that preventing conflict is less of an end state where mission success can be declared, than it is a process. The level of UK involvement in that process must be guided by a clear understanding of the *value* of the interests at stake. As Clausewitz noted, if “the expenditure of effort exceeds the value of the political object, the object must be renounced.”<sup>76</sup> Thus, in determining the end point for the UK, political leaders will need to understand how UK action is affecting conflict dynamics as well as the moment at which involvement is no longer in the UK’s interests. Identifying that moment will not be simple.

## Conclusion

With a public skeptical as to the value of overseas aid and military interventions, a deficit that continues to require more austerity, and an international environment that prevaricates on issues of sovereignty, questioning whether the UK has backed the wrong horse is apposite. Prevention is a noble aspiration, but is it realistic or even advisable?<sup>77</sup> These are tough issues. Yet if the UK adopts a purely reactive posture we must be prepared for the next Rwanda. We must accept that the Syrian civil war will continue to rage potentially resulting in the spread of violence and regional instability. Embracing conflict prevention strategies may be the United Kingdom’s best hope for protecting its national sovereignty while affecting positive change in the world. Thus, the case for prevention remains compelling. On occasion it has worked. In 1991 the Kurds were protected by swift intervention, in Macedonia conflict was contained, in Kenya electoral violence was averted. Lund captured the issue neatly, commenting that “prevention is not simply a high ideal but a prudent option that sometimes works.”<sup>78</sup>

Political leaders must understand the limits and difficulties that a preventative approach entails. They must understand prevention does not come cheap. The UK will need to maintain credible and capable military forces that continue to deter adversaries, be able to project power globally and display the will to do so, and take the lead in ensuring that international norms enable preventative activity. The UK must champion the “Right to Protect.” Political leaders must explain their positions

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<sup>75</sup> William Flavin, “The Dogs that do not bark: Prevention as the Path to Strategic Stability.” *Small Wars Journal*, August 2, 2013.

<sup>76</sup> Clausewitz, *On War*, 92.

<sup>77</sup> For a critical analysis of Conflict Prevention as an approach see, S. Stedman, “Alchemy for a New World Order,” 14-20.

<sup>78</sup> Lund, “Conflict Prevention,” 288.

and actions more coherently to skeptical publics. The impact of inactivity on the economy and wellbeing will require public debate. The utility of military force, not as a tool of last resort, but as an early option for defusing a developing crisis will require explanation. Prevention strategies must be realistic, guided by a clear articulation of national interests, and accommodate a long term perspective. If political leaders are not prepared for the long haul then the UK is likely to waste resources in the short term. Finally, prevention will require sustained investment in the people who will actually deliver the strategy on the ground.

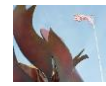
In 2002 Donald Rumsfeld, U.S. Secretary of Defense at that time, published a check list detailing what U.S. leaders must consider before they intervened abroad.<sup>79</sup> A similar list for the UK's political leaders embarking on a preventative approach might read as follows:

- Conflict prevention requires fully understanding each conflict in all its complexity.
- Doing nothing entails consequences.
- Prevention strategies without political will are wasted.
- Prevention is a process not an end state.
- Prevention is art, not science.
- Set realistic goals.
- Prepare for a long haul.
- Prevention is not risk free as it may carry unforeseen consequences.
- Prevention requires coordination of all instruments of national power.
- The military option may be the best first option. If so, this must be explained to the public.

This cautionary list is designed to help ensure that an approach to conflict prevention is pragmatic and has substance. The UK must move beyond mere policy to invest financially, politically, and morally in the concept. If conflict prevention is, indeed, consistent with UK national interests, and is a worthy investment leading to a more stable and secure world, then we must do considerably more than we are doing at present.

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<sup>79</sup> "In Rumsfeld's Words: Guidelines for Committing Forces," *New York Times, International*, Monday, October 14, 2002, A9. The newspaper cites excerpts from a memorandum by Donald Rumsfeld which was made public by DOD.



# On Theory: War and Warfare Reconsidered

Mark E. Blomme

*Theory examining the purpose and motivations of war weds itself to human nature and obtains a degree of immutability. Theory regarding the conduct of war, namely warfare, more easily conflicts with the changes brought by science and technology. Clausewitz provided a prophetic and lasting theory describing the tendencies and motivations that lead to war and limit its political aims, but his theory for the conduct of war has proven less enduring. His Napoleonic-era prescriptions maintained a powerful hold on the theory of warfare for nearly a century. Disruptive technologies, such as the gift of flight, eventually forced a reevaluation of theory and led to a rediscovery of sixth-century B.C. theory attributed to Sun Tzu. Modern theorists like Julian Corbett, John Boyd, John Warden, and Shimon Naveh extended Sun Tzu's concepts, perhaps unwittingly, such that Sun Tzu's theory continues to resonate within the twenty-first-century American theory of warfare. These theorists demonstrated that Sun Tzu remains relevant to the perpetually changing realm of warfare, while Clausewitz's theory on war remains quintessential to the analysis and understanding of the purpose and motivations of war.*

Keywords: *Boyd, Clausewitz, Corbett, Design, Naveh, Strategy, Sun Tzu, Systems, Warden*

One purpose of theory is to expose logical explanations of observed patterns to constructive discourse which allows theory to evolve over time.<sup>1</sup> To the extent that theorists examine the purpose and motivations of *war*, their theories are wed to human nature and obtain a corresponding degree of immutability. Theories that address *warfare*, i.e., the conduct of war, more easily conflict with realities associated with technological advances. The implication is that while theories on warfare are useful, they are not as enduring as theories on war, and, consequently, should evolve and be

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Mark E. Blomme (M.S.S. United States Army War College) is a Colonel in the United States Air Force. An earlier version of this article, written under the direction of Colonel Chad A. McGougan, earned the prestigious Colonel Jerry D. Cashion Memorial Writing Award for the USAWC class of 2014.

<sup>1</sup> Kenneth N. Waltz offers the following: "A theory, though related to the world about which explanations are wanted, always remains distinct from that world. 'Reality' will be congruent neither with a theory nor with a model that may represent it." See *Theory of International Politics* (Long Grove, IL: Waveland Press, 2010), 6.

questioned. In short, changes in warfare are the bane of military theorists who aim to provide principles guiding the practice of war. Theorists who focus on the generalities and motivations of war achieve far greater longevity. Of the latter, the nineteenth-century work of Carl von Clausewitz holds distinct prominence in American military teachings, yet the sixth-century B.C. theory of Sun Tzu is more prescient, especially with respect to incorporating lasting prescriptions for warfare.<sup>2</sup>

Clausewitz's gift to military studies was a theory on war that resulted from his exploration of the motivations influencing and limiting war's political aims. However, he occasionally ventured into the realm of prescriptive advice for the conduct of war, and the weight of his influence contributed to a century of relatively unquestioning abidance to Napoleonic-style warfare. Clausewitz's theory on warfare revolved around massed armies in rigid formations pursuing decisive battle. Adherence to that mentality increasingly led to bloody wars of attrition as technology wrought increasingly efficient mechanisms for killing. It took future gifts of science, most notably flight, to force a renaissance of theory, disrupt mechanistic Clausewitzian views, and restore Sun Tzu-like warfare wherein surprise, initiative, and flexibility are valued.

Julian Corbett was one of the first to break from Napoleonic-era principles of warfare. His maritime theory revealed that presumptions for land warfare were not universal to all domains. As airpower evolved, it also challenged the legacy of Clausewitz's prescriptions on warfare. Airmen like John Boyd and John Warden played a significant role in shifting emphasis from firepower and attrition to maneuver and deception. In doing so, they resurrected principles that harkened back to Sun Tzu. Boyd also emphasized the importance of a "mind-time-space schema" as an instrument to communicate a synthesized understanding of reality.<sup>3</sup> He viewed these schemas as a way to facilitate initiative of distributed forces while achieving synchronization of effort in the context of a cognitive orientation to the relative world. Those thoughts reverberate today in the design-type thinking stemming from the work of Shimon Naveh. Both Naveh and Boyd espouse the necessity for discourse, challenging of assumptions, and exposure of the logic that underpins strategy—three keys to unleashing initiative, disrupting enemy decision-making, and keeping an adversary off-balance. In aiming to defeat an enemy's strategy, modern theorists focus on the acme of Sun Tzu-like skill and place emphasis on maneuver, thinking, and asymmetric warfare rather than mass, brute force, and bloody pursuit of decisive battle. Indeed, theory on warfare is evolving, but it has returned to Sun Tzu roots. Meanwhile Clausewitz's theory on war remains as valid as it did nearly two centuries ago.

### Clausewitz – On War, not on Warfare

In the Western world, the study of military theory is nearly impossible without analysis of Clausewitz's work. His insights on war remain relevant for two simple reasons. First, Clausewitz's explicit purpose in writing *On War* was to develop an enduring theory.<sup>4</sup> Therefore, he generally avoided discussion of tactics that might have limited the longevity of his work.<sup>5</sup> Second, unlike

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<sup>2</sup> In the forward to a translation of Sun Tzu's *The Art of War*, B.H. Liddell Hart comments that "amongst all the military thinkers of the past, only Clausewitz is comparable, and even he is more 'dated' than Sun Tzu." Sun Tzu, *The Art of War*, trans. Samuel B. Griffith (New York: Oxford University Press, 1963), v.

<sup>3</sup> John Boyd, "Patterns of Conflict," *Air Power Australia*, <http://www.ausairpower.net/JRB/poc.pdf> (accessed February 24, 2014), 74. Boyd describes a "mind-time-space schema" as "a common outlook possessed by 'a body of officers' [that] represents a unifying theme that can be used to simultaneously encourage subordinate initiative yet realize superior intent."

<sup>4</sup> Carl von Clausewitz, *On War*, trans. and eds. Michael Howard and Peter Paret (Princeton, NJ: Princeton University Press, 1984), 63.

<sup>5</sup> *Ibid.*, 134. Clausewitz said an "irreconcilable conflict" exists between theory "to equip the conduct of war with principle" and the actual practice of war. *Ibid.*, 134.

theorists who merely accepted war as a natural part of human existence, Clausewitz explored the essence of war and factors that limit its aims.<sup>6</sup>

*On War* is a dialectic that drags a reader through a lengthy exploration of the essence of war. A close reading of the work generates a sense that one is being forced to accompany Clausewitz on a tedious cognitive journey in which he struggles with the logic of war in his own mind.<sup>7</sup> While this provides fascinating insight into the process of human reasoning, it may dissuade a reader's own critical thinking. To be fair, Clausewitz's death preceded completion of *On War*,<sup>8</sup> and historians note that Clausewitz's wife, and others, edited manuscripts prior to publication.<sup>9</sup> Hence, the source of *On War*'s inconsistencies remains unclear;<sup>10</sup> however, the distinct dialectical style of *On War* is a barrier to understanding of Clausewitz's own making.<sup>11</sup> Regardless, Clausewitz's thesis is most prophetic—war is the result of a “paradoxical trinity”<sup>12</sup> of tendencies composed of the “blind natural force”<sup>13</sup> of enmity, the rationale of political aims, and probabilistic calculus<sup>14</sup>—passion, reasoned policy, and probability.<sup>15</sup>

Unfortunately, various translations of *On War* result in differing conclusions regarding Clausewitz's intent. Howard and Paret's widely studied English translation of Clausewitz's trinity lends itself to the use of physical analogy: “Our task therefore is to develop a theory that maintains a balance between these three tendencies, like an object suspended between three magnets.”<sup>16</sup> David

<sup>6</sup> Whereas Clausewitz saw war as an instrument of policy, a fourth-century B.C. Indian philosopher known variously as Kautilya, Chanakya, or Vishnu Gupta, tended to see policy as an instrument of war. If Kautilya had lived in the nineteenth century, he might have argued with Prussian general, historian, and theorist Carl von Clausewitz's conclusion about the futility of contemplating “absolute war,” but from a perspective of not wanting to limit the methods of war – namely warfare. Nevertheless, given Kautilya's background in economics, he would likely have found solace in Clausewitz's analysis of the nature of war and his theory about human nature's proclivity to engage in probabilistic calculus when making decisions regarding the aims of war. See Glenn K. Cunningham, “Eastern Strategic Traditions: Un-American Ways of War,” in *U.S. Army War College Guide to National Security Issues*, 5th ed., Vol. 1. (Carlisle Barracks, PA: Strategic Studies Institute, 2012), 133-143; Kautilya, *Arthashastra*, trans. R. Shamasastri (Bangalore, India: Government Press, 1915).

<sup>7</sup> Clausewitz walks his readers through the *creation* and *destruction* of his own ideas. Without sufficient warning, this linguistic style can be confusing, but it is essentially the scientific method in prose – hypothesis, analysis, and synthesis. Emphasis was placed on the words creation and destruction as an allusion to later references to John Boyd's paper entitled “Destruction and Creation.”

<sup>8</sup> Clausewitz, *On War*, 65.

<sup>9</sup> Christopher Bassford, “Clausewitz and His Works,” March 18, 2013, <http://www.clausewitz.com/readings/Bassford/Cworks/Works.htm> (accessed March 12, 2014).

<sup>10</sup> Multiple sources discuss contradictions and inconsistencies in *On War*. Joseph Strange and Richard Iron address inconsistencies regarding Clausewitz's center of gravity analogy in Joseph Strange and Richard Iron, “Understanding Centers of Gravity and Critical Vulnerabilities,” <http://www.au.af.mil/au/awc/awcgate/usmc/cog2.pdf> (accessed March 13, 2014). See also Eugenio Diniz and Domicio Proença, “A Criterion for Settling Inconsistencies in Clausewitz's *on War*,” *Journal of Strategic Studies* (2012).

<sup>11</sup> Clausewitz's dialectical style is a slow, brooding approach that would just as likely infuriate someone today, as did the dialectical approach practiced by ancient Athenian philosophers such as Socrates and Plato – a style known as the Socratic Method.

<sup>12</sup> Clausewitz, *On War*, 89. Various scholars prefer translations such as “miraculous,” “remarkable,” “fascinating,” and “paradoxical.” Those favoring “miraculous” note Clausewitz used the same German phrase that describes Christianity's Holy Trinity, while those who favor “remarkable” or “fascinating,” over “paradoxical,” may fail to see as a lack of any paradox. However, the weighing of passion and reason seems indeed a paradox of choice between human motivations of the heart and mind, yet the most fascinating or remarkable idea is in contemplating a notion of stability for the Clausewitzian trinity. Hew Strachan and Andreas Herberg-Rothe, *Clausewitz in the Twenty-First Century* (Oxford: Oxford University Press, 2007), 44, 72-79; National War College, “Clausewitz I & II - Instructors Guide,” <http://www.clausewitz.com/readings/NWC/ClausewitzNotesAY2008.htm> (accessed February 25, 2014).

<sup>13</sup> Clausewitz, *On War*, 89.

<sup>14</sup> *Ibid.*

<sup>15</sup> Thucydides' *History of the Peloponnesian War* provides remarkable accounts of how fear, honor, and interest, are motivations both of, and in, war. Clausewitz more clearly extracts these motivations to compose a theory on the influences of war. The works of the two authors are complementary with respect to the study of war.

<sup>16</sup> Clausewitz, *On War*, 89.

Gillie disputes Howard and Paret's translation, offering a more literal interpretation: "The task for theory, then, is to float (wander/isolate) freely in suspension between these three tendencies as between three points of attraction."<sup>17</sup> Grammatically, the former makes the task the reader's responsibility (presumably guided by Clausewitz), while the latter places responsibility on theory itself.<sup>18</sup> The Howard and Paret translation also implies a concept of balance between the trinity of tendencies that ignores Clausewitz's warning about trying to fix an arbitrary relationship between the three.<sup>19</sup> According to Clausewitz, theory must consider all three, yet they are "variable in their relationship to one another,"<sup>20</sup> and any theory seeking "to fix an arbitrary relationship between them would conflict with reality."<sup>21</sup> Scholars preferring the Howard and Paret translation sometimes use the analogy of a pendulum suspended between three magnets to extend Clausewitz's thoughts in a manner consistent with the notion of war as deterministic chaos.<sup>22</sup> Meanwhile, scholars preferring more literal translations remain unburdened by inconsistencies and analogies that Clausewitz may not have even intended. Instead, they take a purist perspective, holding only that Clausewitz insisted that a theory of war must include consideration of each tendency. Raymond Aron and Janeen Klinger fall in the latter camp and consider war's various forms a reflection of the limitless arrangement and relative strength of the Clausewitzian trinity's elements.<sup>23</sup>

Regardless of the debate emanating from various translations, an enduring takeaway from *On War* is the subjugation of warfare to political objectives.<sup>24</sup> Equally important is Clausewitz's discussion of the inevitable "fog" and "friction" of war, where fog is the result of inevitable uncertainty,<sup>25</sup> and friction is the outcome of natural stresses that render otherwise easy tasks difficult.<sup>26</sup> As is typical in *On War*, Clausewitz's discussion of fog and friction tends to be descriptive, while other theorists emphasize the value of accentuating these inevitable features. The inclination to be descriptive is appropriate for a book titled *On War*, versus one titled *On Warfare*, but occasionally Clausewitz ventures toward prescriptive advice.<sup>27</sup> Most significantly, he espouses that a commander-in-chief must function simultaneously as both a statesman and general.<sup>28</sup> In functioning as a statesman, a commander-in-chief must keep political objectives in mind, when functioning as a

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<sup>17</sup> David R. Gillie, "Interpreting Clausewitz's Miraculous Trinity - Thesis, Antithesis, Synthesis: A Study of the Essential Intellectual Content and Didactic Purpose of the Trinitarian Model," *National War College*, December 9, 2009, <http://www.clausewitz.com/readings/Gillie-ThesisAntithesisSynthesis.htm> (accessed February 25, 2014).

<sup>18</sup> *Ibid.*

<sup>19</sup> *Ibid.* Clausewitz's warning about trying to fix an arbitrary relationship between the elements of the trinity is contained in the sentence immediately preceding his comments that have generated debate.

<sup>20</sup> Clausewitz, *On War*, 89.

<sup>21</sup> *Ibid.*

<sup>22</sup> Bassford, "Clausewitz and His Works." In this analogy, the apparent complexity is dependent on the magnitude of the disturbance, as well as the strength and position of the magnets in relation to the pendulum. For additional information, see Christopher Bassford, "Teaching the Clausewitzian Trinity," 2007, <http://www.clausewitz.com/readings/Bassford/Trinity/TrinityTeachingNote.htm> (accessed December 22, 2013).

<sup>23</sup> Janeen Klinger, "The Social Science of Carl von Clausewitz," *Parameters*, <http://oai.dtic.mil/oai/oai?&verb=getRecord&metadataPrefix=html&identifier=ADA486428> (accessed February 23, 2014).

<sup>24</sup> Clausewitz, *On War*, 88.

<sup>25</sup> *Ibid.*, 101.

<sup>26</sup> *Ibid.*, 121.

<sup>27</sup> The idea of Clausewitz writing a descriptive, instead of prescriptive, theory is found in many sources. Whether that is a positive or negative does not seem to be debated. Hew Strachan tends to comment on this nature as a positive feature, and it is probably what has helped with the longevity of Clausewitz's theory on war. Strachan and Herberg-Rothe, *Clausewitz in the Twenty-First Century*, 80.

<sup>28</sup> Clausewitz, *On War*, 112. Eliot Cohen's book, *Supreme Command*, provides an interesting examination of civil-military relations required when the statesman and general are not the same person. Eliot A. Cohen, *Supreme Command: Soldiers, Statesmen and Leadership in Wartime* (New York: The Free Press, 2003).

general, the commander-in-chief must remain realistic about possibilities achievable given the available resources.<sup>29</sup>

In terms of modern strategy, political objectives drive the “ends” that actions are intended to achieve, whereas available resources are the “means” which the general must consider when conceiving “ways” to achieve the ends. This Ends-Ways-Means construct is a typical framework for discussing strategy, and Clausewitz’s insight regarding the duality required of a commander-in-chief provides a useful perspective for settling a classic philosophical debate about the best approach for developing strategy. Many planners take an ends-centric perspective to developing strategy, arguing that the purpose is to identify the ways and means necessary to achieve desired ends. Alternatively, others hold a means-centric perspective and believe resources necessarily limit the ends which action can seek. Clausewitz clearly espouses the importance of a duality in perspective that is required at high command. Thus, debating the primacy of an ends-centric versus a means-centric perspective is pointless because the underlying question is but a logical fallacy—a false dichotomy. While some may feel compelled to continue the debate, Clausewitz would likely suggest the debate is as pointless as arguing about whether war is more art or science.<sup>30</sup>

Unlike Clausewitz’s theory on war, the limits of nineteenth-century knowledge abridged the longevity of his theory on warfare. Criticizing Clausewitz for failing to account for the uniqueness of operations in air, space, and cyberspace, therefore, may be unfair. It is fair, however, to criticize his failure to address the uniqueness of the maritime domain. In fact, considering a perspective beyond the land domain may have helped Clausewitz take a strategic view on warfare, not just war, and could have helped future militaries avoid undue fixation on decisive battle, seizure of territory, and an imperfect center of gravity analogy.<sup>31</sup> The analogy has utility,<sup>32</sup> but it loses relevancy in the highly fluid, decentralized, and distributed operations typical of contemporary American warfare.<sup>33</sup>

As with any model or analogy, the center of gravity construct is an incomplete representation of reality.<sup>34</sup> Too literal an interpretation extends the physical analogy beyond usefulness if it insists on the impossibility of more than a single source of strength<sup>35</sup> or place to focus effort.<sup>36</sup> After Operation

<sup>29</sup> Clausewitz, *On War*, 112.

<sup>30</sup> *Ibid.*, 149. Clausewitz states “war does not belong in the realm of arts and sciences; rather it is part of mans’ social existence.”

<sup>31</sup> Rudolph Janiczek offers a perspective on the confusion and disagreement over interpretations of the center of gravity analogy. Rudolph M. Janiczek, “A Concept at the Crossroads: Rethinking the Center of Gravity,” *Strategic Studies Institute*, <http://www.clausewitz.com/bibl/Janiczek-ConceptAtTheCrossroads.pdf> (accessed March 13, 2014).

<sup>32</sup> The utility of the center of gravity analogy is that it provides a warning about maintaining a degree of coordination to ensure unity of effort / purpose.

<sup>33</sup> Antulio Echevarria seems to concur with this view regarding the applicability of the center of gravity analogy in distributed warfare, as indicated in an article he published a decade prior. Antulio J. Echevarria II, “Clausewitz’s Center of Gravity: It’s Not What We Thought,” *Naval War College Review* 61, no. 1 (Winter 2003): 115.

<sup>34</sup> Interpreted too literally, the center of gravity analogy implies a degree of mechanistic determinism that is inconsistent with a world dominated by humanistic indeterminism. Mechanistic Determinism – Events are completely determined and caused by previous events. Mechanistic Indeterminism – Events are not completely determined or caused by previous events and regardless of the amount of information obtained, it is still not possible to predict or explain any causality. Humanistic Indeterminism should imply a degree of indeterminism even greater than Wesley Salmon implies with the term “mechanistic determinism.” Wesley C. Salmon, *Causality and Explanation* (Oxford: Oxford University Press, 1998), 37.

<sup>35</sup> Bassford, “Clausewitz and His Works.” Bassford tends to reference the center of gravity as the source of an enemy’s strength.

<sup>36</sup> Echevarria II, 117. Echevarria prefers to think of the center of gravity as the point at which efforts should be focused to defeat an enemy. He believes Clausewitz intended more of an “effects-based” approach, instead of a capabilities-based approach, in thinking about centers of gravity. An effects-based approach makes Echevarria consistent with maneuver and parallel warfare discussed later in this article; however, Echevarria seems concerned that John Warden’s parallel warfare can result in “so many COGs as to reduce the concept to an absurdity.” In essence, that may be the problem with the center



Desert Storm, for example, Lieutenant Colonel Purvis expressed frustration that “the CENTCOM staff became more focused on what [the center of gravity] was as opposed to what do we do with it.”<sup>37</sup> Remarkably, Antulio Echevarria notes that while some strategists and planners argue there can be only one enemy center of gravity, they simultaneously claim it can change or vary depending on a somewhat arbitrary notion of levels in war—strategic, operational, or tactical.<sup>38</sup> Clausewitz’s inconsistent use of the center of gravity analogy is likely the source of much of the confusion, but concurrently hints at the imperfections of the analogy itself. Thus, the analogy can facilitate spirited academic debate, but an insistence on reducing the complexity of war to a “single” center of gravity tends to stifle options and encourage head-on, brute-force, clashes in search of decisive battle.

If Clausewitz’s center of gravity analogy had existed when France began its foray into Russia in 1812, Napoleon might have described Russia’s army as the center of gravity—basing strategy on the belief that he could force the Russian Army into decisive battle.<sup>39</sup> When decisive battle eluded him, Napoleon might have claimed Moscow was the center of gravity and thus justified his occupation of the Russian capital. Given the benefit of hindsight, military historians can now argue that Russia’s center of gravity was the resolve of its people. A Russian force that was able to lose in battle, yet win the war, confounded Napoleon.<sup>40</sup> Russians were willing to endure sacrifice while luring the French deep into the Russian heartland, even burning Moscow to keep the French from exploiting its refuge.<sup>41</sup> In the end, the only thing decisive about Napoleon’s campaign into Russia was that it helped lead to the demise of the French Empire.<sup>42</sup>

Fixation on a single center of gravity can lead to fixation on decisive battle, and there are clues that doctrine is taking new generations down the primrose path of Clausewitz’s dated prescription on warfare. Whereas U.S. Army doctrine previously defined *Full Spectrum Operations* as “simultaneous offensive, defensive, and stability or civil support operations,”<sup>43</sup> the latest version replaces *Full Spectrum Operations* with the term *Decisive Action*:<sup>44</sup> “continuous, simultaneous combinations of offensive, defensive, and stability or defense support of civil authorities tasks.”<sup>45</sup> Hence, either U.S. Army doctrine now portends that any continuous synchronized action will be decisive, or more confusingly, that *Decisive Action* may not always be decisive. Furthermore, the

of gravity analogy, and in expressing concern Echevarria appears to fall into the ground-centric tendency of desiring only a few key (ideally one) centers of gravity to accommodate the massing of forces. *Ibid.*, 108-109.

<sup>37</sup> Collin A. Agee, *Peeling the Onion: The Iraqi Center of Gravity in Desert Storm*, SAMS Monograph (Fort Leavenworth, KS: US Army Command and General Staff College, July 4, 1992), 26-27.

<sup>38</sup> Echevarria II, 116-117.

<sup>39</sup> Richard K. Riehn, *1812: Napoleon's Russian Campaign* (New York: McGraw-Hill, 1990), 226.

<sup>40</sup> Harry Summer recounts a similar situation with the American experience in Vietnam. Although the literal validity of the facts may be in question, the following conversation is still prescient: “You know you never defeated us on the battlefield,” said the American colonel. The North Vietnamese colonel pondered this remark a moment. “That may be so,” he replied, “but it is also irrelevant.” Harry G. Summers, *On Strategy: A Critical Analysis of the Vietnam War* (Novato, CA: Presidio Press, 1982), 1.

<sup>41</sup> Riehn, *1812: Napoleon's Russian Campaign*, 285.

<sup>42</sup> Adam Zamoyski, *Moscow 1812: Napoleon's Fatal March* (New York: HarperCollins, 2004), 544. Napoleon’s failed analysis of Russian determination played a significant role in the failure of his Russian campaign, the disintegration of his army, an inability to confront a crippling guerilla war in the Montaña of Spain, and the eventual collapse of the French Empire. The consequences of Napoleon’s insistence on trying to obtain a decisive battle against the Russian Army should be a warning to those who insist on trying to identify a single center of gravity and to those who think they can predict what will be decisive in a complex, adaptive, human-based system.

<sup>43</sup> U.S. Department of the Army, *Operations*, FM 3-0 (Washington DC: U.S. Department of the Army, 2008), viii.

<sup>44</sup> U.S. Department of the Army, *Unified Land Operations*, ADRP 3-0 (Washington DC: U.S. Department of the Army, 2012), v.

<sup>45</sup> *Ibid.*, 2-2.

doctrine claims that “effective decisive action relies on lethality,”<sup>46</sup> apparently discounting lessons of the past decade and ignoring the potential decisiveness of cyber, electronic, or *Unrestricted Warfare*<sup>47</sup>—a concept emanating from Chinese military theorists.

The point is not to argue that Clausewitz’s thoughts on warfare should be completely discarded—they should not—but rather to argue that they require increased skepticism in light of modern technology and the inseparable, overlapping, interdependent, and even intangible domains of modern warfare. The true power of his work is the descriptive theory he offers for analyzing war. If military leaders naively use Clausewitz as a guide to warfare they may unnecessarily constrain opportunity by insisting on massing forces in pursuit of a decisive battle, against an assumed single center of gravity. Clausewitz wrote *On War*, not *On Warfare*.

### Sun Tzu – On War, and on Warfare

Amazingly, Chinese general Sun Tzu professed a set of enlightening and pithy aphorisms on war and warfare two thousand years before Clausewitz.<sup>48</sup> Sun Tzu’s *The Art of War* is far more concise than Clausewitz’s *On War*, yet the insights it provides in short, easy to remember verse, are extraordinary.<sup>49</sup> His elegant, yet vague, pearls of wisdom tend to linger in the mind, and contribute to inquisitive reflection that a student of Clausewitz may be discouraged from practicing. While Clausewitz’s literary style clearly suggests that he valued his own critical thinking. Sun Tzu’s succinct adages more effectively encourage his students to practice critical thinking of their own.

Sun Tzu offers a broad and intellectually engaging perspective on strategy. Whereas Clausewitz’s strategy is about military campaigning,<sup>50</sup> Sun Tzu’s approach more closely reflects what is today understood as grand strategy. Sun Tzu and Clausewitz each recognized the connection between war and policy, but Clausewitz’s experience as a European continental soldier, the period’s indelible Napoleonic influence, and the relatively constrained geography of Western Europe prejudiced his perspective.<sup>51</sup> Clausewitz saw battle between armies as the primary tool of war. Sun Tzu viewed attacking armies as preferable only to attacking cities.<sup>52</sup>

<sup>46</sup> Ibid., 2-13. Historian Hans Delbruck famously postulated the existence of two fundamental strategies for war – annihilation and attrition strategies. After more than a decade of operations in Iraq and Afghanistan, it is difficult to comprehend the U.S. Army’s apparent preoccupation with annihilation strategy thinking (Decisive Action). A few examples of militaries going to war with a false expectation of a short decisive campaign include: Napoleon’s campaigns in Spain, Calabria, and Russia; Germany’s Operation Barbarossa against the Soviet Union, America’s Vietnam War, Operation Enduring Freedom, and Operation Iraqi Freedom.

<sup>47</sup> Liang Qiao and Xiangsui Wang, *Unrestricted Warfare: China’s Master Plan to Destroy America*, trans. CIA Foreign Broadcast Information Service (Panama City, Panama: Pan American Publishing, 2000). *Unrestricted Warfare*, a book written by two Chinese Colonels and translated by the CIA’s Foreign Broadcast Information Service (FBIS), espouses a theory termed “beyond-limits combined war.” The central theme is that non-military means are the best way to attack the United States and suggests targeting information hubs within multiple echelons of the American system. The authors do not suggest that there are “no limits” in warfare. Instead, they advocate going “beyond” normal boundaries to conduct a systemic attack on multiple components of an enemy’s system.

<sup>48</sup> There is some debate about whether Sun Tzu ever existed, or whether the works attributed to him are the result of a collaboration of thoughts in the Warring States period of Chinese history (453 – 421 B.C.). Reference the introduction by translator Samuel Griffith in Sun Tzu, *The Art of War*, 1.

<sup>49</sup> Short, easy to remember verse was probably more important for communicating ideas in sixth-century B.C. Asia than it was in nineteenth-century Europe.

<sup>50</sup> Clausewitz, *On War*, 128.

<sup>51</sup> One is tempted to wonder whether the great expanse of ancient China contributed to theories that more closely resemble maritime theory than the emphasis on decisive battle found in the writings of Clausewitz and Antoine-Henri Jomini.

<sup>52</sup> Sun Tzu, *The Art of War*, 78.

While there is no clear evidence that Clausewitz was aware of the Chinese master's work,<sup>53</sup> it is doubtful Clausewitz would have found it at fault. Nor should one expect that Sun Tzu would have differed with Clausewitz's conclusions about the forces that lead to and sustain war. Sun Tzu, however, probably would have criticized Clausewitz's *On War* for its failure to provide practical insight with respect to guiding warfare. Both theorists saw war as a natural extension of state policy, inherently driven by estimates of the probability of success, and requiring populous support. However, their approach to warfare varies substantially, in the same way that classical Western philosophy differs from Eastern philosophy with regard to a general approach to life.

Whereas a low-lying Western city might build massive levies and pumping systems to prevent flooding, an Eastern approach would be more likely to accept the natural way of things. Instead of trying to keep the water out of its cities, for example, an Eastern approach might result in cities built on stilts.<sup>54</sup> Similarly, Clausewitzian warfare presumes that with sufficient effort and proper leadership, one can defeat any opponent through brute force and will. The Clausewitzian approach focuses on symmetric, army-versus-army warfare, with maneuver to concentrate forces at the decided place and time to achieve victory through mass and firepower in decisive battle.<sup>55</sup> Sun Tzu's preferred style of warfare advocates an asymmetric, harassing approach, designed to inflict maximum damage at minimum cost—a concept Clausewitz implies is purely fallacious.<sup>56</sup> Students of Sun Tzu disdain impatient cries for battle, convinced that victory achieved through the defeat of an enemy's calculus or strategy is preferable to battle. Clausewitz cautions that most intelligence reports are contradictory, false, or unclear.<sup>57</sup> Sun Tzu, however, takes a strategic view, seeking intelligence to understand the enemy while recognizing that deception can amplify the natural fog of war.<sup>58</sup>

Unwavering confidence in superior "military genius" and the ability to hold forces in reserve are typical Western approaches for coping with the fog and friction of war.<sup>59</sup> Instead of merely trying to

<sup>53</sup> As Clausewitz's opens *On War*, he provides a comment on the maximum use of force, which may be a faint allusion to an axiom of Sun Tzu, but it would be a stretch to deduce that this implies Clausewitz was aware of Sun Tzu's writing based on this one comment. Clausewitz states, "Kind-hearted people might of course think there was some ingenious way to disarm or defeat an enemy without too much bloodshed, and might imagine this is the true goal of the art of war. Pleasant as it sounds, it is a fallacy that must be exposed: war is such a dangerous business that the mistakes which come from kindness are the very worst." Clausewitz, *On War*, 75. Sun Tzu argues, "To subdue the enemy without fighting is the acme of skill. Thus, what is of supreme importance in war is to attack the enemy's strategy; next best is to disrupt his alliances; the next best is to attack his army. The worst policy is to attack cities. Attack cities only when there is no alternative." Sun Tzu, *The Art of War*, 77-78.

<sup>54</sup> Conclusion based on reading François Jullien, *A Treatise on Efficacy: Between Western and Chinese Thinking*, trans. Janet Lloyd (Honolulu: University of Hawaii Press, 2004). Many people in both Eastern and Western cities remain in low-lying areas and vulnerable to flooding, but this seems to be more a function of geography and resources than what their philosophical approach might be for dealing with flooding.

<sup>55</sup> Defensively, the Clausewitzian approach might seek to blunt, block, or absorb an enemy's attack, while a student of Sun Tzu would be more likely to pursue avenues for deflecting or dodging an opponent's offensive efforts in order to preserve strength for a more advantageous opportunity.

<sup>56</sup> Clausewitz, *On War*, 75.

<sup>57</sup> *Ibid.*, 117.

<sup>58</sup> Sun Tzu, *The Art of War*, 9.

<sup>59</sup> Clausewitz, *On War*, 100-101, 119. Careful reflection allows a military officer to develop the qualities of Clausewitz's "military genius" or Gary Klein's "experts" which he describes in *Sources of Power*. Experience allows these elites to skillfully recognize familiar aspects of complex situations and quickly develop "high-quality" courses of action. "Experts can perceive things that are invisible to novices." Klein's research found that the first course of action reasonably considered by an expert is usually as good, or nearly as good, as the ones they choose when time is not a factor. Klein calls this skillful application of experience Recognition-Primed Decision-making (RPD). Gary A. Klein, *Sources of Power: How People Make Decisions* (Cambridge: MIT Press, 1999), 16, 175. Similarly, Clausewitz notes that the military genius should "in all doubtful cases stick to one's first opinion and refuse to change unless forced to do so by a clear conviction." Clausewitz, *On War*, 108. Martin Van Creveld simply refers to these decisions as emanating from intuitive judgment, but it is clear that they each recognize the value of experience, training, and practice. Martin L. Van Creveld, *Command in War* (Cambridge: Harvard University Press, 1985),

compensate for fog and friction, Sun Tzu seeks to accentuate these natural phenomena through deception, cunning, speed, and stealth.<sup>60</sup> Sun Tzu would also encourage the use of misdirection to bolster one's image in the mind of the enemy, align one's strengths against the enemy's weakness, acknowledge natural propensities, and await the opportunity for advantage.<sup>61</sup> The Eastern approach favors patience and its practitioners find it acceptable, even preferable, to let an enemy exhaust itself,<sup>62</sup> whereas the Western approach seems based upon a culturally developed psychological need to link their own actions to victory. The differences hint at respective cultural inclinations toward passive or active aggression.<sup>63</sup>

### East Meets West – Twentieth-Century's Disruptions to Warfare

History is replete with evidence of the West's penchant for Clausewitzian-style warfare. However, the twentieth century's introduction of Sun Tzu's treatise into Western military studies, has helped frame the experience of the century's wars and influenced military theorists. The speed of communication, impact of radar, flexibility of airpower, awe of the atom, high-ground of space, power of computers, and resilience of networks have dramatically changed warfare. While Clausewitz's trinity continues to serve as a powerful explanation for war, technology has enabled Western warfare to retain its impatient roots while simultaneously increasing congruency with Sun Tzu's approach to warfare.

Today, Western warfare has shifted its focus from the psychological effect created by armies massing for decisive battle toward the psychological effect posed by the unknown, the unseen, and the unheard. In the early twentieth century, Julian Corbett enunciated the nuance of maritime theory. Later in the twentieth century, theorists like John Boyd and Shimon Naveh tackled cognitive processes to cope with emergent qualities of complex adaptive systems,<sup>64</sup> while John Warden gave theory physical form.<sup>65</sup>

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267. The author drew the preceding information in this footnote from thoughts expressed in a previous paper. Reference: Mark E. Blomme, *Decentralizing Centralized Control: Reorienting a Fundamental Tenet for Resilient Air Operations*. SAMS Monograph (Fort Leavenworth, KS: US Army Command and General Staff College, 20 March 2008), 33.

<sup>60</sup> Sun Tzu, *The Art of War*, 9, 98.

<sup>61</sup> *Ibid.*, 83.

<sup>62</sup> *Ibid.*, 85. Sun Tzu said "Invincibility depends on one's self; the enemy's vulnerability on him."

<sup>63</sup> The Association of Southeast Asian Nations (ASEAN) has been successful in forming an ASEAN identity that trumps many elements of nationalism and coalesces around a unified, multilateral, and consensus based passive-aggressive balance of power mechanism to thwart aggressive assertiveness. The so-called "ASEAN Way" has generally proven effective at preventing armed interstate conflict in Southeast Asia and has indirectly enlisted the power of U.S. military deterrence against a rising China while also allowing the U.S. to avoid taking sides with any particular ASEAN member. For more information regarding the "ASEAN Way," see Gillian Goh, "The 'ASEAN Way': Non-Intervention and ASEAN's Role in Conflict Management," *Stanford Journal of East Asian Affairs* 3, no. 1 (Spring 2003).

<sup>64</sup> John Boyd and Shimon Naveh are two modern military theorists who seem to address the need for improved cognitive frameworks of warfare to provide "Decision Advantage" in what many people see as an increasingly complex environment. John Boyd's theory is best known in military and business circuits by his famous OODA Loop (Observe, Orient, Decide, Act). Shimon Naveh's theory of Systemic Operational Design was the genesis of the U.S. Army's exploration of concepts that have led to "Design." Naveh's theory shows strong signs of being influenced by Systems Theory and his conceptual processes are very similar to Boyd's OODA loop, even if more specific in purpose. Like Boyd, Naveh has been a controversial figure because of his intellectually demeaning character. He published a book in 1997 that provides some insights into his views on Operational Theory. For more information, see John Boyd, "Destruction and Creation," [http://www.goalsys.com/books/documents/DESTRUCTION\\_AND\\_CREATION.pdf](http://www.goalsys.com/books/documents/DESTRUCTION_AND_CREATION.pdf) (accessed December 19, 2013); Shimon Naveh, *In Pursuit of Military Excellence: The Evolution of Operational Theory*, The Cummings Center Series (London: Frank Cass, 1997).

<sup>65</sup> David S. Fadok, *John Boyd and John Warden: Air Power's Quest for Strategic Paralysis*, SAASS Thesis (Maxwell Air Force Base, AL: Air University, 1995), 3. Fadok's thesis on John Boyd and John Warden is the source of the idea that Warden gave "form" to Boyd's "process" focused theory.

### Julian Corbett – Relative Control of Vast Commons

Corbett's maritime theory espoused a concept of relative or temporary "command of the sea" and illuminated the infeasibility of continuously controlling the maritime environment.<sup>66</sup> His theory embraced the seas' ability to facilitate the avoidance of unfavorable battle, while discouraging massed navies.<sup>67</sup> In many ways, his theory is contrary to traditional Clausewitzian warfare, and specifically contrary to Antoine-Henri Jomini's belief regarding superiority of internal lines of operation.<sup>68</sup> While internal lines of operation provide advantage from a traditional land-centric perspective, Corbett saw distinct advantage offered by exterior lines of operation in the maritime domain. He may have recognized a conceptual similarity between the vast maritime environment and the secluded accommodation offered by mountains, forests, and jungles, for his maritime theory is similar to guerilla warfare.<sup>69</sup>

The global commons of air, sea, space, and cyberspace each possess a quality of vastness that limits control in the sense that one controls terrain, and at least one student of theory proffers Corbett's work as a basis for space-power theory.<sup>70</sup> While topography defines the maritime domain's convergence with land, convergence with land is less constraining for air, space, or cyber theory. Of the three, airpower theory is most mature; it espouses the exploitation of speed, maneuverability, misdirection, and stealth to bypass territorial defenses and strike strategic vulnerabilities directly.<sup>71</sup> Moreover, space and cyber theorists are likely to think in similar terms.<sup>72</sup> As Robert Kaplan eloquently argues, geography and topography remain important, but air, space, and cyber capabilities have diminished their importance.<sup>73</sup>

### Early Airpower Theory – Struggles with Disruptive Opportunity

Although first used as a reconnaissance platform, theorists soon realized that airplanes could help direct land and maritime forces, provide protection from enemy aircraft, and attack enemy

<sup>66</sup> Julian Stafford Corbett, *Some Principles of Maritime Strategy* (Annapolis, MD: Naval Institute Press, 1988), 103-105.

<sup>67</sup> *Ibid.*, 129-134.

<sup>68</sup> Interior and Exterior lines of operation are concepts most often associated with Antoine-Henri Jomini. While Jomini contended that interior lines were stronger than exterior lines, there seems to be a strong case that his contention only applies to traditional land warfare. For more on Jomini's theory, see Antoine-Henri Jomini and Horace E. Cocroft, *The Art of War*, trans. G. H. Mendell and W. P. Craighill (Rockville, MD: Arc Manor, 2007).

<sup>69</sup> Che Guevara, *Guerrilla Warfare*, ed. Marc Becker (Lincoln: University of Nebraska Press, 1998), 25.; John Lawrence Tone, *The Fatal Knot: The Guerrilla War in Navarre and the Defeat of Napoleon in Spain* (Chapel Hill: University of North Carolina Press, 1994).

<sup>70</sup> John J. Klein, "Corbett in Orbit: A Maritime Model for Strategic Space Theory," *Naval War College*, <http://www.dtic.mil/cgi-bin/GetTRDoc?Location=U2&doc=GetTRDoc.pdf&AD=ADA421953> (accessed October 21, 2013). The physics of orbital mechanics do not facilitate the ease of maneuverability accommodated by forces of buoyancy in the maritime domain. In the maritime domain, the low compressibility of water aids in countering Earth's gravitational influence, while orbital mechanics depends on sustained momentum to perpetuate a balance between falling back to Earth and being propelled into space. The energy required to change orbits in space is enormous, especially considering the lack of available resources to sustain propulsion in space.

<sup>71</sup> Airpower theory aligns better with Sun Tzu's theory of warfare than with the Clausewitzian approach and that alignment has increased over time.

<sup>72</sup> Space theory is limited in practice by international prohibitions on the weaponization of space; however, demonstrated Chinese anti-satellite capability hints that space theory needs to be thinking about the implications of future weaponization. As the newest domain, Cyber theory is still in its infancy. It is very likely that space and cyber theory will develop outside of public view.

<sup>73</sup> Robert D. Kaplan, *The Revenge of Geography: What the Map Tells Us About Coming Conflicts and the Battle against Fate* (New York: Random House, 2012).

forces directly.<sup>74</sup> More significantly, theory began espousing that aircraft could function in more than just a support role, as the third dimension highlighted a potential to break from Napoleonic-style warfare and bypass fielded forces to strike directly at the heart of an enemy. By the early 1920's, Italian airpower theorist Giulio Douhet was espousing a belief that only a single type of aircraft "should make up the operating mass of an Independent Air Force,"<sup>75</sup> and he called it a "battleplane."<sup>76</sup> Similarly, the U.S. Army's Air Corps Tactics School (ACTS) envisioned something akin to flying battleships conducting unescorted bombing missions.<sup>77</sup> There was a general belief that "the bomber will always get through,"<sup>78</sup> and a presumption about bombing accuracy that failed to recognize atmospheric complexities.<sup>79</sup> Moreover, notions of rigid massed formations, decisive battle, and an enemy's center of gravity held early airpower theory hostage, stifling innovative application of a significant disruptive technology.<sup>80</sup>

As Clayton Christensen notes, disruptive technologies do not tend to flourish in well-established businesses because disruption requires organizations to discard long-held concepts and measures of value—something that is harder to do than most people realize.<sup>81</sup> Similarly, Andrew Hill argues that this dilemma also exists in the military. Hill notes that in "the United States military . . . innovation is not a scientific or technical problem; it is an organizational challenge."<sup>82</sup> The bureaucracy of large organizations can result in an inertia that is difficult to overcome and frequently prevents an innovation's potential from being recognized. Unplanned circumstances, however, may enable disruptive technologies to find a niche and eventually dislocate previously dominant technologies, methods, processes, and concepts.<sup>83</sup> Hence, there is ironic familiarity in noting that post-World War I restrictions on Germany's military programs drove them to develop theory that would reveal the

<sup>74</sup> Charles Griffith, *The Quest: Haywood Hansell and American Strategic Bombing in World War II* (Maxwell Air Force Base, AL: Air University Press, 1999), 6.

<sup>75</sup> Giulio Douhet, *The Command of the Air*, ed. Joseph Patrick Harahan and Richard H. Kohn, trans. Dino Ferrari (Tuscaloosa: University of Alabama Press, 2009), 119. Giulio Douhet was one of the first airpower theorists, and his book, *The Command of the Air*, may have derived its title from Julian Corbett's concept of "command of the sea."

<sup>76</sup> *Ibid.*, 117-119. Douhet conceded to two variants only if an amphibian version proved impractical because he foresaw the need to project airpower from both land and sea. Although the battleplane was not the only type of aircraft Douhet envisioned, he seemed to distinguish it from other aircraft, which he apparently viewed as "non-operational." These "non-operational" types of aircraft included reconnaissance aircraft and armed air cruisers.

<sup>77</sup> Griffith, *The Quest*, 77. Griffith's book also highlights that engineers advised members of the ACTS that it was impossible to design a fighter with the range to escort long-range bombers. However, aeronautical science and innovation eventually allowed the design of the P-51 Mustang with drop-tanks that could escort bombers into Germany.

<sup>78</sup> Keith Middlemas and John Barnes, *Baldwin; a Biography* (New York: Macmillan, 1970), 735. British Prime Minister Stanley Baldwin is the source of the well-known phrase: "the bomber will always get through." The statement was part of an address to the British Parliament in 1932 entitled "A Fear for the Future."

<sup>79</sup> Griffith, *The Quest*, 77, 163-164. Griffith noted that "the winds often reached 200 knots over the targets, causing the bombers to drift 45 degrees, but the bomb sights could correct for only 35 degrees. To further complicate matters, winds at lower altitudes often changed in direction and velocity, forcing the bombardier to make any number of corrections."

<sup>80</sup> Early theory attempted to fit airpower into existing doctrinal concepts instead of recognizing that disruptive technologies generally fail to meet their potential while captive to pre-existing value models.

<sup>81</sup> Clayton M. Christensen, *The Innovator's Dilemma: The Revolutionary Book That Will Change the Way You Do Business* (New York: Collins Business Essentials, 2005), 259.

<sup>82</sup> Andrew A. Hill, "The Shock of the New: Innovation in Military Organizations," (Carlisle Barracks, PA: U.S. Army War College, 2013), 3.

<sup>83</sup> The Defense Advanced Research Projects Agency (DARPA) is well known for developing technologies that commercial research may otherwise have considered too risky to pursue. DARPA is willing to take high risks because they recognize the exceptional strategic payoff that these investments can create for the nation's national security. In addition, the "Motley Fool Rule Breakers" newsletter is an investment tool that attempts to identify companies with tremendous growth potential due to disruptive technologies.

disruptive nature of airpower.<sup>84</sup> Meanwhile, the Allies continued to think in terms of a battleplane, even as the era of the battleship was beginning to wane.

The battleship proved to be no match against the flexibility, speed, and maneuverability demonstrated by non-rigid swarms of lightly armored fighter-bombers. The 1941 Japanese attack on Pearl Harbor made this point painfully clear and vindicated the oft-accosted predictions of previously court-martialed airpower theorist Billy Mitchell.<sup>85</sup> Centralized command utilizing decentralized control of airpower, through mission-type orders, enabled distributed operations to achieve strategic effects and presaged John Boyd's future conclusion that unshackling initiative enables rapid decision-making and maneuverability that can paralyze an enemy.

### John Boyd – Maneuver Warfare

Described by military biographer Robert Coram as the greatest military theorist since Sun Tzu,<sup>86</sup> John Boyd's brash, foul-mouth personality gave him a well-deserved reputation as a maverick.<sup>87</sup> That reputation and a penchant for slide presentations are probably why most students of warfare do not study his contribution to theory in much detail.<sup>88</sup> Interestingly, discussions about Strategic Landpower, the Human Domain, and adding "Influence"<sup>89</sup> as a possible seventh U.S. Army warfighting function seem to arrive at the same conclusion as Boyd's successors:<sup>90</sup> tactical action means little if it does not have a strategic effect on human behavior.<sup>91</sup> This concept is not new. The fact that it continues to arise as if it were a novel discovery suggests that the concept is easily overshadowed by fixation on battle per se rather than on the purpose of battle.

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<sup>84</sup> The submarine is another classic disruptive technology that was developed out of necessity by the Germans between World War I and World War II.

<sup>85</sup> James J. Cooke, *Billy Mitchell* (Boulder, CO: Lynne Rienner, 2002), 278.

<sup>86</sup> Robert Coram, *Boyd: The Fighter Pilot Who Changed the Art of War* (Boston: Little, Brown and Company, 2002), 445.

<sup>87</sup> Franklin C. Spinney, "Genghis John: An Architect of Victory in Desert Storm Is Remembered," *Proceedings - United States Naval Institute* 123, no. 7 (1997): 42-47. Within the U.S. Air Force, Boyd had earned nicknames such as Genghis John, The Mad Major, and The Ghetto Colonel.

<sup>88</sup> Coram, *Boyd*, 445. Familiarity with Boyd's work was not helped by the fact that he was an Airman discarding Clausewitz's theory of warfare at a time when the Army was in the middle of reinvigorating professional military education that embraced *On War* in the years following the Vietnam War. The Marine Corps, however, fully embraced his theory.

<sup>89</sup> Grant M. Martin, "The Sublime: The Paradox of the 7th Warfighting Function," *Small Wars Journal*, November 25, 2013, <http://smallwarsjournal.com/jrnl/art/the-sublime-the-paradox-of-the-7th-warfighting-function> (accessed February 3, 2014).

<sup>90</sup> The U.S. Army's Warfighting Functions are similar to, and no doubt the origin of, the Joint Functions listed in Joint Doctrine. The Army's Warfighting Functions are currently: Mission Command, Movement and Maneuver, Intelligence, Fires, Sustainment, and Protection. The only variance with the Joint Functions is that the Army has recently decided to change one of their functions from "Command and Control" to "Mission Command," which just seems to express their preference to promote a command philosophy that emphasizes decentralized control. The Army proposal to make "Influence" the seventh warfighting function confuses an important point. Influence is not a function of warfighting; it is the purpose of warfighting. There are certainly other ways to influence people, but it is difficult to imagine what other reason humanity would have for waging war. For more information on the Army's warfighting functions, see U.S. Department of the Army, *Unified Land Operations*, 3-2.

<sup>91</sup> This is the fundamental premise behind a concept known as Effects Based Operations (EBO). As Edward Smith notes in *Effects Based Operations: Applying Network Centric Warfare in Peace, Crisis, and War*: "The broad utility of effects-based operations grows from the fact that they are focused on actions and their link to behavior, on stimulus and response, rather than on targets and damage infliction. They are applicable not only to traditional warfare, but also to military operations short of combat. Effects-based operations are not new. Good generals and statesmen have always focused on outcomes and on the human dimension of war (e.g. will and shock). Indeed, we can trace how the principles of effects-based operations have functioned in hundreds of crises and conflicts to distill a straightforward definition: Effects-based operations are coordinated sets of actions directed at shaping behavior of friends, foes, and neutrals in peace, crisis, and war." Edward Allen Smith, *Effects Based Operations: Applying Network Centric Warfare to Peace, Crisis, and War* (Washington DC: Command and Control Research Program, 2002), xiv.

Fighter pilots may know John Boyd as the father of the Energy-Maneuverability (EM) Diagram, but they probably do not know that Boyd went back to undergraduate school to study engineering.<sup>92</sup> Already regarded as one of the best fighter pilots in the Air Force, he was seeking scientific theory to explain what experience had taught him about aerial combat maneuvering. The Air Force initially denied his request, but eventually acquiesced under Boyd's infamous persistence. The result was an undergraduate Captain inventing a method to compare the maneuverability of aircraft based on laws of thermodynamics.<sup>93</sup> Boyd would forever see the analysis and synthesis of diverse concepts as a powerful force for shaping understanding and guiding action.

In the years that followed, Boyd and his theory disrupted the status quo of fighter aircraft design by challenging underlying value models.<sup>94</sup> He also challenged broader notions of existing warfare theory, and his willingness to question unstated assumptions is largely what made him an unsung legacy in the annals of modern warfare. John Boyd became the key intellectual powerhouse behind doctrine for maneuver warfare and the development of AirLand Battle as an operational concept.<sup>95</sup> That concept turned post World War II manning, equipping, and training concepts on their head by replacing the U.S. military's "emphasis on firepower and attrition with a more fluid doctrine based on maneuver and deception."<sup>96</sup>

In retirement, a slide presentation entitled "Patterns of Conflict," became Boyd's preferred forum for communicating conclusions about the art of war and his "time-based theory of conflict."<sup>97</sup> The presentation demonstrated a profuse fondness for Sun Tzu's teachings while highlighting the fallacy of overly prescriptive and constraining, top-down, attrition-based warfare that emanated from the study of Napoleon, Clausewitz, and Jomini.<sup>98</sup> While he believed Napoleon demonstrated a remarkable degree of adaptability and flexibility at his level, he noted that Napoleon's tactics depended on rigorous drill-like discipline that failed to allow initiative once the battle had begun.<sup>99</sup> Unfortunately, nineteenth-century militaries wed themselves to the idea of massed armies, becoming dependent on large-scale logistics that telegraphed movement while simultaneously "suppress[ing] ambiguity, deception, and mobility."<sup>100</sup>

By 1990, maneuver warfare doctrine espoused many of Boyd's concepts, but few military officers outside of the Marine Corps were aware of the tremendous role Boyd had played in preparing the

<sup>92</sup> Coram, *Boyd*, 103.

<sup>93</sup> *Ibid.*, 123-134. Boyd's EM Diagrams revolutionized the understanding of aerial combat and allowed the still rambunctious Major Boyd to convince the Pentagon that it needed to scrap its replacement plans for the F-111 and F-4. Boyd then played a significant role in the development of the A-10. Many people refer to Boyd as the father of the F-15 and F-16. *Ibid.*, 5-8.

<sup>94</sup> Previously, aircraft designs centered around speed and power. Boyd's revelation was that energy was the key factor in aerial combat. *Ibid.*, 132.

<sup>95</sup> Grant Tedrick Hammond, *The Mind of War: John Boyd and American Security* (Washington DC: Smithsonian Institution Press, 2001), 151-154.

<sup>96</sup> *Ibid.*, 154. Americans won World War II because of their ability to produce sufficient numbers of soldiers, sailors, airmen, marines, and equipment to overwhelm the Axis powers, and it ended with the U.S. as the only atomic power. That preeminence did not last long, however, and soon the world found itself in the midst of a Cold War. Boyd was one of a few strategic thinkers recognizing that the Cold War demanded a completely different mindset, and he became a key figure in urging a shift from attrition-based warfare to maneuver warfare. Boyd played a significant role in developing a well-trained and integrated high-tech Western military that emphasized flexibility, innovation, and adaptability as a balance against numerically superior Soviet military forces, and his influence lasted well after his retirement in 1975.

<sup>97</sup> Coram, *Boyd*, 328.

<sup>98</sup> Boyd, "Patterns of Conflict."

<sup>99</sup> *Ibid.*, 38.

<sup>100</sup> *Ibid.*, 48.



military for Operation Desert Storm.<sup>101</sup> His unconventional thinking and “Patterns of Conflict” presentation gained many followers in the business world, but also within powerful political circles.<sup>102</sup> Richard Cheney, Secretary of Defense at the time, credits John Boyd as a major influence in the decision to shift the ground campaign from a classic Clausewitzian frontal-attack, to the Sun Tzu-like plan known as “the left hook.”<sup>103</sup> Similarly, Commandant of the Marine Corps General Charles Krulak credited Boyd’s influence for the success of the campaign saying, “John Boyd was an architect of that victory as surely as if he’d commanded a fighter wing or a maneuver division in the desert.”<sup>104</sup> That is quite a tribute from a Marine about an Airman who had retired fifteen years before Iraq invaded Kuwait.

Boyd had a fundamental belief in the importance of thinking in terms of “mind-time-space,”<sup>105</sup> and his unpublished 1976 paper “Destruction and Creation”<sup>106</sup> provides insight on his philosophical perspective of looking at the world through the lens of continual analysis and synthesis—a process he called a Conceptual Spiral.<sup>107</sup> In classic Boyd fashion, the paper synthesized Heisenberg’s *Uncertainty Principle* and Gödel’s *Incompleteness Theory* to emphasize the certainty of imperfect knowledge and the continual need to question the context of a problem.<sup>108</sup> Boyd’s goal was to create “a foundation for vitality and growth, or in a more formal sense . . . a foundation for comprehending, shaping, and adapting in an unfolding, adapting reality that is uncertain, ever-changing, [and] unpredictable.”<sup>109</sup> Nearly three decades later, advocates of a concept called Design were similarly discussing “problem setting”<sup>110</sup> or “problem framing”<sup>111</sup> as a way to cognitively cope with a Volatile, Uncertain, Complex, and Ambiguous (VUCA) world.<sup>112</sup> In delivering his “Patterns of Conflict” presentation, Boyd would frequently comment that “progress is the creation of confusion at a higher

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<sup>101</sup> Coram, *Boyd*, 378-379, 444. On page 444, Coram cites a May 6, 1991 *U.S. News & World Report* article crediting three men with the innovative tactics that won the Gulf War: John Boyd, Mike Wyly, and Huba Wass de Czege. Huba Wass de Czege has continued to be an intellectual force for a concept this author refers to as “intellectual maneuver.” Wass de Czege worked extensively with Shimon Naveh to introduce “Design” to the U.S. military (Design and Naveh are discussed later in this paper). On page 378, Coram also provides an interesting phone dialogue describing the first interaction between Boyd and Wyly, who was an instructor at the Marine Corps Amphibious Warfare School. The dialogue helps paint a picture of Boyd’s personality: Wyly, “I hear you have a theory about warfare.” Boyd, “It’s not a theory. It’s a briefing. I call it ‘Patterns of Conflict.’ It’s five hours long.” Wyly, “My class has only two hours.” Boyd, “I can’t do it in two. It takes five hours.” Wyly, “We don’t have five hours.” Boyd, “Then you get zero.” Wyle eventually relented. Coram also relates a similar situation when the Chief of Naval Operations (CNO) and Chief of Staff of the Army (CSA) expressed interest in hearing Boyd’s presentation. Boyd told their offices he needed 5 to 6 hours to provide the presentation; however, when he was told that the generals only had an hour available, Boyd responded “Since your boss is so pressed for time, here’s an idea that will save him a lot of time: how about no brief?” before hanging up on the CNO’s executive officer. *Ibid.*, 329-330.

<sup>102</sup> *Ibid.*, 355, 384.

<sup>103</sup> *Ibid.*, 424.

<sup>104</sup> “Col. John Boyd,” *Congressional Record* 143, no. 37 (1997).

<sup>105</sup> Boyd, “Patterns of Conflict,” 184. The concepts behind Boyd’s “Mind-Time-Space” schema are essentially the same points being made today in the push for decentralized execution and mission-type orders to encourage initiative.

<sup>106</sup> Boyd, “Destruction and Creation.”

<sup>107</sup> John Boyd, “Conceptual Spiral Presentation by John Boyd 1,” *YouTube*, [http://www.youtube.com/watch?v=U\\_fjaqAiOmc](http://www.youtube.com/watch?v=U_fjaqAiOmc) (accessed December 23, 2013).

<sup>108</sup> Boyd, “Destruction and Creation.”

<sup>109</sup> Boyd, “Conceptual Spiral Presentation by John Boyd 1.”

<sup>110</sup> John F. Schmitt, “A Systemic Concept for Operational Design,” [http://www.au.af.mil/au/awc/awgate/usmc/mcwl\\_schmitt\\_op\\_design.pdf](http://www.au.af.mil/au/awc/awgate/usmc/mcwl_schmitt_op_design.pdf) (accessed December 19, 2013), 3.

<sup>111</sup> U.S. Department of the Army, *Commander’s Appreciation and Campaign Design*, TRADOC Pamphlet 525-5-500 (Washington DC: U.S. Department of the Army, 2008), 17.

<sup>112</sup> T. O. Jacobs, *Strategic Leadership: The Competitive Edge* (Washington DC: National Defense University, 2008).

level,”<sup>113</sup> a concept that is remarkably similar to the ideas conveyed by retired Israeli Brigadier General Shimon Naveh when discussing development of Systemic Operational Design (SOD).<sup>114</sup>

### John Warden – The Enemy as a System

While John Boyd was instrumental in shaping the doctrinal, material, and intellectual foundation of late-twentieth century warfare, Colonel John Warden deserves credit for giving Boyd’s maneuver warfare theory an analogous form. Often credited with being the architect of the 1991 Gulf War air campaign, Colonel John Warden’s theory of warfare conceptualizes the enemy as a living system with nominally five concentric subsystems.<sup>115</sup> Contrary to mechanistically focusing on a single center of gravity, Warden’s conceptualization presents multiple opportunities to leverage vulnerabilities in each subsystem.<sup>116</sup> He compares these enemy subsystems to the subsystems of the body: leadership (brain), organic essentials (food and oxygen), infrastructure (blood vessels, bones, and muscles), population (cells), and fighting mechanisms (white blood cells).<sup>117</sup>

In Warden’s abstract system, a brain-like command element synchronizes the five critical subsystems, yet the system depends on each of the subsystems. Warden believed the best way to counter the innate adaptability of an enemy was to attack the subsystems through parallel, versus sequential, warfare.<sup>118</sup> Warden’s theory attempts to free warfare of the cognitive limitations of serial, attrition warfare, while holding that the synergistic effect of parallel warfare results in greater coercive pressure than the mere sum of each action.<sup>119</sup> Inputting disruptive energy into each subsystem should prevent an enemy from being able to adapt, perhaps even creating self-defeating emergent characteristics in the wake of induced confusion. Most notably, it completely discards the notion of a single enemy center of gravity.<sup>120</sup>

Whereas Clausewitz drew upon the language of early Newtonian physics to describe concepts such as an enemy’s center of gravity, Warden’s theory drew linguistic and conceptual inspiration from Systems Theory and Cybernetics while remaining consistent with Sun Tzu and Boyd-like theories of warfare.<sup>121</sup> Not surprisingly, Systems Theory and Cybernetics offer a logical starting point

<sup>113</sup> John Boyd, "Colonel John Boyd," *YouTube*, <http://www.youtube.com/watch?v=Rbb48uUOkqQ> (accessed December 23, 2013).

<sup>114</sup> This conclusion is based on this author’s discussions with Shimon Naveh at the U.S. Army’s School of Advanced Military Studies (SAMS) during the period between Fall 2006 and Spring 2007.

<sup>115</sup> John A. Warden III, "The Enemy as a System," *Airpower Journal* 9, no. 1 (Spring 1995). Warden’s 1988 paper from the National War College was entitled "The Air Campaign: Planning for Combat" and espoused a more Clausewitzian view of warfare focused on the singular perspective of a Center of Gravity and decisive action. In Warden’s writing, he continued to reference Clausewitz, while espousing concepts that seem more aligned with Sun Tzu. It is interesting to wonder whether his views morphed as a result of planning for Operation Desert Storm, or if they had already begun as a result of his studies at the National War College. It would also be interesting to know how much exposure to Sun Tzu’s *The Art of War* Warden received through professional military education; he clearly had been exposed to Clausewitz’s theory *On War*.

<sup>116</sup> About a year later, while a professor at the U.S. Marine Corps War College, Joseph Strange expressed a similar concept of focusing on vulnerabilities. Like Warden, Strange tends to view the enemy as having a multitude of vulnerabilities instead of becoming focused on a single center of gravity. These approaches get to the "so what" of adversarial analysis and tend to make them more practical to the strategist and planner. For more information on Strange’s work, see Joseph Strange, *Centers of Gravity & Critical Vulnerabilities: Building on the Clausewitzian Foundation So That We Can All Speak the Same Language* (Ft. Belvoir: Defense Technical Information Center, 1996); Strange and Iron, "Understanding Centers of Gravity and Critical Vulnerabilities."

<sup>117</sup> Warden III.

<sup>118</sup> *Ibid.*

<sup>119</sup> *Ibid.*

<sup>120</sup> Another key advantage of parallel warfare is that it allows greater opportunity to observe how the enemy system reacts to various actions, and it facilitates learning that would not be achievable if only focused on a single center of gravity.

<sup>121</sup> The title of Warden’s paper is "The Enemy as a System," and Cybernetics is the study of systems (mechanical, physical, biological, social, etc.). This author found significant similarity between Systems Theory and the French

for a much-needed theory of cyber warfare, yet the study of Boyd suggests inspiration might arrive from synthesis of disparate fields.

### Shimon Naveh – Systemic Operational Design

Similar to Warden, Systems Theory influenced Shimon Naveh's perspective, but his study of postmodern French philosophy, literary theory, psychology, and architectural design also had a significant influence.<sup>122</sup> Like Boyd and Warden, Naveh's thinking appears distinctly Sun Tzu-like in its attempt to outthink the enemy, exploit surprise, and seek asymmetric opportunities to render an enemy's strategy ineffective. According to Naveh:

The enemy interprets space in a traditional, classical manner, and I do not want to obey this interpretation and fall into his traps. Not only do I not want to fall into his traps, I want to surprise him! This is the essence of war. I need to win. I need to emerge from an unexpected place...This is why we opted for the methodology of moving through walls . . . Like a worm that eats its way forward, emerging at points and then disappearing.<sup>123</sup>

Compared to Warden, Naveh is less prescriptive in offering a framework for modeling a "rival."<sup>124</sup> Warden provides a five-ring, bio-inspired framework picturing an enemy as a living system, while Boyd and Naveh focus more on the demand for rigorous intellectual examination and discourse regarding underlying cognitive beliefs.

Although Sun Tzu-like, Naveh's concept of Design emerges from the study of architectural design and a desire to differentiate the thought processes associated with Design from the process of military planning. Unfortunately, like Boyd, Naveh expresses most of his thoughts through briefing slides and he uses an overly active vocabulary that isolates his concepts from most military practitioners.<sup>125</sup> Even the fact that the word "Design" can be used linguistically as either a noun or verb has been the source of some confusion and debate. Is Design something that one performs—a verb? Alternatively, is Design the product of some activity—a noun?<sup>126</sup>

The noun argument could stem from common architectural analogies where architects produce designs, architectural engineers produce plans, and then builders use plans to guide the work of artisans. The analogy is useful if one appreciates how an architect must engage in a set of dialogues with a sponsor. While the sponsor usually has some initial vision in mind, the architect may only realize what the sponsor desires through the presentation of options that generate discussions of

philosopher Gilles Deleuze's Assemblage Theory. Deleuze's thoughts may also have been an influence on Shimon Naveh. For more information on Assemblage Theory, see Manuel De Landa, *A New Philosophy of Society: Assemblage Theory and Social Complexity* (London: Continuum, 2006).

<sup>122</sup> Yotam Feldman, "Dr. Naveh, or, How I Learned to Stop Worrying and Walk through Walls," *Haaretz*, October 25, 2007, <http://www.haaretz.com/weekend/magazine/dr-naveh-or-how-i-learned-to-stop-worrying-and-walk-through-walls-1.231912> (accessed February 4, 2014).

<sup>123</sup> Eyal Weizman, "Lethal Theory," [http://www.skor.nl/\\_files/Files/OPEN18\\_P80-99\(1\).pdf](http://www.skor.nl/_files/Files/OPEN18_P80-99(1).pdf) (accessed February 13, 2014).

<sup>124</sup> Shimon Naveh, "Systemic Operational Design: Transforming the Triad, Extending the Potential," <http://www.slideshare.net/ubiwar/shimon-naveh-powerpoint> (accessed December 20, 2013). Naveh's work offers important practical insights and proffers three lenses through which one should view the world when trying to transition from "system framing" to "operational framing." These three lenses include viewing the Rival as Rationale, Logistics as Rationale, and Command as Rationale for the ensuing strategy (or design, if one considers the word as a noun).

<sup>125</sup> John Schmitt and William Young wrote early papers on design that this author found useful. Additionally, although Alex Ryan joined the Army's School of Advanced Military Studies (SAMS) after the school had been exploring designs for a couple years, his academic background in Complexity Theory allowed him to quickly contribute to the intellectual development of Naveh's concepts and he has provided many coherent thoughts on design.

<sup>126</sup> Some in the military seem to use Design both as a verb and as a noun.

fiscal, physical, cultural, and other limitations. The sponsor and architect cooperatively agree on a design through a process of discovery that allows both to emerge with an understanding of the rationale behind necessary choices.<sup>127</sup> The sponsor's vision shapes, and is shaped by, the architect. Similarly, the architect shapes, and is shaped by, the sponsor's desire, engineer's plans, builder's schedule, and artisan's skill.<sup>128</sup>

While this architectural analogy may be helpful in thinking about the conceptual difference between designing and planning, it is surely not perfect. Thinking about Design as a noun can lead to confusion about the role of a design versus a strategy, or a plan. If one considers the underpinning and emphasis of Design, then the verb form appears to have more utility and fits better within existing military lexicon. In this sense, one can talk linguistically and cognitively about "designing a strategy" with logical consistency between Ends, Ways, and Means.<sup>129</sup> According to Naveh, Design requires a discourse and a scrutiny of mental constructs.<sup>130</sup> This logical extension of an important concept is embedded within the "orient" phase of Boyd's frequently over-simplified Observe, Orient, Decide, and Act Loop (OODA Loop).<sup>131</sup> Perhaps because he was a soldier, Naveh's work garnered attention by the U.S. Army as it sought to distinguish between a concept-driven method to design strategy and a planning process that many officers view as linear and checklist-driven.<sup>132</sup>

In recent years, overly academic language has started to fade from discussions of Systemic Operational Design, Campaign Design, Operational Design, and Design. Joint doctrine has increasingly embraced the concept, and design-type thinking has become a part of Professional Military Education (PME) courses such as the Joint Combined Warfighting School and the various staff and war colleges. The premise of design-type thinking is the application of systems, critical and creative thinking to facilitate iterative analysis and synthesis. The military should inculcate these skills at all levels if they truly hope to embrace a philosophy of command that practices decentralized control to enable initiative. At the same time, trust and confidence must become the motivation for

<sup>127</sup> John Boyd would describe this common/shared understanding as a "mind-time-space schema." For more information, see Boyd, "Patterns of Conflict," 74.

<sup>128</sup> This concept is similar to the earlier discussion about Clausewitz's belief that a commander-in-chief must function as both a statesman and a general, balancing political "ends" with available "means." The cognitive tension resulting from the noun-verb dilemma and the architect-engineer-artisan analogy discussed in this article are refinements of the author's thoughts conveyed in a paper written at the Joint Combined Warfighting School (JCWS). Reference: Mark Blomme, Matthew Childs, and Jim Di Crocco III, "Design, EBO, and JOPP: Reconciling Tension and Embracing Problem-Setting" (Joint Forces Staff College, 2010), 6-7.

<sup>129</sup> The Ends, Ways, Means framework is a recent construct of concepts expressed by Clausewitz in *On War*. Clausewitz spoke in terms of Ends and Means, but he clearly expressed and understanding of the importance of planning on how to link the two. Clausewitz also acknowledged this is not a novel or erudite idea: "No one starts a war—or rather, no one in his senses ought to do so—without first being clear in his mind what he intends to achieve by that war and how he intends to conduct it." Clausewitz, *On War*, 579. Clausewitz, however, firmly believed that Ends are tied to political objectives, and he describes the How, or Way, as the operational objectives.

<sup>130</sup> Based on this author's discussions with Shimon Naveh at the U.S. Army's School of Advanced Military Studies (SAMS) during the period between Fall 2006 and Spring 2007.

<sup>131</sup> The author draws this conclusion from years of inquiry with graduates of various U.S. military staff and war colleges. USMC officers seem to have a much deeper appreciation for Boyd's contribution to the corpus of warfare theory than any other service, including the Air Force. Robert Coram's book, *Boyd: The Fighter Pilot Who Changed the Art of War*, helped this author understand the strong association between John Boyd and the USMC. As a graduate of the Air Force Squadron Officer School, Air Command and General Staff College (ACSC), Air Force Institute of Technology, Army School of Advanced Military Studies (SAMS), Air War College (AWC), Joint Combined Warfighting School (JCWS), and a student at the Army War College (USAWC), the author has experienced very little formal exposure to John Boyd's work. Nevertheless, while studying Naveh's theory of Systemic Operational Design there was a nagging suspicion and curiosity that led to further exploration of Boyd's work.

<sup>132</sup> Ketti C. Davison, *Systemic Operational Design (SOD): Gaining and Maintaining the Cognitive Initiative*, SAMS Monograph (Fort Leavenworth, KS: US Army Command and General Staff College, May 25, 2006), 15.; William T. Sorrells and others, *Systemic Operational Design: An Introduction*, SAMS Monograph (Fort Leavenworth, KS: US Army Command and General Staff College, 2005), 10-11.

individual action. This may be difficult to achieve in a culture that revolves around inviolable deference to rank. These are not exclusive concepts, but initiative derives from trust and confidence, not merely legal authority and prescribed obligation.<sup>133</sup>

## Conclusion

Before his death, Clausewitz indicated that he hoped *On War* would last more than “two or three years.”<sup>134</sup> The fact that it is widely studied nearly two hundred years later suggests he achieved his aim. *On War* provides a prophetic theory summarizing the confluence of tendencies and motivations leading to war and limiting its aims, and his descriptive theory on war remains prescient today. In contrast, theory on warfare stagnated for over a century under the influence of his prescriptions for the conduct of war. As technology and industrialization increased the efficiency of killing, Clausewitzian-style theory of warfare continued preaching the virtue of mass and postulating decisive engagement while minimizing, if not ignoring, surprise and maneuverability.

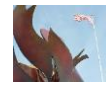
Unlike Clausewitz, Sun Tzu’s principles for warfare have demonstrated an uncanny ability to survive the clash of time and technology. Throughout the twentieth century, technology continued to increase the lethality of firepower, but it also enabled a renewed focus on speed, stealth, and maneuverability. While many technologies were at play, none necessitated a departure from Clausewitzian-style warfare more than the airplane. It changed the speed and dimensions of warfare while lifting many geographical constraints and resulted in a renaissance of Sun Tzu-like theories on warfare. Central to that renaissance was John Boyd’s willingness to challenge conventional wisdom. His ability to critically analyze and creatively synthesize diverse viewpoints enabled him to answer questions that many others refused to ask.

In many ways, Boyd’s approach to theory is similar to Shimon Naveh’s design-type thinking and is the essence of what previously allowed Julian Corbett, and later John Warden, to provide their contributions to theory. Emerging space and cyber theory may be able to draw upon existing maritime and parallel warfare theory, respectively; however, theorists must be willing to recognize and accept that these new domains may well disrupt existing notions of warfare. Cultural barriers to critical thinking must not be allowed, and students must question the validity of theories of war and warfare. Failure to do so will lead to another stagnation of theory and eventually strategic failure. The future belongs to those who ask questions and embrace design-type thinking while remaining open to the possibilities of imagination.

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<sup>133</sup> The legal authority of command will remain an important aspect of military service, but initiative is less likely to stem from legalistic motivations than from a sense of teamwork that revolves around trust, confidence, and a shared goal. Trust and confidence are crucial and must be bi-directional within an organization, but they are also crucial factors in facilitating unity of effort amongst organizations that have no formal command relationship. Hence, trust and confidence can have vertical and horizontal aspects. General (Retired) Gary Luck is fond of the phrase “the speed of trust”, which he borrows from a book of the same title by Stephen M.R. Covey. In a paper on the insights and best practices of joint operations, Luck says, “we see successful commanders building personal relationships, inspiring trust and confidence, leveraging the analytical ability of their staffs, prioritizing limited resources, and decentralizing to the lowest appropriate level capable of integrating assets to empower their subordinates. However, we continue to see a tendency among commanders to control subordinates to a point where they unintentionally compromise the unit’s agility and speed.” Gary E. Luck and Mike Findlay, *Joint Operations: Insights and Best Practices*, 3rd ed. (Norfolk, VA: United States Joint Forces Command, 2011), 3; Stephen M. R. Covey and Rebecca R. Merrill, *The Speed of Trust: The One Thing That Changes Everything* (London: Pocket Books, 2008).

<sup>134</sup> Clausewitz, *On War*, 63.



# RAF Enhanced: Civil-Military Engagement Teams

Colonel Timothy D. Brown

Now is the time to integrate the Defense Department's Regional Alignment of Forces (RAF) initiative with the efforts by the State Department's Bureau of Conflict and Stabilization Operations (CSO) to generate civil-military operational engagement teams focused on conflict prevention, crisis response, and stabilization. Interested teams should be resourced and capable of designing and implementing activities that address the underlying causes of destabilizing violence. Geographic Combatant Commanders (GCCs) and expeditionary CSO diplomats will be hamstrung without whole-of-government synergy, unity of effort, and unity of command in regionally focused diplomatic, informational, military, and economic initiatives.

"The forces of geopolitics, globalization and history are reordering the balance of international economic and political power, presenting the United States and its like-minded allies (the West) with the greatest threats to their global influence in perhaps 500 years."<sup>1</sup> Rising regional powers and increasingly disruptive non-state actors that "breed conflict and endanger stability, particularly in Africa and the broader Middle East" threaten to undermine the global institutions that have maintained international order for the past half-century.<sup>2</sup> In response to a sluggish economy, a looming debt crisis, and numerous foreign policy disappointments, many Americans are calling for a refocus on domestic issues. The interconnectedness of the global system precludes any possibility that the U.S. will ever retreat to the homeland proper. This state of affairs necessitates proactive American leadership with innovative ideas and economy of force solutions.

In the 2012 Special Operations Command Posture Statement to the Senate Armed Services Committee, Admiral William McRaven argued for the use of both direct and indirect approaches to countering the nation's adversaries, stating that a direct approach "ultimately only buys time and space for the indirect approach and broader governmental elements to take effect." Thus, long-term

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*Timothy D. Brown (Master of Military Arts and Science, United States Marine Corps University) is a Colonel in the United States Army. An earlier version of this article, written while the author was a United States Army War College Fellow at Harvard University, earned third place in the Chairman of the Joint Chiefs of Staff 2014 Strategy Article Competition.*

<sup>1</sup> Reginald Dale and Daniel J. Mahaffee, *America in a Multipolar World: The Regional Working Groups* (Center for the Study of the Presidency and Congress, 2010), 2, accessed April 15, 2014, [http://www.thepresidency.org/storage/documents/America\\_in\\_a\\_Multipolar\\_World\\_Regional\\_Working\\_Groups.pdf](http://www.thepresidency.org/storage/documents/America_in_a_Multipolar_World_Regional_Working_Groups.pdf).

<sup>2</sup> Michael Glenn Mullen, *The National Military Strategy of the United States of America, 2011: Redefining America's Military Leadership* (Washington, DC: Joint Chiefs of Staff, 2011), 3-4.

activities like building partner capacity, engaging key populations, addressing local needs, and advancing ideas that discredit and defeat the appeal of violent extremism are essential.<sup>3</sup>

Military forces are experts in projecting hard power to defeat enemy combatants. The campaign in Iraq, however, demonstrated that winning the contest of arms alone is not in and of itself sufficient. The combatant-centric strategy initially employed by coalition forces swiftly delivered regime change in 2003.<sup>4</sup> But that approach nearly ended in mission failure. The game-changer occurred in 2007 when General David Petraeus recognized the need for a population-centric, broader governmental civil-military approach to address root causes of the then mounting violence and increasing instability found throughout Iraq.<sup>5</sup>

In 2011, after observing the “military’s inability to field adequate numbers of appropriate personnel” to perform the types of tasks needed to address instability in Afghanistan, Iraq, Somalia, Haiti, and the Balkans, dating back to the 1990s,<sup>6</sup> the State Department established the Bureau of Conflict and Stabilization Operations (CSO).<sup>7</sup> The CSO charter is to “engage in conflict prevention, crisis response and stabilization, aiming to address the underlying causes of destabilizing violence.”<sup>8</sup> The Bureau works with both government and nongovernmental organizations in over 20 countries to interrupt cycles of armed conflict, reduce drug and gang related violence, clear minefields, support elections, and assist victims of natural disaster.<sup>9</sup> A core function of CSO is to lead, coordinate, or influence partners in multinational public and private prevention or stabilization efforts.<sup>10</sup> Due to a lack of manpower and funding, however, CSO efforts are limited in that regard.<sup>11</sup>

The primary human capital source designated for the CSO to manage in the field is the Civilian Response Corps (CRC). Established in 2008, The CRC is an interagency unit envisioned to have over 4000 active, standby, and reserve civilians who provide a broad array of “civilian skills needed to help stabilize” areas threatened by violence.<sup>12</sup> Inadequate appropriated funding and valid but competing priorities in government agencies have marginalized CRC participation and limited its growth. To date, the CRC has reached only a fraction of its envisioned size and the CRC-R, civilian reserve, has not (yet) been established.<sup>13</sup>

<sup>3</sup> ADM William H. McRaven, U.S. Navy, *Posture Statement of Commander: United States Special Operations Command* (Washington DC, 2012).

<sup>4</sup> Barbara Salazar Torreon, “US Periods of War and Dates of Current Conflicts” (Congressional Research Service, Library of Congress, 2011), accessed April 16, 2014, <https://fas.org/sgp/crs/natsec/RS21405.pdf>.

<sup>5</sup> David H. Petraeus, “How We Won in Iraq,” *Foreign Policy*, October 29, 2013, 14–15, 21, accessed January 22, 2014, [http://www.foreignpolicy.com/articles/2013/10/29/david\\_petraeus\\_how\\_we\\_won\\_the\\_surge\\_in\\_iraq](http://www.foreignpolicy.com/articles/2013/10/29/david_petraeus_how_we_won_the_surge_in_iraq).

<sup>6</sup> *Transforming for Stabilization and Reconstruction Operations* (Washington, DC: National Defense University, November 12, 2003), 10–20, accessed April 16, 2014, <http://oai.dtic.mil/oai/oai?verb=getRecord&metadataPrefix=html&identifier=ADA435041>.

<sup>7</sup> Nina M. Serafino, *In Brief: State Department Bureau of Conflict and Stabilization Operations (CSO)* (Washington, DC: U.S. Library of Congress, Congressional Research Service, 2012), 1.

<sup>8</sup> “Bureau of Conflict and Stabilization Operations,” *U.S. Department of State*, last modified April 16, 2014, accessed April 16, 2014, <http://www.state.gov/j/cso/>.

<sup>9</sup> U.S. Department Of State, Bureau of Conflict and Stabilization Operations, “Creative Solutions for Stabilizing Conflict,” Other Release, last modified July 5, 2013, accessed November 2, 2013, <http://www.state.gov/r/pa/pl/2013/206639.htm>.

<sup>10</sup> Serafino, *In Brief*, 3–5.

<sup>11</sup> *CSO at Two Years: Engaging Around the World*, Report (Department Of State Bureau of Public Affairs, March 13, 2014), accessed April 17, 2014, <http://www.state.gov/j/cso/releases/pressreleases/2014/223397.htm>.

<sup>12</sup> Serafino, *In Brief*, 6–7.

<sup>13</sup> *Ibid.*, 7.

The State Department requested \$45 million for CSO's 2014 budget.<sup>14</sup> By comparison, war funding for Iraq in 2008 surpassed \$140 billion—roughly \$390 million per day.<sup>15</sup> The long-term costs are much higher. Including Afghanistan combat operations through the end of 2014, total costs for the post-9-11 campaigns in Afghanistan and Iraq through 2017 are projected to run between \$4 and \$6 trillion.<sup>16</sup> Deliberate and consistently funded prevention and stabilization efforts aimed at assisting host nation partners to reduce instability and defeat the appeal of extremism are considerably more affordable and likely more effective than financing intrastate and regional conflict. Programmed active and reserve military manpower, employed by combatant commanders through RAF in a soft power role, can fill CSO's human capital void.

The Army Chief describes the RAF as designed to assist Joint, interagency, intergovernmental, and multinational partners to foster a stronger global security environment.<sup>17</sup> Africa Command (AFRICOM) is now using active and reserve military units in the regional alignment program to build military-to-military relationships and prepare foreign partners to serve as peacekeepers.<sup>18</sup> The Army Reserve includes deployable medical, legal, agricultural, development, and other specialists with expertise cultivated in fulltime civilian professions. If appropriate civilian skills were properly tracked, well-qualified reservists could be leveraged to support CSO initiatives by filling the undeveloped CRC-R billets.

A key element of the RAF initiative is that it leverages trained and ready military forces when they are otherwise not deployed. RAF provide a source of expeditionary manpower. The Army Brigade Combat Team (BCT) aligned to AFRICOM, for example, has approximately 4,000 Soldiers which is strikingly comparable to the total CRC manpower shortage.<sup>19</sup> Where CSO possesses unique expertise in designing conflict prevention and stability activities, the military is unmatched in manpower, logistics, planning, and training capacity.<sup>20</sup>

A regionally aligned CSO staff, fully integrated at the executive level and below into each geographic combatant command (GCC), is needed to properly coordinate civilian-military prevention and stabilization activities.<sup>21</sup> Where robust GCC military staffs excel at planning and execution, they critically lack expertise resident in the civilian agencies. Exchanging liaison officers is simply an inadequate response.<sup>22</sup> Instead, reciprocal assignments that exchange upwardly mobile Foreign Service and military officers could respond to immediate needs while building better senior leaders for the future.<sup>23</sup>

<sup>14</sup> *Fiscal Year 2014 Congressional Budget Justification: Foreign Operations* (Department of State, 2013), 20, accessed April 14, 2014, <http://www.state.gov/documents/organization/208290.pdf>.

<sup>15</sup> Amy Belasco, *The Cost of Iraq, Afghanistan, and Other Global War on Terror Operations Since 9/11* (Congressional Research Service, March 29, 2011), 3, accessed March 20, 2014, <https://www.fas.org/sgp/crs/natsec/RL33110.pdf>.

<sup>16</sup> Linda J. Bilmes, "The Financial Legacy of Iraq and Afghanistan: How Wartime Spending Decisions Will Constrain Future National Security Budgets," last modified March 2013, accessed October 26, 2013, <https://research.hks.harvard.edu/publications/workingpapers/citation.aspx?PubId=8956&type=WPN>.

<sup>17</sup> GEN Raymon T. Odierno, "Regionally Aligned Forces: A New Model for Building Partnerships," *Army Live*, last modified March 22, 2012, accessed October 27, 2013, <http://armylive.dodlive.mil/index.php/2012/03/aligned-forces/>.

<sup>18</sup> Michelle Tan, "AFRICOM: Regionally Aligned Forces Find Their Anti-Terror Mission," *Defense News*, last modified October 20, 2013, accessed November 8, 2013, <http://www.defensenews.com/article/20131020/SHOWSCOUT04/310200014/AFRICOM-Regionally-Aligned-Forces-Find-Their-Anti-terror-Mission>.

<sup>19</sup> Serafino, *In Brief*, 6–7.

<sup>20</sup> AMB Marc Grossman, "U.S. Special Representative for Afghanistan and Pakistan (2011-2012)", November 1, 2013.

<sup>21</sup> *Ibid.*

<sup>22</sup> *Ibid.*

<sup>23</sup> *Ibid.*



The CSO's expeditionary diplomatic corps must be sufficiently robust and resourced to train alongside and then deploy with the RAF military units in support of CSO in the field. Forming teams with apt preparation and training will build trust while simultaneously identifying knowledge, capability, and capacity gaps. As soon as teams deploy to forward locations, relationships with local nationals, language and cultural immersion, and the focus on the mission itself will make resolving interagency coordination issues more difficult. For maximal success, civil-military operational engagement teams should build relationships, resolve questions of authority, and establish a common purpose well before arriving in a host nation.

Under the Budget Control Act of 2011—also known as sequestration—Congress and the executive branch are aggressively pursuing cost savings government-wide.<sup>24</sup> Budget considerations are forcing military service chiefs to critically underfund readiness, drastically cut force strength, and, in effect, take “a decade-long modernization holiday.”<sup>25</sup> Conflict prevention and post conflict stabilization initiatives are the right investment to protect U.S. national security interests in the long run. They must be prioritized and properly funded, however, if we are to forestall far more costly military interventions in the future.<sup>26</sup> Spending years and trillions of dollars to establish questionably effective broad governmental elements capable of executing decisive activities is not acceptable. We must not repeat the experiences of Afghanistan and Iraq. To do so would not only consume increasingly scarce national resources, but could well erode America's credibility and international standing.

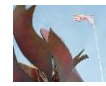
Expanding and integrating the Defense Department's RAF strategy and the State Department's CSO Bureau is a useful way for the United States to reassert itself abroad for meaningful conflict prevention and stabilization initiatives. The GCC is the right location and functional level to integrate Defense and State executive leadership and staff to develop strategies, review authorities, plan missions, and coordinate operational engagement team employment. Establishing the right sized U.S. national security apparatus requires numerous trade-offs if we are to successfully balance national priorities and strategic interests. Given fiscal realities and the current global environment, conflict prevention and stabilization are vital national security interests. Congress and the President should prioritize and fully resource coordinated efforts to integrate RAF and CSO activities in the GCCs, civilian agencies, and military services. Countering disruptive forces through well-coordinated long-term prevention and stabilization efforts is not just more affordable than conventional military intervention, it should prove far more effective.

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<sup>24</sup> Bill Heniff Jr., Elizabeth Rybicki, and Shannon M. Mahan, *The Budget Control Act of 2011* (Washington, DC: U.S. Library of Congress, Congressional Research Service, August 19, 2011).

<sup>25</sup> Tilghman, Andrew, “Hagel: Cuts Will Shrink Pay, Benefits and Force,” *Defense News*, last modified July 31, 2013, accessed November 8, 2013, <http://www.defensenews.com/article/20130731/DEFREG02/307310023/Hagel-Cuts-Will-Shrink-Pay-Benefits-Force>.

<sup>26</sup> Serafino, *In Brief*, 10.



# Thinking about Strategic Landpower

Colonel Landy T. Nelson

Land component forces must evolve to meet the threats and challenges of the twenty first century. The Strategic Landpower White Paper released in May 2013 by the Chief of Staff of the Army, the Commandant of the Marine Corps and the Commander of Special Operations Command lays an important framework for critical thinking, lively debate, and ultimately advances implied solutions for how best to adapt landpower forces in support of national security objectives. The framework is flawed, however, by its limited definition of Strategic Landpower as the “application of landpower towards achieving overarching national or multinational (alliance or coalition) security objectives and guidance for a given military campaign or operation.”<sup>1</sup> Landpower must be conceived more broadly and must include the additional governmental tools which will be required in concert with ground forces to achieve strategic success. Conceptual broadening is essential for three reasons: (1) Army, Marine, and Special Operation forces cannot achieve national strategic objectives alone; (2) The current ad hoc and stovepiped framework of Unified Action is not sufficient to meet twenty first century challenges; and (3) a more comprehensive definition of Landpower that incorporates other governmental departments may provide the needed impetus to reform U.S. approaches to national security. In short, relying primarily on U.S. power within the land domain is ill advised.

Advancing a narrow definition of Landpower promulgates unrealistic expectations about what Landpower alone can actually achieve and limits thinking about land force best practices in the twenty first century environment. While the White Paper correctly identifies strategic success as often occurring within the land domain, it fails to acknowledge that this success is most likely to be achieved by the collaborative application of many elements of national power, not by Landpower alone. That land forces will necessarily perform a fundamental role and will set the conditions for other instruments of national power to achieve desired political endstates is highly probable if not virtually assured. The U.S. may yet find itself in a major conflict in which destruction of adversarial land forces is the prime strategic objective. Given the contemporary security environment, however, such a scenario is not likely.

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*Landy T. Nelson (M.S., Budapest University) is a Colonel in the United States Army. An earlier version of this article, written while the author was a United States Army War College Fellow at Stanford University, was among the top four USAWC short papers selected for participation in the Chairman of the Joint Chiefs of Staff Strategy Article Competition.*

<sup>1</sup> Strategic Landpower Task Force, “Strategic Landpower: Winning the Clash of Wills” (May 2013), 3. Whitepaper link at Strategic Landpower homepage, <http://www.arcic.army.mil/Initiatives/strategic-landpower.aspx> (accessed 10 September 2013).

Much more probable are multiple scenarios in which the United States faces a wide range of challenges, including state and non-state actors operating as regular, irregular, or hybrid threats. Adaptive adversaries will exploit technology and telecommunications, develop and employ assorted capabilities such as cyber, proxy forces, possibly weapons of mass destruction (WMD), and generally maneuver away from the U.S. preferred way of warfare.<sup>2</sup> Success against twenty first century adversaries, therefore, will require more than destroying combat forces. The U.S. government will need to blend lethal military operations with a broader range of tools—including financial, intelligence, law enforcement, diplomatic, developmental, and strategic communications—in order to influence multiple audiences and ultimately to break adversarial will. Offensive operations and use of deadly force will still be required. Their execution by land component forces, however, must be combined with defensive and stability operations in order to create the conditions necessary for employing diplomatic, informational, and economic tools in support of the desired political outcome.

The U.S. military, of course, attempts to integrate tools from other agencies under the joint doctrine of “Unified Action”—defined as the “synchronization, coordination, and/or integration of the activities of governmental and nongovernmental entities with military operations to achieve unity of effort.”<sup>3</sup> Because the different departments and agencies develop and execute the bulk of their plans and strategies independently, Unified Action, however, rarely meets this laudable goal. The net result is failure to bring a truly unified approach to the problem. At best, Unified Action results in separate civilian and military operations that the military or other lead agency attempts to coordinate and integrate. Far too often, however, unity of effort is not achieved. When it is, that unity is achieved by perceptive, cooperative leadership on the ground in the absence of apt and much needed thoughtful design. Operations in Iraq and Afghanistan clearly demonstrate the failure of the current ad hoc approach to achieving national security goals. If the U.S. intends to shape the outcomes of confrontations, conflicts, and crises in the complex twenty first century environment, then we cannot continue muddling through with a Unified Action scenario as currently practiced.

Trends in the global environment indicate that a multitude of forces will create more frequent and more violent conflicts and catastrophes.<sup>4</sup> Major impacts to the global security environment include: Rapid global population growth which will put tremendous pressure on states to compete for energy, water and food to support life and economic and societal development;<sup>5</sup> a growing cyber awakening in which perceptions of inequality and other grievances are heightened, intensified, and lead to social tension, instability and potentially conflict;<sup>6</sup> a continuation of ideological extremism driven by religion, ethnic differences, or nationalism;<sup>7</sup> and predicted increases in global temperature will prompt shifts in agricultural patterns and food production likely to trigger humanitarian crises, if not conflict per se.<sup>8</sup> All have the potential to undermine U.S. contingencies.

Diverse pressures on the global security environment, coupled with likely adaptive adversaries, will require the U.S. government to develop and execute comprehensive approaches that employ

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<sup>2</sup> Robert W. Cone, *Operational Environments to 2028: The Strategic Environment for Unified Land Operations* (Joint Base Langley-Eustis, HQ Training and Doctrine Command, August 2012), 14.

<sup>3</sup> Martin E. Dempsey, *Department of Defense Dictionary of Military and Associated Terms*, Joint Publication 1-02 (Washington, DC: U.S. Joint Chiefs of Staff, 15 October 2013), 284.

<sup>4</sup> Paul R. Newton, *Global Strategic Trends out to 2040, 4<sup>th</sup> Edition* (Shrivenham, UK: UK Ministry of Defense, 27 October 2013), 15.

<sup>5</sup> *Operational Environments to 2028: The Strategic Environment for Unified Land Operations* (August 2012), 22; *Global Strategic Trends out to 2040, 4<sup>th</sup> Edition* (Shrivenham, UK: 27 October 2013), 25.

<sup>6</sup> *Ibid*, 34.

<sup>7</sup> *Ibid*, 12.

<sup>8</sup> *Global Strategic Trends out to 2040, 4<sup>th</sup> Edition* (Shrivenham, UK: 27 October 2013), 26.

expeditionary interagency teams capable of applying a broad range of tools to achieve national security objectives. While the Strategic Landpower Task Force cannot direct this to happen, it can effect a paradigm shift by conceiving of Strategic Landpower more broadly as the application of U.S. power in the land domain, to include military, intelligence, diplomatic, financial, developmental, and strategic communications tools, to achieve U.S. national security objectives. This conception entails a significant change from Unified Action by recognizing that operations in the land domain must begin as a comprehensive interagency approach from the proverbial “get-go,” rather than as military operations in which relevant agencies are essentially integrated as an afterthought.

Creating institutional change in our approach to national security will be difficult. In the past, many national security experts have recommended changes and have identified legislative action needed to establish the necessary authorities, funding, and training.<sup>9</sup> Despite these and other insightful recommendations, however, reform has not taken place and top-down legislative change seems unlikely. A paradigm shift is required. The Strategic Landpower Task Force should lead the way by embracing new ideas about Strategic Landpower and collaboratively developing concepts with the interagency for employing and implementing expeditionary teams. The goal would be to prompt Executive Branch reform with an Executive Order (E.O.) that captures these concepts while identifying lead and supporting departments and their associated roles for national security missions. To force a more integrated approach under austere fiscal conditions, the E.O. should establish a consolidated budget line for national security, including at minimum the Department of Defense, Department of State, U.S. Agency for International Development, and the Intelligence Community.<sup>10</sup>

While addressing security challenges in Iraq and Afghanistan, the U.S. government developed and employed several programs of note. Specifically, the Provincial Reconstruction Team program—created to employ combined teams of military, diplomatic and reconstruction experts in Afghanistan and in Iraq—could serve as a prime model for developing expeditionary interagency teams. Additionally, the Ministry of Defense Advisory Program, while only composed of DoD personnel, should be reviewed as a potential model for training and deploying civilians to assist foreign governments with institutional capacity building. These two model programs focus solely on stability operations. Others will need to be developed to address the full spectrum of operations in the land domain where each is tailored and scaled with the appropriate blend of lethal and non-lethal tools. Creating fresh innovative concepts while adapting existing ones with buy-in from other governmental agencies may be the spark required to prompt needed reform for dealing with the complex problems of the twenty first century.

While this paradigm shift and institutional change will be far from easy to implement, it constitutes an important first step toward adapting our land forces and other national security tools to more effectively apply U.S. power in the land domain. Change might well begin with an expansion of the definition for Strategic Landpower. The Strategic Landpower Task Force must expand its reach to include the other elements of national power. Combat operations have drawn to an end in Afghanistan. The time to reconsider, think broadly, and innovate has arrived. Failure to do so, especially with regard to Strategic Landpower may result in a failure to achieve U.S. national security objectives. That is not a risk we can afford to accept.

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<sup>9</sup> Stephen J. Hadley and William J. Perry, *The QDR in Perspective: Meeting America's National Security Needs in the 21<sup>st</sup> Century* (Washington, DC: U.S. Institute of Peace, 2010), xii.

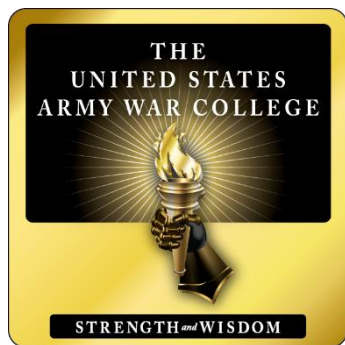
<sup>10</sup> *Ibid.*, xiii.

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Student Publications



**STRENGTH** *and* **WISDOM**

# The *Army War College* Review

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Flag flying over the Strength and Wisdom statue, a gift from the class of 2014, capturing the mission, spirit, and history of Carlisle Barracks (photo by Laura A. Wackwitz, Ph.D.).

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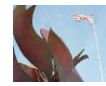
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# Pakistan-China Strategic Relations

Brigadier General Ahsan Gulrez

*The Pakistan-China relationship has matured into a comprehensive strategic partnership. Internal stability, however remains a critical enabler for national security, foreign investment, and economic growth. Pakistan must demonstrate progress toward a more stable internal environment or risk becoming a dysfunctional liability for the Chinese. This essay identifies key areas of mutual interest, highlights economic and improved security opportunities, and notes potential perils and vulnerabilities. Pakistan's geo-strategic location offers a safe and secure alternate access to resources and global markets. A "way forward" for building and maintaining the Pakistan-China relationship is advanced; one that benefits both countries and the region at large.*

Keywords: *Geo-strategic location of Pakistan, Chinese access to western seas, Trade Corridor to Central Asia*

The Pakistan-China relationship evolved in the bi-polar environment of the Cold War with India perceived as a common threat.<sup>1</sup> Two key elements in this relationship were Pakistan's support of China in United Nations forums and Pakistan's central role in facilitating the United States—Sino rapprochement.<sup>2</sup> For its part, China supported Pakistan in its wars with India and assisted in the development of Pakistan's nuclear program when the U.S. re-imposed sanctions in 1989.<sup>3</sup> In the last six decades, the Pakistan-China relationship has matured into a comprehensive strategic partnership.<sup>4</sup> The relationship is crucially important for Pakistan's national security, and is of near equal value to Beijing's regional security considerations.

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*Ahsan Gulrez (M.S.S. United States Army War College) is a Brigadier General in the Pakistan Army. An earlier version of this article, written under the direction of Professor Edward J. Filiberti, earned a prestigious Army War College Foundation award for Outstanding Strategy Research Paper for the USAWC class of 2014.*

<sup>1</sup> Khalid Mahmood, "Pakistan China Relationship," 10, [http://www.issi.org.pk/publication-files/1315801593\\_45294286.pdf](http://www.issi.org.pk/publication-files/1315801593_45294286.pdf) (accessed November 15, 2013).

<sup>2</sup> Mussarat Jabeen, "Developments in Pak-China Strategic Alliances," *Berkeley Journal of Social Sciences* 2, no. 2 (February 2012): 34 <http://www.berkeleyjournalofsocialsciences.com/February121.pdf>, (accessed March 14, 2014).

<sup>3</sup> *Ibid.*, 3-5.

<sup>4</sup> Mahmood, "Pakistan China Relationship," 9.

Emerging economic viability is a key 21<sup>st</sup> century enabler for national power and security.<sup>5</sup> In Pakistan-China relations, trade and commerce serves as the soft underbelly<sup>6</sup> of an otherwise close relationship. Mutual cooperation is reinforced, in part, by the current geo-political environment and by Pakistan's strategic location which offers China appealing economic opportunities and westward access.<sup>7</sup> Pakistan's future likely depends on the careful management of the China-Pakistan relationship while Pakistan continues navigating through treacherous regional and global challenges.

This essay examines the Chinese-Pakistan relationship within a regional and global context, identifies key areas of mutual interest, highlights economic and security opportunities, and notes potential perils and vulnerabilities. A "way forward" for building and maintaining this important relationship for the benefit of both countries and the region at large is recommended.

## Strategic Context

The 21<sup>st</sup> century is characterized by a growing connectivity between and within state and non-state actors enabled primarily by information technology<sup>8</sup> and economic interdependence.<sup>9</sup> In many respects, globalization (the free exchange of ideas, commodities, and populace), has undermined the ability of a single state to control its internal socio-political environment. This new "megatrend" can also act as a constraint (such as increased vulnerability to subversion and terrorism) and requires cooperation with key external nation states.<sup>10</sup> Notwithstanding a trend toward interdependence, future conflict between nation states is likely to be due to the need for assured access to natural resources essential for rapid growth and increasing global competitiveness.<sup>11</sup> In this context China, the Asia-Pacific Region, and India are likely to increasingly shape the geo-political environment for the remainder of the century. Importantly, the Asia-Pacific Region, Africa, Central Asia, and Russia are emerging areas where the U.S., China, Europe, and India are competing for natural resources.<sup>12</sup>

Within the global milieu, the U.S. currently leads the world order as the primary power and will likely do so for the next two to three decades.<sup>13</sup> Thus, the U.S. has considerably more interest in maintaining the current stability of the international order than do emerging powers.<sup>14</sup> China's rapid economic growth and aspirations for increased influence threaten several Southeast Asian countries

<sup>5</sup> Thomas Renard, *A BRIC in the World: Emerging Power, Europe and the Coming Order*, Egmont Paper 31, (Belgium: Royal Institute of International Relations, October 2009), 24, <http://aei.pitt.edu/11869/1/ep31.pdf> (accessed March 14, 2014).

<sup>6</sup> Kerry B. Dumbaugh, *Exploring the China-Pakistan Relationship*, Roundtable Report, (Alexandria, VA: CNA China Studies Division, June 2010), 12-13 <https://cna.org/sites/default/files/research/Do022883.A1.China-Pak.pdf> (accessed March 14, 2014).

<sup>7</sup> Michael Beckley, "Pakistan and China: Fair Weather Friends," *Yale Journal of International Affairs*, March 2012, 16, <http://yalejournal.org/wp-content/uploads/2012/04/Article-Michael-Beckley.pdf> (accessed March 14, 2014).

<sup>8</sup> Karl Kaiser, "Power Relations in 21<sup>st</sup> Century," 2, <http://www.ifri.org/downloads/Kaiser.pdf> (accessed November 13, 2013).

<sup>9</sup> Robin Niblett, *The Economic Crisis and the Emerging Powers: Towards a New International Order*, Area: International Economy and Trade (Madrid, Spain: Elcano Royal Institute, February 20, 2012), 7, [http://www.realinstitutoelcano.org/wps/wcm/connect/c30cccd804a3bd9bd8c15bf3b1240dd34/00053\\_Niblett\\_Economic\\_crisis\\_emerging\\_powers.pdf?MOD=AJPERES&CACHEID=c30cccd804a3bd9bd8c15bf3b1240dd34](http://www.realinstitutoelcano.org/wps/wcm/connect/c30cccd804a3bd9bd8c15bf3b1240dd34/00053_Niblett_Economic_crisis_emerging_powers.pdf?MOD=AJPERES&CACHEID=c30cccd804a3bd9bd8c15bf3b1240dd34) (accessed March 14, 2014).

<sup>10</sup> Karl Kaiser, "Power Relations in 21<sup>st</sup> Century," 2.

<sup>11</sup> Niblett, *The Economic Crisis and the Emerging Powers*, 7.

<sup>12</sup> Karl Kaiser, "Power Relations in 21<sup>st</sup> Century," 2-3.

<sup>13</sup> Robert D. Lamb, Sadika Hameed, and Kathryn Mixon, *South Asia Regional Dynamics and Strategic Concerns: A Framework for U.S. Policy and Strategy in South Asia, 2014 – 2026* (Washington, DC: Center for Strategic & International Studies, January 2014), 11, [http://csis.org/files/publication/140116\\_Lamb\\_SouthAsiaRegionalDynamics\\_WEB.pdf](http://csis.org/files/publication/140116_Lamb_SouthAsiaRegionalDynamics_WEB.pdf), (accessed January 30, 2014).

<sup>14</sup> *Ibid.*, 9.

and poses a strategic challenge to current U.S. hegemony. U.S. efforts to rebalance to the Pacific are perceived by many as countering Beijing's aspirations for increased regional and global influence.<sup>15</sup>

Prosperity and security are important pillars of the modern political system, driving current economic and defense alliances such as: Brazil, Russia, India, China and South Africa (BRICS), Association of South East Asian Nations, Trans Pacific Partnership, Shanghai Cooperation Organization (SCO), and the North Atlantic Treaty Organization (NATO).<sup>16</sup> Growing multinational alliances reflect a continuing transition toward a more multi-polar world order.<sup>17</sup> At present, China and Russia are competitive "global status seekers," but their collusion during the Security Council vote on Syria may suggest a possible growing convergence of Russian and Chinese interests.<sup>18</sup>

The Gulf States are also key actors in regional and global dynamics. The Arab Spring has profoundly influenced nearly every country in the Middle East and the situation remains extremely volatile. Unfortunately, pro-democratic movements have descended into ethnic and sectarian turmoil that continue to plague the region. Importantly, the Gulf region as a global oil market continues to hold significant strategic value for the U.S. and China. The U.S. censure of autocratic rule in the Gulf States and pressure on the respective governments to address their social unrest may actually foster instability. An additional complicating factor to the political and social volatility in the region is the Gulf States fear of Iran's nuclear weapons ambitions. Correspondingly, the Gulf States are wary of the recent U.S.-Iran rapprochement efforts and the U.S.'s apparent acceptance of Iran's programs.<sup>19</sup> Together these regional issues indirectly place the global oil market at risk and affect the behavior of both China and the United States.

The environment in South Asia also remains tense based upon a complex mix of bilateral and multilateral interactions. The U.S., China, India, Pakistan and Afghanistan all play major roles in shaping the environment. China has a growing presence in South Asia, has close strategic relations with Pakistan and is the biggest competitor of the U.S. and India at global and regional levels. Perhaps the most serious regional challenge is the conflict-prone relationship between the two regional nuclear rivals: Pakistan and India. Additionally, the growing U.S.-India strategic partnership may further aggravate Sino-Indian relations in the mid- to long-term and increase tensions. Likewise, Chinese overt support to Pakistan is viewed by the Indians as an indirect Chinese strategy to counterbalance India's regional influence. Also, contributing to the uncertainty facing South Asia is the prospect of instability in Afghanistan following the U.S. drawdown. U.S. priorities in South Asia include: (1) expanding economic relations with India and promoting its role as a counterbalance to China, (2) eliminating extremism and improving the internal stability in Pakistan while preventing the proliferation of nuclear weapons, and (3) facilitating the peaceful transition of security operations within Afghanistan while preventing it from devolving into a failed state.<sup>20</sup>

Complicating this array of traditional nation-state interrelationships is the emergence of a host of 21st century global concerns.<sup>21</sup> The character of the threat has transformed into multifaceted nontraditional dimensions including: terrorism, insurgencies, civil wars, tolerance or support of

<sup>15</sup> Ang Cheng Guang, "Indochina," 40-41,

[http://www.lse.ac.uk/IDEAS/publications/reports/pdf/SRO15/SRO15Guan\\_.pdf](http://www.lse.ac.uk/IDEAS/publications/reports/pdf/SRO15/SRO15Guan_.pdf) (accessed January 4, 2014).

<sup>16</sup> David Lai, *Asia Pacific a Strategic Assessment*, Strategic Studies Institute (Carlisle Barracks: Army War College Press, May 2013), 7, <http://www.strategicstudiesinstitute.army.mil/pubs/download.cfm?q=1155> (accessed March 14, 2014).

<sup>17</sup> Pravin Gordhan, "An Emerging New World Order," *Cairo Review of Global Affairs*, <http://www.aucegypt.edu/gapp/cairoreview/pages/articleDetails.aspx?aid=75> (accessed March 14, 2014).

<sup>18</sup> Geir Flikke, *Collusive Status Seeking: The Sino – Russian Relationship, in Central Asia after 2014*, ed. by Stephen J. Blank, Strategic Studies Institute (Carlisle Barracks: Army War College Press, November 2013), 39, <http://www.strategicstudiesinstitute.army.mil/pdf/PUB1175.pdf> (accessed January 4, 2013).

<sup>19</sup> Lamb, Hameed, and Mixon, *South Asia Regional Dynamics and Strategic Concerns*, 9, 30-31.

<sup>20</sup> *Ibid.*, 11-15.

<sup>21</sup> *Ibid.*, 9.

terrorism, Weapons of Mass Destruction (WMD) proliferation, asymmetric warfare and cyber-attacks—all capable of disrupting governance and commerce.<sup>22</sup> Of these, transnational terrorism and the proliferation and employment of WMDs pose the most serious challenges to regional security, stability, and prosperity in South Asia.<sup>23</sup>

### Strategic Appraisal: China's Perspective

China's 21<sup>st</sup> century rise is fueled primarily by the economic growth transforming China in an unprecedented manner and at impressive speed.<sup>24</sup> For the first time the Middle Kingdom appears to be reaching across oceans to redefine its identity within a global context. The current world order—viewed by the Chinese as a consequence of the global power struggle of the late 20th century—will change only if China improves its global standing.<sup>25</sup> China is pursuing a more balanced multi-polar world order, seeking to reduce U.S. dominance while simultaneously recognizing that Chinese progress depends upon cooperation with and exploitation of U.S. markets. Thus, China avoids antagonizing the U.S. in the short- to mid-term while challenging U.S. influence in the long-term.<sup>26</sup>

China's policies since Deng Xiaoping reflect a change in its political outlook.<sup>27</sup> China is willing to demonstrate a more flexible approach to the tenets of the liberal world order but its progress remains firmly grounded in a Chinese cultural framework<sup>28</sup> and its “five principles of peaceful co-existence.”<sup>29</sup> These principles emphasize non-interference in the internal affairs of others and promote engagements for mutual benefit. By and large, China has pursued peaceful development,<sup>30</sup> expanded trade and economic relations, and is regarded as one of the largest global trading partners as measured by Foreign Direct Investment (FDI).<sup>31</sup> In effect, China has assumed a central role in the multi-nodal globalized world as the second largest economy and is likely to surpass the U.S. to become the economic world leader by 2025.<sup>32</sup> With China's rise comes new challenges, however.

China is confronted with diverse neighbors constituting a unique tri-polar regional environment and is pursuing opportunities to exploit nascent regions. Southeast Asia is currently the most sought after region for expanding Chinese direct influence and trade. In the west, Central Asia provides future opportunities for increasing markets and obtaining natural resources. Northeast Asia is regarded as an area of risk and tension due to the competing interests from Japan and South Korea.<sup>33</sup> Concurrently, China's budding relationships with Africa and Latin America are based on coincident interests, exploiting emerging markets, and accessing and developing natural resources.<sup>34</sup>

<sup>22</sup> U.S. Army War College, “Strategic Leadership Primer 3<sup>rd</sup> ed,” ed. Stephen J. Gerras, (U.S. Army War College Press, 2010), 13 <http://www.carlisle.army.mil/usawc/dclm/slp3.pdf> (accessed November 26, 2013).

<sup>23</sup> Lamb, Hameed, and Mixon, *South Asia Regional Dynamics and Strategic Concerns*, 31.

<sup>24</sup> Paul Evans, “Historians and Chinese World Order,” in *China and International Relations*, ed. Zheng Yongnian (New York: Routledge, 2010), 50.

<sup>25</sup> *Ibid.*, 51.

<sup>26</sup> *Ibid.*

<sup>27</sup> Wang Gungwu, *Renewal: The Chinese State and the New Global History* (Chinese University Press of Hong Kong 2013), 121.

<sup>28</sup> *Ibid.*, 122.

<sup>29</sup> Brantly Womack, “Traditional China and the Globalization of International Relations Thinking,” in *China and International Relations*, ed. Zheng Yongnian (New York: Routledge, 2010), 130.

<sup>30</sup> Tang Jiaxuan, “Tang Jiaxuan Says China Will Stick to the Path of Peaceful Development,” September 24, 2010, <http://www.fmprc.gov.cn/eng/topics/cpop/t755949.shtml> (accessed March 14, 2014).

<sup>31</sup> Wang Hongying, “Understanding the Intangible in International Relations,” in *China and International Relations*, ed. Zheng Yongnian (New York: Routledge, 2010), 204.

<sup>32</sup> Brantly Womack, “Traditional China and the Globalization of International Relations Thinking,” in *China and International Relations*, ed. Zheng Yongnian (New York: Routledge, 2010), 130, 131.

<sup>33</sup> *Ibid.*

<sup>34</sup> *Ibid.*

China today faces significant challenges in achieving its global aspirations. Its economy is critically dependent on the procurement of energy resources abroad. Eighty percent of its imported oil travels through the Strait of Malacca. The on-going territorial disputes in the South China Sea together with U.S. naval dominance makes Chinese shipping lanes vulnerable to disruption and interdiction. China's dependency on oil imports and its reliance on vulnerable sea lanes is termed the "Malacca Dilemma." To address this vulnerability and assure the flow of energy, China has adopted a "New Silk Road Strategy."<sup>35</sup> The strategy has two components: first it aims to transform the old Silk Road routes into a modern infrastructure network that includes pipelines, roads and rail designed to avoid the perils of sea transport; second, China is modernizing its naval forces from a coastal defense navy into a "blue water" (what China terms "far seas defense") navy capable of protecting its maritime interests from the Persian Gulf to the Pacific. For the foreseeable future, however, the Chinese military will be unable to challenge U.S. naval dominance.<sup>36</sup>

China recognizes market access and the steady flow of energy resources as key economic drivers. Currently, China is the largest trading partner with the U.S. and European Union (EU) and has important interests in Africa and the Middle East.<sup>37</sup> In 2012, China became the world's largest importer of oil and, since 2009, receives 33% of its imported oil from Africa. By 2020, China is likely to import 65 % of its oil from Africa.<sup>38</sup> China's geographic proximity to oil rich Central Asia and Russia also affords opportunities. Currently, an oil pipeline links western Kazakhstan and China. In 2005 China National Petroleum Corporation purchased Petro-Kazakhstan Inc. a Canadian oil producing company that has given China access to an additional 550 million barrels of oil.<sup>39</sup> The completed oil pipeline to Russia has improved bilateral relations with Russia and has helped to secure China's oil supply while reducing its dependence on sea transport.<sup>40</sup>

China regards the Middle East as an important strategic region linking Asia, Africa, and Europe.<sup>41</sup> The Middle East serves as a logistics and trade center to access European and African markets and is also another source of energy. Significantly, China imports approximately 47% (2010) of its oil from Middle East sources.<sup>42</sup> Moreover, the U.S. rebalance to the Pacific has caused China to seek strategic economic depth with increased influence in the Middle East, especially in the post-Arab Spring environment.<sup>43</sup>

The U.S. rebalance to the Asia-Pacific is regarded as an effort to contain the growing Chinese influence in the Asia-Pacific region.<sup>44</sup> A popular Chinese book titled *C Shaped Encirclement* characterizes the process as the "carving and destruction of China."<sup>45</sup> According to China, U.S. policy

<sup>35</sup> Christina Lin, *China's Strategic Shift towards the Region of the Four Seas: The Middle Kingdom Arrives in the Middle East*, ISPW Strategy Series, Issue No. 226, (Berlin, Germany: Institute for Strategic, Political, Security and Economic Consultancy, April 2013), 2, 3.

[http://mercury.ethz.ch/serviceengine/Files/ISN/163381/ipublicationdocument\\_singledocument/660d7c24-8bed-44a0-b6cf-a6038e0e03e2/en/226\\_Lin.pdf](http://mercury.ethz.ch/serviceengine/Files/ISN/163381/ipublicationdocument_singledocument/660d7c24-8bed-44a0-b6cf-a6038e0e03e2/en/226_Lin.pdf) (accessed on March 14, 2014).

<sup>36</sup> Ibid., 10, 11, and 14.

<sup>37</sup> Ibid.

<sup>38</sup> David E Brown, *Africa's Booming Oil and Natural Gas Exploitation and Production: National Security Implications for United States and China*, Strategic Studies Institute, (Carlisle Barracks: Army War College Press, December 2013), 7 <http://www.strategicstudiesinstitute.army.mil/pubs/download.cfm?q=1186> (accessed March 14, 2014).

<sup>39</sup> Cindy Hurst, "China's Global Quest for Energy," *IAGS Energy Security*, 2007, <http://www.iags.org/chinasquest10107.pdf>, (accessed January 31, 2014): 5.

<sup>40</sup> Ibid.

<sup>41</sup> Lin, *China's Strategic Shift towards the Region of the Four Seas*, 2.

<sup>42</sup> Ibid.

<sup>43</sup> Ibid.

<sup>44</sup> John W. Garver and Fei Ling Wang, "China's Anti-encirclement Struggle," *Asia Security*, 6, no. 3 (2010): 238, <http://dx.doi.org/10.1080/14799855.2010.507412> (accessed February 12, 2014).

<sup>45</sup> See Dai Xu, C-xing baowei; neiyou waihuan xia de zhongguo tuwei [C-Shaped Encirclement: China's Breakout of Encirclement under Internal and External Threats] (Shanghai: Wenhui Press, 2010).



in the East and South China Seas infringes on its core interests.<sup>46</sup> In the evolving sensitive environment of the Asia-Pacific, the U.S.-India nuclear deal and Indian-Japanese economic and military engagements further threaten China. India has also begun to position itself as the primary competitor in countering growing Chinese influence; so much so that even increasing trade between China and India may not be able to reduce the coming rivalry.<sup>47</sup>

China considers its east bounded by anti-China pacts supported by the U.S.<sup>48</sup> Consequently, China has started improving its coalitions with non-western aligned states and has successfully used the SCO to extend its influence in Central Eurasia, especially in the last decade. China is also solidifying its relations with key states in the Caspian, Mediterranean, Black and Arabian Sea, and Persian Gulf, with an emphasis on Turkey, Syria, Iran, Pakistan, and recently Egypt. Notably, these countries possess 70% of the proven energy reserves and are not closely aligned with the United States. Turkey, Iran, and Pakistan are especially important because: (1) Turkey is an important member of NATO and SCO; its current Islamic government is inclined to look east, making it predisposed towards China thereby extending China's influence to Eurasia;<sup>49</sup> (2) If China and Russia maintain relations with Iran it would provide a small counterbalance<sup>50</sup> on the eastern flank of the Gulf, preventing the possible disruption of China's oil supply caused by conflict over Taiwan; and (3) According to President Hu Jintao, "China-Pakistan traditional strategic partnership would remain intact under all circumstances."<sup>51</sup> In geo-economic terms, a close China-Pakistan relationship secures for China an alternative strategic corridor through Pakistan.<sup>52</sup>

Despite the disaffection in rural areas such as Tibet and Xinjiang, China's economic progress has spread across the country and affected nearly every domain. The military, for instance, is being modernized and is increasingly assertive in protecting its interests through the projection of power at regional and global levels.<sup>53</sup> Correspondingly, China is likely to contest any threat to its influence and sovereignty in East Asia while increasingly asserting its territorial claims in the South China Sea.<sup>54</sup>

### China's National Interests

Faced with a rising tide of perceived strategic challenges and newly empowered by economic prosperity and growth, China appears to have four major interests: (1) Sovereignty, territorial integrity, and national reunification,<sup>55</sup> (2) A peaceful rise through economic development,<sup>56</sup> promotion of equally beneficial international cooperation,<sup>57</sup> and a preferred policy of non-

<sup>46</sup> Mahmood, "Pakistan China Relationship," 11.

<sup>47</sup> Rizwan Zeb, *Pakistan-China Relations: Where They Go From Here*, UNISCI Discussion papers, No. 29, (Madrid, Spain: UNISCI, May 2012), 56, <http://www.redalyc.org/pdf/767/76724487004.pdf> (accessed December 8, 2013).

<sup>48</sup> Lin, *China's Strategic Shift towards the Region of the Four Seas*, 16.

<sup>49</sup> *Ibid.*, 17.

<sup>50</sup> *Ibid.*, 6.

<sup>51</sup> Zeb, *Pakistan-China Relations: Where They Go From Here*, 51.

<sup>52</sup> Bruce Reidel and Pavneet Singh, *U.S. China Relations: Seeking Strategic Convergence in Pakistan*, Policy Paper 18, (Washington, DC: Brookings Institution, January 2010), 6,7, [http://www.brookings.edu/~media/research/files/papers/2010/1/12%20us%20china%20relations%20riedel/0112\\_us\\_china\\_relations\\_riedel.pdf](http://www.brookings.edu/~media/research/files/papers/2010/1/12%20us%20china%20relations%20riedel/0112_us_china_relations_riedel.pdf) (accessed March 14, 2014).

<sup>53</sup> Lin, *China's Strategic Shift towards the Region of the Four Seas*, 10.

<sup>54</sup> *Ibid.*, 20 and 21.

<sup>55</sup> Dr Yan Xue-Tong, "Analysis of China's National Interests," November 3, 2002, 124-132, [http://cns.miis.edu/books/pdfs/china\\_national\\_interests.pdf](http://cns.miis.edu/books/pdfs/china_national_interests.pdf) (accessed December 11, 2013).

<sup>56</sup> Tom Farer, Timothy Sisk, and Suisheng Zhao, *China-U.S. Relations in the New Global Context: Improving Multilateral Cooperation Among Today's Leading States*, Policy Report (Denver, Colorado: Center for China-United States Cooperation, 2006), 5. [http://www.du.edu/korbel/china/pdf/Policy\\_Report-PDF\\_format.pdf](http://www.du.edu/korbel/china/pdf/Policy_Report-PDF_format.pdf) (accessed March 14, 2014).

<sup>57</sup> Tong, "Analysis of China's National Interests," 133.

<sup>57</sup> *Ibid.*, 69.



confrontation and non-interference;<sup>58</sup> (3) The comprehensive engagement with Asia-Pacific stakeholders to contest U.S. containment efforts and to secure routes for the uninterrupted flow of energy supplies to China;<sup>59</sup> and (4) Cooperation with all nations to counter terrorism, piracy, transnational crime, and participate in disaster response<sup>60</sup> to promote stability.<sup>61</sup>

### Strategic Appraisal: Pakistan's Perspective

Pakistan's strategic location, while important, is also a liability due primarily to the associated countervailing interests of regional stakeholders and global powers.<sup>62</sup> Pakistan, for instance, is literally in a perpetual state of conflict with India over the Kashmir issue, lacks internal stability, and is still reeling from two major international events: the 1977 Soviet invasion of Afghanistan and the U.S. led invasion of Afghanistan in 2001.<sup>63</sup> Thus, although the geo-strategic location of Pakistan offers economic opportunities for the U.S., China, Russia, and India,<sup>64</sup> stability remains an important issue for these stakeholders.<sup>65</sup> Securing economic opportunities requires a stable regional environment that depends on four major dynamics: (1) The maintenance of strategic equilibrium between India and Pakistan; (2) Stabilizing fragile U.S. relationships with Asia, particularly with China, Iran, and Muslim nations; (3) The U.S. withdrawal from Afghanistan and its effects on Pakistan; and (4) Maintaining the internal stability and security of Pakistan.<sup>66</sup>

The current Pakistan-India adversarial relationship is based on a relatively brief but violent history following partition in 1947 and is fueled by the current unresolved Kashmir issue.<sup>67</sup> The inability of either side to achieve their political objectives through the use of force helped establish relative stability up to 1998.<sup>68</sup> This was followed by the development of nuclear weapons by both parties that has served to deter major conflict post-1998. Under the existing nuclear deterrence umbrella, the Pakistan-India relationship started showing signs of improvement in 2004 when both countries agreed on "composite dialogue" to resolve outstanding issues.<sup>69</sup> The 2008 Mumbai attack, however, derailed the "dialogue" and threatened war.<sup>70</sup>

The terrorist attack within the Indian city of Mumbai left 174 people dead, including 26 foreigners and 9 terrorists,<sup>71</sup> and led to a series of events that both threatened regional stability and helped defuse the crisis. For its part, the Pakistan government denounced the incident and took concrete measures that were acknowledged by New Delhi and also recognized by the U.S. as

<sup>58</sup> Ibid., 100-104.

<sup>59</sup> Lin, *China's Strategic Shift towards the Region of the Four Seas*, 16-17.

<sup>60</sup> Farer, Sisk, and Zhao, *China-U.S. Relations in the New Global Context*, 6.

<sup>61</sup> Tong, "Analysis of China's National Interests," 133.

<sup>62</sup> Mudassar Mazhar Malik, "Boosting Competitiveness," in *Pakistan and Beyond the "Crisis State,"* ed. Maleeha Lodhi (New York: Columbia University Press, 2011), 206.

<sup>63</sup> Ibid., 205.

<sup>64</sup> Harsh V. Pant, "The Pakistan Thorn in China-India-U.S. Relations," *The Washington Quarterly* 35, no. 1 (Winter 2012):87, <http://csis.org/files/publication/twq12winterpant.pdf> (accessed March 14, 2014).

<sup>65</sup> Mudassar Mazhar Malik, "Boosting Competitiveness," in *Pakistan and Beyond the "Crisis State,"* ed. Maleeha Lodhi (New York: Columbia University Press, 2011), 205.

<sup>66</sup> Feroz Hassan Khan, "Pakistan as Nuclear State," in *Pakistan and Beyond the "Crisis State,"* ed. Maleeha Lodhi (New York: Columbia University Press, 2011), 281.

<sup>67</sup> K. Alan Kronstadt, *Pakistan-U.S. Relations* (Washington, DC: U.S. Library of Congress, Congressional Research Service, May 24, 2012), 41, [http://assets.opencrs.com/rpts/RL33498\\_20090206.pdf](http://assets.opencrs.com/rpts/RL33498_20090206.pdf) (Accessed March 14, 2014).

<sup>68</sup> Walter C. Ladwig III, "A Cold Start for Hot Wars?" [http://belfercenter.ksg.harvard.edu/files/IS3203\\_pp158-190.pdf](http://belfercenter.ksg.harvard.edu/files/IS3203_pp158-190.pdf), (accessed March 2, 2014): 169.

<sup>69</sup> K Alan, Kronstadt, *Terrorist Attack in Mumbai, India, and Implications for U.S. Interests* (Washington, DC: U.S. Library of Congress, Congressional Research Service, December 19, 2008), 7, <https://www.fas.org/sgp/crs/terror/R40087.pdf> (accessed March 5, 2014), 7.

<sup>70</sup> Ibid., 11.

<sup>71</sup> Ibid., 1-2.

“important and great steps.”<sup>72</sup> Unlike previous crises, both the governments in Islamabad and New Delhi demonstrated patience and resolve and refused to let the situation escalate. Nevertheless, counter-allegations and blame assignments continued. India continued to press Pakistan to eliminate alleged anti-Indian terrorist elements in Pakistan and accused Pakistan of directly supporting these groups. Conversely, Pakistan viewed India’s accusations as opportunistic and as a means to marshal international opposition against Pakistan and warned India against resorting to “blame game and knee-jerk reactions.”<sup>73</sup> Although animosity has subsided, the incident has left an indelible scar that continues to hamper improved relations.

Pakistan also views many of India’s activities—including India’s expansive arms procurement program, its new provocative military Cold Start doctrine, and the U.S.-India nuclear deal and Nuclear Suppliers Group waiver—as being provocative and designed to upset the tenuous regional strategic equilibrium. Similarly, recent U.S. engagements with India, ostensibly to counter China’s influence, have strained U.S.-Pakistan relations.<sup>74</sup> Significantly, relations between India and Pakistan have begun to warm and both nations are cautiously optimistic. Dialog resumed between the countries beginning in 2011, after a two-year pause, with several key initiatives. The two countries: established a “terror hotline” between their ministries; agreed to several measures to improve transparency on both conventional and nuclear weapons programs; expanded trade and travel across the line-of-control in Kashmir; liberalized some bilateral trade restrictions; signed an India-Pakistan pact to build an 1,100-mile natural gas pipeline from Turkmenistan;<sup>75</sup> and Pakistan considered extending the Most-Favored Nation status to India.<sup>76</sup> Despite these positive steps, tension and distrust between India and Pakistan continues and Pakistan remains distrustful of growing U.S.-India cooperation.

These trends have affected Pakistani public opinion and external relations. For instance, eighty percent of the Pakistani population regards China as a friend as opposed to nine percent who view the U.S. as a partner.<sup>77</sup> According to Chinese premier Wen Jiabao, “China and Pakistan were, are, and will forever be good neighbors, good friends, good partners and good brothers.”<sup>78</sup> Moreover, China has always stood by Pakistan and provided strong support, especially when Pakistan confronted intense U.S. pressure in 2011 after the assassination of Osama Bin Laden.<sup>79</sup> Similarly, Pakistan has always supported China’s sovereignty over Taiwan, Xinjiang and Tibet in all international forums. Pakistan also continues to act as a bridge between China and the Muslim World.<sup>80</sup>

The Kashmir dispute remains a major security concern. The China-India border dispute in the north, Aksai Chin, explicitly includes China in the Kashmir issue as a fourth party (besides Pakistan, India and the Kashmiris).<sup>81</sup> An agreement among these four stakeholders could dramatically lead the

<sup>72</sup> Ibid., 11-18.

<sup>73</sup> Kronstadt, *Terrorist Attack in Mumbai*, 8-10.

<sup>74</sup> Munir Akram, “Reversing Strategic Shrinkage,” in *Pakistan and Beyond the ‘Crisis State’*, ed. Maleeha Lodhi (New York: Columbia University Press, 2011), 287-289; 296-299.

<sup>75</sup> Kronstadt, *Pakistan-U.S. Relations*, 41-43.

<sup>76</sup> Shahbaz Rana, “Non-discriminatory market access: Pakistan, India all but sign trade normalisation deal,” *The Express Tribune-With the International New York Times*, March 15, 2014, <http://tribune.com.pk/story/683073/non-discriminatory-market-access-pakistan-india-all-but-sign-trade-normalisation-deal/> (accessed March 16, 2014).

<sup>77</sup> Harsh V. Pant, “The Pakistan Thorn in China-India-U.S. Relations,” 90.

<sup>78</sup> Khalid Mahmood, “Pakistan China Relationship,” 14.

<sup>79</sup> Harsh V. Pant, “The Pakistan Thorn in China-India-U.S. Relations,” 83.

<sup>80</sup> Ibid., 85.

<sup>81</sup> Naeem Sarfraz, “The Solution of Kashmir lies in Beijing,” *The Express Tribune with the New York Times*, 5 February, 2014, <http://tribune.com.pk/story/667511/the-solution-to-kashmir-lies-in-beijing/> (accessed February 11, 2014).

region towards improved stability and increased prosperity. Resolution of this issue could enable each of these stakeholders to dedicate significantly more military forces and resources towards countering terrorism thus further improving internal security. A rising China with stronger ties with both India and Pakistan and a growing stake in a favorable outcome could play a pivotal role in brokering a peaceful resolution of the Kashmir issue; a role that the U.S. has avoided. For a Chinese led negotiation effort “the upside is phenomenal, the downside negligible.”<sup>82</sup>

Pakistan-Iran relations have always been episodic but Iran has generally supported Pakistan during difficult times.<sup>83</sup> In post 9/11, Pakistan-Iran relations cooled due to the U.S. imposed sanctions on Iran that were supported by Pakistan.<sup>84</sup> Conversely, Iran’s sponsorship of the Shia community, its covert support of Shia sects in Afghanistan, and improved Indo-Iran cooperation undermines the Iran-Pakistan relationship.<sup>85</sup> Following the U.S. withdrawal from Afghanistan, the dynamics in the Pakistan-Iran relationship could either disrupt or help stabilize the region. Iran’s inclination towards India in post-U.S. Afghanistan could affect Pakistan-Iran cooperation and increase regional tensions.

Historically, Pakistan and Afghanistan have maintained an uneasy peace. In the last decade, both have been accused of meddling in the other’s domestic affairs. Afghanistan blames Pakistan for supporting militancy in Afghanistan and intervening to establish a pro-Pakistan government.<sup>86</sup> Pakistan believes Afghanistan is supporting and harboring “Baloch” terrorist elements and allowing India to use Afghan soil for anti-Pakistan activities.<sup>87</sup> Significantly, the Afghan government has recently shown a more open posture with its neighbors<sup>88</sup> with Pakistan reciprocating. Continued cooperation between the two countries may be the critical link in ensuring regional stability following the U.S. withdrawal.

Likewise, increased economic cooperation between Pakistan and Afghanistan is an important factor in improving regional stability and prosperity. There are numerous actions that can lead to long-term economic prosperity and others which may derail progress. A key friction point is the Indian influence within Afghanistan that is viewed by Pakistan as a direct threat to its security.<sup>89</sup> Conversely, a long-term U.S. commitment ensuring a smooth transition and stable post-withdrawal environment could help prevent civil war and help stabilize the region.<sup>90</sup> Notably, it is unlikely that peace in Afghanistan could be achieved without some concessions to the Taliban.<sup>91</sup> Moreover, a stable and peaceful Afghanistan requires the cooperation and support of the regional stakeholders.<sup>92</sup>

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<sup>82</sup> Ibid.

<sup>83</sup> Shah Alam, “Iran-Pakistan Relations: Political and Strategic Dimensions,” 542, [http://www.idsa.in/system/files/strategicanalysis\\_salam\\_1204.pdf](http://www.idsa.in/system/files/strategicanalysis_salam_1204.pdf) (accessed March 14, 2014).

<sup>84</sup> Munir Akram, “Reversing Strategic Shrinkage,” in *Pakistan and Beyond the ‘Crisis State’*, ed. Maleeha Lodhi (New York: Columbia University Press, 2011), 301.

<sup>85</sup> Ibid.

<sup>86</sup> Safdar Sial, “Pak-Afghan Relations Emerging Trends and Future Prospects,” *Conflict and Peace Studies* 4, no. 1 (Islamabad, Pakistan: Pak Institute for Peace Studies, Jan-Mar 2011), 1-2, <http://san-pips.com/download.php?f=164.pdf> (accessed March 14, 2014).

<sup>87</sup> Ibid., 2.

<sup>88</sup> Ibid., 10.

<sup>89</sup> Talal Hassan, *Afghanistan Complex Situation and its Implications on Pakistan*, One year Master Program In Human Rights - Paper (Malmo, Sweden: Malmo Hogskola), 34, <http://dspace.mah.se/bitstream/handle/2043/10761/final%20thesis.pdf> (accessed March 14, 2014).

<sup>90</sup> Sial, *Pak-Afghan Relations Emerging Trends and Future Prospects*, 12.

<sup>91</sup> Clare Castillejo, *Regional implications of NATO withdrawal from Afghanistan: What role for the EU?*, No. 4 (Agora Asia Europe: February, 2012): 2,

[http://mercury.ethz.ch/serviceengine/Files/ISN/143351/ipublicationdocument\\_singledocument/4836ac2b-33fb-4594-815f-a69f90113c84/en/PB\\_4\\_NATO\\_withdrawal\\_from\\_Afghanistan.pdf](http://mercury.ethz.ch/serviceengine/Files/ISN/143351/ipublicationdocument_singledocument/4836ac2b-33fb-4594-815f-a69f90113c84/en/PB_4_NATO_withdrawal_from_Afghanistan.pdf), (accessed March 14, 2014).

<sup>92</sup> Ibid., 4.

Pakistan depends upon stable and friendly relations with Saudi Arabia. Beside traditional religious linkages, Pakistan continues to depend on Saudi Arabia for oil supplies, deferred payments and other financial support.<sup>93</sup> Saudi Arabia also influences the domestic affairs of Pakistan but the nature of this relationship has changed in the last decade as Saudi Arabia expanded its strategic outlook. The Saudis are now more focused on developing regional and global relationships to guard against threats from Iran and limit the rising sectarianism in the Middle East.<sup>94</sup> Saudi Arabia has also backed off from its unqualified support to Pakistan on the Kashmir issue and increased engagement with India.<sup>95</sup> Pakistan's economy can no longer depend on Saudi largesse and the relationship is likely to continue mainly on a reciprocal basis. Pakistan's intent to pursue the Iran-Pakistan gas pipeline, over U.S. objections, is likely to affect the Saudi-Pakistan relationship. A political cost will need to be weighed against economic benefits.

The recent improvement of the bilateral relationship between Russia and Pakistan also affects regional stability.<sup>96</sup> Russia believes that a stable Pakistan can help Afghanistan curtail the spread of terrorism into the Central Asian Republics.<sup>97</sup> Growing Indo-Russian relations, however, could well emerge as an impediment to improved Pakistan-Russia relations. Conversely, the improved relationship between the U.S. and India will likely impair Russia-India cooperation and indirectly help Russia-Pakistan engagements.<sup>98</sup> The inclusion of Pakistan in SCO as a regular member could also boost Pakistan-Russia relations.

Pakistan-U.S. relations can best be described as pragmatic and transactional due, in part, to its oscillating nature. A large segment of Pakistani society believes that the U.S. is neither a dependable nor a long-term ally.<sup>99</sup> The recent and repeated U.S. violations of Pakistani sovereignty have further alienated the general populace and turned them against the United States. Notwithstanding this tenuous relationship, the U.S. requires Pakistan's assistance and support to avoid a perilous exit from Afghanistan.<sup>100</sup> Pakistan is also concerned that a precipitous U.S. withdrawal from Afghanistan could destabilize the region and be inimical to Pakistan's interests.<sup>101</sup>

Another important impediment in the U.S.-Pakistan relationship is the inability of the U.S. to appreciate the gravity of the Indian threat to Pakistan<sup>102</sup> as exemplified by the extension of the preferential U.S.-India nuclear agreement. Pakistan understands that the U.S. will avoid involvement in resolving the Kashmir issue and will not openly accept nor welcome Pakistan as a nuclear power. Nonetheless, Pakistan has already acquired a de-facto nuclear status that does not require the U.S.

<sup>93</sup> Akram, "Reversing Strategic Shrinkage," 301.

<sup>94</sup> Ibid.

<sup>95</sup> Ibid.

<sup>96</sup> Rashid Ahmed Khan, "The Pakistan-Russia Relationship: Geopolitical Shift in South and Central Asia," *IPRI Journal* XIII, no. 1 (Winter 2013): 129-130, <http://www.ipripak.org/journal/winter%202013/std4.pdf> (accessed March 14, 2014).

<sup>97</sup> Rajeev Sharma, "Russia-Pakistan Relations: No Zero Sum Game for Indo-Russian Ties," November 5, 2012, [http://indrus.in/articles/2012/11/05/russia-pakistan\\_relations\\_no\\_zero\\_sum\\_game\\_for\\_indo-russian\\_ties\\_18845.html](http://indrus.in/articles/2012/11/05/russia-pakistan_relations_no_zero_sum_game_for_indo-russian_ties_18845.html), (accessed December 10, 2013):126.

<sup>98</sup> Khan, "The Pakistan-Russia Relationship," 126.

<sup>99</sup> Saeed Shafiq, "Praetorians and the People," in *Pakistan and Beyond the 'Crisis State'*, ed. Maleeha Lodhi (New York: Columbia University Press, 2011), 102.

<sup>100</sup> Munir Akram, "Reversing Strategic Shrinkage," in *Pakistan and Beyond the "Crisis State,"* ed. Maleeha Lodhi (New York: Columbia University Press, 2011), 293.

<sup>101</sup> Ahmed Rashid, *Pakistan on the Brink: The Future of America, Pakistan and Afghanistan* (New York: Penguin Group, 2012), 162.

<sup>102</sup> Haider A.H. Mullick, *Pakistan's Security Paradox: Countering and Fomenting Insurgencies*, Report 09-9 (Florida, Joint Special Operations University, December 2009), 2 & 7, [http://www.google.com/url?sa=t&rct=j&q=&esrc=s&frm=1&source=web&cd=1&ved=0CCUQFjAA&url=http%3A%2F%2Fwww.dtic.mil%2Fcgi-bin%2FGetTRDoc%3FAD%3DADA514573&ei=ldIoU7SFJ-boogGo-oDQDw&usq=AFQjCNGAkQBOD4mYzIDAubGiSwwblJL\\_xw&bvm=bv.62922401.d.dmQ](http://www.google.com/url?sa=t&rct=j&q=&esrc=s&frm=1&source=web&cd=1&ved=0CCUQFjAA&url=http%3A%2F%2Fwww.dtic.mil%2Fcgi-bin%2FGetTRDoc%3FAD%3DADA514573&ei=ldIoU7SFJ-boogGo-oDQDw&usq=AFQjCNGAkQBOD4mYzIDAubGiSwwblJL_xw&bvm=bv.62922401.d.dmQ) (Accessed 14 March 2014).

or other international ratification.<sup>103</sup> In the context of maintaining stability in South Asia, the U.S. should consider the following potential consequences: (1) U.S. engagement with India intended to curtail Chinese influence could invoke a provocative Chinese counter response;<sup>104</sup> (2) Promoting Indian regional hegemony in South Asia could further destabilize the region with severe unintended consequences;<sup>105</sup> (3) The U.S., China, Europe and Russia are in a better position than India to promote a peaceful and enduring economic environment in South Asia;<sup>106</sup> and (4) A positive and long term Pakistan-U.S. relationship is in Pakistan's interests and should not be affected by Pakistan's close relations with China. Both the U.S. and Pakistan have mutual interests in eliminating terrorism in the region, seeking stability, and exploiting mutual economic opportunities.<sup>107</sup>

### Pakistan's National Security Interests

Pakistan's vital national interests are: (1) Sovereignty and territorial integrity;<sup>108</sup> (2) National integration and internal security; (3) Socio-economic development;<sup>109</sup> (4) Peaceful relations with neighbors, the international community and growing strategic relations with China;<sup>110</sup> and (5) The peaceful resolution of the Kashmir issue.

## Prospects and Challenges for Pakistan-China Strategic Relations

### Prospects

Gwadar port, located on the southwest coast of Pakistan, is only 2500 kilometers from Xinjiang compared to 4500 kilometers from Xinjiang to China's east coast.<sup>111</sup> The shorter distance and overland security amplifies the importance of this route to western China. Options available to China include: (1) Construct an oil pipe line from Gwadar to Xinjiang; (2) Join the Iran–Pakistan–India gas pipeline; and (3) Build a separate undersea pipeline from Oman to Pakistan (Gwadar) and then link to an overland pipeline.<sup>112</sup> The existing Karakorum highway (between Pakistan and China) can also serve as an expanded trade corridor from China to Gwadar, Afghanistan, or Central Asia. Most significantly, the Gwadar port, along with the improved trade corridor, can assist China in avoiding the Malacca choke point, improving access to Central Asia and Europe and circumventing U.S. encirclement. Implementation of the Gwadar port project is expected to generate \$60 billion in annual revenues for Pakistan from the transit charges alone for the next two decades.<sup>113</sup>

Pakistan-China economic engagement started improving in 2000.<sup>114</sup> The overall volume of trade between Pakistan and China oscillates between \$7 to 10 billion,<sup>115</sup> and is likely to increase to 15 billion<sup>116</sup> by 2015. At present, approximately 13,000 Chinese experts and workers representing 120

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<sup>103</sup> Akram, "Reversing Strategic Shrinkage," 293.

<sup>104</sup> *Ibid.*, 303.

<sup>105</sup> *Ibid.*

<sup>106</sup> *Ibid.*

<sup>107</sup> Mullick, *Pakistan's Security Paradox*, 7.

<sup>108</sup> Pakistan Institute of Strategic Studies, *National Security Strategy for Pakistan* (Islamabad, Pakistan: Institute of Strategic Studies Islamabad, December 1, 2011), 3-4, [http://www.issi.org.pk/publication-files/1328511681\\_15449076.pdf](http://www.issi.org.pk/publication-files/1328511681_15449076.pdf) (accessed on March 14, 2014).

<sup>109</sup> *Ibid.*

<sup>110</sup> *Ibid.*

<sup>111</sup> Mahmood, "Pakistan China Strategic Relations," 13.

<sup>112</sup> Reidel and Singh, "U.S. China Relations," 7.

<sup>113</sup> Zeb, "Pakistan China Relations," 57.

<sup>114</sup> Dumbaugh, *Exploring the China-Pakistan Relationship*, 9-10.

<sup>115</sup> Zeb, "Pakistan China Relations," 52.

<sup>116</sup> Mahmood, "Pakistan China Strategic Relations," 13.

companies are managing 250 projects in Pakistan.<sup>117</sup> Beside multiple ongoing projects in mining, telecom, and power generation sectors, some other economic and trade prospects include: road construction, agriculture projects, financial institutions, and exclusive economic zones. By exploiting Pakistan's geo-strategic location and natural resources with Chinese technology and financial investments, both countries can prosper.

China has also played a pivotal role in the development of Pakistan's nuclear and conventional power generation programs even through difficult periods of western imposed sanctions.<sup>118</sup> With Chinese assistance, two nuclear power plants for electricity generation have been completed at Chasma and two more are under construction.<sup>119</sup> Similarly, in the hydro power sector, China contracted for projects worth \$700 million to construct twelve small to medium dams.<sup>120</sup> Currently, Chinese laborers and engineers are working on Neelum Jhelum project in Azad Jammu and Kashmir. China's continued assistance in improving Pakistan's power generation capacity is critical to Pakistan's economic development.<sup>121</sup>

Defense cooperation is perhaps the strongest aspect of the Pakistan-China relationship. China's assistance was essential in establishing Pakistan's nuclear weapons program and indigenous industrial defense production capability.<sup>122</sup> Some of the major strategic joint defense projects include: JF-17 third generation fighter aircraft, K-8 fighter trainer aircraft, main battle tank MBT-2000, airborne warning and air control systems and cruise missiles.<sup>123</sup> A \$600 million deal for construction of four frigates<sup>124</sup> is underway and China is also supplying its most advanced J-10 fighter to Pakistan.<sup>125</sup> Pakistan-China joint defense production also has the potential to capture a large proportion of the Muslim nations market and enable China to avoid an EU-like embargo that was imposed following the Tiananmen Square incident.<sup>126</sup>

Despite differences, China and India are engaged in building economic relations designed to increase trade,<sup>127</sup> yet China-Pakistan relations appear to be largely unaffected by this engagement.<sup>128</sup> In contrast, the U.S. tilt towards India has raised concerns for both China and Pakistan<sup>129</sup> and has served to further strengthen the China-Pakistan relationship.<sup>130</sup> The 2005 China-Pakistan "Treaty of Friendship"<sup>131</sup> and the Chinese decision to continue assisting Pakistan in development of civilian nuclear projects<sup>132</sup> illustrate the strong and growing Sino-Pak relationship.

## Challenges

Over the past few years the East Turkistan Islamic Movement (ETIM), a terrorist organization, has been active in the Xinjiang<sup>133</sup> and evidence indicates that its members received training in the

<sup>117</sup> Ibid.

<sup>118</sup> Pant, "The Pakistan Thorn in China-India-U.S. Relations," 85-86.

<sup>119</sup> Dumbaugh, *Exploring the China-Pakistan Relationship*, 11.

<sup>120</sup> Ibid.

<sup>121</sup> Mahmood, "Pakistan China Strategic Relations," 12.

<sup>122</sup> Reidel and Singh, "U.S. China Relations," 4.

<sup>123</sup> Zeb, "Pakistan China Relations," 50 – 51; Jabeen, "Developments in Pak-China Strategic Alliances," 8-10; Reidel and Singh, "U.S. China Relations," 4.

<sup>124</sup> Zeb, "Pakistan China Relations: Where They Go From Here," 51.

<sup>125</sup> Pant, "The Pakistan Thorn in China-India-U.S. Relations," 85.

<sup>126</sup> Kabraji, "The China Pakistan Alliance: Rhetoric and Limitations," 7.

<sup>127</sup> Mahmood, "Pakistan China Strategic Relations," 11.

<sup>128</sup> Zeb, "Pakistan China Relations," 54.

<sup>129</sup> Mahmood, "Pakistan China Strategic Relations," 11.

<sup>130</sup> Pant, "The Pakistan Thorn in China-India-U.S. Relations," 83 and 91.

<sup>131</sup> Mahmood, "Pakistan China Strategic Relations," 12.

<sup>132</sup> Pant, "The Pakistan Thorn in China-India-U.S. Relations," 83 and 91.

<sup>133</sup> Reidel and Singh, "U.S. China Relations," 8-9.

Tribal Areas of Pakistan.<sup>134</sup> Responding to China's concerns, Pakistan took aggressive actions to prevent any further activities by the ETIM within Pakistan. But the fact that the terrorist threat to China emanated from within Pakistan reflects negatively on internal stability and, as such, threatens foreign investments in Pakistan.

Approximately, 13,000 Chinese nationals are working on various projects in Pakistan.<sup>135</sup> Unfortunately, some of these nationals have been subjected to terrorist attacks. Chinese expertise and their skilled work force are critical to ongoing projects and future development. Aggressive Pakistani law enforcement is essential to provide a safe and secure working environment.

People-to-people contact remains the weakest link in Pakistan-China relations. The increase in economic, social, and political exchanges should stimulate the masses in both countries toward more pragmatic interactions—and hopefully with much less troublesome rhetoric. Despite religious, cultural, and social differences, both populations should initiate additional measures to increase positive activities leading to improved toleration, greater acceptance, and mutual cooperation.

### **Recommended Strategy**

The proposed strategy reflects the Chinese expression of “Niu Dai” (Tie, Link, and Bond). The goal is to enhance Chinese-Pakistani economic opportunities by exploiting Pakistan's geo-strategic location. Elements of the strategy include: (1) Supplying assistance to China in accessing western seas, Central and West Asia through extension of the traditional Silk Route; (2) Providing access to Pakistan's untapped natural resources; (3) Developing Pakistan as a manufacturing source for China by introducing exclusive economic zones; and (4) Improving defense cooperation to strengthen Pakistan's military capability while helping to open military hardware markets for other Muslim nations. The strategy will include a combination of diplomatic, informational, military and economic measures with emphasis on diplomatic and economic engagement.

#### **Diplomatic Measures**

Pakistan must remain cognizant of China's interests and address areas of maximum possible convergence while maintaining a high level of political interaction and coordination at international forums. First and foremost, Pakistan must maintain a high level of political interaction with China. Good relations with Beijing, however, should not be at the exclusion of other important regional allies and global partners. Full disclosure and transparency with China over sometimes competing national interests should increase mutual trust and confidence. Importantly, Pakistan should continue to seek cooperation with regional stakeholders to thwart extremism while improving internal security, stability, and prosperity.

#### **Informational Measures**

Both countries should relax visa requirements while promoting more travel and cultural interaction. An expanded student exchange and visiting university professor program could help improve cross-cultural understanding now and well into the future. The Pakistan government should both seek and fund more scholarships for Pakistani students to study at Chinese universities. China Central Television is the only Chinese channel broadcast in Pakistan and has a very limited viewership along with limited Chinese print media. Both countries should improve the quality, number, and access to Chinese/Pakistani program offerings. Pakistan should increase its media

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<sup>134</sup> Ibid., 9.

<sup>135</sup> Mahmood, “Pakistan China Strategic Relations,” 13.

coverage of China while at the same time attracting Chinese electronic and print media in order to communicate Pakistani cultural and societal perspectives to the Chinese populace.

### Military Measures

Pakistan should pursue strong military-to-military relations with China to further improve Pakistan's defense industry and continue the transfer of related technology. Chinese assistance should also be sought in space technology, cyber warfare, unarmed aerial vehicles, early warning systems, anti-satellite weapons, and improved air defenses. By leveraging favorable relationships with Muslim countries, Pakistan should act as a bridge for extending Pakistan-China joint defense projects to Muslim nations and thereby help China avoid possible EU embargos.

### Economic Measures

Security and stability are the essential engines for economic growth. Pakistan must provide a safe, secure, and stable environment to encourage foreign investment. Concurrently, it should seek to promote internal development and provide essential services that enable economic growth and serve to reduce motivational contexts that encourage extremism and terrorism.

Pakistan must increase its strategic relevance for China by offering multimodal strategic arteries (road, rail, pipelines, and fiber optics) from Xinjiang to Gwadar port, Karachi, Iran, and Afghanistan. Important components of the strategic network include the upgrading of the Karakorum highway, construction of Iran-Pakistan gas pipeline, and inclusion of China in both projects.

Pakistan should vigorously act to resolve its energy crisis through the development of a comprehensive power generation and distribution system that capitalizes on Chinese hydropower construction capabilities while also developing alternate energy sources (solar/wind). Other efforts should focus on developing Pakistan's vast coal reserves, expanding the energy distribution infrastructure, and soliciting Chinese expertise to develop efficient coal power and additional nuclear power plants.

Finally, Pakistan should concurrently (a) encourage Chinese investment and make unilateral trade concessions that stimulate reciprocal measures by China and other trading partners; (b) provide government incentives, when appropriate, to stimulate the development of natural resources, increase manufacturing, and fuel the consumption of Pakistani goods and services; (c) create and utilize exclusive industrial zones and improved security measures to attract and incentivize Chinese automobile, computer, and communication industries to build factories within Pakistan; (d) capitalize on Chinese agricultural expertise to improve the quality and diversity of crops, increase food production, and attain self-sufficiency; and (e) develop provincial technical training institutes to provide the education required of a modernized industrial base.

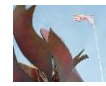
## Conclusion

Since its inception, Pakistan has confronted regional turbulence and faced threats to its national security. As a result of an unstable external environment and inconsistent domestic policies, Pakistan today faces political instability, economic fragility, and a constant threat of terrorism. Despite these liabilities, China has been a reliable friend and loyal partner. China has consistently provided aid and support without conditions or interference in Pakistan's internal affairs. Moreover, China is a steady supporter at international forums: defending Pakistan when and where it can. Pakistan has returned that support in kind. China's role in the world is changing rapidly along with its interests and ambitions. Pakistan, along with other world actors, must recognize this change and adjust expectations accordingly. Perhaps the greatest challenge to the Pakistan-China relationship is



Pakistan's fragile political stability and volatile internal security. Political stability and internal security must be assured.

During the relatively brief history of the China-Pakistan relationship, the leadership of both countries have pursued novel political paths. Drawn together first by India as a common threat, the relationship has expanded across diplomatic, defense, and economic domains. Efforts must be made to continue this progress, deepen existing bonds, and create new, even stronger, ones. An important challenge is the continued pursuit of economic cooperation for the benefit of both partners. The key may lie in Pakistan-China history along the ancient "Silk Route." The expansion and improvement of the "Corridor to the West" provides compelling opportunities for China to access an alternate route to world markets while bypassing vulnerable sea-lanes. By building this strategic corridor, Pakistan will solidify its relevance within Pakistan-China strategic relationship well into the 21st century.



# Issues in U.S. Grand Strategy

Colonel Michael James Daniels

*American grand strategy in the post-Cold War era is ill-defined and largely ineffective. Is grand strategy still relevant and necessary, especially for a great power? Is there an “American way” of grand strategy, and if so, is it working? Does the United States have a grand strategy? What are the current challenges to the development of grand strategy? Can the process be better led, informed, communicated, and executed? Clearly, a need for a grand strategy exists, but defining and executing it is problematic. Current requirements must be brought into balance with a vision for the future that balances competing domestic and international interests.*

Keywords: *National Security Strategy, Grand Strategy Challenges, National Power*

America is now at that historical point at which a great nation is in danger of losing its perspective on what exactly is within the realm of its power and what is beyond it.

—Senator J. William Fulbright<sup>1</sup>

When Senator Fulbright acknowledged the limits of power in 1966, the United States was in the midst of a great debate as to how to strike a balance between foreign and domestic priorities. The Senator’s greatest fear was that the nation’s habit for foreign intervention was becoming overreaching, and belied what he characterized as an “arrogance of power.” Similar warnings of hubris have sounded over the past decade in response to what appear to be elective wars, initiated during periods of great domestic challenge. Senator Fulbright called for a different approach and voiced the need to strike a better balance. Many contemporary scholars, politicians, and pundits echo that call. The constant tension between foreign and domestic pursuits, challenges, and interests lies at the heart of crafting a balanced grand strategic vision.

This essay examines American grand strategy in the post-Cold War era—both as a creative art and as a guiding principle for great power politics—to answer several questions: What is grand strategy? Is grand strategy still relevant and necessary, especially for a great power? Is there an “American way” of grand strategy, and if so, is it unique? Does the United States have a grand strategy? And, finally, what are the current challenges in grand strategic development?

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*Michael James Daniels (M.S.S. United States Army War College) is a Colonel in the United States Army. An earlier version of this article, written under the direction of Colonel Paul Michael Phillips, earned the prestigious Military Officers Association of America Writing Award for the class of 2014.*

<sup>1</sup> J. William Fulbright, *The Arrogance of Power* (New York: Random House, 1966), 3.

## What is Grand Strategy?

Defining and executing grand strategy is problematic. B. H. Liddell Hart is often credited with introducing the term “grand strategy” in the modern era. Strategic thought in policy, statecraft, and war, however, can be traced through Jomini, Clausewitz, Machiavelli to as early as Thucydides. The essence of grand strategy for Liddell Hart was “to look beyond war to the subsequent peace.” He believed this higher form of strategy was necessary to “coordinate and direct the resources of a nation. . . . towards the attainment of the political object of the war.”<sup>2</sup> Primarily limited to the conduct of war, Liddell Hart’s definition and interpretation of grand strategy emphasized the need to craft a policy and approach that marshaled a state’s energy, will, and influence, not just to defeat the enemy but to win a “better peace.”

Liddell Hart’s development of a grand strategic concept while useful, is limited in scope, reflecting the general thinking of the time. As British historian Michael Howard observed,

Grand strategy in the first half of the twentieth century consisted basically in the mobilization and deployment of national resources of wealth, manpower and industrial capacity, together with the enlistment of those of allied and, when feasible, of neutral powers, for the purpose of achieving the goals of national policy in wartime.<sup>3</sup>

Hew Strachan critiques early definitions and descriptions of grand strategy as “a conflation of policy and strategy.”<sup>4</sup> He views strategy as linking military aims with political ends. Strategy serves to “make war useable by the state, so that it can, if need be, use force to fulfill its political objectives.”<sup>5</sup> While useful, this clarification is incomplete, failing to address a higher, unifying purpose of grand strategy short of war. Other modern definitions provide a fuller description. Josef Joffe’s realist interpretation is that of a “design that relates means, and not just military ones, to ends, and ambitions to outcomes.”<sup>6</sup> This view of grand strategy is essentially about a nation getting what it wants, or keeping what it has. Christopher Layne goes deeper, seeing grand strategy as “determining a state’s vital security interests; identifying the threats to those interests; and deciding how best to employ the state’s political, military, and economic resources to protect those interests.”<sup>7</sup> Layne’s emphasis on identifying vital national interests, and threats to those interests, is an essential point of grand strategy that has been used inappropriately—sometimes stretched and sometimes omitted—by U.S. strategists and policy-makers.

A related phenomenon in the identification of interests lies with the level of specificity. Hew Strachan refers to grand strategy “as much a way of thinking as a way of doing,” with “goals which are more visionary and aspirational than pragmatic and immediate.”<sup>8</sup> This dichotomy between vision and action is a persistent source of tension, and is intermittently related to an inability or unwillingness to define and prioritize vital interests. Interest identification and prioritization are critical to turning grand strategic aspirations into actionable policy. American vision flows through its big three foundational policy documents: the National Security Strategy, National Defense Strategy, and National Military Strategy. These documents address and balance specific

<sup>2</sup> Basil Henry Liddell Hart, *Strategy* 2nd ed. (New York: Meridian, 1991), 322.

<sup>3</sup> Michael Howard, *Grand Strategy, Vol. 4* (London: The Stationery Office Books, 1972), 1.

<sup>4</sup> Hew Strachan, “The Lost Meaning of Strategy,” in *Strategic Studies: A Reader*, ed. Thomas G. Mahnken and Joseph A. Mailo (New York: Routledge, 2008), 426.

<sup>5</sup> *Ibid.*, 432.

<sup>6</sup> Josef Joffe, *Überpower: The Imperial Temptation of America* (New York: Norton, 2006), 128.

<sup>7</sup> Christopher Layne, “From Preponderance to Offshore Balancing: America’s Future Grand Strategy,” *International Security* 22, no. 1 (Summer 1997): 88.

<sup>8</sup> Hew Strachan, “Strategy and Contingency,” *International Affairs* 87, no. 6 (2011): 1281.

requirements using an ends-ways-means approach underpinned by ongoing risk assessment. This process brings together all elements of power and considers both internal and external stakeholders so as to “preserv[e] and enhance the nation’s long-term (wartime *and* peacetime) best interests.”<sup>9</sup>

Some argue that grand strategy is only the purview of great powers, and that the United States is in need of such a strategy.<sup>10</sup> Williamson Murray maintains that great states must pursue grand strategies in order to balance risks in the areas of resources, will, and interests.<sup>11</sup> Colin Dueck refers to grand strategy as “both a conceptual road map . . . and a set of policy prescriptions [which in] its essence is the attempted reconciliation of ends and means.”<sup>12</sup> In this way, grand strategy allows great state leaders to set a course and direction from current challenges to a desired future endstate, and disciplines leaders to look beyond the present toward the longer view. Ultimately, a state’s grand strategic vision is informed by and a reflection of its leadership, history, culture, ideology, geography, socio-economic conditions, alliances, and global standing.<sup>13</sup>

All states make choices, and given America’s global reach and position of influence and power, our choices must be both circumspect and informed. The first challenge is to distill broad core national interests into a narrowed set of prioritized and achievable ends (objectives), informed by judiciously applying increasingly-constrained means (resources). The ends-means balance is the critical output from the national strategy planning process, but is wholly reliant upon a detailed strategic vision. Even those who can conceive a grand strategic vision risk becoming reactive when consumed by the crisis of the moment. The pull of seemingly never-ending crisis management diverts resources from long term goals, often leading to ad hoc solutions crafted for near-term problems without apt consideration of second and third-order effects.<sup>14</sup> Grand strategy, however, rises above the challenges of the day by “providing a coherent framework of purpose and direction in which random, and not so random, events can be interpreted, given meaning, and then responded to as required.”<sup>15</sup> A great power needs a grand strategy if it expects to achieve larger national purposes in support of vital, enduring interests. State actors must ensure judicious pursuit of the state’s interests or risk depleting important strategic reservoirs of influence and power.

## U.S. Grand Strategic History

The term “grand strategy” does not appear in either the U.S. Declaration of Independence or the U.S. Constitution. Yet failure to consider the early strategic ambitions of the United States would be a mistake. The two themes of expansionism and exceptionalism—akin to Arnold Wolfer’s description

<sup>9</sup> Paul Kennedy, ed., *Grand Strategies in war and peace* (New Haven, CT: Yale University Press, 1991), 5.

<sup>10</sup> A number of scholars and policymakers cite the need for a U.S. grand strategy. Some recent works include, Barry R. Posen, “Pull Back: The Case for a Less Activist Foreign Policy,” *Foreign Affairs* 92, no. 1 (January/February 2013); Gideon Rose, *How Wars End: Why We Always Fight the Last Battle* (New York: Simon and Schuster, 2010); William C. Martel, “Grand Strategy of Restraint,” *Orbis* (Summer 2010); Robert J. Art, *A Grand Strategy for America* (Ithaca, NY: Cornell University Press, 2003); John J. Mearshimer, “Imperial by Design,” *The National Interest* (January/February 2011); Robert E. Hunter, “A New Grand Strategy for the United States,” testimony presented before the House Armed Services Committee, Subcommittee on Oversight and Investigations, July 31, 2008, [www.rand.org](http://www.rand.org) (accessed 14 November, 2013). A contrarian view is provided by Robert Jervis, “U.S. Grand Strategy: Mission Impossible,” *Naval War College Review* 51, no. 3 (Summer 1998), who argues that a lack of current existential threats and domestic politics will prevent the formulation of a U.S. grand strategy - however, this was written before the events of 9-11.

<sup>11</sup> Williamson Murray, “Thoughts on Grand Strategy,” in *The Shaping of Grand Strategy: Policy, Diplomacy, and War*, ed. Williamson Murray, Richard Hart Sinnreich, and James Lacey (New York: Cambridge University Press, 2011), 1-2.

<sup>12</sup> Colin Dueck, *Reluctant Crusaders: Power, Culture, and Change in American Grand Strategy* (Princeton, NJ: Princeton University Press, 2006), 11.

<sup>13</sup> Williamson Murray, “Thoughts on Grand Strategy,” 10-27.

<sup>14</sup> Clark Murdoch and Kevin Kallmyer, “Applied Grand Strategy: Making Tough Choices in an Era of Limits and Constraint,” *Orbis* (Fall 2011): 545-6.

<sup>15</sup> Gary Hart, *The Fourth Power* (Oxford: Oxford University Press, 2004), 33.

of a state's "possession and milieu" goals<sup>16</sup>—were both prevalent in our early history. Expansionist "possession" goals, representing physical and economic security interests, were pursued vigorously via the Monroe Doctrine, Manifest Destiny, and the Open Door Policy. The United States slowed expansionism once its geopolitical position stabilized. The exceptionalist "milieu" goals, however, representing value interests, initiated at the Declaration of Independence remain strong.<sup>17</sup> Described by Walter Russell Mead as a "quality that a Clausewitz would find disturbing: a messianic dimension,"<sup>18</sup> the spread of the American "interest" values of democratization is a coherent thread throughout the grand strategic journey of the United States. America has exported its goods and its values, not always in equal measure and often through less than subtle ways.

To assume that Cold War policies of containment, preponderance, and deterrence reflected continuity in U.S. grand strategy for more than three decades<sup>19</sup> is an overly simplistic interpretation of history, and a misunderstanding of grand strategic thought in application. The Soviet Union with its nuclear arsenal served as the primary threat around which the United States aligned elements of power, but it was not the only threat. The policy of containment marked a new era in U.S. national security strategy, blurring the lines between national and global security, a conflation directly attributable to the new nuclear threat and competition.<sup>20</sup> Each administration had to navigate domestic issues and politics while confronting unique international crises. Evidence suggests each administration sought "regular, repeated, and successful efforts to change course" from that set by the preceding administration, and that containment simply was an enduring thread woven through divergent policies and strategies.<sup>21</sup> George Kennan, reflecting on U.S. 20<sup>th</sup> century foreign policy efforts through the end of Cold War period, summed up U.S. performance as follows:

Perhaps our diplomacy of the first five decades of this century, and our reactions to the very different problems that have assailed us since 1950, both reflect realities much deeper than our specific responses of either period: namely, the lack of any enduring doctrine for relating military strength to political policy, and a persistent tendency to fashion our policy towards others with a view to feeding a pleasing image of ourselves rather than achieving real, and desperately needed, results in our relations with others.<sup>22</sup>

Kennan's critique supports the view that the Cold War was a period of policy trial and error, and certainly not an overarching vision carried through nine very different administrations. Specific strategies and policies are, by their nature, temporal, formed by the circumstances, declarations, and issues of the day. As Raymond Aron observed: "Strategic thought draws its inspiration each century, or rather at each moment of history, from the problems which events themselves pose."<sup>23</sup>

The post-Cold War era challenged most nations, but especially the United States. This period, described as a "unipolar moment" and an "end of history," signaled a new era of U.S. preeminence.

<sup>16</sup> Arnold Wolfers, *Discord and Collaboration: Essays on International Politics* (Baltimore: Johns Hopkins Press, 1962), 67-80.

<sup>17</sup> Roger S. Whitcomb, *The American Approach to Foreign Affairs* (Westport, CT: Praeger, 2001), 9-10, 23.

<sup>18</sup> Walter Russell Mead, *Power, Terror, War, and Peace* (New York: Vintage Books, 2005), 17.

<sup>19</sup> The historian John Lewis Gaddis has termed NSC 68 poor strategy and "cheap hawkery," that severely limited strategy and policy options. See Ernest R. May, ed., *American Cold War Strategy: Interpreting NSC 68* (Boston: St. Martin's, 1993), 146.

<sup>20</sup> Edward A. Olsen, *U.S. National Defense for the Twenty-First Century: The Grand Exit Strategy* (Portland, OR: Frank Cass, 2002), 12.

<sup>21</sup> Stephan Sestanovitch, *Maximalist: America in the World from Truman to Obama* (New York: Alfred A. Knopf, 2014), 7.

<sup>22</sup> George Kennan, *American Diplomacy*, expanded ed. (Chicago: University of Chicago Press, 1984), vii-viii.

<sup>23</sup> Raymond Aron, "The Evolution of Modern Strategic Thought," in Alastair Buchan, ed., *Problems of Modern Strategy* (London: Chatto and Windus, 1970), 25.

The Clinton administration expanded its strategic scope, seizing the opportunity to expand economic influence and security throughout the world in a hub and spoke fashion. This led to a grand strategy of “engagement and enlargement” laid out in the February 1996 National Security Strategy.<sup>24</sup> Harnessing both soft and hard power, the U.S. attempted to reshape the world through economic trade agreements, international institution-building efforts, and increased military intervention.<sup>25</sup> This posture was reflected in former Secretary of State Madeleine Albright’s assertion that, “We are the indispensable nation. We stand tall and we see further than other countries into the future, and we see the danger here to all of us.”<sup>26</sup>

President George W. Bush came into office, like Clinton, promising more emphasis on domestic issues and a less activist foreign policy. This approach quickly changed following the attacks of September 11, 2001. From that point forward the United States entered a long period of unilateralism, influenced heavily by neoconservative and realist policymakers, while embracing the Thucydidean triad of “fear, honor, and interest.” The fear of ideologically-based terrorism, coupled with a desire to regain lost honor and credibility, led to the pursuit of a number of interests, some more peripheral than vital. Equally troubling, the level of strategic policy planning was turned on its head, and for national security policymakers tactics trumped strategy with regard to thought, practice, and effort.<sup>27</sup> The Clinton and Bush administrations can be viewed along a continuum described by Josef Joffe as moving from “intermittent intervention” to “permanent entanglement.”<sup>28</sup>

President Obama arrived in the White House intent on closing out two inherited wars, rebuilding international credibility, and strengthening partnerships with key states and allies. These foreign policy concerns, however, ran second to an eroding domestic financial situation with serious, global impacts. His first term was characterized by bargaining and containment, and a rejection of democratization as foreign policy—strategies described as “multilateral retrenchment” and “counter-punching.”<sup>29</sup> He recognized global power shifts were underway, new “centers of influence” were forming, and that only America stood ready to provide essential leadership in the era of globalization.<sup>30</sup> His administration demonstrated a more pragmatic approach, much like that of the Nixon era, with a shift from the exceptionalism of his predecessors.<sup>31</sup> Obama, Nixon, and Eisenhower have recently been described as “retrenchment” presidents. All were occupied by sweeping up the detritus left by overreaching predecessors, and by course correcting from aggressive and adventurist policies.<sup>32</sup> This cyclic nature of national strategy, moving between the poles of retrenchment and overstretch continues to be problematic.

<sup>24</sup> For a deeper review of the 1996 National Security Strategy see Barry R. Posen and Andrew L. Ross, “Competing Visions for U.S. Grand Strategy,” *International Security* 21, no. 3 (Winter 1996/97): 5-53.

<sup>25</sup> Laura Neack, *The New Foreign Policy: Complex Interactions, Competing Interests*, 3rd ed. (Lanham, MD: Rowman and Littlefield, 2014), 159-160. These activities describe a strategy referred to as “liberal internationalism,” or more critically as “liberal interventionism.”

<sup>26</sup> Madeleine Albright, “U.S. Policy Towards Iraq,” remarks from a speech given at Tennessee State University, Nashville, TN, 19 February, 1998. <http://www.c-span.org/video/?101061-1/us-policy-toward-iraq> (accessed 13 January 2014).

<sup>27</sup> Audrey Kurth Cronin, “U.S. Grand Strategy and Counterterrorism,” *Orbis* (Spring 2012): 208.

<sup>28</sup> Josef Joffe, “How America Does It,” *Foreign Affairs* 75, no. 5 (1997): 16

<sup>29</sup> Daniel Drezner, “Does Obama Have a Grand Strategy?” *Foreign Affairs* 90, no. 4 (July/August 2011): 58. For other critiques of the Obama grand strategy and the lack of a shift from the Bush administration, see Peter Baker, “On Foreign Policy, Obama Shifts, but Only a Bit,” *New York Times*, April 16, 2009; David E. Sanger, “Obama after Bush: Leading by Second Thought,” *New York Times*, May 15, 2009.

<sup>30</sup> Barack Obama, *National Security Strategy of the United States* (Washington, DC: The White House, May 2010), 3.

<sup>31</sup> Colin Dueck, “Hybrid Strategies: The American Experience,” *Orbis* (Winter 2011): 44.

<sup>32</sup> See Stephan Sestanovitch, *Maximalist*, for a new interpretation of post-WWII foreign policy, and a discussion of “maximalist” and “retrenchment” presidential approaches.

The current administration has balanced pragmatism with a measure of internationalism. The decision to take a back seat in the Libya action, and to table military action in the Syrian civil war and in the Ukrainian crisis (as of this writing), demonstrate an unwillingness or inability to act unilaterally. Some critics have described this seemingly risky aversion approach as “leading from behind.” Historian Niall Ferguson believes the Obama administration not only fails to prioritize foreign policy concerns and approaches, but fails “to recognize the need to do so.”<sup>33</sup> This same critique, failure to prioritize objectives along an overarching strategic direction, could be leveled at any of the post-Cold War administrations.<sup>34</sup>

Even so, this critique may be warranted in light of the current so-called “rebalance” to the Asia-Pacific region.<sup>35</sup> The strategy does not present anything substantively new, but reiterates “support for our longstanding principles and values of governance, free and open access to commerce, a just international order that upholds the rule of law, open access to all domains, and the peaceful resolution of disputes,” all essentially restated core national interests.<sup>36</sup> This policy has U.S. friends and allies in other regions, particularly Europe and the Middle East, concerned about security guarantees and future U.S. commitments. Former Secretary of Defense Chuck Hagel’s remarks at the Munich Security Conference referring to placing “greater strategic emphasis on working with our allies and partners,” and “engag[ing] European allies to collaborate more closely” signals increased U.S. efforts to reassure allies.<sup>37</sup> A risk of words-deeds mismatch is at play here, however. The shift in policy focus from west to east while crises bubble in Syria and Ukraine telegraphs as incoherent policy in pursuit of undefined interests. Actions by the administration signal a prioritization of sorts. Where and how the United States chooses *not* to apply its power, if indeed it acts at all, is a strong indicator of the priority of U.S. interests.

America must decide how to employ its power in addressing multiple near-term concerns. New international power balances are emerging. The United States must outline a vision for the future and of the future that addresses core national interests while effectively shaping the great power relationships to come. The findings of the Hart-Rudman Commission, released months before the events of 9-11, still hold true today:

While the likelihood of major conflicts between powerful states will decrease, conflict itself will likely increase. The world that lies in store for us over the next 25 years will surely challenge our received wisdom about how to protect American interests and advance American values. In such an environment the United States needs a sure understanding of its objectives, and a coherent strategy to deal with both the dangers and the opportunities ahead.<sup>38</sup>

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<sup>33</sup> Niall Ferguson, “Wanted: A Grand Strategy for America,” *Newsweek*, February 14, 2011.

<sup>34</sup> Clark Murdoch and Kevin Kallmyer, “Applied Grand Strategy: Making Tough Choices in an Era of Limits and Constraint,” *Orbis* (Fall 2011): 544.

<sup>35</sup> References for the Asia-Pacific rebalance strategy include, Barack H. Obama, Leon E. Panetta, and Martin E. Dempsey, *Sustaining U.S. Global Leadership: Priorities for 21st Century Defense* (Washington, DC: U.S. Department of Defense, January 5, 2012); Gregory T. Kiley, et al., *U.S. Force Posture Strategy in the Asia Pacific Region: An Independent Assessment* (Washington, DC: Center for Strategic and International Studies, August 2012); Ashton B. Carter, “The U.S. Defense Rebalance to Asia,” speech to the Center for Strategic and International Studies, Washington, April 8, 2013, U.S. Department of Defense/FIND (accessed 21 November 2013); Michele Flournoy and Janine Davidson, “Obama’s New Global Posture: The Logic of U.S. Foreign Deployments,” *Foreign Affairs* 91, no.4 (July/August 2012).

<sup>36</sup> Ashton B. Carter, remarks from a speech at the Air Force Association’s Annual Air and Space Conference, September 19, 2012, from Cheryl Pellerin, “DOD, Nation Find Strategic Choices, Deputy Secretary Says,” U.S. Department of Defense Information/FIND (accessed 21 November 2013).

<sup>37</sup> Chuck Hagel, remarks to the Munich Security Conference, February, 2014, U.S. Department of Defense Information/FIND (accessed 26 February 2014).

<sup>38</sup> U.S. Commission on National Security/21<sup>st</sup> Century, *New World Coming* (Washington, DC: US Government Printing Office, 1999), 8.

The United States must dampen the exceptionalist zeal driving the largely unwelcome application of overwhelming power on behalf of a “global democratization project.”<sup>39</sup> In the end a U.S. grand strategy for the 21<sup>st</sup> century should be balanced, prudent, principled, purposive, and sustainable.<sup>40</sup>

### Grand Strategic Alternatives

Many options are available to U.S. national security strategists, but few are politically feasible, economically sound, adequately leverage all elements of national power, and address the uniquely American need to express its values.<sup>41</sup> Various strategies can be loosely aggregated into three categories: Retrench (Isolationism, Offshore Balancing), Engage (Internationalism, Concert-Balancing), and Entangle (Primacy, Preemption). The groupings, although incomplete and imprecise provide a useful starting point for addressing three core concerns: security, economics, and values.<sup>42</sup>

A natural dynamic and tension exists between the *Innenpolitik* (domestic/“butter”) and *Realpolitik* (geopolitical power/“guns”) aspects of grand strategy.<sup>43</sup> The review of presidential administrations highlighted the tendency for strategic course adjustment from one administration to the next. Three related factors help explain this phenomena. First, many administrations pursued strategies in an either-or fashion, and gravitated toward extremes. Policy extremism, operating on either end of the grand strategic spectrum, erodes strategic reserves of will, credibility, legitimacy, and trust which underpin the entire structure. Second, oftentimes a major issue or crisis, sometimes as unexpected and devastating as 9-11, leads the national security team to tilt the strategic teeter-totter strongly in reaction. Third, the U.S. public gets a vote. Literally. Recent polling data highlights the importance in public perception of, or dissatisfaction for, strategies and policies that swing too far to extremes.<sup>44</sup>

<sup>39</sup> Christopher Layne, *The Peace of Illusions: American Grand Strategy from 1940 to the Present* (Ithaca, NY: Cornell University Press, 2006), 127.

<sup>40</sup> Clark Murdoch and Kevin Kallmyer, “Applied Grand Strategy: Making Tough Choices in an Era of Limits and Constraint,” *Orbis* (Fall 2011): 550-551.

<sup>41</sup> A number of strategists and scholars have forwarded recent updates to grand strategic options. For a general overview post-WWII, see Christopher Layne, *The Peace of Illusions: American Grand Strategy from 1940 to the Present* (Ithaca, NY: Cornell University Press, 2006); Stephan Sestanovitch, *Maximalist: America in the World from Truman to Obama* (New York: Alfred A. Knopf, 2014); and Jeremy Suri, “American Grand Strategy from the Cold War’s End to 9/11,” *Orbis* (Fall 2009). For more on offshore balancing, see G. John Ikenberry and Stephen Walt, “Offshore Balancing of International Institutions? The Way Forward for U.S. Foreign Policy,” *Brown Journal of World Affairs* 14, no. 1 (Fall/Winter 2007); Christopher Layne, “America’s Middle East grand strategy after Iraq: the moment for offshore balancing has arrived,” *Review of International Studies* 35 (2009); John J. Mearshimer, “Imperial by Design,” *The National Interest* (January/February 2011); and Christopher Layne, “Offshore Balancing Revisited,” *The Washington Quarterly* 25, no. 2 (Spring 2002). Selective engagement is described in Robert J. Art, *A Grand Strategy for America* (Ithaca, NY: Cornell University Press, 2003) and Stephen G. Brooks, G. John Ikenberry and William C Wohlforth, “Lean Forward: In Defense of American Engagement,” *Foreign Affairs* 92, no. 1 (January/February 2013). Frank G. Hoffman has described forward partnership in “The Case for Forward Partnership,” *United States Naval Proceedings* 139, no. 1 (January 2013), and “Forward Partnership: A Sustainable Strategy,” *Orbis* (Winter 2013). For more on a balanced or concert approach, see William C. Martel, “Grand Strategy of Restraint,” *Orbis* (Summer 2010); Richard Maher, “The Paradox of American Unipolarity: Why the United States May Be Better Off in a Post-Unipolar World,” *Orbis* (Winter 2011); Michael Lind, “A Concert-Balance Strategy for a Multipolar World,” *Parameters* (Autumn 2008); Stephen Van Evera, “A Farewell to Geopolitics: American Grand Strategy for the New Era,” MIT video presentation, at <http://video.mit.edu/watch/a-farewell-to-geopolitics-america-grand-strategy-for-the-new-era-10365>; Patrick Porter, *Sharing Power? Prospects for a U.S. Concert-Balance Strategy* (Carlisle, PA: USAWC Press, April 2013). Realist interpretations include, Charles Kupchan and Peter Trubowitz, “Dead Center: The Demise of Liberal Internationalism in the United States,” *International Security* 32, no. 2 (2007).

<sup>42</sup> Clark Murdoch and Kevin Kallmyer, “Applied Grand Strategy: Making Tough Choices in an Era of Limits and Constraint,” *Orbis* (Fall 2011), 553-554.

<sup>43</sup> Peter Trubowitz, *Politics and Strategy: Partisan Ambition and American Statecraft* (Princeton, NJ: Princeton University Press, 2011), 2-6. This book provides the best and most recent description of the policy tensions administrations face while trying to balance foreign and domestic issues.

<sup>44</sup> For polling results that highlight public dissatisfaction with U.S. military over-commitment and perceived detrimental impacts on foreign opinion of the U.S., see “U.S. Foreign Policy Performance Ratings and Priority Rankings,”



The Obama administration has opted for a more balanced approach to meet the needs of both “guns and butter” camps, but the consistent failure to effectively articulate a coherent strategy leaves the administration open to criticism. President Obama’s pragmatism reflects the challenges inherent in crafting a grand strategic vision that balances foreign policy aspirations with the very real demands of domestic policy, particularly in a representative democracy. Charles Kupchan and Peter Trubowitz observed that “good policy requires good politics,” harkening back to former Secretary of State Dean Acheson’s claim that “80% of the job of foreign policy was management of your domestic ability to have a policy.”<sup>45</sup> The dynamic tensions and interplay between the domestic political requirements of the unique form of American government, and the international requirements and duties incumbent on a great power, are represented in a fresh strategy model detailed in Figure 1.

In the center of the model is the “sun” which represents the national vision or grand strategy. As previously highlighted, grand strategic vision is derived from and informed by the national character and ethos, as well as enduring, core interests. American core values of liberty, democracy, equality, justice, tolerance, humility, and faith (Wolfers’ “milieu goals”) define the nation, its people, and its view of and in the world. Values form the basis for a unique American vision or perspective, just as any state forms a unique perspective based on its history, culture, and character.<sup>46</sup> The challenge for any state lies with balancing its values with those of other actors while avoiding the inclination to become self-righteous. In short, the state must practice “moral modesty” or “strategic humility,” tenets of the ethical realism espoused by Kennan, Morgenthau and Neibuhr.<sup>47</sup>

Grand strategy exists in a symbiotic relationship between domestic constraints and international politics and concerns. A strategy seldom finds perfect equilibrium in this milieu, but is pulled toward one side or the other based on present realities (i.e., shifting geopolitical power relationships, foreign or domestic crises, and the sway of vested interests). Two points are key. First, U.S. leaders must remain true to core interests without becoming seduced by the siren’s call of American exceptionalism, and moving to act *in extremis*. Moreover, imparting a more balanced strategy can help mitigate the inevitable tendency towards interest creep that accompanies ill-defined priorities. As Gary Hart once noted, the United States must be careful to avoid “applying power in opposition of principles.” The nation has demonstrated the tendency to choose interest, vital or not, over principle when the two are in conflict.<sup>48</sup> Second, a state has to achieve a balanced posture, neither messianic nor Manichean. A failure to act responsibly depletes both domestic and international strategic reservoirs.

Four levers of national power surround the strategic environment in the Figure 1 model, and represent the available means for achieving desired the ends. The material elements of power are not explicitly depicted, yet they underpin all other elements. Power levers are applied in unequal measure to translate interests and ends into specific policies and actions. Moises Naim has recently postulated that traditional forms of power are in decay, leading to an erosion of the state’s power, authority and

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Program on International Policy Attitudes-Knowledge Networks, February 2003, [www.pipa.org](http://www.pipa.org); “Diminished Public Appetite for Military Force and Mideast Oil,” *Pew People and the Press*, September 6, 2006; *Trends in Political Values and Core Attitudes: 1987-2007*, Pew Research for the People and the Press, March 22, 2007; “Seven in Ten Americans Favor Congressional Candidates Who Will Pursue a Major Change in Foreign Policy,” *World Public Opinion*, 19 October, 2006; Pew Research Center for the People and the Press, “Public See U.S. Power Declining as Support for Global Engagement Slips,” *America’s Place in the World*, December, 2013, <http://people-press.org/2013/12/03/public-sees-u-s-power-declining-as-support-for-global-engagement-slips/12-3-2013-1>.

<sup>45</sup> Charles A. Kuphan and Peter L. Trubowitz, “Grand Strategy for a Divided America,” *Foreign Affairs* 86, no. 4 (July/August 2007): 82-83.

<sup>46</sup> Anne-Marie Slaughter and Thomas Hale, *The Idea that is America* (New York: Basic Books, 2007), 17-214.

<sup>47</sup> Anatol Lieven and John Hulsman, *Ethical Realism: A Vision for America’s Role in the World* (New York: Pantheon, 2006), 59-81.

<sup>48</sup> Gary Hart, *The Fourth Power* (New York: Oxford University Press, 2004), 31, 45.

ability to provide stability and security.<sup>49</sup> Naim's claims are compelling, but, in fact, power has not eroded but has simply become more diffused and nuanced. For now the elements of national power still hold sway in the state-centric international arena, with the emerging impacts of information and cyber technologies/power (represented as a cloud in the model) in evidence, but yet to be seen.

The last factors depicted are the four strategic reservoirs of domestic and international influence: legitimacy, credibility, trust, and will. These reservoirs are impacted by the pursuit of a nation's strategy and politics/policy, just as they influence the decisions and abilities of national leaders to act. The immediate aftermath of 9-11 provides an example of an event and time where many of these reservoirs, domestic and international, increased due mostly to unifying, supportive and positive reactions nationally and worldwide. These levels were sustained through the initial invasion into Afghanistan, but began to diminish, some dramatically and others more slowly, in the wake of the invasion and subsequent long war in Iraq. Seminal trigger events like 9-11 and Pearl Harbor provide obvious examples of this dynamic in action. The impacts of longer-term domestic and foreign policies and strategies, and the impacts of other slow boil events at home and around the world, are harder to detect, but must be considered in the development of future strategies.

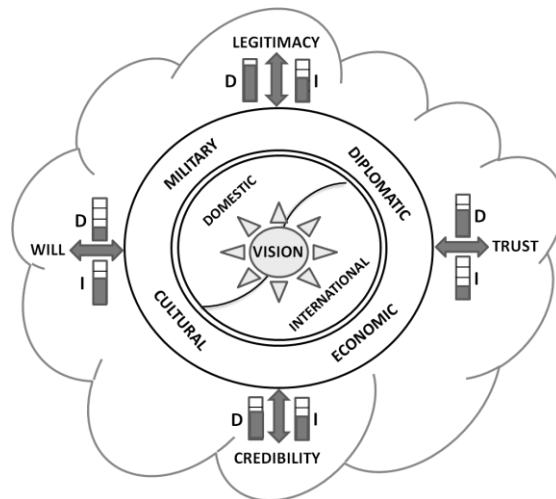


Figure 1: U.S. Strategy Model

The challenge is to craft a strategy that provides an acceptable, realistic vision for the nation without operating at the extremes that often lead to even greater international or domestic challenges.<sup>50</sup> Events beyond the ken of strategic leaders will magnify any inherited issues, as Bismark knew well when he said, “man cannot create the current of events. He can only float with it and steer.”<sup>51</sup> Pursuing a grand strategy that acknowledges the certainty of uncertainty better enables future administrations to retain greater strategic flexibility for operating in an uncertain, complex, and dangerous world.

<sup>49</sup> See introduction to Moises Naim, *The End of Power* (New York: Basic Books, 2013).

<sup>50</sup> Charles A. Kupchan, *The End of the American Era* (New York: Alfred A. Knopf, 2002), 31.

<sup>51</sup> Quoted in *The Shaping of Grand Strategy: Policy, Diplomacy, and War*, ed. Williamson Murray, Richard Hart Sinnreich, and James Lacey (Cambridge, UK: Cambridge University Press, 2011), 254.

## Challenges in Developing U.S. Grand Strategy

### National Power Imbalances

America must re-incorporate discipline into its national security system. The framework is there, as are the tools. Strategy development, however, is increasingly viewed through a military lens. To some extent this tendency may be due to larger-than-life military leaders, Geographic Combatant Commanders (GCCs), who apply defense and security levers of power and influence across the globe on behalf of the U.S. They bring many more resources to bear than can individual ambassadors. GCCs are seemingly analogous to the proconsuls of past empires. Future strategy initiatives must address this State-Defense “global partnership gap” if the United States expects to pursue a less militarized foreign policy.<sup>52</sup>

The large standing military, very much a legacy of the last half of the 20<sup>th</sup> century, may also be part of the problem and a source of tension and “strategic indiscipline.”<sup>53</sup> In many ways our current military posture is a relic of the Cold War, and the requirement for a conventional deterrent to counter that provided by nuclear weapons. A large and exceedingly capable military leads to questions such as the one posed by former Secretary of State Madeleine Albright (to then Chairman of the Joint Chiefs of Staff Colin Powell) when she asked with frustration, “What’s the point of having this superb military that you’re always talking about if we can’t use it?”<sup>54</sup> America is at a point where threats are less existential and resources increasingly constrained. This provides an opportune time to engage in serious debate about the size, scope, and role of a future U.S. military.<sup>55</sup>

Serious debate must be part of a larger and even more important discussion about all the national elements of power, and how they are applied to address clearly-defined interests and the strategic endstate. Hew Strachan warned of the “danger of militarizing issues that would be best not militarized, of creating wars when there do not need to be wars, and of taking hammers to drive in screws.”<sup>56</sup> This hard power approach to problem-solving lends itself to the convenient solution of employing the U.S. tool of choice, the hammer. The military element of national power has been well exercised in the post-Cold War era. But is this because military power is the right and most appropriate tool, or simply a move to justify its enormous cost and size, or a means of sending a powerful statement to the world? Or does the trend to militarize foreign policy simply reflect a lack of imagination on the part of the U.S. national security leadership? President Dwight Eisenhower warned against the “grave implications” of long-term militarization on American society, a portent that many agree has arrived.<sup>57</sup>

The military-centric power dynamic is firmly embedded in U.S. strategy and policy, though the Obama administration appears to be more judicious in applying that power lever. An alternate way to view national power interrelationships is provided in the model at Figure 2 below. This model is a

<sup>52</sup> Dana Priest, “A Four Star Foreign Policy?” *Washington Post*, September 28, 2000.

<sup>53</sup> Derek S. Reveron, “When Foreign Policy Goals Exceed Military Capacity, Call the Pentagon,” Foreign Policy Research Institute E-note, February 2013, <http://www.fpri.org/articles/2013/02/when-foreign-policy-goals-exceed-military-capacity-call-pentagon> (accessed 21 November 2013).

<sup>54</sup> Madeleine Albright, *Madam Secretary: A Memoir* (New York: Hyperion, 2003), 182.

<sup>55</sup> A number of recent books and papers refer to the “preference” for the military element of power. Three of note include Andrew Bacevich, *The New American Militarism* (New York: Oxford University Press, 2005) and *The New American Militarism: How Americans are Seduced by War* (New York: Oxford University Press, 2013); Rachel Maddow, *Drift* (New York: Crown, 2012).

<sup>56</sup> Hew Strachan, “Strategy and the Limitation of War,” *Survival* 50 (February/March 2008): 37.

<sup>57</sup> Dwight D. Eisenhower, “Farewell Radio and Television Address to the American People,” January 17, 1961, in *Public Papers of the President of the United States: Dwight D. Eisenhower, 1960-1961* (Washington, DC: Government Printing Office, 1961), 1035-40.

variation on concepts introduced by Hans Morgenthau over a half-century ago, though still relevant today.<sup>58</sup> At the center of the model are the material power elements, primarily composed of geography and natural resources. These elements define the state geopolitically, and directly inform and influence other power dynamics. America is the prime example of a state blessed with both riches in natural resources and a strategically-significant geographic position in the world. Where a state sits matters, as does its ability to sustain itself and grow through wide-ranging resource requirements. These core elements of power have been, and will continue to be, critical sources of strength for the United States. They are also sources of global tension and state conflict. Leaders must remain mindful that while power is a means to an end, and not an end unto itself, the importance of material factors endures.

The next power cog represents the economic and military elements, directly driven by the core material power elements. These elements translate material power into action, and provide the greatest means for strategic leaders. The last cog is the softer power elements, characterized as human factors. These include a state's population, character, culture, and morale, and are its *raison d'être*. This also includes diplomacy, although diplomacy per se may be viewed as less a separate element of national power than a conduit through which power and influence flows. Lastly, all elements of power reside in the cloud of the modern information environment. Enhancing and manipulating the information environment will change the dynamic more than any other in the coming decade.

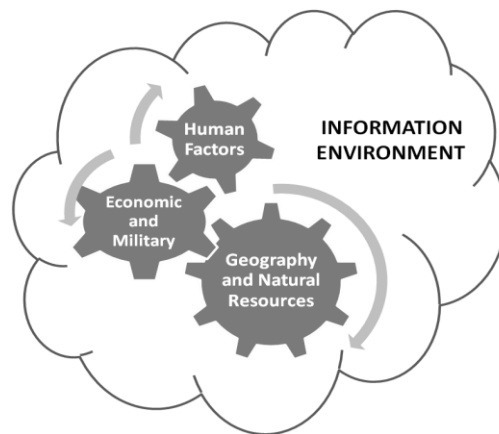


Figure 2: Dynamics of National Power

### National Interests

In the modern era, should war be viewed as either an extension or a failure of policy, especially for the United States? The U.S. has no current existential threats and enjoys a multitude of options short of war for dealing with almost any contingency.<sup>59</sup> America must now stop searching for a state-based enemy and acknowledge this practice as a legacy of the past. The quest for an existential threat

<sup>58</sup> Hans J. Morgenthau, *Politics Among Nations: The Struggle for Power and Peace*, 5th revised ed. (New York: Alfred A. Knopf, 1978), 117-155. See also Hans J. Morgenthau and Kenneth W. Thompson, eds., *Principles and Problems of International Politics* (New York: Alfred A. Knopf, 1950), 75.

<sup>59</sup> U.S. unipolarity and its impacts on international competition and the distribution of power on foreign and domestic political choices is detailed in Stephen G. Brooks and William C. Wohlforth, *World Out of Balance* (Princeton: Princeton University Press, 2008).

blinds policymakers to a restricted set of potential options. Leaders must be more discerning in the differentiation of threats. Threats to security interests should, of course, trump threats to national values. The United States sometimes goes astray, however, and is prone to Paul Kennedy's caution against "overstretch[ing]"<sup>60</sup> when in pursuit of values-laden interests. Physical and economic security must be the priority. Everything after that should be negotiable and open to compromise.<sup>61</sup> Leaders must balance their state's liabilities and vulnerabilities against its strengths and assets. America's debt and ongoing financial crisis, for example, can be counterbalanced by strategies and policies that maximize the overall strength of the U.S. economic "brand" and potential for innovation.<sup>62</sup> Leaders must distinguish between what is desirable and what is essential, recognizing limitations on power, capacity, will, and credibility, and then acting accordingly.<sup>63</sup>

A threat-based mindset can also inform word choices that are not helpful, especially when rivals/competitors are characterized as adversaries/foes. Words carry meaning, intentionally or otherwise.<sup>64</sup> America must be cognizant of the perception of a mismatch between words and deeds. United States citizens and the global community are easily confused by the seemingly contrarian positions taken in the pursuit of foreign policy. While President Obama, for example, never claimed Libya was a U.S. strategic interest, he did stress that events there threatened "our common humanity and common security" and that we were committed to working with allies "to see that the principles of justice and human dignity are upheld by all."<sup>65</sup> These types of statements and proclamations highlight the seeming disconnectedness in strategy and policy, words and deeds. Stephen Biddle adds that this "combination of ambition and ambiguity creates important but unresolved tensions in American strategy."<sup>66</sup> A lack of grand strategy, combined with vaguely-defined ends and peripheral interests, creates the appearance, real or perceived, of dissonant strategy and policy.

## U.S. Grand and National Security Strategy

U.S. grand strategy must exist at a level above the noise and chatter of current events, news reports, election cycles, and beyond the influence of special interests. Grand strategy must focus less on seeking conflict and more on setting conditions to mitigate the wellsprings of global conflict. These are very aspirational, some would argue unachievable, conditions on which to construct a national vision. But the world is transitioning to a new period in history, one in which "American political leaders must manage public expectations and help the nation accept that it has less control over the world than it once did. . . ." transitioning from the "old wartime mentality, [to] develop new concepts of statecraft and security, [and prepare for] a world that is neither at peace nor at war."<sup>67</sup> This new reality must be met by a grand strategy that provides a vision for the preferred U.S. role in global leadership.

Changing the old mentality may require significant renovation of the national security infrastructure. The establishment of the National Security Council (NSC) in 1947 was part of a

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<sup>60</sup> Christopher Layne, *The Peace of Illusions: American Grand Strategy from 1940 to the Present* (Ithaca, NY: Cornell University Press, 2006), 10. Also refer to Paul Kennedy, *Rise and Fall of Great Powers* (New York: Vintage Books, 1989).

<sup>61</sup> Hans J. Morgenthau, *Politics Among Nations: The Struggle for Power and Peace*, 5th revised ed. (New York: Alfred A. Knopf, 1978), 154, 553-555.

<sup>62</sup> Zbigniew Brzezinski, *Strategic Vision* (New York: Basic Books, 2002), 46-64.

<sup>63</sup> David J. Rothkopf, *Running the World* (New York: PublicAffairs, 2005), 464.

<sup>64</sup> Colin Gray, *The Strategy Bridge: Theory for Practice* (Oxford: Oxford University Press, 2010), 116.

<sup>65</sup> Barack Obama, "Remarks by the President in Address to the Nation on Libya," March 28, 2011.

<http://www.whitehouse.gov/the-press-office/2011/03/28/remarks-president-address-libya> (accessed 21 November 2013).

<sup>66</sup> Stephen D. Biddle, *Grand Strategy After 9/11: An Assessment* (Carlisle, PA: U.S. Army War College Press, 2005), 1.

<sup>67</sup> Steven Metz, "Strategic Horizons: End of War Footing Leaves American Strategy at a Loss," online column in *World Politics Review*, February 5, 2014, <http://www.worldpoliticsreview.com/articles/13547/strategic-horizons-end-of-war-footing-leaves-american-strategy-at-a-loss> (accessed 22 February 2014).

significant transition in U.S. national strategic processes, and marked a period of grand, sweeping change in the scope and role of America in the world. The role of the NSC in strategic planning quickly devolved following the Eisenhower administration. Currently the NCS is the president's crisis management team, led by the National Security Advisor (NSA). The effectiveness and impact of the NSC and NSA are very dependent on personalities and relationships, particularly between the president and his NSA. A number of reports and studies highlight the lack of strategic planning capability and emphasis in the NSC, as well as the need for reform and refocus.<sup>68</sup> Little has changed, however, and it is unlikely that new structures alone will engender new thinking and fresh perspectives. What is required, according to the 9/11 Commission, is to "routiniz[e], even bureaucratiz[e], the exercise of imagination" in strategic planning processes.<sup>69</sup>

The lack of an "integrated planning process from which to derive vital strategic guidance" is a significant part of the current challenge, but so too is the lack of a strategic roadmap.<sup>70</sup> A balanced approach to grand strategy will focus on identifying and ordering principles capable of increasing dialogue, stimulating growth and economic activity, enhancing the security of states and the global commons, and respect the very basic rights and dignities of all peoples. This approach, as described by former U.S. Secretary of Defense Chuck Hagel, is intended "to strengthen alliances, build new partnerships, and forge coalitions of common interest that help resolve problems and, hopefully, prevent conflict."<sup>71</sup> In short, it is a strategy of "management by walking around" writ large, with a renewed emphasis and focus on ordering principles and mechanisms.

## Conclusion

Any future strategy must be based on a realistic assessment of possible threats and requirements. Political rhetoric and policies that alienate other mid- and rising powers (like China and Russia) erode consensus on shared state threats. Therefore, U.S. leaders must first focus on areas of wide agreement: WMD proliferation, free and open access to the global commons, economic prosperity, conflict reduction/avoidance, and reduction of disease and pandemic threats. More contentious key threat areas include: environmental stewardship and climate change, resource issues (energy, water, rare earth elements), human rights, rule of law, and open and transparent government.<sup>72</sup> Consideration of key threat areas must be the starting point as national security strategists begin ends-ways-means analysis. A U.S.-led international effort to mitigate threats and increase opportunities, while focused on "providing global public goods," will ease the natural tensions and frictions involved in achieving both domestic and international consensus.<sup>73</sup>

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<sup>68</sup> See Michele A. Flournoy and Shawn W. Brimley, *Strategic Planning for U.S. National Security: A Project Solarium for the 21<sup>st</sup> Century* (Washington, DC: The Woodrow Wilson School of Public and International Affairs, 2006); David J. Rothkopf, *Running the World* (New York: Public Affairs, 2005), 447-469; Catherine Dale, *National Security Strategy: Legislative Mandates, Execution to Date, and Considerations for Congress* (Washington, DC: US Library of Congress, December 15, 2008).

<sup>69</sup> *Final Report of the National Commission on Terrorist Attacks Upon the United States* (New York: Norton, 2004), 344.

<sup>70</sup> Michele A. Flournoy and Shawn W. Brimley, *Strategic Planning for U.S. National Security: A Project Solarium for the 21<sup>st</sup> Century* (Washington, DC: The Woodrow Wilson School of Public and International Affairs, 2006), 2.

<sup>71</sup> Chuck Hagel, speech delivered at the University of Nebraska-Omaha, June, 19, 2013, <http://www.defense.gov/Speeches/Speech.aspx?SpeechID=1791> (accessed 21 November 2013).

<sup>72</sup> For a discussion of addressing expected future threats through international cooperation, see Barry Buzan, "The Inaugural Kenneth N. Walz Annual Lecture—A World Without Superpowers: Decentralized Globalism," *International Relations* 25, no. 1 (2011); Stephen Van Evera, "A Farewell to Geopolitics: American Grand Strategy for the New Era," MIT video presentation, at <http://video.mit.edu/watch/a-farewell-to-geopolitics-america-grand-strategy-for-the-new-era-10365> (accessed 21 November 2013).

<sup>73</sup> Joseph S. Nye, Jr., *The Paradox of American Power* (New York: Oxford University Press, 2002), 143.

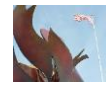
For a new U.S. grand strategy to take hold, four critical conditions must be met. First, there must be an event or shock that triggers a significant change in how grand strategy is approached. Second, the strategy must be internationally feasible, so as not to deplete U.S. credibility and legitimacy. Third, the strategy must have “influential advocates” on the domestic scene, including the president. Lastly, the strategy must be “culturally resonant” with the American public.<sup>74</sup>

The question, then, is not *if* America needs a grand strategy, but *what* that strategy should entail. Crafting the next U.S. grand strategy will be a challenging task that cannot be tackled in half-measures. The key is to pursue a balanced approach with a reduced dependency on military hard power. Domestic realities and geopolitical power dynamics must be gauged and informed by political pragmatism that accommodates both strategic flexibility and strategic humility. Strategic leaders must resist being consumed by the “tyranny of the immediate commitment,”<sup>75</sup> and retain focus on the future while addressing the needs of the present.

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<sup>74</sup> Colin Dueck, *Reluctant Crusaders: Power, Culture, and Change in American Grand Strategy* (Princeton, NJ: Princeton University Press, 2006), 41-42.

<sup>75</sup> Geoffrey Till, *Seapower: a guide for the twenty-first century*, 2nd ed. (New York: Routledge, 2009), 9.



# The Resurrection of Adaptive Planning

Colonel Jon C. Wilkinson

*The revolution in adaptive planning, initiated in 2003, has yet to succeed. The disappointing results of this initiative are due to flawed assumptions anchoring the planning community in a tactical mentality that is misapplied at the operational level of warfare. This essay analyzes major assumptions undergirding the planning process, exposes their flaws, and proposes an alternative planning process to better support adaptive planning at the operational level of warfare.*

Keywords: *OPLAN, TPFDD, Force Flow, Design, Mission Command, Logistics*

The revolution in adaptive planning, initiated in 2003, is failing. Spanning over a decade, costing over \$10 million, and shepherded by four Secretaries of Defense, Secretary Rumsfeld's effort to implement the Adaptive Planning and Execution System (APEX) has yet to succeed.<sup>1</sup> Ironically, the planning community's unfulfilled promises to reduce development of Operational Plans (OPLAN) from 24 to 6 months, while making these enormous plans more flexible, is due to the inability to properly define the problem, uncritical acceptance of flawed assumptions, and a desire to simply accelerate an already inadequate process. The adaptive planning initiative more closely resembles a failed coup than a revolution.

Anchoring the planning community in a process that is misapplied at the operational level, current OPLAN development is based on five flawed assumptions: (1) Planning processes used at the tactical and operational levels are equivalent; (2) The process for crisis action planning is identical to deliberate planning, just executed on a shorter timeline; (3) The more dynamic the environment, the more important a detailed plan becomes; (4) OPLAN development is compatible with mission command; and (5) Joint Operational Planning and Execution System (JOPES) specialists create the Time Phased Force Deployment Data (TPFDD) after planners write the plan and determine the requirements. This essay analyzes these flawed assumptions and proposes a revised planning process based on new assumptions that better support adaptive plans at the operational level.

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*Jon C. Wilkinson (M.S.S. United States Army War College) is a Colonel in the United States Air Force. An earlier version of this article, written under the direction of Professor Alan L. Orr, earned the prestigious Defense Logistics Agency Excellence in Logistic Writing Award for the class of 2014.*

<sup>1</sup> Alton McLendon, Planning Support Branch Chief, U.S. Pacific Command, telephone interview by author, December 12, 2013.



## **Flawed Assumption #1: Tactical and operational level planning processes are equivalent**

The tactical and operational levels of warfare are inherently different. A different planning process is required for each. A majority of planners, however, gain the bulk of their experience at the tactical level and are both inclined toward and anchored to tactical processes which make adapting to higher levels of warfare difficult.<sup>2</sup> A single, joint planning process for all levels of joint warfare fails to recognize these differences.<sup>3</sup>

Service components, functional components, and combatant commands have some overlap in the level of warfare at which they operate and in the focus of their activities. The service component commands and functional component commands, however, generally focus on activities in a single domain. The combatant command or joint force command in a joint task force are concerned with multiple domains and their combinations. At the operational level, the Combatant Commander (CCDR) or Joint Force Commander (JFC) is responsible for creating a coherent whole. Faced with linking the abstractions of the conceptual strategic level with the details of the concrete tactical level, the commander must keep “one hand on the ceiling and one on the floor.”<sup>4</sup> CCDR/JFCs combine multiple single-domain events from the tactical level to create synergistic combined-arms and whole-of-government campaigns at the operational level designed to achieve strategic national aims.<sup>5</sup> The operational level is the nexus of ends (strategic aim), ways (tactical actions), and means (capabilities in each domain) that creates its own complex campaign system based on the interaction of individual tactical activities. The focus at the operational level is well beyond that of the tactical level.<sup>6</sup>

The fusion of the conceptual strategic level with the concrete tactical level creates a tension between the two anchors at the operational level. This tension thrusts planners on the horns of a dilemma as they seek to establish a “controlled disequilibrium” between concept and detail.<sup>7</sup> The imbalance of this tension is evident in the inadequacies of current OPLANs that are incredibly detailed in order to ensure tactical feasibility but characteristically lack the needed flexibility to adapt to dynamic changes in the operational or strategic environment. Infusing a tactical orientation at the operational level creates OPLANs with detailed, tactical feasibility occupying one extreme, essentially restricting the flexibility needed at the other end the spectrum—precisely the problem with JOPES, APEX, and the Joint Operational Planning Process (JOPP). The methods they employ are tactical-level processes inappropriate to and misapplied at the operational level, resulting in plans that are highly detailed and inflexible. The imbalance at the operational level between the feasibility of detailed, tactical planning and the flexibility of conceptual, strategic planning creates a chasm that leaves the joint force stranded on the tactical side of the divide richly and rigidly entombed in detail. The planning community needs to break free from a tactical bias, to recognize and embrace the complexities associated with essential planning requirements necessary at the operational level.

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<sup>2</sup> Stephen J. Gerras, *Thinking Critically about Critical Thinking: A Fundamental Guide for Strategic Leaders*, Faculty Paper (Carlisle Barracks, PA: U.S. Army War College, August, 2008), 14.

<sup>3</sup> The Military Decision Making Process (MDPM) used by the US Army, the Marine Corps Planning Process (MCP), and the Joint Operational Planning Process (JOPP) used by the Joint force are basically the same process with only minor variations.

<sup>4</sup> William Sorrels, Strategic Plans Division Chief, U.S. Pacific Command, telephone interview by author, December 13, 2013.

<sup>5</sup> Shimon Naveh, *In Pursuit of Military Excellence, The Evolution of Operational Theory*, (Portland, OR: Frank Cass, 1997), 8.

<sup>6</sup> Edward N. Luttwak, *Strategy, The Logic of War and Peace*, (Cambridge, MA: Harvard University Press, 1987), 93.

<sup>7</sup> Shimon Naveh, *In Pursuit of Military Excellence*, 7.

## Flawed Assumption #2: The process for crisis action planning is identical to deliberate planning, just executed on a shorter timeline

The degree of uncertainty in a changing environment is directly related to the length of the time between plan creation and implementation. As the planning timeline decreases, the length of time required to make a decision, develop a plan, and put that plan into action decreases such that, in a dynamic environment, insufficient time remains to accommodate significant change. Indeed, in this situation the environment appears stable relative to the length of time before plan execution.<sup>8</sup> This period of relative stability, when the plan remains aligned with a dynamic environment long enough to complete detailed planning and execution, can be termed detailed planning's *uncertainty horizon* (see Figure 1). When the environment is below this horizon, operant conditions are sufficiently stable to complete detailed planning with little risk that the environment will change significantly before plan execution. Longer timelines associated with deliberate plans present more opportunities for change and introduce more uncertainty; shorter timelines associated with crisis action plans present less opportunity for change and introduce less uncertainty.

Arbitrarily assuming that the environment is below the uncertainty horizon and developing the plan in detail fails to recognize that the plan only aligns with a snapshot of the environment taken at the time the plan was written. As time passes, the environment changes but the plan-to-environment alignment does not. The plan, therefore, cannot survive initial contact with reality. To better incorporate contingencies, options, and details into plans as implementation draws near, the planning community needs a new approach.

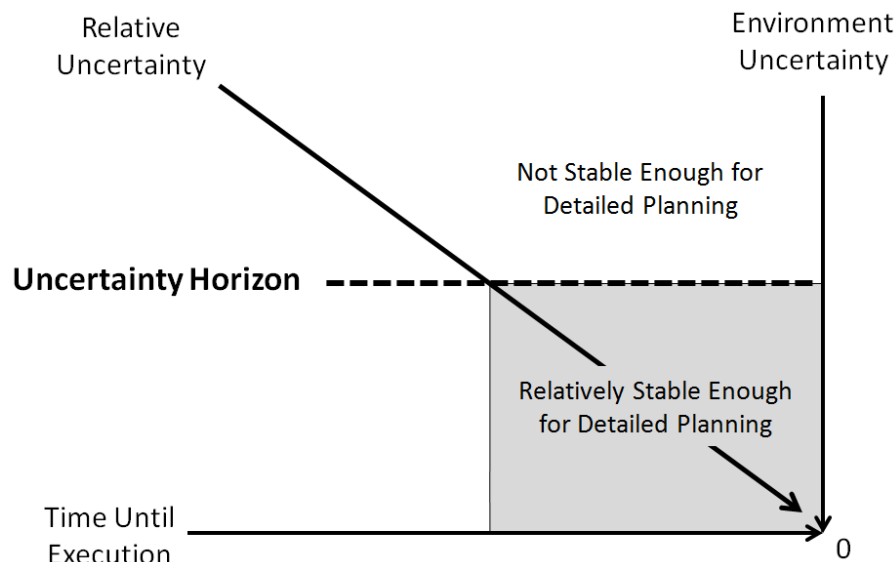


Figure 1. Uncertainty Horizon for Detailed Planning

<sup>8</sup> Albert Einstein, "Relativity: The Special and General Theory," December, 1916, <http://www.marxists.org/reference/archive/einstein/works/1910s/relative/relativity.pdf> (accessed January 21, 2014), 12-13.

### Flawed Assumption #3: The more dynamic the environment, the more important a detailed plan becomes

Detailed plans are best suited to relatively stable situations which make possible accurate prediction of the behavior of systems and control effects that support the strategy.<sup>9</sup> War, however, is waged in the realm of chance against a real enemy in which events seldom unfold as anticipated and in which the environment cannot always be controlled.<sup>10</sup> Leaders often rely on detailed plans to increase predictability, but when plans are inflexible and fail to align with an infinitely complex, dynamic environment, planners seek more control by deepening the degree of formalization and widening the extent of comprehensiveness.<sup>11</sup> Ironically, detailed planning is inherently a centralizing process whose very purpose is to reduce flexibility—not encourage it.<sup>12</sup> Detailed plans, by their very nature, do not respond effectively to sudden change or surprise since they provide a preplanned response to every foreseeable contingency. Detailed plans are an ineffective means of seeking to impose control over events in an unpredictable world where cause and effect cannot be known in advance.<sup>13</sup>

To create stability in a dynamic environment, the objective is not *prediction* focused on knowing what the adversary is going to do ahead of time in order to control the environment before it changes. Instead, the objective of creating stability is *recovery* focused on flexibility needed to adapt to the environment as it changes.<sup>14</sup> Francis Bacon theorized that nature is extraordinarily complicated, generally exceeding the human capacity to comprehend it. He believed that humans tend to over-interpret data into unreliable patterns and then leap to faulty conclusions.<sup>15</sup> Attempts to control a complex environment likewise violate Ashby's Law of Requisite Variety: one system cannot control another system whose complexity or sophistication is superior to its own.<sup>16</sup> Rather than obsess over predicting the unpredictable, planners should accept that the environment will change and develop plans designed to accommodate rather than prevent change.<sup>17</sup>

Rigidity and control reduce flexibility and adaptability as detail is added to a plan. In many ways detailed planning is flexibility's graveyard. The 19<sup>th</sup>-century Prussian Field Marshal Helmut von Moltke believed that diversity and rapid change made it impossible to lay down binding rules for waging war since "prearranged designs collapse."<sup>18</sup> The choice between control or adaptability is best made after considering not *if* detailed plans are necessary, but *when* detailed plans are necessary. If time-to-execution extends beyond the uncertainty horizon and enough time exists for a dynamic environment to change significantly, then detailed planning is premature. Plans will become misaligned with a changing environment and ultimately will not survive first contact. A more adaptive approach in a dynamic environment is to execute John Boyd's observe-orient-decide-act

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<sup>9</sup> Henry Mintzberg, *The Rise and Fall of Strategic Planning*, (New York: The Free Press, 1994), 239, 249.

<sup>10</sup> Carl von Clausewitz, *On War*, ed. and trans. Michael Howard and Peter Paret (Princeton, NJ: Princeton University Press, 1984), 101,161.

<sup>11</sup> Henry Mintzberg, *The Rise and Fall of Strategic Planning*, 149.

<sup>12</sup> *Ibid.*, 173, 202.

<sup>13</sup> Meir Finkel, *On Flexibility, Recovery from Technological and Doctrinal Surprise on the Battlefield*, (Stanford, CA: Stanford University Press, 2007), 100.; Lawrence Freedman, *Strategy: A History*, (New York: Oxford University Press, 2013), 622.

<sup>14</sup> *Ibid.*, 223.

<sup>15</sup> Jim Manzi, *Uncontrolled: The Surprising Payoff of Trial-and-Error for Business, Politics, and Society*, (New York: Basic Books, 2012), 6.

<sup>16</sup> Henry Mintzberg, *The Rise and Fall of Strategic Planning*, 349.

<sup>17</sup> *Ibid.*, 103.

<sup>18</sup> Meir Finkel, *On Flexibility*, 107.

(OODA) loop faster than an adversary and thereby remain aligned with a changing environment while empowering subordinates to exploit emerging opportunities.<sup>19</sup>

If planning is centered on an overall purpose or vision and on a commitment to a set of principles, then those closest to the action can use that compass and their own expertise and judgment to make decisions and take actions. If you focus on principles, you empower everyone who understands those principles to act without constant monitoring, evaluating, correcting, or controlling.<sup>20</sup>

The planning community needs to adopt a new approach that reduces an OPLAN's level of detail and control while increasing focus upon guiding principles and warfighter empowerment.

#### **Flawed Assumption #4: OPLAN development is compatible with mission command**

In 2012, the Chairman of the Joint Chiefs of Staff's (CJCS) established mission command as the preferred method for command and control of the joint force. The recommendation is to build a relationship between subordinates and commanders based on common understanding and mutual trust. Mission command assumes the subordinates' freedom to act on disciplined initiative will provide friendly forces with a competitive advantage in an increasingly complex, uncertain, and competitive environment. Rather than controlling subordinates, mission command empowers them to take action and respond more quickly than an opponent.<sup>21</sup> Prior to WWII, German strategists came to a similar conclusion and developed a highly successful method of conducting military operations, known as *Auftragstaktik*, which laid the foundation for mission command. They endorsed the Clausewitzian dictum that "uncertainty is an element of war and can best be mastered through the free initiative of commanders and subordinates at all levels."<sup>22</sup> Initiative, or "doing the right thing without being told," when combined with a shared superior-subordinate understanding of the complex environment, enables a subordinate to adapt to a changing environment, take action quickly, and do so without direction.<sup>23</sup> Centralized control, on the other hand, inhibits adaptability and violates the tenets of mission command (see Figure 2).

In 2003, Secretary of Defense (SecDef) Donald Rumsfeld launched the Adaptive Planning initiative to produce military plans on a shorter timeline so that they could more easily adapt to environmental changes. Foremost among the initiative's essential elements was the imperative for clear strategic guidance and frequent commander-subordinate dialogue in order to promote common understanding.<sup>24</sup> The guidance and dialogue envisioned by Secretary Rumsfeld were initially consistent with the tenets of mission command, but adaptive planning today has degenerated into a formal in-process review (IPR) that tends to control planning rather than empower it.

The IPR has morphed into an unwieldy beast that devours adaptive planning. Although a CCDR answers directly to the SecDef, the civilian bureaucracy in the Office of the Secretary of Defense (OSD) requires each IPR to be approved by the Deputy Assistant Secretaries of Defense (DASD) and then the Under Secretary of Defense for Policy (USDP) before it can be presented to the SecDef. Surprisingly, while the IPR is progressing up the OSD ladder for approval by the SecDef, it is running

<sup>19</sup> Chairman, U.S. Joint Chiefs of Staff, *Mission Command*, White Paper (Washington, DC, CJCS, April 3, 2012), 4.

<sup>20</sup> Stephen R. Covey, *Principle Centered Leadership*, (New York: Simon and Shuster, 1991), 98.

<sup>21</sup> Chairman, U.S. Joint Chiefs of Staff, *Mission Command*, 4.

<sup>22</sup> Milan N. Vego, *Joint Operational Warfare* (Newport, RI: U.S. Naval War College, 2009), X-36.

<sup>23</sup> Elbert Hubbard, "Message to Garcia," 1899, <http://www.birdsnest.com/garcia.htm> (accessed August 31, 2013).; William DePuy, *Generals Balck and Mellenthin on Tactics* (McLean, VA: The BDM Corporation), 22.; Ibid., 18.

<sup>24</sup> Mark A. Bucknam, "Planning is Everything," *Joint Force Quarterly*, 62 (3d Quarter 2011): 55.

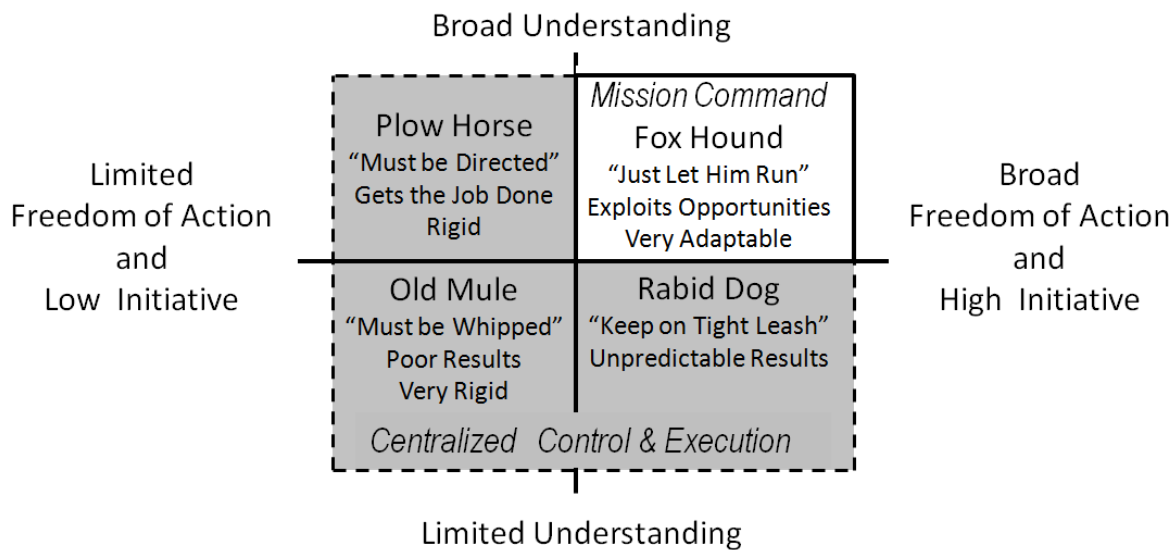


Figure 2. Subordinate-Based Command Scenarios

a similar gauntlet in the Joint Staff through J5 on its way to the CJCS who also wants to exert a measure of control on the developing plan before it moves to the SecDef for approval. The objective of the civilian control is to ensure that military leaders understand and adhere to the priorities and policies of the administration and incorporate them in their military planning.<sup>25</sup> The effort to ensure strategic consistency is often overshadowed by action officers who become mired in the details of the developing plan as they attempt to feed OSD's and Joint Staff's insatiable hunger for information. The planning process ultimately gets bogged down in the bureaucratic muck that generates different versions of expanded briefings presented to the DASD, USDP, Joint Staff, and SecDef levels. Often, the SecDef's subordinates and action officers ask for more IPRs than the SecDef requires. Each IPR can take several weeks to several months to complete and slows the planning process significantly. The final IPR briefing eventually delivered to the SecDef is typically a strategic-level conversation well above the level of the detailed power point slides and background papers required by the OSD staff.

Planners universally accept the obligation to ensure their plans support OSD policy and priorities, but the bureaucratic method OSD employs to achieve that harmony essentially restricts planning rather than empowering it. This ultimately extends the process while decreasing adaptability. The SecDef and CJCS could initiate a more adaptive planning process by seeking to establish clear intent through a common understanding with CCDRs before starting the planning process, and then granting CCDRs the freedom of action to apply their disciplined initiative to create plans on a shorter timeline.

The planning community needs to eliminate the cumbersome IPR gauntlet to align OSD, Joint Staff, and CCDRs after the planning is underway. A more useful and functional process would establish clear commander's intent while accommodating freedom of action at the start.

<sup>25</sup> Ibid., 56.

### Flawed Assumption #5: JOPES specialists create the TPFDD after planners write the plan and determine the requirements

The current sequence of TPFDD development culminates three disjointed steps that create cognitive gaps in movement planning and increase the risk to successful OPLAN execution. Movement planning begins at the operational level: Big arrows on a map graphically depict the joint force’s general scheme of engagement (see Figure 3). Next, at the tactical level, supporting plans flesh out detailed movements of individual units. Detailed tactical-level plans designate the combat forces and critical enablers required for successful operations. The output of the tactical-level planning then serves as the starting point for the strategic movement plan that ultimately converts force flow planning into the TPFDD. Strategic movement planning is conducted through a series of TPFDD conferences after the operational and tactical-level plans are complete. These conferences integrate extremely detailed logistics and sustainment information into combat force requirements in order to determine the total force flow requirements. The conference participants prioritize and deconflict the deployment, bed-down, operating locations, and sustainment of the forces from each service.

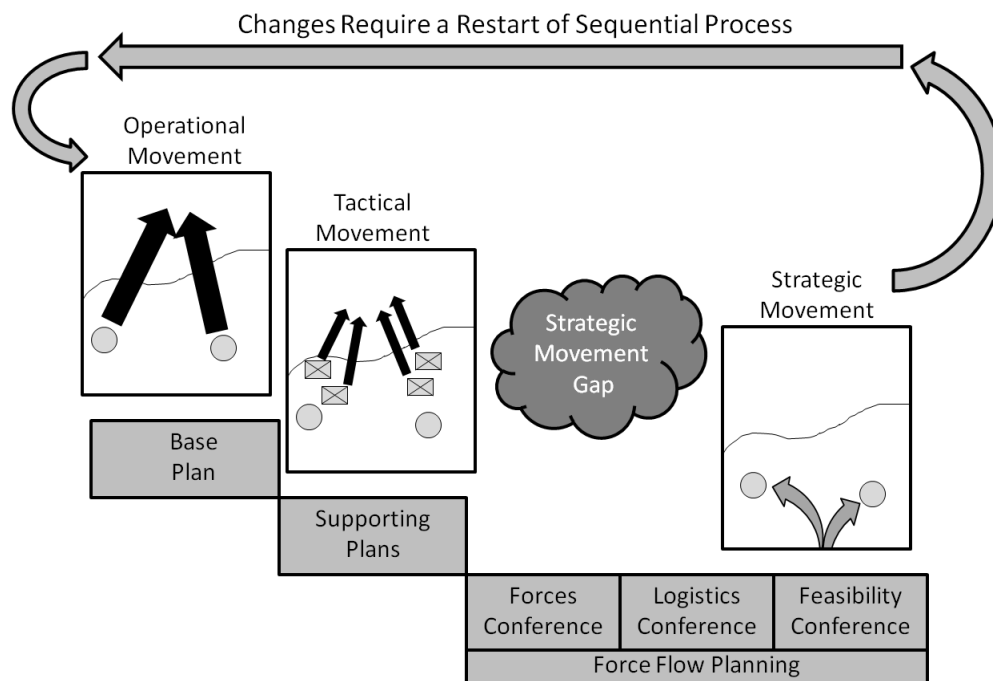


Figure 3. Movement Planning Sequence

Because the TPFDD is finalized after the base plan and service components’ supporting plans are already written, cognitive gaps between individual service component’s force flow expectations and the reality of what the joint force can provide are common. USTRANSCOM’s computer modeling often reveals overloaded operating bases, critical transportation-hub choke points, and arrival time of combat forces weeks later than anticipated. By the time these cognitive strategic movement gaps are identified near the end of the two-year OPLAN process, leaders often acknowledge increased risk yet reluctantly approve a flawed plan rather than restart the arduous sequential planning process to resolve such issues.

An extremely detailed TPFDD inhibits OPLAN flexibility and is caused by planners' lack of expertise with force flow operations. Each military service provides planning schools that formally train officers to think strategically and plan combat operations, but these schools offer little instruction on force flow planning. Hundreds of books on strategy and tactics have been written for every treatise on logistics, but they offer little guidance on force flow planning.<sup>26</sup> Joint publication 5.0 is no exception: it provides 107 pages of detailed instruction about exactly how to conduct operational design and the joint operational planning process (JOPP). Yet, it provides only a six-page overview of what force flow planning needs to accomplish and no detailed instruction on how to do it. The JOPES Volume I manual provides slightly more detail, but focuses primarily on the administrative TPFDD aspects of the JOPES database. Lack of instruction on how to conduct force flow planning induces planners to view the force flow development process as a task for which they are not responsible. Although trained planners may attend or even preside at TPFDD conferences, the details of the process are left to specialists who are familiar with the JOPES database. This planning methodology further separates the individuals developing the base and supporting plans from those developing the force flow plans. Lack of detailed understanding of force flow planning by the typical planner stands in stark contrast to their detailed immersion in other areas of JOPP.

In general, the commander's planning team lacks sufficient intuition and/or expertise to make force flow decisions. They do have, however, a general knowledge of combat capabilities based on years of operational experience. This experience enables them to exercise *automated expertise*: the ability to make quick, intuitive generalizations of combat capability that can be refined later through more detailed analysis.<sup>27</sup> Experiential learning facilitates the commander's *coup d'oeil*, as described by Clausewitz. With this capability, planners comprehend a situation at a glance, see complex things simply, and recognize the details or science of individual tactical events. They then incorporate this quick comprehension into an operational context and develop the initial design for a synergistic campaign.<sup>28</sup> The planning team's *coup d'oeil*, however, frequently does not include force flow operations. The result? They do not have the automated expertise to make intuitive force flow generalizations that could inform planning early in the process and avoid planning gaps in strategic movement before they develop. Instead, the planning team tends to revert to an inadequate tactical-level planning system which assumes combat and sustainment forces are in place and ready for action, without considering how or when they will arrive. Force flow details are left to be worked out by someone else during the TPFDD conferences at the end of the development process. Lack of force flow planning at the start results in movement conflicts between service components, in basing and operating location conflicts, and in other strategic movement gaps that ultimately increase OPLAN risk.

Another side effect of planners' lack of general familiarity with force flow planning: planners seek more and more detail in an effort to understand the final solution at the conclusion of the process. This emphasis on tactical-level detail yields an incredibly detailed TPFDD that binds the OPLAN to a single snap shot of a dynamic environment and greatly inhibits adaptability (see Figure 4).

Lack of force flow understanding positions planners for failure during future, large-scale deployments. In order to free OPLANs from binding TPFDD detail, some planners suggest jumping to the flexibility side of the feasibility-flexibility chasm by abandoning force flow planning altogether—replacing it with a just-in-time request for forces (RFF) process through the joint

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<sup>26</sup> Meir Finkel, *On Flexibility*, 80.

<sup>27</sup> C. Chet Miller and R. Duane Ireland, Intuition in Strategic Decision Making: Friend or Foe in the Fast-Paced 21<sup>st</sup> Century. *Academy of Management Executive*, 2001, 1, no 1, 25.

<sup>28</sup> Carl von Clausewitz, *On War*, 102, 112, 587.

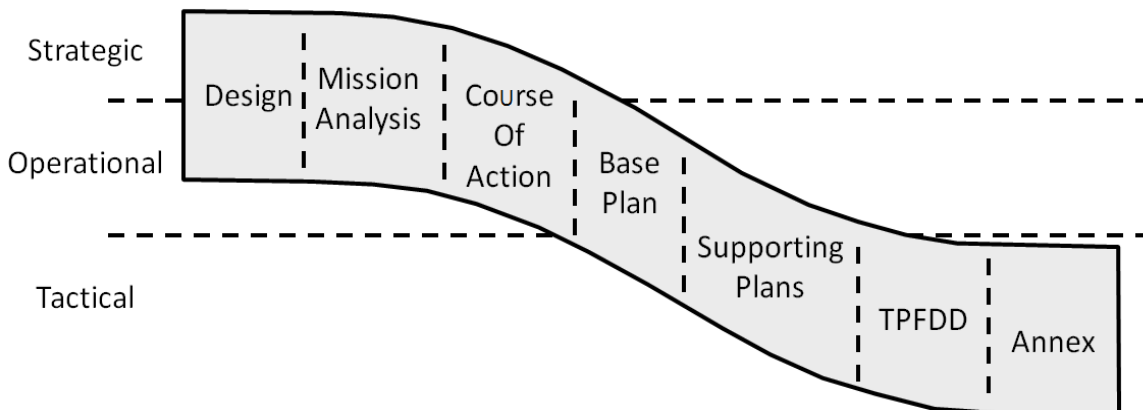


Figure 4. An OPLAN's Dive into Tactical Detail

capabilities requirements manager (JCRM) system. However, a decade of low-intensity conflict in the Middle East during which rotational deployment schedules were known long in advance cannot be used as the benchmark for future deployments in response to a short-notice crisis. The RFF process in general and the JCRM system in particular simply cannot provide the through-put capacity to deliver forces needed to meet the response timelines depicted in major OPLANs.<sup>29</sup> Some OPLANs are orders of magnitude larger than any deployment in the past decade. If the Commander of the U.S. Pacific Command is correct, the crises these plans are designed to address will have a very short “flash to bang.”<sup>30</sup> If there is any validity to the adage “amateurs study tactics, professionals study logistics,” then cadres of experts at the tactical level run the risk of being a gaggle of amateurs at the operational level should they fail to understand force flow operations.

Rather than abandoning TPFDD and detailed force flow planning, the planning community needs to adopt a new system that emphasizes increased planner understanding of force flow in order to more effectively incorporate force flow planning at the beginning of the planning process. Doing so will eliminate excessive TPFDD detail at the end of the planning process, which necessarily binds an OPLAN to one version of the future.

### A Planning Process Proposed

The heart and soul of operational level planning must be based on a revised concept of operational design that provides sufficient detail to guide future tactical-level planning actions while remaining adaptable and not getting bogged down in tactical-level detail. By continuing a design dialogue between the CCDR, subordinates, and superiors even after the OPLAN is approved, the conceptual framework of the plan will keep the OPLAN aligned with the environment, thereby paving the way for additional strategic options. When the framework is eventually fleshed out, added details will be based on more current events. The entire plan will remain aligned with the environment: adaptable rather than irrelevant.

<sup>29</sup> Alton McLendon, Planning Support Branch Chief, U.S. Pacific Command, telephone interview by author, December 12, 2013.

<sup>30</sup> Andrew Tilghman, “PACOM Chief: Uncontested US Control of Pacific is Ending,” January 15, 2014. <http://www.defensenews.com/article/20140115/DEFREG02/301150033/PACOM-Chief-Uncontested-US-Control-Pacific-Ending> (accessed January 19, 2014).



The purpose of this on-going design is to frame an understanding of the environmental system, the problem it presents, and a solution in the form of a conceptual, systemic operational approach throughout the execution of the plan. John Boyd described this process as destruction and creation wherein the elements of a bounded system are unbounded (destruction) in order to understand them in isolation, and then rebounded (creation) into the constructs of a new system that renders them relevant and provides general understanding.<sup>31</sup> Destructive and creative aspects of design lead to a conceptual solution for the operational problem. The design dialogue should not merely constitute the first step in a sequential planning process. Rather, it must continue throughout execution, guiding adjustments to the plan so that it adapts as it unfolds and remains aligned with a dynamic environment.<sup>32</sup> As the actions directed by the first iteration of the operational design are carried out, they stimulate the environmental system and trigger its reaction, which changes the system. The plan must continually frame the solution in order to remain aligned with the changed environment system (see Figure 5). This iterative cycle of destruction and creation, as John Boyd described it, acts, assesses, and adapts as long as the campaign is being executed.<sup>33</sup> Planning must embrace the certainty of uncertainty; it must assume that surprise will occur.<sup>34</sup> An adaptive OPLAN must plan *for* change rather than plan to *prevent* change.<sup>35</sup> Rigid detail may then be added in an iterative manner to flesh out the plan as it closes within the uncertainty horizon.

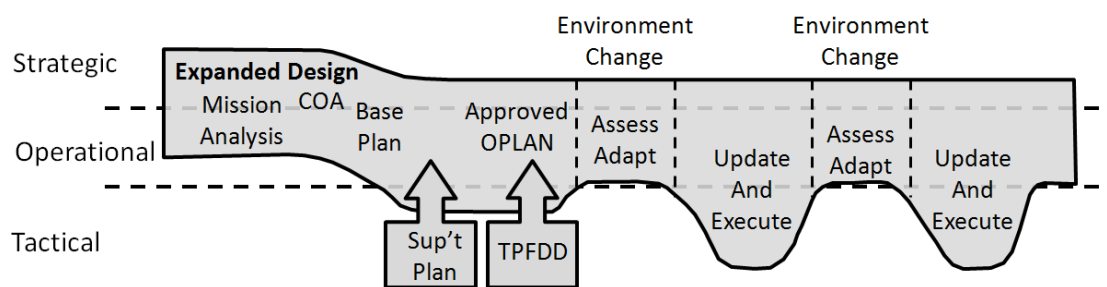


Figure 5. Iterative cycle of execute, assess, and adapt

The on-going design dialogue requires that an OPLAN not be regarded merely as a branch to a Theater Campaign Plan (TCP) that will be executed only if a crisis situation continues to deteriorate into conflict. Rather, Phase Zero of an OPLAN is on-going, so the design dialogue must be on-going as well to keep it aligned with the environment and retained as the source of additional strategic options for resolving the crisis. The scope of operational design, therefore, must be expanded to provide some degree of overlap with the execution of the TCP. Alternatively, the TCP must be expanded beyond its traditional focus on security cooperation and theater posture so that both plans overlap the Phase Zero crisis portion.

<sup>31</sup> John Boyd, *Destruction and Creation*, Paper (1976), 6-7.

<sup>32</sup> U.S. Army War College, *Campaign Planning Handbook*, (Carlisle, PA: Department of Military Strategy, Planning, and Operations, 2013), 73-74.

<sup>33</sup> John Boyd, *Destruction and Creation*, 6.

<sup>34</sup> Meir Finkel, *On Flexibility*, 27, 99.

<sup>35</sup> Liz Tilton, "Strategic Leadership at Patriarch Partners," speech to Army War College Students, New York, November 22, 2013.

A flexible planning process cannot exist if the commander's and staff's thinking is not flexible as well.<sup>36</sup> The commander's and staff's on-going, strategic thinking and design dialogue must be conceptual and adaptive to avoid adding binding tactical-level detail to the plan until the environment comes within the uncertainty horizon. Determining exactly when the environment has moved within this horizon will remain a challenge. Successful determination may rely mostly on a commander's judgment, rather than on any quantifiable parameter. Nevertheless, until that point is reached, the OPLAN need only provide the framework to guide and synchronize tactical-level action which is planned in detail in service and/or functional component supporting plans but is not written into the OPLAN annexes. The initial drafting of the OPLAN should be influenced and refined by component supporting plans and the TPFDD. In order to keep the plan flexible, tactical-level detail must not be written into the plan until closer to execution and the environment becomes relatively static.

The iterative cycle of assessment and adaptation required to keep the design dialogue aligned with the environment requires a robust relationship between a combatant command's J5 and J3 directorates. The J5 planning team, which provides the intellectual capital to create the design in the first place, is most familiar with the design and must be responsible for the on-going assessment and iterative operational design process even as the plan is executed. The J5 team must ensure the combatant command is *doing the correct things* during execution to achieve the strategic aim. The J3 team primarily ensures the command is *doing those things correctly*.

The lines between traditional operational design, mission analysis, and initial COA development must blur. The automated expertise required to artfully combine tactical events into a campaign concept must provide sufficient detail to describe in macro terms feasible COAs that simultaneously consider force flow with combat operations during expanded operational design. As the plan is executed, the TPFDD does not simply flow forces into the area of operations as if it were one huge movement. Rather, it flows in much smaller chunks of data that span a few days at a time, based on the actual force requirements and availability at the time of execution. The planned TPFDD is thus used as a starting point to bound the actual force flow process during execution. In reality the actual force flow is re-created in chunks spanning several days, using the planned TPFDD as a guide. Although the TPFDD is created with excruciating detail during planning, it merely serves as a template during execution. The force flow data at the operational level only needs to be sufficiently refined to: (1) create a template of the movement of mission-capable building blocks synchronized across the entire force, (2) communicate the priority of movement by phase, and (3) communicate each service's lift allocation by phase. In order to accomplish these tasks, planners must have a working knowledge of the lift required, the lift available, and the CCDR's priority by phase for the arrival of forces.

### **The Way Forward**

The legitimacy of the current planning regime is fading, and begs the question "what is to be done?" The way forward lies in abandoning the problematic assumptions outlined above in favor of a new foundation—one based on realistic practices that more effectively address operational level planning needs.

First, planners cannot dogmatically apply a tactical-level planning process to the operational level; the purpose and nature of each level is different. Operational planning addresses the nexus of ends, ways, and means; it must capitalize on the CCDR's operational art by facilitating an expanded

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<sup>36</sup> Meir Finkel, *On Flexibility*, 99.

design dialogue that generates strategic options to avoid conflict and an operational approach for follow-on OPLAN development in the event conflict cannot be averted.

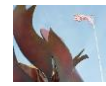
Second, operational plans should not be encumbered with the inflexibility of tactical-level details. OPLAN development should focus on achieving the strategic aim by clearly conveying the commander's intent, by establishing common understanding, and by synchronizing tactical action rather than obsessing over the binding details of tactical-level annexes and TPFDD. The new approach must enable planners to find a middle ground that bridges the flexibility-feasibility chasm by supporting the development of OPLANs that are *sufficiently* detailed *and* flexible, not *extremely* detailed *or* flexible.

Third, detailed planning is adaptability's graveyard. The OPLAN development process must incorporate detail into a plan based on the uncertainty horizon, not based on an arbitrary snapshot of reality that is virtually guaranteed to change before the plan is executed. The design dialogue is very capable of adapting to a dynamic environment and the developing plan should remain at this level until the environment is sufficiently stable for detailed planning to continue.

Fourth, planners must simultaneously conduct force flow planning and combat planning in general terms at the beginning, not in a disjointed fashion at the end of planning after the base plan and supporting plans are already written. At that time, it is too late to make changes. In order to do this, planners, not JOPES database specialists, must develop automated expertise that they can apply during COA development. Armed with the foundation of automated expertise in force flow operations, planners can then incorporate the CCDR's priorities for movement, a general understanding of the lift available, and the lift required for the situation at hand. This enables planners to simultaneously synchronize initial force flow planning with initial combat planning so that cognitive gaps are bridged before they propagate and increase OPLAN risk.

Fifth, although it may appear counter intuitive, the ultimate stability of an operational campaign system is increased in an unpredictable environment by replacing the rigidity of top-down control with the adaptability of individual freedom of action and initiative bounded by a common understanding of the environment and guiding principles of action. This concept applies directly at the CCDR's level and below. It promotes the design dialogue. It also applies at the level between the CCDR and the SecDef. Rather than impose cumbersome IPRs, leaders above the CCDR should establish a more frequent, yet less formal, dialogue during operational design. This dialogue should focus on establishing a common understanding at the inception of planning, not in the middle of it. Doing so would empower CCDRs with the trust and freedom of action necessary to apply disciplined initiative while developing acceptable options throughout the remainder of the planning process.

The 2003 Adaptive Planning initiative failed to deliver because the process it champions is based on a flawed set of assumptions. The planning community must now abandon its old way of thinking and embrace to new approaches to creating adaptive OPLANs—approaches that fulfill the promise of the adaptive planning initiative. In order to create adaptive OPLANs that fulfill the promise of the adaptive planning initiative, the planning community must recognize systemic flaws and work together to create a more flexible, adaptive, and inclusive system.



# Hacking Back: Active Cyber Defense

Lieutenant Colonel Thomas H. Mancino

The Sony Pictures Hack brought cyber espionage to the forefront of the American media consciousness late in 2014, sparking debate over appropriate responses to and effective means of deterring cyber espionage. As it now stands, companies and private citizens can do little to protect themselves beyond tightening their own cyber security. Hackers, however, are seldom deterred by such measures. Active cyber defense<sup>1</sup>—hacking back—may be the most effective, if not only, recourse. Unfortunately, hacking back is illegal under current U.S. law.

Currently, one of the greatest threats to U.S. cyber security comes from China. Chinese citizen hackers are conducting an effective cyber espionage campaign against the United States.<sup>2</sup> By perpetrating “... the greatest transfer of wealth in history,”<sup>3</sup> this campaign is effectively advancing China’s strategic positional advantage<sup>4</sup>—*shi*—and, as such, is a threat to U.S. security and welfare that must be addressed. Allowing U.S. citizens limited authorization to engage in active cyber defense would afford protection while simultaneously increasing political pressure on China to curtail the activities of its state-sanctioned citizen hackers. The U.S., in other words, has the opportunity to essentially create an all-volunteer cyberforce.

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Thomas H. Mancino (M.B.A. and J.D., University of Oklahoma) is a Lieutenant Colonel in the Oklahoma Army National Guard. An earlier version of this article, written while the author was a United States Army War College Fellow at Harvard University, was a finalist in the USAWC Strategy Article Competition.

<sup>1</sup> The term ‘active cyber defense’ refers to a broad range of potential offensive activities, such as utilizing a hacker’s own malware against him. It is distinguished from ‘passive cyber defenses’, such as maintaining current software patches, and utilizing secure passwords. See Thomas M. Chen, *An Assessment of the Department of Defense Strategy for Operating in Cyberspace*, The Letort Papers (n.p.: Strategic Studies Institute, 2013), 14-16, <http://www.strategicstudiesinstitute.army.mil/pubs/display.cfm?pubID=1170> (accessed October 3, 2013).

<sup>2</sup> While China represents the largest sponsor of state supported cyber espionage, they are not alone. For instance, recent activities such as North Korea’s ordered cyberattack against Sony, show that the problem is not restricted to China alone. See David E. Sanger and Nicole Perlroth, “U.S. Said to Find North Korea Ordered Cyberattack on Sony.” *New York Times Online*, December 17, 2014, <http://www.nytimes.com/2014/12/18/world/asia/us-links-north-korea-to-sony-hacking.html> (accessed March 9, 2015).

<sup>3</sup> Keith Alexander, “Gen. Alexander: Greatest Transfer of Wealth in History,” *YouTube*, streaming video, 1:28, <http://www.youtube.com/watch?v=JOFk44yy6IQ> (accessed October 16, 2013).

<sup>4</sup> For a detailed exposition of the concept of *shi*, see Dr. David Lai, “Learning from the Stones: A Go Approach to Mastering China’s Strategic Concept, *Shi*,” *Learning from the Stones*, <http://www.strategicstudiesinstitute.army.mil/pubs/display.cfm?pubID=378> (accessed October 12, 2013).

## Threat Assessment

Two recent reports have essentially mischaracterized Chinese hackers. The first aligns them very closely with the People's Liberation Army (PLA),<sup>5</sup> while the second characterizes them as “hackers for hire.”<sup>6</sup> In order to deter Chinese citizen hackers their relationship with the People's Republic of China (PRC) must be accurately assessed. If they are not direct agents of the State, are they pirates or privateers?

Historically speaking, pirates and privateers are quite different. *Pirates* operate outside national structures and boundaries. They have no direct connections to nation states and usually exist entirely outside conventional society, operating primarily for personal gain. In the absence of a central authority with which to negotiate, piracy must be dealt with on a case-by-case basis—usually by force. In contrast, *privateers* were captains of private vessels, awarded a license from the state, or a “Letter of Marque and Reprisal,” to seize enemy ships as “prizes.”<sup>7</sup> Issuance of such letters proved to be an economically effective way of subsidizing state sanctioned initiatives on the cheap. Without legal authority and state oversight, such activities would be regarded as piracy. Privateers were used by all the major Western powers<sup>8</sup> until the Declaration of Paris in 1856, when increasing political pressure led the major European powers to end the practice entirely.<sup>9</sup> In effect, privateers provide a de facto military capacity at minimal cost to the state in response to assorted political, economic, or military exigencies.

Riding the digital seas, Chinese citizen hackers are closer to modern day cyber privateers.<sup>10</sup> Given the level of state control over the Internet in China, citizen hackers would be hard-pressed to operate entirely independent of the state. It seems likely, therefore, that they operate within Chinese society with the tacit, if not active, knowledge and support of the PLA. Citizen hackers and quasi-official PLA cyber units such as 61398,<sup>11</sup> maintain a symbiotic relationship, much like that which existed in earlier times between privateers and the nation states that sponsored them. Citizen hackers are neither synonymous with the PLA nor strictly hackers for hire. Rather they seem to occupy a strategically advantageous middle ground—a position of *shi*. Instead of sailing in search of ships carrying lightly protected cargo, they surf the Internet in search of minimally secure servers containing modern booty such as intellectual property or state secrets. What they lack in a formal letter of marque, may be offset by state support and secure protection from prosecution.

As privateers, they are subject only to political pressure as may be applied by their national sponsors. China uses these cyber privateers not just for access to more experienced hackers, or as cheap labor, but to provide something of inestimable value to the state: plausible deniability.<sup>12</sup> As a Chinese Defense minister has aptly noted, “cyber-attacks have transnational and anonymous

<sup>5</sup> Mandiant, *APT1: Exposing one of China's Cyber Espionage Units* (n.p., 2013), 60, [http://intelreport.mandiant.com/Mandiant\\_APT1\\_Report.pdf](http://intelreport.mandiant.com/Mandiant_APT1_Report.pdf) (accessed July 20, 2013).

<sup>6</sup> Stephen Doherty, *Hidden Lynx - Professional Hackers for Hire* (n.p.: Symantec, September 17, 2013), [http://www.wired.com/images\\_blogs/threatlevel/2013/09/hidden\\_lynx\\_final.pdf](http://www.wired.com/images_blogs/threatlevel/2013/09/hidden_lynx_final.pdf) (accessed October 11, 2013).

<sup>7</sup> Theodore M. Cooperstein, “Letters of Marque and Reprisal: The Constitutional Law and Practice of Privateering,” *Journal of Maritime Law & Commerce* 40, no. 2 (2009): 221-22.

<sup>8</sup> The U.S. is not a signatory to the Declaration of Paris, but has not used privateers since it was enacted, see *Ibid.*, 244-51.

<sup>9</sup> “Privateering was not a market that can be shown to have ‘failed’; rather it was one that was eliminated through political means.” See Gary Anderson and Adam Gifford, “Privateering and the Private Production of Naval Power,” *Cato Journal* 11, no. 1, (Spring/Summer 1991): 119-20, <http://www.cato.org/sites/cato.org/files/serials/files/cato-journal/1991/5/cj11n1-8.pdf> (accessed July 20, 2013).

<sup>10</sup> In a short blog post, security expert Jack Santos coined the portmanteau “Cyberteers” for such individuals, see Jack Santos, “Advanced Persistent Threats + Privateers = Cyberteers,” *Gartner Inc. Corporate Blog*, entry posted July 11, 2012, <http://blogs.gartner.com/jack-santos/2012/07/11/advanced-persistent-threats-privateers-cyberteers/> (accessed July 25, 2013).

<sup>11</sup> For a detailed dossier on PLA unit 61398, see Mandiant, *APT1*, 7-19.

<sup>12</sup> Office of the National Counterintelligence Executive, *Foreign Spies Stealing US Economic Secrets in Cyberspace* (Washington, DC: Office of the National Counterintelligence Executive, 2011), 1, [http://www.ncix.gov/publications/reports/fecie\\_all/Foreign\\_Economic\\_Collection\\_2011.pdf](http://www.ncix.gov/publications/reports/fecie_all/Foreign_Economic_Collection_2011.pdf) (accessed August 11, 2013).

characteristics."<sup>13</sup> Chinese leaders go to great lengths to protect the plausible deniability of their privateers.<sup>14</sup> One tactic they employ is a coordinated informational campaign centered on discrediting any “unreasonable and unprofessional” allegations made against them.<sup>15</sup> Such anonymity allows China to deny accountability for the actions of its cyber privateers, while reaping the benefits of their ability to secure virtual information.

## Deterrence Strategies

Cyber espionage activities violate U.S. domestic law, but international law is somewhat different.<sup>16</sup> U.S. law enforcement, not the Department of Defense (DoD), is responsible for deterrence and prosecution of cyber espionage cases because, unlike other forms of cyber-attack, cyber espionage alone is not a clear act of war. To pursue a criminal case, U.S. law requires stringent attribution and the identification of perpetrators beyond a reasonable doubt. Thus, law enforcement is regularly frustrated in their efforts to track down and prosecute cyber privateers. China claims no knowledge of or ability to control non-state actors, wielding plausible deniability as a shield both to prosecution and diplomacy. Even when the denial seems less than credible, the statements alone are sufficient to frustrate Western law enforcement and render diplomatic efforts, if any, mute.

The United States must find an effective means to link Chinese cyber privateering to the state in a way that masses increased Western political pressure and is compatible with security and classification constraints. China is unlikely to curtail cyber espionage by citizens until the associated political costs are higher than the economic rewards. A political solution to Chinese cyber privateering may be available, therefore, but only by changing China’s strategic calculus will we be able to alter their current strategy.

To date, the only effective means of deterring Chinese cyber privateering, even momentarily, has been when private security firms issue public reports “naming and shaming” Chinese cyber privateers and outing their ties to the PLA.<sup>17</sup> Unfortunately, other than making a few overly broad and general comments, the DoD and other U.S. governmental agencies have been unable to take a similar approach for fear of revealing classified U.S. sources and techniques.<sup>18</sup> Instead, classified information is shared with a very limited number of cleared defense industry partners, under the Defense Industrial Base (DIB) Cyber Security and Information Assurance (CS/IA) program, part of Secretary of Defense Ashton Carter’s portfolio.<sup>19</sup> With the government unable to publicly out Chinese cyber privateers, alternate strategies are needed. Some pundits are calling for the U.S. to issue its

<sup>13</sup> Craig Timberg and Ellen Nakashima, “Chinese hackers suspected in attack on The Post’s computers,” *The Washington Post Online*, February 1, 2013, [http://articles.washingtonpost.com/2013-02-01/business/36685685\\_1\\_chinese-hackers-cyberattacks-mandiant](http://articles.washingtonpost.com/2013-02-01/business/36685685_1_chinese-hackers-cyberattacks-mandiant) (accessed September 22, 2013).

<sup>14</sup> Of course the use of plausible deniability is not strictly a Chinese tactic. While North Korea has officially denied involvement with the Sony hack, they have left open the possibility that it was the result of “righteous deed of supporters and sympathizers.” See Sanger and Perloth, *U.S. Said to Find North Korea Ordered Cyberattack*.

<sup>15</sup> For multiple examples of Chinese government officials using the pre-coordinated terms “unreasonable” and/or “unprofessional,” see David E. Sanger, David Barboza, and Nicole Perloth, “China’s Army Is Seen as Tied to Hacking Against U.S.,” *New York Times Online*, February 18th, 2013, <http://www.nytimes.com/2013/02/19/technology/chinas-army-is-seen-as-tied-to-hacking-against-us.html> (accessed August 11, 2013); David E. Sanger, “U.S. Blames China’s Military Directly for Cyberattacks,” *New York Times Online*, May 6, 2013, <http://www.nytimes.com/2013/05/07/world/asia/us-accuses-chinas-military-in-cyberattacks.html> (accessed October 12, 2013); Timberg and Nakashima, “Chinese Hackers Suspected.”

<sup>16</sup> Michael N. Schmitt, ed., *Tallin Manual on the International Law Applicable to Cyber Warfare*, (Cambridge: Cambridge University Press, 2013), 192-95.

<sup>17</sup> David E. Sanger and Nicole Perloth, “Hackers from China Resume Attacks on U.S. Targets,” *New York Times Online*, May 19, 2013, <http://www.nytimes.com/2013/05/20/world/asia/chinese-hackers-resume-attacks-on-us-targets.html> (accessed October 3, 2013).

<sup>18</sup> While lacking specificity, the DoD has accused China of conducting cyber operations against the U.S. See Office of the Secretary of Defense, *Annual Report to Congress: Military and Security Developments Involving the People’s Republic of China 2013* (n.p.: Department of Defense, 2013), [http://www.defense.gov/pubs/2013\\_china\\_report\\_final.pdf](http://www.defense.gov/pubs/2013_china_report_final.pdf) (accessed October 13, 2013).

<sup>19</sup> Ashton Carter, “Defense Industrial Base Cyber Security,” Memorandum for Secretaries of the Military Departments, et al., <http://www.acq.osd.mil/dpap/policy/policyvault/OSDO12537-12-RES.pdf>.

own Letters of Marque, in order to allow private U.S. companies to act as de facto privateers.<sup>20</sup> While such an approach may be constitutional,<sup>21</sup> it would constitute poor policy and would lead to escalation and potential negative consequences at present unforeseen. A new strategy is needed: privateering.

Create and support the modern equivalent of armed merchantmen—cyber privateers who can engage the Chinese as they threaten our digital boundary waters. The historical embodiment of this concept was the “East Indianmen,” heavily armed merchantmen designed to protect British East Indian shipping lanes from pirates.<sup>22</sup> Unlike privateer vessels, whose main purpose was the seizure of prizes, armed merchantmen were commercial vessels, armed only for self-defense.

Creation of the modern equivalent of the armed merchantmen would allow companies being victimized by Chinese cyber privateers a *limited* right to engage in active cyber defense and to “hack back.” Unlike their namesake predecessors, these new privateers would be denied the expansive right to initiate actions against potential hackers under a modern Letter of Marque regime, regulated by law in terms of time, scope, and proportionality.<sup>23</sup> Imposition of limits would reduce risk of escalation, minimize threat to innocent third parties, and facilitate the prime policy objective: penetrate Chinese plausible deniability. Recent research has established that software vulnerabilities in commonly used Remote Access Terminals (RATs) could allow victims to “hack back” in order to recover, destroy, or obfuscate stolen data on third party staging servers prior to hacked data being exfiltrated into Chinese hands.<sup>24</sup>

## Legal Implications

While legal debate is afoot,<sup>25</sup> current U.S. law does not allow for any tacitly sanctioned cyber self-defense measures. The Computer Fraud and Abuse Act (CFAA),<sup>26</sup> for example, is essentially a “computer trespass statute.”<sup>27</sup> As such, it serves primarily to bar one party from trespassing or hacking into the computer of another without authorization. CFAA prohibits any hacking back that involves unauthorized access of another computer, even when such access might be for the purpose of recovering one’s own stolen data.

Recently proposed legislation, such as the Cyber Intelligence Sharing and Protection Act (CISPA),<sup>28</sup> has sought to provide some immunity for limited hacking back initiatives. Even though CISPA is primarily an information sharing law, an exemption clause would grant criminal and civil immunity for “decisions” made in good faith and information acquired during hacking activities.<sup>29</sup> At present, however, CISPA provides no redress for any wronged and innocent third parties.

<sup>20</sup> Paul Rosenzweig, International Law and Private Actor Active Cyber Defensive Measures, *Stanford Journal of International Law*, Forthcoming, (May 27, 2013), [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2270673](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2270673) (accessed October 12, 2013), download available.

<sup>21</sup> Enshrined in the Constitution is the enumerated power of Congress “to declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water.” U.S. Constitution, art. 1, sect. 8.

<sup>22</sup> For an excellent history of the East Indianmen, see E. Keble Chatterton, *A World for the Taking: The Ships of the Honourable East India Company*, (London: Fireship Press, 2008).

<sup>23</sup> For a discussion of these three factors, known as the “Caroline Test”, see Chen, *An Assessment of the Department of Defense Strategy*, 33.

<sup>24</sup> Shawn Denbow et al., “pest control: taming the rats,” <http://www.matasano.com/research/PEST-CONTROL.pdf> (accessed October 13, 2013).

<sup>25</sup> Stewart Backer, Orin Kerr, Eugene Volokh “The Hackback Debate,” Steptoe Cyberblog, entry posted November 2, 2012, <http://www.steptoecyberblog.com/2012/11/02/the-hackback-debate/> (accessed October 12, 2013).

<sup>26</sup> 18 USCS 1030

<sup>27</sup> Backer, *The Hackback Debate*.

<sup>28</sup> U.S. Congress. House. 2015. Cyber Intelligence Sharing and Protection Act H.R. 234. 114th Cong., <https://www.govtrack.us/congress/bills/114/hr234> (accessed March 9th, 2015). Previously introduced in the 113th Congress as H.R. 624, and the 112th Congress as H.R. 3523.

<sup>29</sup> See sec. 3(b)(3) Exemption from liability. Ibid.

A statutory safe harbor is needed that allows victimized companies to implement limited active cyber defenses in order to trace, recover, destroy, or obfuscate stolen data.<sup>30</sup> One approach would be to amend the CFAA to allow for a limited “presumptive authorization” for self-help efforts that recover stolen data.<sup>31</sup> In return for immunity for good faith hacking back efforts, victimized companies should be required to register all intrusions, pertinent threat information, and their active responses to a public information clearing house, similar to that maintained for the DIB CS/IA program. Data reporting requirements would have to be sufficient to tie cyber privateering activity back to their sponsors, if any.

In order to have the desired long-term policy effect, active cyber defense operations must be widespread and sustained. Repeated penetration of the Chinese plausible deniability shield should allow the U.S. government sufficient open source material to “name and shame” the Chinese into withdrawing support for cyber privateers. Only efforts on a large scale, like those enabled by enacting active cyber defense legislation will provide the type of solid and verifiable evidence needed to prompt a Chinese policy change.

To protect innocent third parties, legislation creating a right of active cyber defense must include provisions for third party redress. Historically, privateers were forced to take captured ships to a “prize court” for adjudication in order to avoid unnecessary harm to innocent third parties.<sup>32</sup> A similar process should be established for modern day cyber privateers. Allowing third parties in “hack back” operations to file claims for civil damages in U.S. courts would both allow for redress and serve to curtail deleterious hacking back maneuvers.

## Conclusion

While cyber privateers might appear to be the supermen of state sponsored Chinese cyber strategy, they are not omnipotent. Removing plausible deniability is essential. Allowing limited active cyber defense by U.S. citizens and corporate entities could provide the evidence necessary to generate political pressure for China to reduce, if not cease, its support for state sponsored cyber privateering. Without covert state sponsorship, Chinese privateers who continue to hack U.S. cyber assets will, functionally, become pirates. As non-state supported cyber criminals, they will be more easily subject to prosecution.

Faced with the inability of U.S. agencies to publicly share classified information about hackers and hacks, the time has come to loosen the restrictions and authorize limited hacking back by U.S. citizens and corporate interests. To work, authorized twenty-first century U.S. cyber privateering will need both public and diplomatic support. In the absence of an effective U.S. strategy for confronting cyber privateers, increased anger over the growing scale of intrusions and intellectual property theft may eventually tip the scales toward either politically imposed economic sanctions, or large scale rebellion in the form of unauthorized hacking back, or both. With or without economic sanctions, it would be far better to have a U.S. force with limited authorization for hacking back, than one dominated by undocumented digital pirates operating outside the law without regard for international diplomacy.

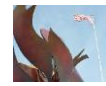
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<sup>30</sup> Such rights are more limited than allowing all conceivable forms of active cyber defense, and are designed to balance the risk of harm to innocent third parties with the right of companies to defend themselves.

<sup>31</sup> Backer, *The Hackback Debate*.

<sup>32</sup> Anderson and Adam, “Privateering and the Private Production of Naval Power,” 109-12.





# The Safest Path: Landmines

Colonel Christopher J. Barron

The Improvised Explosive Device (IED)—the most influential weapon used against U.S. forces in the last 10 years—is unmatched in strategic, tactical, and operational impact. Strategically, the IED provoked a tremendously expensive yet not always effective U.S. response. Tactically, IEDs strangled movement and maneuver while maiming and killing thousands. Operationally, they stymied campaign plans reliant upon close interaction with host-nation populations. Typically little more than a crudely assembled landmine, the IED’s impact is remarkably outsized in comparison with its cost. Despite the post-Cold War promises of a new kind of combat through net-centric warfare, precision munitions and information dominance, the greatest weapon to emerge has changed little in over 70 years. The fruit of the Devil’s gardens returned and again demonstrated the value of lethal counter-mobility.

Low manufacturing costs, ease of employment, and devastating effects on man and materiel make the IED a highly effective weapon. For decades, combatants have successfully used landmines against foes across the capability spectrum, to include lavishly funded and well-equipped modern armies.<sup>1</sup> The reemergence of the landmine, therefore, is not surprising. What is surprising, however, is that while the low-tech landmine has repeatedly proven its worth on the battlefield, much of the world—including the U.S. and its closest allies—has declared the use of conventional anti-personnel landmines (APLs) to be both ineffective and immoral. Relentless pressure on the U.S. to comply with the 1999 Ottawa “Convention on The Prohibition of The Use, Stockpiling, Production and Transfer of Anti-personnel Mines and On Their Destruction” has continued for 15 years, despite U.S. actions that satisfy nearly all of the Convention’s requirements.<sup>2</sup>

Acquiescing to that pressure is both shortsighted and wrong. The U.S. should not accept the Ottawa Convention for three key reasons: (1) military justifications for landmines are compelling; (2) concerns over conscience and morality are overstated; and (3) the convention itself is little more than a waypoint on the path toward a larger ban on all landmines and cluster munitions. The U.S. should step back from the Ottawa Convention and maintain robust lethal counter-mobility capabilities, including the traditional “dumb” landmines of today and their technologically sophisticated replacements of the future. Eventually, “smart” or networked munitions will provide the same tactical and operational effects with an ability to discriminate targets from non-targets, thereby increasing control and effectiveness while significantly reducing risk to innocents. Lethal counter-mobility works. Its’ devastating power—so frequently and effectively used against the U.S.

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*Christopher J. Barron (M.M.A.S, Air University) is a Colonel in the United States Army. An earlier version of this article, written while the author was a United States Army War College Fellow at Queens University, Kingston, Ontario, was a finalist in the USAWC Strategy Article Competition.*

<sup>1</sup> Joint IED Defeat Organization, “Global Annual Summary Report”, March 12, 2013.

<sup>2</sup> U.S. Landmine Policy, <http://www.state.gov/t/pm/wra/c11735.htm> (accessed November 7, 2013).

and its allies—can and should remain a viable option for protection from and defeat of enemy forces. If the enemy attacks, they too should feel the demoralizing fear and crippling consequence that comes from selecting the wrong path.

### Ottawa's Flawed Assumptions

The 1999 establishment of the Ottawa Convention was the culmination of an international campaign to ban APLs, spearheaded by a coalition of non-governmental organizations (NGOs), public figures and several key members of the Canadian government. Signatories to the convention must, among many tasks, destroy all of their APLs, foreswear future use and refuse to assist any nation that employs APLs.<sup>3</sup> Much of the U.S. objection to the Convention was long based on the concept of mine warfare as integral to meeting the United States' global security requirements, including defensive operations on the Korean peninsula. This position was embraced by the Clinton and Bush administrations, and initially sustained under the Obama administration. In late 2014, however, the U.S. announced that it would move even closer to the 1999 Ottawa Convention by agreeing to not use APLs anywhere outside the Korean peninsula and to cease manufacture of APLs.<sup>4</sup> Most of the heavy-lifting in support of the Ottawa Convention has been at the hands of the International Campaign to Ban Landmines (ICBL), which, broadly speaking, is a coalition of NGOs that grew frustrated with the pace of United Nations efforts to address landmines. The main argument championed by the ICBL and its supporting partners centers on two key ideas: that dangers posed to civilians by long-abandoned APLs have created humanitarian crises, and that landmines in general are not effective—and therefore unnecessary—to military operations. This latter concept is counter-intuitive and, despite the ICBL's claims, is fundamentally flawed.

The ICBL cites an International Committee of the Red Cross (ICRC) study that purports the futility of using mines, despite their presence in virtually every significant conflict since WWII.<sup>5</sup> Although the ICRC study effectively illustrates some challenges and dangers of landmine use, the conclusions it reports are ultimately flawed. Inconsistencies, inaccuracies, and large blind spots—most glaringly the failure to consider the entire IED experience of the last decade—render the study ineffective, if not downright dangerous. For example, from 1967-1968 alone, over 10,000 U.S. casualties in Vietnam came from mines and other explosive booby traps.<sup>6</sup> Yet the study brushes aside the damage done by Vietcong APL minefields, despite clear evidence that in some U.S. units, Vietcong APLs accounted for nearly half of all casualties.<sup>7</sup> The Red Cross claims that APLs are ineffective because mass infantry assaults can eventually penetrate minefields. History, however, tells a different story. Human wave attacks generate high casualty rates and minefields are rarely expected to fully block an attack. The APL prohibition fails to acknowledge the essential military utility of minefields: the invaluable benefit of delaying or disrupting an enemy attack long enough to target it with accurate fires. The ICRC also minimizes U.S. and South Korean reliance on minefields as a key component of their defense against possible attack from North Korea by claiming that a well-trained force can breach a minefield with only 1-3% casualties.<sup>8</sup> This assessment differs greatly from

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<sup>3</sup> *Convention on the Prohibition of the Use, Stockpiling, Production, Production and Transfer of Anti-Personnel Mines and on Their Destruction* (Ottawa: International Campaign to Ban Landmines, March, 1999)

<sup>4</sup> *Changes to U.S. Anti-Personnel Landmine Policy*, <https://www.whitehouse.gov/the-press-office/2014/09/23/fact-sheet-changes-us-anti-personnel-landmine-policy> (accessed April 17, 2015)

<sup>5</sup> International Committee of the Red Cross (ICRC), *Anti-personnel Landmines: Friend or Foe?* (Geneva, August, 1997), 40.

<sup>6</sup> Herbert L. Smith, *Vietnam, 1964-1969 (Landmine and Countermining Warfare)* (Washington, DC: U.S. Department of Defense), 1.

<sup>7</sup> Smith, *Vietnam, 1964-1969*, 28.

<sup>8</sup> ICRC, *Anti-personnel Landmines*, 43.

experiences at U.S. Combat Training Centers (CTCs), where breaching operations typically result in the destruction of a large portion of the attacker's combat vehicles and personnel.<sup>9</sup>

Interestingly, the anti-APL community seemingly suggests that landmines are more of a problem for the emplacer than they are for the enemy. Longstanding ICBL claims that 34% of the U.S. casualties in the Persian Gulf War were caused by U.S. mines are simply false.<sup>10</sup> Analysis from the U.S. Government Accounting Office shows that only 6% of U.S. casualties were from landmines, and none of the landmines were of U.S. origin.<sup>11</sup> Certainly, no weapon is perfect and despite the modern insistence on mistake-free warfare, landmines can pose threats to friendly forces. This risk, however, can be reduced by accurate marking, recording, and reporting. Trends at U.S. CTCs have shown recording and reporting to be a challenge, likely due to infrequent and low-quality training.<sup>12</sup> Clearly, the claims made against the use of APLs are highly questionable, if not suspect.

The second rationale behind the APL ban rests on the moral case. 1990s estimates placed deaths and injuries due to APLs at over 20,000 per year.<sup>13</sup> Few would disagree that abandoned landmines (and other unexploded ordnance) have been devastating to civilians in dozens of countries. In an act of monstrous cruelty, the Soviet military indiscriminately scattered millions of small APLs across Afghanistan. All three factions during Yugoslavia's civil war routinely emplaced landmines along what became the Zone of Separation, and the Khmer Rouge repeatedly mined Cambodia's populated and traveled areas with no attempt to record locations.<sup>14</sup> Many of these mines remain, awaiting unsuspecting victims.

Although the U.S. once manufactured large quantities of landmines—some of which were used irresponsibly by allies or third parties—the sale or transfer of APLs from the U.S. ended in 1992.<sup>15</sup> Since then, the U.S. has played a leading role in humanitarian demining efforts, devoting nearly two billion dollars over the last 20 years to training, equipping, and funding demining personnel.<sup>16</sup> This level of commitment is unmatched globally. Yet, by not ratifying the convention, the U.S. is viewed by many as indifferent to human suffering. The U.S., in fact, is addressing not only its own responsibilities but is addressing and solving the problems largely created by others. Despite pressure to the contrary, the U.S. must forthrightly address the crisis and APL issues while maintaining the right to use APLs responsibly.

The U.S. should not deny an essential military capability simply because it has been used irresponsibly in the past. The landmine is not inherently evil, nor are its effects much different than that of the bullet, grenade, or rocket: all have the capacity to wound, maim, and kill. User's intent and an assumption of responsible targeting, however, provide cover for bullets, grenades, and rockets not routinely applied to APLs. The difference of course is that the landmine is persistent, while the others typically are not. In fact, landmines are not so inherently dangerous that safe usage is impossible. When Soldiers and Marines are committed to ground combat, the U.S. must weigh present certain risk against unknown future risk. War is fraught with ethical challenges. More than a touch of hypocrisy exists in a national position that embraces the right to kill remotely via unmanned platforms and maintains preemptive, first-strike nuclear weapons policies, yet somehow finds the use of landmines morally unacceptable.

<sup>9</sup> Author's personal experience while assigned to Operations Group, National Training Center, Fort Irwin, CA.

<sup>10</sup> *Arguments for a Ban*, <http://www.icbl.org/index.php/icbl/Problem/Landmines/Arguments-for-a-Ban> (accessed November 7, 2014).

<sup>11</sup> U.S. General Accounting Office, *Information on the U.S. Use of Land Mines in the Persian Gulf War* (Washington, DC, September, 2002), 3.

<sup>12</sup> Author's personal experience

<sup>13</sup> ICRC, *Anti-personnel Landmines*, 9.

<sup>14</sup> Lydia Molin and Andrew Gallimore, *The Devil's Gardens*, (London: Pimlico, 2002), 182.

<sup>15</sup> United States Department of State (DoS), *To Walk the Earth in Safety* (Washington, DC, August, 2013), 28.

<sup>16</sup> DoS, *To Walk the Earth*, 6.

## The Path Ahead

So what position should the U.S. take vis-à-vis the landmine? Is there room for compromise with the Ottawa Convention? Answering these questions honestly and directly requires acknowledgment that the U.S. must place its national interests and the lives of its service members above international pressures. The U.S. should embrace the concept of lethal counter-mobility. The landmine is still the best available provider of that capability. In 2009, for example, a small U.S. outpost in eastern Afghanistan was attacked by hundreds of enemy fighters; eventually the attack was defeated, but the perimeter was breached in three places and eight U.S. soldiers were killed. Afterward, a U.S. Central Command investigation found that there was an “inadequate use of Claymore mines for perimeter security.”<sup>17</sup> If soldiers at that outpost had the ability and authority to employ large numbers of APLs or similar munitions, the perimeter might not have been breached. Landmines could have saved U.S. lives.

This argument and logic does not apply solely to small combat outposts in relatively mature theaters. Indeed, lethal counter-mobility will become increasingly more critical as the U.S. military continues to draw down in end-strength and contract toward North American basing. Forces executing rapid deployments to secure key installations, conduct airfields or port seizures, or establish intermediate staging bases will find themselves in tenuous positions. The ability to shape terrain with lethal counter-mobility is a tremendous force multiplier. To assume that an enemy will never again maneuver against a U.S. force or would somehow be interdicted or destroyed by joint fires alone, borders on unrealistic, if not magical, thinking. The responsible employment of landmines in predictable scenarios represents no more risk to non-combatants than they already face from unexploded ordnance, errors in targeting, and the general fog of war.

Can there be compromise with the Ottawa Convention? Probably not. A full ratification by the U.S. would likely result in a dangerous re-energizing of the movement to ban all cluster munitions and landmines, whether “dumb” or “smart.” Such a ban would be disastrous for U.S. forces. The U.S., therefore, should continue to address Ottawa’s underlying themes, namely legitimate concerns regarding landmines’ inherent persistence and indiscriminate nature. To prevent irresponsible use by others, the U.S. should continue to ban the sale of APLs. U.S. funding for humanitarian demining at or near its traditional rate should continue unabated and concerned parties and nations should be encouraged to actively assist in demining efforts. Simultaneously, the U.S. should continue research and development on smart and networked munitions that automatically self-destruct (or deactivate), differentiate between targets, and/or put a person-in-the-loop as part of the firing process. The Spider, a networked munition that controls grenades linked to sensors, offers a possible model for future development.<sup>18</sup> These systems could satisfy Ottawa-type concerns while continuing to deliver traditional landmine capabilities essential to military operations.

The abandonment of landmines, whether anti-personnel or anti-vehicle, should come only after a proven replacement solution is fielded to the force. Until then, landmines must remain in the U.S. inventory—for use anytime, anywhere. The recent decision to further restrict the use of landmines takes the United States farther down a dangerous path. Lethal counter-mobility offers a true capability that simply cannot be replaced. To knowingly sacrifice that capability needlessly exposes U.S. forces to risk, and if there is one thing upon which the past and future agree, it’s that risk is never in short supply.

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<sup>17</sup> Guy C. Swan III, Investigating Officer, “AR15-6 Report of Investigation re: COP Keating attack of 03 Oct 09”, Bagram, Afghanistan, United States Forces-Afghanistan, November 3, 2009.

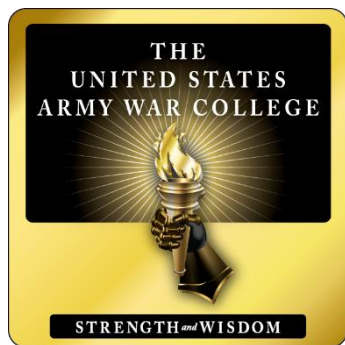
<sup>18</sup> United States Army Maneuver Support Center, “Spider Munition,” Briefing Slides, Fort Leonard Wood, MO, May, 2013.

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Student Publications



**STRENGTH** *and* **WISDOM**



# The *Army War College* Review

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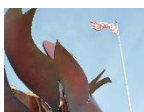
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Flag flying over the Strength and Wisdom statue, a gift from the class of 2014, capturing the mission, spirit, and history of Carlisle Barracks (photo by Laura A. Wackwitz, Ph.D.).

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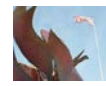
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# Laws of Unintended Consequences: The Leahy Laws

Tim L. Rieger

*The United States remains in a global war on terror and faces clear and present security threats in every region of the world. At the same time, the U.S. is committed as a matter of national strategic policy to protecting human rights and advancing the rule of law throughout the world. To achieve regional security the United States must cooperate with, train and assist foreign military units, or individuals, accused of violating human rights. In order to reconcile these conflicting requirements, promote accountability and military competence for national security at the strategic level, advance the rule of law at the international level, and protect human rights; U.S. law should be amended. All U.S. military training and assistance by Special Operations Forces, Legal Officers, and Commanders with experience in Rule of Law and Human Rights Operations should be authorized to train foreign military units accused of gross violations of human rights.*

**Keywords:** *Special Forces Operations, Human Rights, Military Training Assistance, Coalitions*

We must all hang together, or assuredly we shall all hang separately.

—Benjamin Franklin<sup>1</sup>

The United States is committed as a matter of national strategic policy to protecting human rights and advancing the rule of law throughout the world. At the same time, the U.S. continues to fight a global war on terror and face security threats in every region of the world. The U.S. works with, and relies heavily upon, regional partners to combat terrorism, ensure regional security, and promote the global commons for trade. Achieving multi-lateral political stability and international prosperity often requires cooperation, training and assistance with foreign military units and individuals accused of committing gross violations of human rights. A plethora of human rights laws embedded in many different acts of Congress arguably limit the ability of the executive to engage in unfettered

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*Tim L. Rieger (M.S.S. United States Army War College) is a Colonel in the United States Army National Guard. An earlier version of this article, written under the direction of Professor Paul C. Jussel, earned a prestigious U.S. Military Academy William E. Simon Center for Professional Military Ethic Writing Award for the USAWC class of 2015.*

<sup>1</sup> Benjamin Franklin, *Declaration of Independence*, Philadelphia, PA. Statement attributed as Franklin signed the United States Declaration of Independence from Great Britain, July 4, 1776, linked from the *Historic Valley Forge Website* <http://www.ushistory.org/valleyforge/history/franklin.html> (accessed February 26, 2015).

foreign relations.<sup>2</sup> Most of these limitations restrict the expenditure of funds to support foreign economies, political entities, military, security forces, and police agencies.

Currently, the Leahy Laws, for example, prohibit the U.S. from providing foreign assistance, military assistance, and military training to foreign units or individuals accused of gross violations of human rights.<sup>3</sup> Such allegations and accusations could be, and have been, made against individuals and units in the United States military and government, as well. In fact, allegations against U.S. personnel are among the reasons the United States has yet to participate in the Rome Treaty and the International Criminal Court system.<sup>4</sup> A balance must be reached between the need for accountability and military competence of U.S. regional partners. In order to assist in reconciling seemingly competing interests, the Leahy Laws should be amended to authorize U.S. military training and assistance to foreign military units accused of gross violations of human rights in the Law of Armed Conflict, the Code of Conduct, Human Rights, Military Justice, and the ramifications of International Criminal Justice.

The unintended consequences of the Leahy Laws are that the very allies that need the most training in rule of law, rules of engagement, rules for the use of force, law of armed conflict, military justice, and command and control of troops are prohibited from receiving that training from U.S. advisors and military personnel. Denial of opportunity creates a vacuum sometimes filled by other nations where a partnership with the U.S. military would better serve all concerned. Ironically, and perhaps most importantly, because of the lack of training with U.S. forces, human rights arguably receive less emphasis and are more likely to be violated by the very military units that most need—but are denied—U.S. military training and assistance.

In order to promote national security at the strategic level, the rule of law at the international level, and to protect international human rights, the U.S. must (a) clarify definitions of elements of the Leahy Laws, (b) provide adequate funding for vetting and human rights programs, (c) ensure greater training about the Leahy Laws in the U.S. Department of State (DoS) and the U.S. Department of Defense (DoD), and most importantly, (d) the U.S. should assist in the training and promotion of human rights with international military and government partners. The Leahy Laws should be amended to authorize qualified U.S. forces with experience in Rule of Law and Humanitarian Assistance Operations to train foreign military units accused of gross violations of human rights.

### The Competing United States Strategic Interests

Tension exists between the promotion of human rights and the need to work with coalition partner military and security forces. One of the principal methods of international security cooperation is training, equipping, and assisting foreign militaries. As noted by former Secretary of Defense Hagel, “In many regions we are witnessing the emergence of international partners with the

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<sup>2</sup> An overview of United States Human Rights policy, law, and implementation is available from the United States Department of State. See *Diplomacy in Action, Human Rights Online*, <http://www.state.gov/j/drl/hr/> (accessed February 24, 2015).

<sup>3</sup> Ibid. See also, *University of Minnesota Human Rights bibliography of United States Human Rights Legislation*, <http://www1.umn.edu/humanrts/demo/biblio.htm#r1> (accessed January 21, 2015).

<sup>4</sup> Keith Pesto, Judge, “The International Criminal Court: An Opposing View,” *Juniata College Press Online*, (April 27, 2012) [http://www.juniata.edu/services/jcpress/voices/pdf/2012/jv\\_2012\\_139-144.pdf](http://www.juniata.edu/services/jcpress/voices/pdf/2012/jv_2012_139-144.pdf) (accessed February 4, 2015). See also, Matthew Gulger, “The International Criminal Court: Why is the United States not a Member?” *The American Humanist Online*, (2013) <http://americanhumanist.org/HNN/details/2013-06-the-international-criminal-court-why-is-the-united-s> (accessed February 15, 2015).

capacity to play productive and even leading security roles in their respective regions.”<sup>5</sup> Additional military training and assistance in these regions is the primary method (“way”) to achieve greater regional stability and strengthen alignments with U.S. strategic goals. In Asia, Former Secretary Hagel specifically articulated the importance of several nations as “traditional anchors” of regional partnership and evolving security, but both South Korea and Indonesia have had significant issues with allegations of human rights abuses in the past.<sup>6</sup> In Africa, the emphasis on stability from the U.S.’s perspective is the “significant opportunity to develop stronger governance institutions and to help build professional, capable military forces that can partner with the United States to address the full spectrum of regional security challenges.”<sup>7</sup> African partnerships can be particularly problematic from the human rights vetting perspective. Allegations, for example, against Nigerian military units and members in their fight against the Islamic terrorist organization Boko Haram have proven difficult to vet. Former Secretary Hagel noted that “The United States is willing to undertake security cooperation with Russia, both in the bilateral context and in seeking solutions to regional challenges . . . .”<sup>8</sup> Russian military activities in Chechnya, Crimea, Georgia, Ukraine, and other areas in recent years could require significant vetting if cooperation extended to security training with the Russian military.

The dichotomy between the competing human rights interests and operations with strategic partners is summarized succinctly in the *2014 Quadrennial Review*.<sup>9</sup> National security and military strategies for cooperation and collaboration with regional partners are essential in an era of reduced resources, shared security costs, and international command and control if strategic objectives are to be achieved. The U.S. Army and DoD must work more closely with allied nations to ensure the Rule of Law in partner nations. In the efforts to promote international humanitarian law, the U.S. must not jeopardize international security, the safety of the American people, nor our relationship with allies and potential allies.

Human rights are an essential aspect of the character of the United States, “Yet obviously,” observed National Security Advisor Susan Rice, “advancing human rights is not and has never been our only interest. Every U.S. president has a sworn duty to protect the lives and the fortunes of the American people against immediate threats.” She continued by asserting that improperly weighing these interests and failing to act could amount to dereliction of duty, opining:

We must defend the United States, our citizens and our allies with every tool at our disposal, including, when necessary, with military force. We must do all we can to counter weapons of mass destruction, aggression, terrorism, and catastrophic threats to the global economy, upon which our way of life depends. Anything less would be a dereliction of duty.<sup>10</sup>

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<sup>5</sup> Chuck Hagel, *Quadrennial Defense Review Online* (Washington, DC: U.S. Department of Defense, March, 4, 2014): 6, [http://www.defense.gov/pubs/2014\\_Quadrennial\\_Defense\\_Review.pdf](http://www.defense.gov/pubs/2014_Quadrennial_Defense_Review.pdf) (accessed December 11, 2014).

<sup>6</sup> *Ibid.*, 4.

<sup>7</sup> *Ibid.*, 5.

<sup>8</sup> *Ibid.*, 6.

<sup>9</sup> In pertinent part states, “Built on a foundation of common interests and shared values, the strength of U.S. alliances and partnerships is unparalleled. People around the world gravitate toward the freedom, equality, rule of law, and democratic governance that American citizens are able to enjoy. From setting global norms to defeating terrorist threats and providing humanitarian assistance, the United States collaborates with allies and partners to accomplish a wide range of strategic, operational, and tactical goals. We leverage U.S. leadership and capabilities to drive global cooperation on security challenges in the United Nations and other multilateral fora. In recent years alone, we have cooperated with European allies and partners on operations in Afghanistan and Libya and have joined forces with Asian allies and partners on regional security issues. These and other key networks of alliances and partnerships, many of which are with other leading global military powers, will undergird the ability of the United States to face future crises and contingencies.” *Ibid.*, 9.

<sup>10</sup> Susan E. Rice, United States National Security Advisor, Remarks by National Security Advisor “Human Rights: Advancing American Interests and Values,” at the Human Rights First Annual Summit, Washington, DC, (December 4,

Rice explained the difficult challenges in determining the paramount consideration in any given situation, stating, “As we seek to secure these core interests, we sometimes face painful dilemmas when the immediate need to defend our national security clashes with our fundamental commitment to democracy and human rights.” She also emphasized the importance of candor in order to maintain credibility, admitting, “Let’s be honest: at times, as a result, we do business with governments that do not respect the rights we hold most dear. We make tough choices. When rights are violated, we continue to advocate for their protection. But we cannot, and I will not pretend that some short-term tradeoffs do not exist.”<sup>11</sup> Finally, she suggested that these competing concerns are reconcilable, and that we must be responsive to both requirements, stating, “Still, over time, we know that our core interests are inseparable from our core values, that our commitment to democracy and human rights roundly reinforces our national security.”<sup>12</sup>

While the principles of human rights, generally, and the Leahy Laws, specifically, are admirable and remain at the fore of strategic interests, the U.S. should reevaluate and adjust the manner in which these policies are implemented. The U.S. can work closely to promote human rights, the rule of law and international humanitarian law through training and partnership, rather than rejecting and denying training and assistance to security force partners accused of human rights violations.

### The Legal Obligation, Framework and History

International legal obligations, fundamental democratic values, and constitutional principles are a few of the many elements that weigh heavily toward U.S. emphasis on human rights in foreign relations. But perhaps the paramount reason for the U.S. military to keep human rights at the forefront of policy and planning is the law. Notably, the foundation of the laws pertaining to DoS and DoD for foreign assistance, military assistance and sales, is found initially in the *Foreign Assistance Act* “Declaration of Policy.”<sup>13</sup>

The historic background and evolution of the human rights laws in the *Foreign Assistance Act* leading to the Leahy Laws is significant, illustrating the contentiousness and distrustful history between the Legislative and Executive Branches regarding the relative importance of human rights concerns in foreign relations. The executive branch has constitutional authority and the mandate to engage in international relations but the legislature funds, or not, these activities and diplomatic entreaties.

Almost from the inception of the 1961 *Foreign Assistance Act*, Congress took umbrage with many of the ways it was implemented. The evolutionary track leading to the present state of the Leahy Laws has a 40 year history of adversarial tension between the executive and legislative branches.<sup>14</sup> Foreign assistance for many oppressive regimes and totalitarian human rights violators led to the enactment of Section 32 of the *Foreign Assistance Act*. Cognizant of the separation of powers in the

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2013): 6, <http://www.whitehouse.gov/the-press-office/2013/12/04/remarks-national-security-advisor-susan-e-rice-human-rights-advancing-am> (accessed February 22, 2015).

<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

<sup>13</sup> Section 2304, which states, in pertinent part: a. “Observance of human rights as principal goal of foreign policy; implementation requirements. (1) The United States shall, in accordance with its international obligations as set forth in the Charter of the United Nations and in keeping with the constitutional heritage and traditions of the United States, promote and encourage increased respect for human rights and fundamental freedoms throughout the world without distinction as to race, sex, language, or religion. Accordingly, a principal goal of the foreign policy of the United States shall be to promote the increased observance of internationally recognized human rights by all countries.”

<sup>14</sup> Stephen B. Cohen, “Conditioning U.S. Security Assistance on Human Rights Practices,” *The American Journal of Int’l Law Online* 76, no.2. (April 1982): 246-279, [http://web.stanford.edu/class/ips216/Readings/cohen\\_82%20\(Human%20Rights\).pdf](http://web.stanford.edu/class/ips216/Readings/cohen_82%20(Human%20Rights).pdf) (accessed December 11, 2014).

Constitution and the Executive's role in foreign affairs and military matters, Congress inserted cautionary language that the President should deny "military assistance to the government of any foreign country which practices the internment or imprisonment of that country's citizens for political purposes."<sup>15</sup> But the statutory language was merely advisory, stating "It is the sense of Congress that the President should deny . . . ." <sup>16</sup> President Nixon ignored the language. In fact, then Secretary of State Henry Kissinger stated, "I hold the strong view that human rights are not appropriate in a foreign policy context."<sup>17</sup> As a consequence, the House conducted hearings and issued a report finding that "Unfortunately, the prevailing attitude [of the Executive branch] has led the United States into embracing governments which practice torture and unabashedly violate almost every human rights guarantee pronounced by the World Community."<sup>18</sup> The report further found this was a dangerous and shortsighted precedent and declared, "Consideration for human rights in foreign policy is both morally imperative and practically necessary."<sup>19</sup> Finally, the Committee observed that "When charges of serious violations of human rights do occur, the most that the [State] Department is likely to do is make private inquiries and low-keyed appeals to the government concerned."<sup>20</sup>

For Congress and their perspective of human rights in foreign policy, President Ford's administration was no improvement. Testifying before Congress, the Under Secretary of State for Security Assistance stated the administration had not acted on the human rights language in the *Foreign Assistance Act* and that no military sales or military aid had been impacted.<sup>21</sup> DoS argued instead that the statute was poor policy and interfered with Executive branch prerogatives in conducting foreign relations.<sup>22</sup> Congress responded by removing the advisory language and finding that, "Unfortunately, the executive branch response to the existing human rights provision has not been satisfactory."<sup>23</sup> Congress noted, "In fact, increased levels of security assistance were requested for a number of countries where serious human rights problems exist."<sup>24</sup> Congress declared, "Consequently, the [new law] makes it binding that the President include human rights considerations in the process in determining levels and kinds of assistance for recipient countries."<sup>25</sup> President Ford vetoed the amendment and only signed the 1976 *International Security Assistance and Arms Export Act* after the legally binding language was removed.<sup>26</sup>

Congress had a human rights advocate in President Carter, who many times during his presidential bid and subsequent administration emphasized human rights and the U.S. government's

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<sup>15</sup> Ibid. *Foreign Assistance Act of 1973*, Section 32, 87 Statutes (1973): 733.

<sup>16</sup> Ibid.

<sup>17</sup> Henry Kissinger to Chilean Foreign Minister Carvajal, quoted in Peter Kornbluh, *The Pinochet File: A Declassified Dossier on Atrocity and Accountability*, (New York, 2003): 228. See also, Barbara Keys, "Congress, Kissinger, and the Origins of Human Rights Diplomacy," *The Journal of the Society for Historians of American Foreign Relations Online*, [http://www.academia.edu/5433047/Congress\\_Kissinger\\_and\\_the\\_Origins\\_of\\_Human\\_Rights\\_Diplomacy](http://www.academia.edu/5433047/Congress_Kissinger_and_the_Origins_of_Human_Rights_Diplomacy) (accessed March 11, 2015).

<sup>18</sup> Subcommittee on International Organizations and Movements of the House Committee on Foreign Affairs, "Human Rights in the World Community: A Call for U.S. Leadership," 93d Congress, 2nd Sess., (1974): 9-10, <http://catalog.hathitrust.org/Record/003213998> (accessed December 11, 2014).

<sup>19</sup> Cohen, "Human Rights Practices" *The American Journal of Int'l Law*, 253.

<sup>20</sup> Ibid.

<sup>21</sup> Cristy Passman, *International Security Assistance and Arms Export Control Act of 1976*, Online 2 Md. J. Int'l L. 169 (1977): 170-172, <http://digitalcommons.law.umaryland.edu/mjil/vol2/iss2/5> (accessed December 11, 2015).

<sup>22</sup> Ibid.

<sup>23</sup> Cohen, "Human Rights Practices" *The American Journal of Int'l Law*, 260.

<sup>24</sup> Ibid.

<sup>25</sup> Ibid.

<sup>26</sup> Ibid.



role in advancing human rights around the world.<sup>27</sup> But the DoS professional bureaucracy stymied the President's endeavors.<sup>28</sup> This arguably occurred because the career Foreign Service had an "organizational essence," that perceived its primary mission as the "maintenance of smooth and cordial relations with other governments;"<sup>29</sup> DoS did not accurately report information about foreign governments;<sup>30</sup> and, DoS exaggerated the importance of U.S. interests in countries where there were allegations of gross human rights abuses.<sup>31</sup>

President Reagan and the first President Bush took a foreign relations approach that was reminiscent of Presidents Nixon and Ford. Evidenced in many ways, an excellent example of the foreign assistance and training policies and practices of their administrations is found in the training conducted at the United States Army School of the Americas.<sup>32</sup> According to the United States Government Accounting Office (GAO), over 61,000 security force personnel were trained by the School of the Americas.<sup>33</sup> During President Reagan and President Bush's tenure in the 1980s, approximately one third of the students were from El Salvador, and in the 1990s, more than 50 percent came from El Salvador, Chile, Colombia, Panama, Peru, and Nicaragua.<sup>34</sup> The security forces of the aforementioned Latin American countries during these years accumulated some of the worst documented gross violations of human rights.<sup>35</sup> In fact, after vehemently denying for years that torture, execution and other potential gross violations of human rights were being taught at the School of the Americas, in September 1996, the United States military released copies of seven training manuals that had been used for a decade and contained instruction in Spanish on how to blackmail, torture and execute.<sup>36</sup>

## The Leahy Laws

After more than twenty years of extensive and pervasive efforts to include human rights considerations in a wide variety of authorizations and appropriations, Congress, under the leadership of Senator Patrick Leahy from Vermont, mandated foreign assistance and military training be predicated on a clean record, i.e., one absent of human rights violations. Senator Leahy inserted what is commonly called the Leahy Amendment into the 1997 DoD *Appropriations Act* after it was revealed that foreign assistance and training had been given to the Colombian government. Evidence

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<sup>27</sup> Office of the Historian United States Department of State, "Milestones: President Carter and Human Rights, 1977-1981," <https://history.state.gov/milestones/1977-1980/human-rights> (accessed February 2, 2015).

<sup>28</sup> Cohen, "Human Rights Practices," *The American Journal of Int'l Law*, 257.

<sup>29</sup> *Ibid.*

<sup>30</sup> For example, despite credible evidence that a hundred thousand, or more, people in East Timor had been killed by Indonesian military forces, the State Department asserted that these were inaccurate, over-inflated reports, and that in fact very few had died in East Timor. The department also argued that those who had died were actually Marxist terrorists, and that the abuses were not widespread or systematic, but merely the actions of isolated local commanders. *Ibid.*, 259.

<sup>31</sup> In one instance, with respect to a proposal to triple military assistance to the Philippines, it was asserted that Philippine President Ferdinand Marcos would close U.S. bases, despite agreements that did not contractually end for more than another decade. Experts widely discounted such assertions. *Ibid.*, 260.

<sup>32</sup> The School of the Americas was renamed The Western Hemisphere Institute for Security Cooperation in 2001 after calls to close the School of the Americas for training gross human rights violators, among other reasons. See Amnesty International, "Unmatched Power, Unmet Principles: The Human Rights Dimensions of U.S. Training of Foreign Military and Police Forces," *2002 Report of Amnesty International, Amnesty International USA* (Fall 2002): 10, 35-38, <http://www.amnestyusa.org/pdfs/msp.pdf> (accessed December 11, 2014).

<sup>33</sup> United States Government Accounting Office, "School of the Americas: U. S. Military Training for Latin America Countries," *United States Government Accounting Office Report to Congressional Requestors*, GAO/NSIAD 96-178, (August 22, 1996): 4-6, <http://www.gao.gov/assets/230/223141.pdf> (accessed December 11, 2014).

<sup>34</sup> *Ibid.*, 6-8.

<sup>35</sup> Bill Quigley, "The Case for Closing the School of the Americas." *Online 20 BYU J. Pub. L. 1* (2005-2006): 4-7, <http://digitalcommons.law.byu.edu/cgi/viewcontent.cgi?article=1355&context=jpl> (accessed December 11, 2014).

<sup>36</sup> Amnesty International, "Unmatched Power, Unmet Principles: The Human Rights Dimensions of U.S. Training of Foreign Military and Police Forces," 36-37.

disclosed that even though President Clinton's administration denied aid had been given to Colombian Army and security forces in 1994, the administration's assurances were false.<sup>37</sup>

Over the next twenty years the scope of the Leahy Laws expanded. The initial 1997 language applied to Counter Narcotics Control funding, and required vetting for human rights allegations. In 1998, the law included all security assistance funding from the *Foreign Assistance Act* of 1961<sup>38</sup> and DoD appropriations for military training were added to the human rights vetting requirements.<sup>39</sup> The Leahy Laws have evolved over the decades, with the most recent changes found in the 2011 DoS and 2014 DoD Leahy Laws.

The Leahy Laws are found in two places, the *Foreign Assistance Act* of 1961 and in the DoD *Appropriations Act*. They mandate human rights vetting for beneficiaries of aid from the *Foreign Assistance Act*, the *Foreign Export Control Act*, or recipients of military training, equipment, or other assistance from the DoD. The current version of the Leahy Law in the *Foreign Assistance Act*, Title 22, United States Code, 2378d, Section 620M (a), provides:

(a) In General.-No assistance shall be furnished under this Act or the Arms Control Act to any unit of the security forces of a foreign country if the Secretary of State has credible information that such unit has committed a gross violation of human rights.<sup>40</sup>

Although similar, the DoD *Appropriations Act* Leahy Law states, in pertinent part:

(a) In General –

(1) None of the funds made available by this Act may be used for any training, equipment, or other assistance for the members of a foreign security force if the Secretary of Defense has credible information that the unit has committed a gross violation of human rights.

(2) The Secretary of Defense, in consultation with the Secretary of State, shall ensure that prior to a decision to provide training, equipment, or other assistance to a unit of a foreign security force full consideration is given to any credible information available to the Department of State relating to human rights violations by such unit.<sup>41</sup>

Significantly, although there are exceptions to these requirements in each of the two laws, the exception in each law is slightly different. In the *Foreign Assistance Act*, if there is credible information of a gross human rights violation, assistance may still be provided if the Secretary of State determines “the government of such country is taking effective steps to bring the responsible members of the security forces to justice.”<sup>42</sup> The DoS does not consider transferring individual members of a military unit or security force out of that unit an “effective step” within the intent of the law. A formal investigation into the conduct of the accused unit or individual is likewise not considered an effective step in bringing the individual to justice.<sup>43</sup> In the *Defense Appropriations Act*, the training, equipping, and assisting prohibition may not apply if the Secretary of Defense, “in consultation with the Secretary of State, determines that the government of such country has taken

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<sup>37</sup> Carlos Salinas, “Colombia in Crisis,” *Foreign Policy in Focus Online*, 5, no. 5, (March 2000): <http://www.ciaonet.org/pbei/fpif/sac01/index.html> (accessed March 9, 2015).

<sup>38</sup> Amnesty International, “Unmatched Power, Unmet Principles,” 36-37.

<sup>39</sup> Ibid.

<sup>40</sup> Title 22, United States Code 2378d, Section 620M, Subdivision (a), *Foreign Assistance Act of 1961*, <https://www.law.cornell.edu/uscode/text/22/2378d> (accessed January 22, 2015).

<sup>41</sup> Public Law 113-76, Division C, Consolidated Appropriations Act, Section 8057, Subdivision (a)(1) and (a)(2), Defense Department Appropriations Act (2014), <http://www.gpo.gov/fdsys/pkg/BILLS-113hr3547enr/pdf/BILLS-113hr3547enr.pdf> (accessed January 22, 2015).

<sup>42</sup> Title 22, United States Code 2378d, Section 620M, Subdivision (b), of the *Foreign Assistance Act of 1961*, <https://www.law.cornell.edu/uscode/text/22/2378d> (accessed January 22, 2015).

<sup>43</sup> United States Government Accounting Office, “Human Rights: Additional Guidance, Monitoring, and Training Could Improve Implementation of the Leahy Laws.” United States Government Accounting Office, Report to Congressional Requestors, GAO-13-866 (September 25, 2013), <http://www.gao.gov/products/GAO-13-866> (accessed February 26, 2015).



all necessary and corrective steps or other assistance is necessary to assist in disaster relief operations or other humanitarian or national security emergencies.”<sup>44</sup>

Unlike DoS, DoD provides guidance that removing an individual accused of gross violations of human rights from a unit could be a corrective and necessary step. Also, DoD opines that human rights training for the unit or the accused, as well as a combination of training and removal from the unit in the case of an individual or individuals, could constitute “all necessary and corrective steps within the meaning of the law.”<sup>45</sup>

Despite these definitional and interpretative differences, both DoS and DoD reported to the GAO that as of September 2013, DoS had never used the statutory exception contained in the *Foreign Assistance Act* Leahy Law. Moreover, DoD had never conducted training pursuant to a foreign government taking all necessary corrective steps to remediate allegations of security force violations of human rights.<sup>46</sup> However, the training could take place given the remediation definition of DoD. Training in human rights, as outlined above and in the recommendations below, could constitute the “necessary steps” and allow additional, traditional U.S. military training of such foreign units and individuals.

In 2011, the *Foreign Assistance Act* Leahy Law was amended to add seven procedural requirements to accommodate the DoS. First, they must retain a list of all units being trained by country. The second requirement is that the department facilitate processing “credible information” from non- U.S. government sources. Third, they must routinely request and obtain information about credible allegations of gross violations of human rights from DoD, the Central Intelligence Agency, and other U.S. government sources. Fourth, the department must ensure the information received from all sources is evaluated and preserved. Fifth, they are required to ensure that if an individual is vetted, the appropriate security force unit is also vetted. The sixth requirement is that attempts must be made to identify the unit involved when credible information of a gross violation exists, but the responsible unit is unknown. Finally, to the extent possible, the DoS must provide to the public the identity of individuals and units to which assistance or training are denied as a result of the law.<sup>47</sup> Also in 2011, Congress changed the standard for the quantum of evidence of a gross violation from “credible evidence” to “credible information” stating that they did not intend that the evidence must be admissible in court and the statute was changed so that “a [single] violation” rather than “[multiple] violations” would trigger the prohibition.<sup>48</sup>

No similar provisions were added to the DoD Leahy Law, but in 2014, that law was amended to add equipping and assistance to the training prohibition, providing, in pertinent part, “any training, equipment, or other assistance for the members of a unit of a foreign security force if the Secretary of Defense has credible information that the unit has committed a gross violation of human rights.”<sup>49</sup>

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<sup>44</sup> Public Law 113-76, Division C, Consolidated Appropriations Act, Section 8057, Subdivision (b), Defense Department Appropriations Act (2014), <http://www.gpo.gov/fdsys/pkg/BILLS-113hr3547enr/pdf/BILLS-113hr3547enr.pdf> (accessed February 26, 2015).

<sup>45</sup> DOD Joint Staff policy message, Human Rights Verification for DOD-Funded Training of Foreign Personnel, DTG 071300Z Jun 04, [http://www.disam.dsca.mil/documents/itm/functional\\_areas/human\\_rights/dod\\_memo\\_human\\_rights\\_verification.pdf](http://www.disam.dsca.mil/documents/itm/functional_areas/human_rights/dod_memo_human_rights_verification.pdf) (accessed February 22, 2015).

<sup>46</sup> United States Government Accounting Office, “Human Rights,” GAO-13-866, 6-7.

<sup>47</sup> *Ibid.*, 5-6.

<sup>48</sup> Nina M. Serrafino, June S. Beitel, Lauren Ploch Blanchard, and Liana Rosen, “Leahy Law’ Human Rights Provisions and Security Assistance: Issue Overview.” *Congressional Research Service Online*, (January 29, 2014): 4, <http://www.fas.org/sgp/crs/row/R43361.pdf> (accessed December 11, 2015).

<sup>49</sup> *Ibid.*

The GAO, at the request of Senator Leahy and other members of Congress conducted a yearlong audit in fiscal year 2013 to review the implementation of the Leahy Laws by DoS and DoD. The GAO found that, among other things, while guidance had been provided for some of the original requirements of the Leahy Law, all of DoS training materials were out of date regarding information about the 2011 amendments, most notably the new procedural requirements for obtaining, processing and storing vetting information.<sup>50</sup>

With respect to training, perhaps even more perplexing were the findings that the DoS Leahy Law vetting training was contained in two web based, on-line courses, both of which were optional for vetting personnel, and which had to be personally paid for by DoS personnel who did not have an additional duty assignment as a Leahy Law human rights Vetter. In fact, there had been requests that the training courses be available to DoS personnel free of charge, but the requests were denied by the Foreign Service Institute.<sup>51</sup>

### The Leahy Laws Vetting Process

DoS is responsible for conducting vetting of military and security force units and individuals for both the *Foreign Assistance Act* and the *Defense Appropriations Act* human rights programs.<sup>52</sup> Since it began in 1997, the DoS vetting process has evolved into a web based computer system entitled the International Vetting and Security Tracking System (INVEST).<sup>53</sup> Since the inception of the INVEST program in 2010-2011, about 400,000 units and individuals have been screened for training with the U.S. military, averaging 130,000 reviews a year. Significantly, the rate of vetting is increasing, with approximately 162,000 vetted through 159 embassies in fiscal year 2012.<sup>54</sup>

DoS, in conjunction with DoD and other government agencies, processes requests for vetting from the military or other sponsoring agency. This is done primarily through the embassies, where the credibility of information about gross violations of human rights is assessed. The information and embassy analysis is processed through DoS Bureau for Democracy, Human Rights, and Labor (DRL) in Washington, DC, the responsible bureau for vetting. Two separate processes exist: one for training and one for equipment and assistance.<sup>55</sup>

Embassy vetting procedures vary from embassy to embassy; there is no Department wide Standard Operating Procedure (SOP), although each embassy is encouraged to have its own SOP.<sup>56</sup> DoS “does not monitor whether all U.S. embassies have required SOPs that address State and DoD Leahy law requirements,” and DRL in Washington, DC had only reviewed 43 of the SOPs out of 159 embassies that conducted Leahy vetting.<sup>57</sup> During the 2013 audit, the GAO visited eight embassies in diverse geographic locations and found that two of the embassies wrote their SOPs while the audit was taking place and the other six significantly modified theirs during the audit.<sup>58</sup>

Definitions of key terms such as *training*, *security forces*, *credible information*, and *gross violation of human rights* are arguably impacted by subjective interpretation for purposes of the vetting process. With respect to *credible information*, for example, the GAO stated, “State guidance provides latitude in evaluating the credibility of information and advises personnel conducting

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<sup>50</sup> United States Government Accounting Office, “Human Rights,” GAO-13-866, 21-22.

<sup>51</sup> Ibid.

<sup>52</sup> Nina M. Serafino, et al., “Leahy Law’ Human Rights Provisions and Security Assistance: Issue Overview,” 7.

<sup>53</sup> United States Government Accounting Office, “Human Rights,” GAO-13-866, 8-9.

<sup>54</sup> The Secretary of State, *Congressional Budget Justification for Fiscal Year 2014, Volume 1: Department of State Operations* (2013): 261, <http://www.state.gov/documents/organization/207266.pdf> (accessed February 18, 2015).

<sup>55</sup> United States Government Accounting Office, “Human Rights,” GAO-13-866, 8-10.

<sup>56</sup> Ibid., 19-21.

<sup>57</sup> Ibid.

<sup>58</sup> Ibid.

human rights vetting to exercise good judgment and common sense.”<sup>59</sup> Likewise, with respect to the definition of a *gross violation of human rights*, the auditors observed that DoS “notes that the Leahy Laws do not contain a definition of ‘gross violation of human rights.’” Consequently, they noted, “State, therefore, uses the definition included in Section 502B(d) of the *Foreign Assistance Act* of 1961 as its working standard.”<sup>60</sup> This is ironic, since *Foreign Assistance Act* section 502B was said to be too difficult to implement in light of the ambiguity of the definition of human rights violations, and that assertion by the Executive led to other human rights legislation, including the Leahy Laws.

Perhaps the most significant definitional issue arises from *training*. While a definition would appear to be straight forward, there is considerable flexibility with respect to the term.<sup>61</sup> The Defense Institute of Security Management (DISAM) states that “training” includes, among other things: “Joint Combined Exercise Training (JCET); Counternarcotics Training; Counter-narco-terrorist Training; Humanitarian Demining Training; DOD Combating Terrorism Fellowship Program (CTFP); Any training activities conducted under the Combatant Commander’s Initiative Fund; U.S.-Sponsored training programs, to include the International Military Education and Training Program (IMET) and FMS-purchased training at DOD educational institutions.”<sup>62</sup>

On the other hand, “training” does not include, among other things: “Exercises, Individual or Subject Matter Expert Exchanges; Mil-To-Mil Contacts; Seminars and Conferences; Partnership and other small unit exchanges where the primary focus is interoperability or mutually beneficial exchanges and not training of foreign security forces; bona fide familiarization and orientation visits; or, Pre-deployment site surveys (PDSS) or other planning and coordination visits supporting the Joint Combined Exchange Training (JCET) or training event.”<sup>63</sup> Interestingly, the United States Army JAG Corps publishes an Operational Law Handbook that attempts to address the distinction. Compare the following examples of training and non-training, respectively, within the meaning of Security Assistance:

Interoperability and Safety: A month-long Combined Airborne Parachute Exercise with other countries, whose participating troops are all airborne qualified in their own countries, a 2-hour block of instruction on C-130 entry and egress safety procedures would be Interoperability Training (“Little t” training), since the primary purpose is safety and interoperability of the foreign troops. Additionally, it is a short duration (2 hours) training event, the cost is not significant, and their level of training is not significantly enhanced (since the foreign troops are already airborne qualified). Therefore, this would likely be classified as Interoperability, Safety, and Familiarization Training, and DOD may fund this training with its own O&M funds.

Security Assistance Training: On the other hand, training foreign troops on airborne operations, including the provision of DOD trainers for a month-long airborne school to qualify all the individual foreign troops in airborne jumps, would likely be classified as Security Assistance Training (“Big T” training). In this case, the duration of the training is long (one month), the cost is likely significant, and most importantly, the level of training of the foreign troops is significantly increased. As a result, the primary purpose of the training is not the Interoperability,

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<sup>59</sup> Ibid., 13.

<sup>60</sup> Ibid.

<sup>61</sup> Aaron Prince, “What is International Military Training?” *The DISAM Journal of International Security Cooperation Management Online*, Annual Volume 2 (August 2013), <http://www.disamjournal.org/articles/what-is-international-military-training-850> (accessed February 26, 2015).

<sup>62</sup> Ibid.

<sup>63</sup> Ibid.

Familiarization, and Safety of the foreign troops, and this training should be classified as Security Assistance training.<sup>64</sup>

As DISAM indicates in the published guidance for the military, “Even with current guidance, regulations, policies, and handbooks regarding the definition of international military training, it can still be difficult to determine ‘Big T’ training from ‘Little t’ training in certain circumstances.” While wisely suggesting that military planners seek the advice and counsel of JAG officers and other experts with regard to definitional issues, the DISAM author cogently asks, “When does a seminar or conference cross over to training? Military Exercises might also include an element of training that would increase the foreign country’s military capabilities; does this then cross over into the ‘Big T’ training definition?”<sup>65</sup>

Another significant issue is funding for Leahy vetting. DoS budgets for an average of 130,000 vetting actions per year, but the rate of vetting is increasing, with approximately 162,000 in fiscal year 2012. The rate of increased requests for vetting is expected to increase since the strategic goal is to have more international security partnership training, equipping and assistance. The budget for Leahy vetting was \$2.75 million in FY 2014.<sup>66</sup> A twenty-five percent increase in vetting would require almost another million dollars during a time of fiscal austerity and shrinking budgets.

## Recommendations

Although sound in principle, the Leahy Laws have unintended consequences that impede other important national security interests. Coalition partners who need the most training in human rights, rule of law, rules of engagement, and law of armed conflict may be prohibited from receiving that training from U.S. advisors; opportunities arise for other nations to fill the vacuum of U.S. military partnership; and, human rights receive less emphasis and are more likely to be violated by the military units that most need U.S. military training assistance. Thus, in order to achieve United States strategic policy goals for building regional partnerships, security coalitions, rule of law, and international human rights, the United States military must conduct more legal, special operations, and command training with foreign military forces than is permitted by the present interpretation of the Leahy Laws.

Strategic policy goals are most effectively accomplished by working with foreign military units, not by banning training to these units. A commitment to International Human Rights enhances U.S. international relations with allies, promotes international law, creates international credibility, and facilitates coalition building. The following recommendations would assist in reconciling the apparent conflict in training coalition units and individuals accused of gross violations of human rights:

- U.S. international military training should initially train coalition security forces in the Law of Armed Conflict, the Code of Conduct, effective Command and Control through Military Justice, and the consequences pursuant to international law for crimes that violate human rights; genocide, crimes against humanity and war crimes.

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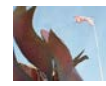
<sup>64</sup> *Operational Law Handbook, Chapter 14, Section IX, Fiscal Law*, International and Operational Law Department, The Judge Advocate General’s Legal Center & School, U.S. Army Charlottesville, Virginia, (2012): 215-216, [http://www.loc.gov/rr/frd/Military\\_Law/pdf/operational-law-handbook\\_2012.pdf](http://www.loc.gov/rr/frd/Military_Law/pdf/operational-law-handbook_2012.pdf) (accessed March 11, 2015).

<sup>65</sup> Aaron Prince, “What is International Military Training?” *The DISAM Journal of International Security Cooperation Management*.

<sup>66</sup> Nina M. Serafino, et al., “Leahy Law’ Human Rights Provisions and Security Assistance: Issue Overview,” 13.

- Include an express exception to the Leahy Laws vetting requirements for the aforementioned training by legal, special operations, and command trainers for units accused of gross human rights violations.
- Define training, credible information, and other essential terms clearly and unambiguously so they do not fall under the prohibitions imposed by the Leahy Laws.
- Define remediation and “effective steps” to “rehabilitate or bring to justice” to include the aforementioned training.
- Further research and analysis should be conducted to determine the impact and effectiveness of the Leahy Laws.

Permitting U.S. Special Operations Forces, Legal Officers and Commanders with Rule of Law, Human Rights Enforcement, and military justice experience to train partner nations in these essential military disciplines actually fulfills, rather than undermines the intent of the Leahy Laws. To accomplish that intent, the Laws must be amended and U.S. forces authorized to train foreign nation military units accused of human rights violations.



# The Islamic State: Terrorists or Millenarian Mass Movement?

Edward R. Sullivan

*The Islamic State (IS) should be understood as an Islamist millenarian mass movement possessing broad anti-western appeal and an ideology distinct from Al-Qaeda. For more than a decade IS has deliberately and methodically worked to advance its cause. It grounds its message in solid theological roots, utilizing the Salafist ideology of Sayyid Qutb. Its ideology is one of revolution in which Islam is on par with communism and capitalism as a basis for societal organization. The clarity of its utopian social message of equality and brotherhood contrasts sharply with the chaos and cultural confusion attributed to globalization, making IS attractive to those susceptible to radicalization. Highly capable in media initiatives, IS nonetheless remains vulnerable to rogue messages that run counter to the desired image. Countering the ideology of the Islamic State is far more problematic than countering its organization. Increased international effort is needed. A failure to act now leaves the Arab and Islamic heartland in the hands of a methodical and capable cult-like organization whose continued existence directly undermines an already precarious regional stability.*

Keywords: *ISIS, ISIL, Syria, Iraq, Islamists, Terrorism*

A rising mass movement attracts and holds a following not by its doctrine and promises, but by the refuge it offers from the anxieties, barrenness and meaninglessness of an individual existence.

—Eric Hoffer<sup>1</sup>

The emergence, growth, and victories of the Islamic State in Iraq and Syria (IS)<sup>2</sup> serve as dominant features of news programs and government briefings. Popular characterizations paint the group as

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*Edward R. Sullivan (M.S.S. United States Army War College) is a Lieutenant Colonel in the United States Marine Corps. An earlier version of this article, written under the direction of Dr. Larry P. Goodson, earned a prestigious Marine Corps Association and Foundation General Thomas Holcomb Writing Award for the USAWC class of 2015.*

<sup>1</sup> Eric Hoffer, *The True Believer, Thoughts on the Nature of Mass Movements* (New York: Harper and Collins, 1951), 41.

<sup>2</sup> From the beginning, the group has been known variously as “Tawhid wa al-Jihad,” “Al-Qaeda lil-Jihad fi Bilad al-Rafidain (QJBR), al-Qaeda in Iraq (AQI), the Mujahidin Shura Council, the Islamic State in Iraq (ISI), the Islamic State in Iraq and the Levant (ISIL), the Islamic State in Iraq and al-Sham (ISIS), and the anglicized version of the Arabic acronym “D’aesh” representing “The Islamic State in the region of al-Sham (Levant).” As the group itself abandoned any reference to locations in its name as of late 2014, throughout this paper it is referred to interchangeably as either the Islamic State or IS.

terrorists who opportunistically seized terrain and who are now trying to craft a state. Moreover, though they have decisively eclipsed Al-Qaeda, most people erroneously view the two groups as ideologically identical.<sup>3</sup> They are not. The activities and successes of the Islamic State to date are better understood as representative of a millenarian mass movement seeking to deliberately and fundamentally reshape society through violent revolution. Millenarianism is “the belief in a coming ideal society, especially in one brought about through revolutionary action.”<sup>4</sup> For IS, this involves the violent recreation of God’s Kingdom on Earth in keeping with a particular reading of select sacred texts. In this manner, IS assumes characteristics common to “cultic” religious militant movements throughout the world, such as Aum Shinrikyo in Japan; “the Covenant, the Sword, and the Arm of the Lord” in the United States; or certain Messianic Jewish groups in Israel, all seeking to bring down governments and systems they deem unlawful in order to create a utopian society.

Of foremost importance is the particular revolutionary message presented by IS together with the nature of the message’s appeal. Legitimacy of the mission and the message can be everything to a terrorist organization,<sup>5</sup> particularly one demanding societal reordering. This necessitates consideration as to how (1) IS establishes itself in an Islamic context, (2) the IS “brand” is differentiated from the broader jihadist context, and (3) IS propagates its message to target recruits. The essay concludes with an assessment of future prospects.

### Islam as an Ideology for Social Revolution

In 1964, Sayyid Qutb, an Egyptian member of the Muslim Brotherhood, wrote that:

The leadership of mankind by Western man is now on the decline, not because Western culture has become poor materially, or because its economic and military power has become weak...the Western system has come to an end because it is devoid of those life-giving values which enabled it to be the leader of mankind.<sup>6</sup>

Written in prison, *Milestones* not only played a large role in bringing about Qutb’s own execution by the Egyptian government in 1966,<sup>7</sup> but it became a foundational document and source of inspiration for Salafi Islamists across the world who portray Islam as a *political* ideology directly competitive with capitalism and communism. Many different “types” of Salafis exist, from “Establishment Salafis” to “Global Jihadists,” differentiated largely by their willingness to work within non-Islamic systems and their dedication to a militarized revitalization of the *Ummah* or the community of believers.<sup>8</sup> As they pose the most pressing danger to the international community, this essay is concerned primarily with Global Jihadists, described by Tareq Abdelhaleem in *Global Jihadism* and ably represented by IS and Al-Qaeda leadership.<sup>9</sup>

<sup>3</sup> Graeme Wood, “What ISIS Really Wants,” *The Atlantic online*, March 2015, <http://www.theatlantic.com/features/archive/2015/02/what-isis-really-wants/384980/> (Accessed 25 February, 2015), 3.

<sup>4</sup> Millenarianism as defined by the Merriam-Webster online dictionary, <http://www.merriam-webster.com/dictionary/millenarianism> (Accessed January 21, 2015).

<sup>5</sup> Terrell E. Arnold, *The Violence Formula, Why people Lend Sympathy and Support to Terrorism*, (Lexington, MA: Heath, 1988), 151.

<sup>6</sup> Sayyid Qutb, *Milestones*, (USA: SIME Journal, 2005), 1 (Introduction).

<sup>7</sup> Ibid., 2 (Forward).

<sup>8</sup> Tareq Abdelhaleem, “The Counterfeit Salafis: Deviation of the Counterfeit Salafis,” in *Methodology of Ahlul Sunnah L’al Jama’a*, (Dar Alargam, 2004), as cited in Jarret M. Brachman, *Global Jihadism: Theory and Practice*, (New York: Routledge, 2009), 26.

<sup>9</sup> Brachman spends considerable time differentiating “Global Jihadists” from other Salafi schools of thought, making a precise definition problematic. In general, Jihadists were originally inspired by the Al-Qaeda “Brand identity” created by Osama Bin Laden and share a more or less common set of seven characteristics in their religion and worldview. In Brachman’s view, however, the word “global” was inappropriate prior to 2003. See Jarret M. Brachman, *Global Jihadism: Theory and Practice*, 39-48.



Global Jihadists (simply “Jihadists” henceforth) believe the first generations of Islam were an ideal time of harmony and brotherhood. This spiritual perfection was soon destroyed by theological innovation and ignorance of Islam’s true path.<sup>10</sup> In Qutb’s view, the first half of the profession of faith, “*la ilaha illa allah*” (there is no deity but God), is falsely equated in modern times with the 1<sup>st</sup> Commandment given to Moses, stating a belief in monotheism.<sup>11</sup> Qutb argued that in the Arabic of the Prophet’s time, this “rejection of false deities” actually means a literal belief that there is “no sovereignty except God’s, no law except from God, and no authority of one man over another, as the authority in all respects belongs to God.”<sup>12</sup>

Jihadists at their core reject all elements of man-made governance; they reject borders, states, governments, and leaders delineated by anything other than God’s law. In another seminal jihadist work, Abu Muhammad al-Maqdisi argues the theological case in *Democracy is a Religion*, namely that in democracy men submit themselves to the rule of other men who have taken on the role of deities as legislators and creators of laws.<sup>13</sup> This belief drives Islamists committed to Jihad to declare anyone believing in democracy to be a polytheist, as they ascribe to men powers rightfully belonging only to God.

At its core, Islam offers a utopian vision of social justice and equality. Like many utopian visions, however, significant differences exist between the theoretical ideal and the pragmatic reality. Jihadists strive to eliminate theoretical and pragmatic differences, believing that true social justice and equality among men is simply not possible until mankind is united under a flag of Islam, with “no other name . . . added to it, and ‘*la ilaha illa allah*’ written on it.”<sup>14</sup>

Like other radical ideologies promising a completely new future *if only* man were living by a different set of rules, the revolutionary ideology of Jihadists appeals to a specific type of person. Such a person is often susceptible to radicalization of almost any sort, regardless of the particular type of movement (i.e., communism, fascism, socialism, etc.). In what is increasingly a post-Marxist world, however, someone today wishing to fight against globalization and the liberal democratic ideology of the “West,” essentially has a choice between either absolute anarchy or religious militancy, contemporaneously embracing the form of jihad.<sup>15</sup>

IS appeals to and attracts fanatics. But as Roger Griffin notes, “fanatic” in this case more accurately describes someone with unshakeable beliefs, displaying a calculating and single-minded, “rational” vision, incapable of self-doubt.<sup>16</sup> He argues that in a desperate fight to avoid *anomie* men create *nomos*, a “cosmic order” establishing the bounds of normative behavior that “predates humanity itself,”<sup>17</sup> promoting the belief that particular rules greater than ourselves govern the way life works. Within this construct, a “*nomos crisis*” occurs when this belief system appears to be under attack by the forces of modernity. Exported through the mechanisms of globalization, democratic liberalism is today breaking down more cultural traditions, transitioning populations from environments of well-defined moral choices to ones with an overabundance of decisions and a near

<sup>10</sup> Indeed Salafis get their name from the Arabic for “forefathers” or “predecessors” and in regular usage the name refers to the time of the companions of the prophet; meaning those who were alive during the time of Mohammed and the first four successors.

<sup>11</sup> Qutb, *Milestones*, 21.

<sup>12</sup> *Ibid.*, 14.

<sup>13</sup> Abu Muhammad ‘Aasim al-Maqdisi, *Democracy, a Religion*, pdf, <http://www.kalamullah.com> (Accessed 5 December, 2014), 11-12.

<sup>14</sup> As we clearly see with the Islamic State today. They have abandoned earlier versions of their flag to emulate exactly the kind of banner Qutb describes. Qutb, *Milestones*, 17.

<sup>15</sup> Brachman, *Global Jihadism*, 11.

<sup>16</sup> Roger Griffin, *Terrorist Creed* (New York: Palgrave Macmillan, 2012), 19.

<sup>17</sup> *Ibid.*, 35.



absence of moral absolutes.<sup>18</sup> Overwhelmed by the possibilities stemming from this lack of clarity and feeling defenseless against what is seen as an attack on their culture and historic fundamental values, many people welcome the order, clarity, and discipline afforded by militant religious groups.<sup>19</sup>

Such an attraction exists regardless of the religion a person claims because it offers a way to fight back against globalization, unwelcome change, and feelings that old systems of order have broken down. As Jessica Stern suggests, “Although we see them as evil, religious terrorists know themselves to be perfectly good. To be crystal clear about one’s identity, to know that one’s group is superior to all others, to make purity one’s motto and purification of the world one’s life work—is a kind of bliss.”<sup>20</sup>

Not all who join the Islamic State are likely to leave home and start their journey believing fully in the cause of Jihad. Many may come because IS shows itself to be the most capable platform of anti-Western resistance in the world. Money and personal status can be drivers, though lower level fighters are normally not paid very well.<sup>21</sup> Others pursue jihad as a “fad” because it is seen as “cool” among Muslim youth.<sup>22</sup> Jihad is becoming the “great adventure” and a defining element of an Arab generation beset by chaos, warfare, and revolution. Many young people see their world in turmoil and under attack and blame the “Western” world.

In such populations, the search for noble purpose and moral clarity above all else can become quite common. Popular characterizations of Islamic radicals often espouse the view that they are drawn from among poor, disenfranchised, undereducated youth who reside in slums, but that is frequently not the case. As Eric Hoffer observed, the middle class more commonly recognizes fault and threat in the world, and seeks a reordering of society.<sup>23</sup> Seeing a lack of purpose in what potential recruits interpret as a sea of ambiguous social choices and potential outcomes often drive a person to value fraternity and community above individual freedoms.<sup>24</sup>

Hoffer’s analysis may account for the appearance that IS has the most impact in “middle income” parts of the Middle East versus either end of the economic extreme.<sup>25</sup> It helps to explain why the Islamic State has taken hold in Syria and Iraq, supported by fighters from Tunisia, Jordan, and Morocco instead of Sudan or Qatar, and why it is more common in middle economic states of Europe rather than in Scandinavia or the Mediterranean periphery.<sup>26</sup> Hoffer notes, “It is not actual suffering but the taste of better things which excites people to revolt . . . frustration is greater when we have much and want more, than when we have nothing and want some.”<sup>27</sup>

In Syria, the civil war exploded over demands for greater democracy and inclusiveness within the existing system, not from a desire for complete governmental change. Mass violence did not occur in Iraq until Sunnis determined that the paths to social mobility had opened, but not for them. Hoffer

<sup>18</sup> Jessica Stern, *Terror in the Name of God, Why Religious Militants Kill*, (New York: Harper Collins, 2003), 69.

<sup>19</sup> *Ibid.*

<sup>20</sup> *Ibid.*, XXVIII.

<sup>21</sup> *Ibid.*, 5.

<sup>22</sup> *Ibid.*

<sup>23</sup> “For men to plunge headlong into an undertaking of vast change, they must be intensely discontented yet not destitute, and they must have the feeling that by possession of some potent doctrine, infallible leader or some new technique, they have access to a source of irresistible power.” Hoffer, *The True Believer*, 11.

<sup>24</sup> *Ibid.*, 33.

<sup>25</sup> Peter R. Neumann, “Foreign Fighter Total in Syria/Iraq now exceeds 20,000; Surpasses Afghanistan Conflict in the 1980s,” The International Centre for the Study of Radicalisation and Political Violence online, <http://icsr.info/2015/01/foreign-fighter-total-syria-iraq-now-exceeds-20000-surpasses-afghanistan-conflict-1980s/> (Accessed January 26, 2015), 1-2.

<sup>26</sup> Within the article the per capita rate per one million in population for participation with the Islamic State is 15 for Qatar and 100 for Sudan, as opposed to 1,500-3,000 for Tunisia and 1,500 for both Jordan and Morocco. For Europeans, contrast Italy and Sweden with 80 and 150 respectively, Germany with 500-600 and 440 for Belgium. *Ibid.*, 1-2.

<sup>27</sup> Hoffer, *The True Believer*, 29.

concludes that in the contest to gain the support of those individuals open to radicalization, the group arriving first with the most complete and “perfected collective framework” wins.<sup>28</sup> The challenge for such groups lies primarily with distinguishing themselves from competitors.

### Establishing Legitimacy

Through the broad use of social media, online magazines, and internet forums, IS spends significant effort to establish its “rightful place” as the vanguard of this millenarian revolution.<sup>29</sup> “The spark has been lit here in Iraq, and its heat will continue to intensify—by Allah’s permission—until it burns the crusader armies in Dabiq.”<sup>30</sup> This quote appears early in every magazine published by the Islamic State, acting as the title of the publication itself. It refers both to *Dabiq*, a town in the countryside near the Syrian city of Aleppo, and to the story of the apocalypse in Islam, wherein Jesus (*‘Isa Ibn Maryam*) returns to lead the Muslim Armies against the armies of Rome—representative of “the West”—in northwest Syria.<sup>31</sup>

While IS and al-Qaeda share many common origins and doctrinal sources, IS demonstrates itself to be less a pure terrorist organization and more of a revolutionary movement. While Al-Qaeda focuses on a global jihad, IS turns almost all of its attention to securing the Arab World first (the near enemy) before shifting to enemies abroad (the far enemy).<sup>32</sup> Both seek the recreation of an Islamic Caliphate,<sup>33</sup> but differ with respect to the method and timing of the state’s establishment. One of the more influential works in Jihadist literature is the book *Millat Ibrahim* by Abu Muhammed al-Maqdisi, which purports to lay out the correct path to establishing Islamic governance.<sup>34</sup> In al-Qaeda’s interpretation, the fight against corrupt regimes (*taghut/tawaghit*)<sup>35</sup> appears less focused, targeting governments around the world and believing that once they are defeated a state will be declared and a leader chosen from among the faithful.

IS attacks this assertion directly, maintaining there can be no revival of the faith with the people living under a corrupt regime, and therefore a state with a just leader must be declared so the people are free to live under God’s laws as they fight their oppressors.<sup>36</sup> They draw much of their argument from the early Meccan period in Islam, when the Muslim community was just starting out and found itself an outnumbered and unfavored minority. Mohammed served as the charismatic leader and exemplar to this early community, encouraging its migration to Medina and the establishment of a unified community under Islamic laws. Absent his leadership, had they fought the stronger tribes before consolidating their beliefs and religious practice in their own enclave, the community’s

<sup>28</sup> Ibid., 41.

<sup>29</sup> Harleen K. Gambhir, “Dabiq: The Strategic Messaging of the Islamic State,” August 15, 2014, *Institute for the Study of War*, [http://www.understandingwar.org/sites/default/files/Dabiq%20Backgrounder\\_Harleen%20Final.pdf](http://www.understandingwar.org/sites/default/files/Dabiq%20Backgrounder_Harleen%20Final.pdf) (Accessed September 16, 2014).

<sup>30</sup> *Dabiq: Issue 1 – The Return of Khalifah*, online, Ramadan, 1435, <http://media.clarionproject.org/files/09-2014/isis-islamc-state-magazine-Issue-1-the-return-of-khilafah.pdf> (Accessed September 16, 2014), 2.

<sup>31</sup> Ibid., 4.

<sup>32</sup> Fawaz Gerges as quoted by Scott Shane and Ben Hubbard, “ISIS Displaying a Deft Command of Varied Media,” *New York Times online*, August 30, 2014, <http://www.nyti.ms/lqQ8tQD>, (Accessed February 8, 2015), 3.

<sup>33</sup> A Caliphate or *Khilafah*, is an Islamic Government led by a Caliph, a successor of the Prophet Muhammed as both the political and religious head of state. The battle between who may be the Caliph and what the qualifications for the position are forms a key element of the fundamental schism between Shia and Sunni Islam.

<sup>34</sup> The book itself can be found using the following information and link, Abu Muhammed ‘Asim Al-Maqdisi, “*Millat Ibrahim* (The Religion of Ibrahim) and the Calling of the Prophets and Messengers, and the Methods of the Transgressing Rulers in Dissolving it and Turning the Callers away from it, (2nd ed.),” (at-Tibyan Publications, date not given, but early to mid-1990s), pdf file, online, <http://www.kalamullah.com/al-maqdisi.html> (accessed 5 December, 2014).

<sup>35</sup> Corrupt regimes in this case refers to any forms of government other than a properly formatted Islamic theocracy. Chief sins of the *tawaghit* include democracy, idolatry, nationalism, and polytheism by virtue of the embrace of democracy.

<sup>36</sup> Author not Given, “Part 3: The Concept of Imamah is from the Millah of Ibrahim,” *Dabiq: Issue 1*, 24.

prominence might not have happened. Reinforcing such connections, soon after declaring the establishment of the Islamic State in ash-Sham (the Levant) in late June/early July 2014, their leader, Abu Bakr al-Baghdadi, took the name of the man to whom God originally gave responsibility for leading the faithful and became known as Caliph Ibrahim (Abraham of the Bible).<sup>37</sup>

As an organization, the Islamic State is not new. They follow a lineage beginning more than a decade ago under the leadership of Abu Mus'ab az-Zarqawi (AMZ) in western Afghanistan. Following the invasion of Iraq by U.S.-led forces in 2003, AMZ first shifted his operations from Afghanistan to Kurdish areas before moving to western Iraq and al-Anbar Province.<sup>38</sup> Though initially under different names, the group was widely known as Al-Qaeda in Iraq (AQI) until late 2006, when in October it declared itself the Islamic State of Iraq (ISI) under Abu 'Umar al-Baghdadi, following the death of AMZ months earlier.<sup>39</sup>

In the initial issue of *Dabiq* magazine, IS devotes seven full pages to describing how it arrived to the present day by faithfully adhering to a plan to reestablish the Caliphate as laid out prior to 2004 by AMZ. Put in English terms, AMZ laid out a five phase plan: 1) emigration of fighters to a safe haven; 2) creation of fighting groups; 3) destabilization of existing regimes through creation of chaos; 4) consolidation of areas under group control; 5) establishment of a Caliphate.<sup>40</sup> In recounting the plan within *Dabiq*, its importance is made clear in separate bold text that states: "This has always been the roadmap towards *Khilafah* for the mujahidin."<sup>41</sup> In this regard at least, they are not simply rewriting history to suit events as they happen. The U.S. military captured a February 2004 letter from AMZ to Al-Qaeda Senior Leadership (AQSL) laying out the plan in some detail and making clear that AMZ's group offered to *cooperate* with AQSL, acting as a "vanguard" or "bridge" toward realizing the caliphate.<sup>42</sup> Within the letter, AMZ states that if AQSL agrees with his plan, "we will be your readied soldiers, working under your banner, complying with your orders, and indeed swearing fealty to you publicly and in the news media. . ."<sup>43</sup>

Such communications are at the heart of the IS argument that they are the true leaders of the Global Jihad and that Al-Qaeda has lost its way. By early February 2014, AQSL took the unprecedented step of publicly repudiating ISIS, stating the two groups shared no connections after public allegations that ISIS was broadly refusing to heed direction from AQSL.<sup>44</sup> By December 2014, IS devoted the majority of Issue 6 of *Dabiq* to ideological attacks on Al-Qaeda.<sup>45</sup> Contradictions in statements by Al-Qaeda leader Ayman al-Zawahiri and key regional subordinates form the basis of an extensive article in which AQSL leadership was cast as theologically ignorant, lacking both clarity of thought and devotion to the cause displayed by IS leaders. A second and equally substantial article offered the personal testimony of a former al-Qaeda fighter regarding the group's ineptitude and

<sup>37</sup> Harleen Gambhir, "Dabiq: The Strategic Messaging of the Islamic State," 5.

<sup>38</sup> Author not Given, "From Hijrah to Khilafah," *Dabiq: Issue 1*, 36.

<sup>39</sup> Brian Fishman, "Fourth Generation Governance – Sheikh Tamimi defends the Islamic State of Iraq," March 23, 2007. *Combating Terrorism Center at West Point*, Journal article, <https://www.ctc.usma.edu/posts/fourth-generation-governance-sheikh-tamimi-defends-the-islamic-state-of-iraq> (Accessed September 16, 2014).

<sup>40</sup> Author not Given, "From Hijrah to Khilafah," *Dabiq: Issue 1*, 36-40.

<sup>41</sup> *Ibid.*, 38.

<sup>42</sup> Abu Mus'ab az-Zarqawi, "February 2004 Coalition Provisional Authority English translation of terrorist Musab al-Zarqawi letter obtained by United States Government in Iraq," online, <http://2001-2009.state.gov/p/nea/rls/31694.htm> (accessed 10 January 2015).

<sup>43</sup> *Ibid.*

<sup>44</sup> Liz Sly, "Al-Qaeda disavows any ties with radical Islamist ISIS group in Syria, Iraq," *Washington Post online*, February 3, 2014, [http://www.washingtonpost.com/world/middle\\_east/al-qaeda-disavows-any-ties-with-radical-islamist-isis-group-in-syria-iraq/2014/02/03/2c9afc3a-8cef-11e3-98ab-fe5228217bd1\\_story.html](http://www.washingtonpost.com/world/middle_east/al-qaeda-disavows-any-ties-with-radical-islamist-isis-group-in-syria-iraq/2014/02/03/2c9afc3a-8cef-11e3-98ab-fe5228217bd1_story.html), (Accessed February 22, 2015).

<sup>45</sup> *Dabiq: Issue 6 – Al-Qaeda of Waziristan*, online, Rabi' al-Awwal, 1436, <http://media.clarionproject.org/files/islamic-state/isis-isil-islamic-state-magazine-issue-6-al-qaeda-of-waziristan.pdf> (Accessed 10 January 2015).

failures in Waziristan.<sup>46</sup> Throughout the publication, IS paints Al-Qaeda as (a) overly willing to accept compromise and leniency for the sake of military expediency in the cause of jihad, and (b) as a group lacking any plan beyond fighting a global terrorist campaign.<sup>47</sup>

When seeking to ground their arguments in theology, next in importance to Muslims after the Koran are the *Hadith*, a collection of verified eyewitness accounts of what the Prophet Mohammed said and did regarding various topics.<sup>48</sup> Hadith, however, are not all treated equally. Particular hadith are chosen from two authors known as the *Sahihain* typically accorded the greater weight. In the first installment of *Dabiq*, IS uses direct Koranic verses and hadith from the *Sahihain* almost exclusively, attempting to make its case for establishment of the State more difficult to assail on theological grounds alone.<sup>49</sup> IS consistently establishes its ideological position using only solid theological arguments within communications such as *Dabiq*. As Graeme Wood argues, "...the Islamic State is Islamic. Very Islamic . . . the religion preached by its most ardent followers derives from coherent and learned interpretations of Islam."<sup>50</sup>

As a result of these and other factors, the group now rules a de facto state carved from Iraq and Syria. IS controls significant territory, provides a range of government services,<sup>51</sup> mints its own currency,<sup>52</sup> and operates a military apparatus that aspires to have a monopoly on the use of violence within its borders—which is far more state-like than anything Al-Qaeda has achieved. Though no foreign governments have recognized IS, the group regularly trumpets pledges of loyalty from jihadist groups around the world. In fact, *Dabiq: Issue 5* titled simply "Remaining and Expanding" contains statements and photos of loyalists in "new *wilayat* (provinces)" in Egypt (Sinai), Saudi Arabia, Yemen, Algeria, Libya, Indonesia, Nigeria, and the Philippines, among others.<sup>53</sup> The Islamic State is enjoying undeniable success in establishing its legitimacy among jihadist elements, placing it at the forefront of a jihadi mass movement forcing social revolution. On the most basic level "success breeds success" and since the fall of the Iraqi city of Mosul in the summer of 2014 nearly all jihadists traveling to Iraq are joining IS.<sup>54</sup>

## Spreading the Message

The arrival of a "new era" is proclaimed in the inaugural issue of *Dabiq* magazine with words attributed to Shaykh Abu Muhammad al-Adnani:

The time has come for those generations that were drowning in oceans of disgrace, being nursed on the milk of humiliation, and being ruled by the vilest of people, after their long slumber in the darkness of neglect—the time has come for them to rise.<sup>55</sup>

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<sup>46</sup> Abu Maysarah as-Shami, "The Qa'idah of Adh-Dhawahiri (Zawahiri), Al-Harari, and An-Nadhari, and the Absent Yemeni Wisdom," 16-25. And Adu Jarar ash-Shamali, "Al-Qaeda in Waziristan: a Testimony from Within," and 40-55, *Dabiq: Issue 6 – Al-Qaeda of Waziristan*.

<sup>47</sup> Abu Maysarah as-Shami, "The Qa'idah of Adh-Dhawahiri (Zawahiri), Al-Harari, and An-Nadhari, and the Absent Yemeni Wisdom," *Dabiq: Issue 6 – Al-Qaeda of Waziristan*, 16-25.

<sup>48</sup> Harleen Gambhir, "Dabiq: The Strategic Messaging of the Islamic State," 6.

<sup>49</sup> *Ibid.*, 6.

<sup>50</sup> Graeme Wood, "What ISIS Really Wants," 5.

<sup>51</sup> Aaron Zelin, "The Islamic State of Iraq and Syria Has a Consumer Protection Office," *The Atlantic online*, June, 2014 <http://www.theatlantic.com/international/archive/2014/06/the-islamic-state-of-iraq-and-syria-has-a-consumer-protection-office-372769/>, (Accessed October 8, 2014), 1-3.

<sup>52</sup> Author not given, "The Currency of the Khilafah," *Dabiq: Issue 5 – Remaining and Expanding*, online, Muharram, 1436 <http://media.clarionproject.org/files/islamic-state/isis-islamic-state-magazine-issue-5-remaining-and-expanding.pdf> (Accessed January 10, 2015), 18.

<sup>53</sup> Author not given, "Remaining and Expanding," *Dabiq: Issue 5 – Remaining and Expanding*, 22-33.

<sup>54</sup> Scott Shane and Ben Hubbard, "ISIS Displaying a Deft Command of Varied Media," 2.

<sup>55</sup> Abu-Muhammed al-Adnani al-Shami, *Dabiq: Issue 1*, 9.

While such imagery is used by both Al-Qaeda and the Islamic State in media products, striking contrasts exist between both the production quality and content associated with the two groups. IS production values are top-notch, and the speed with which they incorporate recent events into their products is impressive. Al-Qaeda's *Inspire* magazine remains closer to a how-to manual for aspiring jihadists, whereas *Dabiq* seeks to educate, justify, influence, and inform.<sup>56</sup> Both groups study marketing, actively injecting "game theory" into web forums complete with levels, points, and associated privileges to encourage more active participation.<sup>57</sup> IS goes a step further, producing jihadist video games that capture the allure and themes of popular online games such as "Call of Duty" and "Grand Theft Auto."<sup>58</sup> In terms of their media operations, one RAND analyst stated succinctly, "Al-Qaeda is like AOL. The Islamic State is Google."<sup>59</sup>

The element of theater plays a large role in propagating messages of terror. Video beheadings of captives, disturbingly commonplace by the end of 2014, are an excellent example. The clean production values, the choice of an executioner with a British accent, apparently well-kept prisoners being killed through beheading with a small knife versus a sword—all are calculated efforts to terrorize the West and embolden potential recruits.<sup>60</sup> Sending a message, rather than just committing an act tailored to strike at the core of Western fears, is the goal.<sup>61</sup>

Of all of the messaging platforms, people in the West are most familiar with the videos—or more accurately excerpts from those videos. Most people in the developed world do not normally stumble onto jihadist web forums or peruse IS publications, but if the group can make an action horrific enough, and with high production values, the nightly news broadcast it on their behalf. Poor quality audio or video might get only a verbal description, whereas high quality productions are more likely to be shown to the target audience with only a small pixelated section masking the carnage.

The February 2015 release of a much longer than normal video showing captured Jordanian pilot First Lieutenant Muath Al-Kaseasbeh being burned alive inside of a cage demonstrates the relationship between media quality and international coverage. For days preceding the release of the video, news networks around the world tried to discern the extent of negotiations between IS and the Jordanian government, and the story ran regularly on multiple channels. When it looked as though a deal might have been possible, IS released a 22-minute cinematic quality production targeting Arabs rather than the West, which guaranteed through its savagery that it would dominate the news for days if not weeks. Perhaps beheadings had become too commonplace, or perhaps IS sought to put extra stress on the Jordanian regime, which already was facing a hostile public due to the war, but within ten minutes of the public release, IS distributed talking points justifying their use of fire on a captive.<sup>62</sup> For days every news program showed the moments before and after the pilot was

<sup>56</sup> "Dabiq: The Strategic Messaging of the Islamic State," 1-2.mk

<sup>57</sup> Jarret Brachman and Alix Levine, "The World of Holy Warcraft, How Al-Qaeda is using online game theory to recruit the masses," *Foreign Policy online*, April 13, 2011, [http://www.foreignpolicy.com/articles/2011/04/13/the\\_world\\_of\\_holy\\_warcraft](http://www.foreignpolicy.com/articles/2011/04/13/the_world_of_holy_warcraft), (Accessed December 4, 2014).

<sup>58</sup> Terrence McCoy, "The Islamic State's 'Call of Duty' Allure," *The Washington Post online*, October 28, 2014, <http://washingtonpost.com/news/morning-mix/wp/2014/10/28/the-islamic-states-call-of-duty-allure>, (Accessed December 5, 2014).

<sup>59</sup> Colin Clarke, as quoted in Josh Kovensky, "ISIS's New Mag Looks Like a New York Glossy—with Pictures of Mutilated Bodies," *New Republic Online*, August 25, 2014, <http://www.newrepublic.com/article/119203/isis-dabiq-vs-al-qaeda-comparing-two-extremist-magazines>, (Accessed October 8, 2014).

<sup>60</sup> Robert D. Kaplan, "Terrorism as Theater," *Stratfor Global Intelligence online*, August, 27, 2014, <http://www.stratfor.com/weekly/terrorism-theater/>, (Accessed September 16, 2014), 1.

<sup>61</sup> *Ibid.*, 1.

<sup>62</sup> Duncan Gardham and John Hall, "Was Jordanian Pilot Burned Alive after sick twitter campaign among ISIS supporters to name his method of death?" *Daily Mail Online*, February 4, 2015, <http://www.dailymail.co.uk/news/article-2939196/was-jordanian-pilot-burned-alive-sick-twitter-campaign-ISIS-supporters-method-death.html>, (Accessed February 8, 2015).



killed, and some posted the entire video unedited for those wishing to view it on their computers—exactly the media impact and reaction sought by the Islamic State.

By again referencing scriptural examples, IS justified its actions against the pilot citing immolation as a legitimate method, concluding that if done in *mumathala* (reciprocity) it was acceptable.<sup>63</sup> The choice of the execution site at a building previously bombed by the coalition, the trapping of the captive inside of a cage, his death by fire, and the subsequent piling of building rubble upon his corpse were all specifically chosen to depict “just” retribution for “innocent civilians” caught inside buildings, burned and buried by coalition airstrikes.<sup>64</sup> Immediately after the capture of the pilot IS launched a twitter campaign under the title #SuggestAWayToKillTheJordanianPilotPig that received thousands of responses, and among them was burning him alive and burying him under rubble.<sup>65</sup> The solicitation of fresh methods of execution, the tailored extended video production, and the sheer brutality of the killing gave IS exactly the publicity they desired. Presumably, in their calculations, what they lose in popularity through this act will be trumped by what they gain through continued violence and fear.<sup>66</sup> Shock value keeps their video messages at the forefront, and that means a continual escalation of barbarity in future killings to retain world attention.<sup>67</sup>

The IS magazine *Dabiq*, a monthly publication first distributed online early in July 2014, is more traditional. All issues are very high quality, with complex text and photo layouts and top-notch graphics. Most, though not all, of the language is either written or proofed by native English speakers to ensure clarity and deflect criticism.<sup>68</sup> The titles of the issues act as the guiding themes and show logical messaging progression:

- Issue 1: “The Return of Khilafah,” supports the creation of the Islamic State today and advances an overall plan of action moving forward.
- Issue 2: “The Flood,” focuses on the choice to support and participate in the Islamic State, or risk being swept away in a new cleansing of the Earth.
- Issue 3: “A Call to Hijrah,” explains why Muslims must migrate from foreign lands and make their homes in the State in order to normalize life and state administration.
- Issue 4: “The Failed Crusade,” shows the IS flag in St. Peter’s Square in the Vatican. The most overtly military issue to date, it focuses on “failed” U.S. strategy in the region as well as signs of Armageddon.
- Issue 5: “Remaining and Expanding,” details the establishment of new Provinces throughout the Islamic world, supported with photos and individual statements of loyalty.
- Issue 6: “Al-Qaeda of Waziristan” is dedicated to a lengthy and detailed denunciation of Al-Qaeda as a jihadist organization.

Among other features, each issue contains a section of at least two pages entitled “In the Words of the Enemy,” using statements by U.S. political and military leaders and prominent scholars to bolster the IS image. As an example, the first issue utilizes excerpts from a scholarly article written

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<sup>63</sup> The idea of “Qisas” or retribution, is put forth in Koranic verse 16:126, though IS more regularly refers to the idea of *mumathala*. Terrence McCoy and Adam Taylor, “Islamic State says immolation was justified, Islamic Scholars say no,” *The Washington Post online*, February 4, 2015, <http://www.washingtonpost.com/news/morning-mix/wp/2015/02/04/the-chilling-reason-the-islamic-state-burned-a-jordanian-pilot-alive/>, (Accessed February 22, 2015).

<sup>64</sup> Duncan Gardham and John Hall, “Was Jordanian Pilot Burned Alive.”

<sup>65</sup> *Ibid.*

<sup>66</sup> Hassan Hassan, “ISIS has reached new depths of depravity. But there is a brutal logic behind it,” *The Guardian online*, February 7, 2015, <http://www.theguardian.com/world/2015/feb/08/isis-islamic-state-ideology-sharia-syria-iraq-jordan-pilot>, (accessed February 8, 2015).

<sup>67</sup> *Ibid.*

<sup>68</sup> In addition to English, versions are also available in Arabic, Russian, French, and German.

by prominent policy analysts Douglas Olivant, former Director for Iraq at the U.S. National Security Council, and Brian Fishman, former Research Director at the U.S. Combating Terrorism Center at West Point, who are both identified by those descriptors in the article. IS highlights the statements: “ISIS has created a multi-ethnic army; almost a foreign legion, to secure its territory” and “the group does not have safe haven within a state. It is a de facto state that is a safe haven.”<sup>69</sup> Later issues incorporate quotes by President Barack Obama and former Secretary of Defense Chuck Hagel, among others. Taken collectively, the use of well-chosen public statements builds a case for the legitimacy of the Islamic State, demonstrating in effect, “look what our enemies say about us—we are real.”

Every issue also includes scenes of battlefield victories, captured equipment and munitions, and smiling fighters working to help the newly loyal populace. They show scenes of communities being rebuilt, enemies being either punished or forgiven, and thieves and drug runners being brought to justice. Issue 5 announces a new mineral-based currency “in order to disentangle the [State] from the corrupt interest-based global financial system.”<sup>70</sup> The topic is then reinforced in Issue 6 by an article from captured British war correspondent John Cantlie citing arguments about the impending collapse of dollar-based international markets from articles written by former U.S. Representative Ron Paul.<sup>71</sup> The clear message is that the steps the Islamic State is taking are *real and concrete*—that its money is made of gold or copper and has intrinsic value—versus an unsecured dollar standard. The Islamic State want readers to believe that the current world order is all a chimera, set to come crashing down, and the only place to find protection and relief from the ensuing chaos lies with the Islamic State.

While IS controls the content of *Dabiq*, it has far less control over internet forums that typically distribute the magazines. These forums are an open space in which news and information regarding jihad is exchanged. Photos, video clips, and audio excerpts, together with original articles and opinions, are traded freely along with news updates from various portions of the battlefield. In much the same way as Twitter users accrue followers, and thereby status, so too do those posting material to jihadist web forums gain status by “likes” and “shares” of their content.<sup>72</sup> Accrual of certain point levels moves one’s postings to a different status, seen by more people and displayed more prominently.<sup>73</sup> As with any media forum, sensationalism is rewarded, and the more radical the author, the more likely (s)he is to gain a following. At the highest levels, one can even be rewarded with administrator status, or be given direct e-mail contact with key jihadist leaders, although reaching such levels requires years of jihadist study and near-constant dedication to the forums.<sup>74</sup>

More recently, IS forums contained video productions featuring John Cantlie together with scenes and graphics straight out of “Call of Duty,” resulting in comments such as, “This is our Call of Duty and we respawn in Jannah (heaven).”<sup>75</sup> In other locations, forums feature legitimate video games parroting the gameplay of Grand Theft Auto, with an IS fighter performing all manner of incredible military acts to the accompaniment of jihadist music.<sup>76</sup>

Repetition of key themes is important for persuading potential recruits to take the step of traveling to the Islamic State, or to act on their own against the “enemies of Islam” wherever they may live. As IS becomes larger and more successful, keeping messages consistent and under central

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<sup>69</sup> Douglas Olivant and Brian Fishman, “The Reality of the Islamic State in Iraq and Syria,” as quoted in *Dabiq: Issue 1*, 32-33.

<sup>70</sup> Author not given, “The Currency of the Khilafah,” *Dabiq: Issue 5*, 18.

<sup>71</sup> John Cantlie, “Meltdown,” *Dabiq: Issue 6 – Al-Qaeda of Waziristan*, 61.

<sup>72</sup> Jarret Brachman and Alix Levine, “The World of Holy Warcraft.”

<sup>73</sup> *Ibid.*

<sup>74</sup> *Ibid.*

<sup>75</sup> Terrence McCoy, “The Islamic State’s ‘Call of Duty’ Allure.”

<sup>76</sup> *Ibid.*

control may become increasingly difficult. IS leadership, through its official media organizations, creates and distributes solid products supportive of its cause and unified around consistent themes. The potential access of every group member to the internet, however, jeopardizes overall messaging as the organization becomes accountable for any messages or footage posted to the web in its name.

Highlighting the dangers of such communications access, throughout January 2015 various Twitter accounts regularly released execution videos and comments regarding the fate of Western captives that appeared to contradict leadership statements and lead to significant confusion.<sup>77</sup> In the days preceding the release of the al-Kasaesbah execution video in early February 2015, this mounting confusion was punctuated by the appearance of Caliph Ibrahim in a short online video with spokesman Mohammed al-Adnani clarifying that only four Twitter accounts were authorized to speak on behalf of IS—clearly, an effort to retain or regain control of organizational messaging.<sup>78</sup>

### Millenarian Social Movement or Opportunistic Terrorism?

The purpose of this analysis has been to distinguish the Islamic State from its competitors in the Jihadist—and more broadly terrorist—realms. Rather than being directed and guided by a command structure, it appears that the low-technology Jihadist attacks occurring throughout 2014 outside of the Middle East and claimed by IS, were instead inspired by its message.

O crusaders, you have realized the threat of the Islamic State, but you have not become aware of the cure, because there is no cure. If you fight it, it becomes stronger and tougher. If you leave it alone, it grows and expands.<sup>79</sup>

For Muslim youth, IS provides order and sanctuary from apparent chaos and an opportunity to resurrect the glory of the early Islamic Empire. IS pushes the message that death in the service of jihad is worth 60 years of prayer<sup>80</sup> and “saves 70 family members who were destined to go to the fires of hell.<sup>81</sup>” Death in Jihad offers immediate salvation for those with an imperfect—or criminal—past.

The most consistently identified factor responsible for militant religious violence lies with an individual’s yearning for order and a sense of belonging. For non-Muslims searching for a way to lash out against the anomie of the modern world, unsatisfied with the surfeit of choices and potential possibilities of failure ahead, Jihad is the leading anti-western movement. Reasons for taking up arms in Jihad vary tremendously, however. Many young IS soldiers are likely fighting for reasons more closely akin to nationalism than religion, yet they go along with the organizational leadership, aping their statements and actions, in order to remain part of the group. Such differences in the commitment to and understanding of the doctrines involved likely result in internal conflict. *Dabiq: Issue 6* lectures IS soldiers and officials to follow orders and to moderate their behavior toward the

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<sup>77</sup> Catherine Herridge, “ISIS Leader Warns Unauthorized Tweets Don’t Speak for Caliphate,” *FOXNEWS online*, February 2, 2015, <http://www.foxnews.com/world/2015/02/02/listen-to-me-isis-leader-warns-unauthorized-tweets-don-t-speak-for-caliphate/>. (Accessed February 8, 2015).

<sup>78</sup> Ibid.

<sup>79</sup> Abu-Muhammed al-Adnani al-Shami, “Indeed Your Lord is Ever Watchful,” Arabic-language Audio Message posted to Hanin Network Forums by Al-Furqan Establishment for Media Production (dated September 21, 2014), Translation by al-Furqan, and posted by OSIS.gov as TRR2014092201178788.

<sup>80</sup> Jeffrey B. Cozzens, “Victory from the Prism of Jihadi Culture,” *Joint Force Quarterly*, 52 (1<sup>st</sup> Quarter 2009): 88. <http://ndupress.ndu.edu/portals/68/Documents/jfq/jfq-52.pdf> (Accessed January 27, 2015).

<sup>81</sup> Jeffrey B. Cozzens, “Approaching Al-Qaeda’s Warfare: Function, Culture, and Grand Strategy,” (Draft) in *Mapping Terrorism Research*, ed. Magnus Ranstorp (London: Routledge, 2006), received directly from the author via e-mail and cited as page 16 of Chapter 7, within the larger work.



public. Such admonishment came just weeks before reports of infighting and large-scale desertions following battlefield setbacks in both Kobane, Syria and Ninevah, Iraq.<sup>82</sup>

In the fight against IS, the United States and its allies face two challenges: 1) defeating a semi-functioning outlaw state with a moderate military capacity, and 2) defeating a spiritual ideology. The Islamic State will face ever-growing challenges brought about by the sheer weight of governance as time passes. Its ability to sustain itself without formal sources of income is suspect, as its black-market sources are unlikely to suffice without additional resources acquired through conquest. Military stalemate and growth of governance responsibilities brings the added friction of simple boredom, which can be devastating to the revolutionary spirit necessary to sustain progress and development.

Jihad as espoused by Sayyid Qutb and embraced by IS provides an appealing anti-Western message that lends purpose to the lives of the susceptible. Scripture-based defenses against negative media portrayals already exist: "If your people fight you, accuse you of the worst of accusations, and describe you with the worst of all traits, then know that the people of the Prophet fought him, expelled him, and accused him with matters worse. . . ."<sup>83</sup> Though this is an ideology based on Islam, it is, however, a version of the religion most akin to a cult, defined by Colin Campbell as a "parallel religious tradition of disparaged and deviant interpretations and practices that challenge the authority of prevailing religions with rival claims to truth."<sup>84</sup> The idea that IS follows a deviant or discredited interpretation of Islam presents the biggest opportunity to effectively counter the ideology of the Islamic State.

The Islamic State is now a big organization, is continuing to grow, and, some estimates allege, has more foreign fighters today than were in Afghanistan at the height of the war against the Russians.<sup>85</sup> Almost all of the fighters can and do link to the internet via smartphones. Many statements and videos attributed to IS are apparently not being released and sanctioned by its central authorities. Instead, they likely originate from young fighters and commanders wanting to show how shocking or terrifying they can be. Such actions drive the admonishments and instructions IS published in *Dabiq* and via online videos in 2015. Violence without support of religious justifications damages IS legitimacy and standing among aspirants. Anything eroding the appearance of unity and moral certitude reduces the appeal of the organization to those recruits searching for the very same as an escape from their present lives. Likewise, failure to govern effectively or signs of infighting and desertion prove unhelpful and are likely to be prominently featured on major networks.

As with any cult, some people joining IS will discover that the group does not live up to expectations and they will seek to leave. Just as people can be "de-programmed" from cults, so too many can be "de-radicalized" from IS. Many young fighters are attracted by the adventure and the danger. They simply do not understand nor fully recognize what all that they are buying into, and they need an exit strategy, i.e., a way out. The way out, however, should be through government authorities and well-founded coordinated programs of counter-radicalization consisting of *prevention* up front and *de-radicalization* for those who initially decided upon jihad.<sup>86</sup>

When Islam first emerged in the Arabian heartland, the major empires of the day, the Romans and the Sassanids (Persians), had exhausted themselves from years of regional warfare. Rome had withdrawn from the Levant and placed in their stead puppet Arab rulers to keep the peace. Persian

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<sup>82</sup> Tim Lister, "For ISIS, Tough Times as it Seeks to Regroup," *CNN online*, January 28, 2015, <http://edition.cnn.com/2015/01/28/opinion/lister-bad-month-for-isis/index.html>, (Accessed January 28, 2015), 4.

<sup>83</sup> Abu-Muhammed al-Shami, "Indeed Your Lord is Ever Watchful."

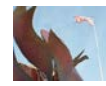
<sup>84</sup> Colin Campbell as quoted in Jeffrey B. Cozzens, "Approaching Al-Qaeda's Warfare," 2.

<sup>85</sup> Peter R. Neumann, "Foreign Fighter Total in Syria/Iraq now exceeds 20,000."

<sup>86</sup> Jessica Stern, "Deradicalization or Disengagement of Terrorists: Is it Possible?" in *Future Challenges in National Security and Law*, ed. By Peter Berkowitz, <http://www.futurechallengesessays.com>, (Accessed February 8, 2015), 1.

forces remained a threat both from the east and the south, where they ruled over Yemen. During this time of chaos for the Arab people, Mohammed emerged as a messenger from God, bringing order, purpose, and fraternity. The result exploded across the world with lightning speed and formed the basis of the Islamic Empire. That situation is not dissimilar to today, and IS knows it. By drawing upon the same elements today that existed during the time of the Prophet, IS believes it can completely redefine the social order and very nature of government through revolutionary violence to bring about a perfect society. That is, in short, not “simply” terrorism, but rather evidence of a millenarian social movement with an organized, developed plan to reorder the world.

Making a shift to conceive of IS as a millenarian mass movement is more important than it may initially appear. Military defeat of the group is absolutely important, but somewhat secondary to discrediting the ideology. The Islamic State is not random: though its message deviates from that accepted by mainstream Islam, it rests on core Islamic teachings and its grievances against the West enjoy broad-based support throughout much of the world. While time may eventually cause IS to collapse upon itself, the governments of the world would do better to cooperate in actively countering the ideology and the networks—both physical and cyber—that drive the group, while aggressively eliminating key leadership through all appropriate avenues. A failure to take the threat seriously, and as something much more than just a localized regional problem, may lead to a far bigger conflict than many security experts are inclined to think.



# The Flawed Strategic Discourse on Cyber Power

Brandon Newton

*This paper examines flaws in the strategic discourse on cyber power. The current discourse is flawed because it is dominated by hyperbole, misapplies context, and lacks sufficient precision in terms and definitions. There are two critical flaws in the current discourse. The first is descriptions of the existential nature of strategic cyber war, and the Armageddon like environment that would be created by such a war, despite evidence to the contrary. The second flaw is in the understanding of the context of any cyber action initiated by potential adversaries, state or non-state. Recommended adjustments to the discourse need to be informed by clear and valid assumptions as to what can be done with cyber power, as well as crafting a model for cyber threat prioritization. The final analysis addresses both needed changes in education and training and human understanding of cyber power.*

Keywords: *Cyber War, Cyber Strategy, Cyberspace*

If there were ever any doubt that cyber power had taken its permanent place among the more traditional domains of warfare, the recent National Security Strategy would erase that notion. According to the Strategy, cyberspace is the preeminent shared commons, an infrastructure responsible for our “economy, safety and health.”<sup>1</sup> For the United States, cyberspace is an interest to be defended, with costs imposed on those who attack it. This year, 2015, marked a year of cyber events in the news and public debate, including the Sony Corporation hack, the Central Command Twitter hack, and assorted threats to financial networks.

Unfortunately, the hyperbole of a “Cyber 9/11” or “Cyber-Armageddon” has merged fact with fiction in the strategic discourse.<sup>2</sup> Although existing cyber-threats are certainly capable of striking U.S. interests, the likely effects of such attacks are being overblown and can be mitigated by current information assurance policies. After all, “Cyber war has yet to claim its first life.”<sup>3</sup> In defense, business, and media circles, cyber threats are often presented as unqualified existential threats. The

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Brandon Newton (M.S.S. United States Army War College) is a Colonel in the United States Army. An earlier version of this article, written under the direction of Professor Thomas P. Galvin, earned a prestigious AWC Foundation Daniel M. Lewin Cyber-Terrorism Technology Writing Award for the class of 2015.

<sup>1</sup> Barack H. Obama, *The 2015 National Security Strategy* (Washington, DC: The White House, 2015), 12.

<sup>2</sup> See Clifford S. Magee, “Awaiting Cyber 9/11,” *Joint Force Quarterly* 70 (3rd Quarter, 2013).

<sup>3</sup> Martin Libicki, “The Nature of Strategic Instability in Cyberspace,” *Brown Journal of World Affairs* 18, no. 1 (Fall/Winter 2011): 72.

current strategic discourse on cyber power and cyber defense is dominated by hyperbole, misapplies context, and lacks precision terms and definitions. The result is a flawed and incomplete development of policy and strategy for cyberspace and an unclear picture of how to interpret cyber threats strategically.

After clarifying relevant terminology and briefly reviewing current cyber power research, this essay exposes two critical flaws in the strategic discourse—overestimation of impact and lack of contextualization—that negatively influence both understanding of cyber power and our ability to mount an effective defense or response. The essay concludes by recommending new discursive strategies to more successfully navigate through the ever-changing cyber domain.

## Terminology

Inconsistencies in use of cyber power terminology lead to confusion in the strategic discourse. This essay adopts Gray's approach to cyber terminology. Gray unpacks three terms: cyberspace, cyber power, and cyber strategy and provides useful definitions of each. *Cyberspace* is generally meant to describe the:

Global domain within the information environment whose distinctive and unique character is framed by the use of electronics and electromagnetic spectrum to create, store, modify, exchange, and exploit information via independent and interconnected networks using information-communication technologies.<sup>4</sup>

*Cyber power* describes the “ability to do something strategically important in cyberspace.”<sup>5</sup> Gray borrows from both Daniel Kuehl and air-power theorist Billy Mitchell in constructing this practical definition. The last term is *cyber strategy* (or as Gray puts it “strategies for cyber”) and refers to explicit applications or designs for using cyber power in cyberspace. Gray emphasizes that “strategy is strategy, whether it is for cyber power, land power, or sea power.”<sup>6</sup> His phrasing reinforces strategy as the prevailing concept *over* cyber—an essential step in emphasizing cyber powers' commonality with its sister domains, rather than primarily highlighting its technological distinctiveness.

The terms *cyber warfare* and *cyber war* are similarly important. Libicki provides an effective method of differentiating these two concepts. Cyber warfare describes the use of cyber power to accentuate warfare and combat in the physical domain. Cyber war describes cyber power used to affect the will of another nation or adversary.<sup>7</sup> In both cases, these terms describe warfare that takes place solely in cyberspace between adversaries seeking to use cyber power to affect another entity's will.

## Current Research on Cyber Power

Compared with more traditional domains, a relatively small amount of research addresses the theoretical nature of cyber strategy and cyber power. Gray provides a few plausible reasons for this. According to Gray, what has been written is largely focused on the technical subject matter concerned with securing digital networks. Gray also notes that the strategic discourse on cyber was late in

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<sup>4</sup> Daniel F. Kuehl, *Cyberpower and National Security*, ed. Franklin D. Kramer, Stuart H. Starr, and Larry K. Wentz, First edition. (Washington, DC: Center for Technology and National Security Policy ; National Defense University Press: Potomac Books, 2009), 28, quoted in Gray, *Making Strategic Sense* 9.

<sup>5</sup> Gray, *Making Strategic Sense*, 9.

<sup>6</sup> *Ibid.*, 10.

<sup>7</sup> Martin C. Libicki, “Why Cyber War Will Not and Should Not Have Its Grand Strategist,” *Strategic Studies Quarterly* 8, no. 1 (Spring 2014): 29.

coming because of a number of recent events: the so-called revolution in military affairs, transformation, and the post 9/11 war on terror.<sup>8</sup> The majority of what has been in the news and in the public discourse is that cyber warfare and cyber attacks are an existential and present danger to our national security. The best examples of strategic cyber warfare's effects can be found in articles like Amit Sharma's *Cyber Power, a Means to an End* and John Stone's *Cyber War Will Take Place!*<sup>9</sup> Numerous articles, books, and monographs portend a coming cyber war. Samples include *Awaiting Cyber 9/11* from *Joint Force Quarterly* and books and articles by Joel Brenner, such as *America the Vulnerable*.

A second and somewhat smaller community of scholars opposes the idea of strategic cyber warfare and the existential nature of the cyber threat. Libicki has written a number of expansive articles on cyber power including *Cyber Deterrence and Cyber War* and *Why Cyber Will Not and Should Not have its Grand Strategists*. Another important monograph is Gray's *Making Strategic Sense of Cyber Power: Why the Sky is Not Falling*. Both Libicki and Gray advance evidence and arguments consistent with the thesis of this essay. Other writers take a similar position, including Sean Lawson's *Beyond Cyber-Doom: Assessing the Limits of Hypothetical Scenarios in the Framing of Cyber-Threats* and a series by Thomas Rid including *Cyber War Will Not Take Place*. All persuasively minimize the existential nature of cyber power, and caution against overestimating the capabilities of cyber power and cyber warfare.

### Problems with the Discourse

The current discourse is marred by two critical flaws. The first is the degree to which writers have extolled the existential nature of strategic cyber war, and the Armageddon like environment that would be created by such a war—despite impressive evidence to the contrary. Overestimating the capabilities of cyber warriors and effects of cyber warfare confuses the realities of what can be done with cyber power. It is certainly possible that cyber power alone could result in actual physical harm, but as of 2015 cyber attacks have only generated effects indirectly. Cyber warfare's ability to force a strategic reaction that affects the will of a nation is suspect, given that, according to Libicki, even a catastrophic loss of digital networking capability can be overcome. Imagining a scenario in which cyber power alone (promulgated through a cyber war) would pose an existential threat to the U.S. is difficult.<sup>10</sup> A properly shaped discourse recognizes how rapidly cyber threats are adapting and evolving, and can aid policy makers in properly aligning resources against the threats, while avoiding hyperbole in favor of a rational and suitable assessment of the real capabilities of cyber power.

The second flaw lies with understanding the context of any potential cyber action by state or non-state adversaries. The loss of sensitive company data by Sony in 2014 as a result of a North Korean cyber attack was certainly damaging to the Sony Corporation and shareholders. Absent, however, was vital contextualization of the hack with regard to both policy and strategic response. The losses seemed to result in real monetary damage to Sony, but what national interest was placed at risk? What was lost in the attack and whom did it affect? What were the North Koreans able to hold at risk that directly or potentially impacted U.S. national security? The corporation was coerced into removing *The Interview* from theaters and the U.S. threatened to “respond proportionality”

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<sup>8</sup> Gray, *Making Strategic Sense*, 7.

<sup>9</sup> John Stone, “Cyber War Will Take Place!” *Journal of Strategic Studies* 36, no. 1 (February 2013): 101–108.

<sup>10</sup> Martin C. Libicki and Project Air Force, *Cyberdeterrence and Cyberwar* Online (Santa Monica, CA: RAND, 2009), 137, <http://search.ebscohost.com/login.aspx?direct=true&scope=site&db=nlebk&db=nlabk&AN=304894> (accessed January 8, 2015).

against the North Koreans.<sup>11</sup> The judgment of *what matters and why* for an action taken in cyberspace is relevant and important. This examination should be more acute when the causal agent and attribution is to a state, especially when language that is normally reserved for actions in traditional domains is applied at the Executive level of the U.S. government.

### Overestimating Strategic Cyber War

The current discourse of overestimation leads to evaluation of cyber war as an existential threat and a corresponding survival interest. Two examples drawn from Joel Brenner and Amit Sharma suffice. In *America the Vulnerable*, Brenner overestimates cyber power's impact and reach in warfare. He describes a hypothetical future (2017) cyber-enabled conflict between China and the U.S. The scenario culminates when the U.S. is coerced to acquiesce to China's demands in the South China Sea after China demonstrates the ability to control the U.S.' critical power infrastructure.<sup>12</sup> Gray argues that this type of strategic cyber war is infeasible. Cyber power "can only be an enabler of physical effort" and that "stand-alone (properly misnamed as 'strategic') cyber action is inherently and grossly limited in its immateriality."<sup>13</sup> The idea that strategic cyber warfare, executed singularly without the complementary effects of traditional air, space, sea, and land warfare characterizes cyber power as having a "specialness" that is simply inaccurate. Cyber power is fundamentally under the same constraining factors of the weapons and tools available in the other domains of war.<sup>14</sup>

In Sharma's (over)estimation, cyber power's place in warfare has been wrongly employed as an adjunct to traditional operations which he believes should enhance strategic cyber warfare, not the reverse. Sharma applies Clausewitz's trinity to cyber capabilities, envisioning the ability of cyber power to destroy all of the cyber-manifestations of the trinity, causing a cascading effect that will "induce a strategic paralytic effect on the nation, pushing it into chaos and mayhem."<sup>15</sup> According to Sharma, strategic cyber war's impact on the state is explained in existential terms, with the ability to affect basic national resilience. An attack on all aspects of the Sharma's cyber trinity (defense networks, government and law enforcement networks, and critical national infrastructure) would cripple the government and promote widespread chaos.

The disappearance of their facilities on which they are hopelessly dependent will result in catastrophic outcomes, where chaos, fear, bedlam, anarchy, and basic animal instincts will prevail, resulting in complete destruction of the nation as a system.<sup>16</sup>

Yet, cyber warfare is unlikely to have the effects that Sharma portends. Should we experience a worst case scenario of cyber attacks on digital networks and systems, the nation simply returns to its pre-networked state. According to Libicki, "to argue that cyber warfare can have a revolutionary effect on the battlefield requires establishing that digital networking is itself revolutionary. This is a step many proponents of cyber warfare neglect to take."<sup>17</sup> This analysis does not discount the very real indirect effect that cyber can achieve, rather it informs the magnitude of the effects on all aspects of the government and life. Society possesses far more resiliency in the face of the type of adversity

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<sup>11</sup> Barack H. Obama, "Remarks by the President in Year-End Press Conference Online," *The White House*, <http://www.whitehouse.gov/node/314731> (accessed February 23, 2015).

<sup>12</sup> Joel Brenner, *America the Vulnerable: Inside the New Threat Matrix of Digital Espionage, Crime, and Warfare* (New York: Penguin Press, 2011), 137.

<sup>13</sup> Gray, *Making Strategic Sense*, 44.

<sup>14</sup> *Ibid.*, 14.

<sup>15</sup> Amit Sharma, "Cyber Wars: A Paradigm Shift from Means to Ends," *Strategic Analysis* 34, no. 1 (January 2010): 64.

<sup>16</sup> Sharma, "Cyber Wars," 65.

<sup>17</sup> Libicki, "Why Cyber War," 29.

Sharma describes. Lawson questions the idea that cyber war could achieve this type of devastation, if massive conventional and atomic air attacks on populations “generally failed to deliver the panic, paralysis, technological and social collapse, and loss of will, it seems unlikely that a cyber-attack would achieve these results.”<sup>18</sup> By comparing historic devastating attacks on the U.S. (e.g., a “cyber Pearl Harbor” or Cyber 9/11) with cyber warfare’s potential impact, some authors capitalize on our knowledge of those events to illustrate a level of devastation that is familiar.<sup>19</sup>

The overestimation of cyber power is a continuance of a distrust of technology and a belief that computers could spin out of control and act independently. As such, the tendency to overestimate the threat continues to feed historical technological pessimism and fear of new innovations—a fear reinforced by our ever-present reliance on digital networks.<sup>20</sup> Comparisons to attacks like 9/11 or Pearl Harbor are suspect. In those attacks, the population was physically affected, but was certainly resilient enough to eventually recover and move forward. Any cyber exclusive attack is unlikely to have an impact *nearly* as devastating as recent large natural disasters or the strategic bombing campaigns of World War II.<sup>21</sup> An additional view on cyber doom scenarios is that we have already experienced that level of attack, but the damage was existential in other more broadly defined ways. In execution, cyber warfare may look less like earthquake and more like climate change; “[Snowden] is our Cyber 9/11, we just imagined it differently.”<sup>22</sup>

Strategic cyber warfare is often credited with the ability to influence the will of an adversary and with capabilities as powerful as our most lethal strategic weapons. Sharma argues that cyber warfare can have an attractive outcome: conflict termination without conventional warfare, for example. He argues that strategic cyber warfare against the Trinity in order to achieve strategic paralysis is:

eventually more important than the conventional paradigm of destruction-based warfare to annihilate the forces it depends on for its defence; generating not only a strategic victory, but also a constructive conflict termination.<sup>23</sup>

Sharma continues by making the linkage between constructive conflict terminations as a modern day requirement, strengthened by the domestic necessity of not repeating protracted conflicts like the Iraq War.<sup>24</sup> Gray’s observation is that it would be difficult to extrapolate the ability of cyber power to cause enough kinetic damage to force a change of national will. He also notes that it is not hard to draw analogies with other non-kinetic methods and see that cyber could be included for its ability to have an indirect effect as well as a “contributing enabler of effectiveness of physical efforts in the other four geographies of conflict. Speculation about cyber war, defined strictly as hostile action by networked computers, is hugely unconvincing.”<sup>25</sup>

Finally, two other explanations for this flaw in the discourse warrant consideration. The first is that this inflation is an example of securitization theory, which establishes that when threats to security are not “naturally occurring, they must be constructed through political and public discourse.”<sup>26</sup> This unnatural elevation of cyber threats increases the funding, attention, and

<sup>18</sup> Sean Lawson, “Beyond Cyber-Doom: Assessing the Limits of Hypothetical Scenarios in the Framing of Cyber-Threats,” *Journal of Information Technology & Politics* 10, no. 1 (January 2013): 45.

<sup>19</sup> Susan W. Brenner, *Cyberthreats and the Decline of the Nation-State* (Florence, KY: Routledge Research in Information Technology and E-Commerce Law, 2014), 71.

<sup>20</sup> Lawson, “Beyond Cyber-Doom,” 90.

<sup>21</sup> *Ibid.*, 95; Libicki, “Why Cyber War,” 32.

<sup>22</sup> Thomas Rid, “Rid Replies,” *Foreign Affairs* 93, no. 2 (April 3, 2014): 167–168.

<sup>23</sup> Sharma, “Cyber Wars,” 67.

<sup>24</sup> *Ibid.*

<sup>25</sup> Gray, *Making Strategic Sense*, 45.

<sup>26</sup> Lawson, “Beyond Cyber-Doom,” 88.



importance of the enterprise needed to defend against cyber threats. The other possibility is that cyber “catches the wave” of the public desire that gravitates towards defense solutions offering a technological standoff as opposed to boots on the ground (or in the air).<sup>27</sup> The discourse on cyber power and cyber strategies is often missing a critical assessment of what, realistically speaking, can be done in cyberspace and toward what end.

#### Context and Vulnerabilities in Cyberspace

Cyber power and cyber vulnerabilities need to be placed in strategic context and considered relative to other methods of warfare. The ease with which we apply strategic theory from other domains to cyber warfare hampers clear thought on what cyber power can and cannot do. Some hampering can be attributed to the immaturity of what we know about cyber power’s possibilities, and in many cases we simply do not yet know “enough now to make strategic sense of cyber.”<sup>28</sup>

In November 2014, The Sony Corporation’s network was penetrated by what was reported to have been North Korean cyber-units. The intrusion acquired a large amount of corporate and personal data, emails, and business intelligence. Analyzing the Sony attack provides useful insight with regard to context and vulnerabilities.

The stated U.S. national reaction to “respond proportionately” to the North Korean use of cyber-power against Sony, underwrote a policy to act with cyber power even when the adversary’s objectives were not achieved.<sup>29</sup> The affected movie, *The Interview*, was critically panned and anticipated to become a commercial flop, but became far more successful after the cyber-attack.<sup>30</sup> But what really caused that turnaround—was it the resilience of a media corporation or simply public reaction to widely spun national rhetoric? The concern for policy and strategy is that without proper context the strategic effects of cyber activity could be wrongly attributed. Incorrect attribution could easily lead to significant future vulnerabilities. Libicki urges caution:

Strategic effects of cyber war may arise from the interaction of state actors that systematically overestimate its effects (as quasi-apocalyptic statements from both U.S. and Chinese military officials suggest is quite possible). This could lead to unfortunate dynamics.<sup>31</sup>

As it turned out, the exploitation of the Sony’s network was not a sophisticated attack, and had more to do with poorly safeguarding sensitive (at least to them) data than it did with superior cyber power capabilities wielded by North Koreans.<sup>32</sup>

Another issue with national response absent context is that cyber power may be unique, but it is constrained by the same theoretical properties as the weapons of the other domains. Cyber power can achieve indirect effects against economies, information, and certainly defense forces, but they must be viewed carefully and in context of cyber power’s place as a tool for furthering strategy. Gray points out that cyber may be an “extreme case of non-kinetic agency, but the legal problems (in the

<sup>27</sup> Gray, *Making Strategic Sense*, 6.

<sup>28</sup> *Ibid.*, 4.

<sup>29</sup> Obama, “Remarks by the President”

<sup>30</sup> Ann Hornaday, “Review: ‘The Interview’ Has Some Laughs and Makes Some Points but Isn’t as Edgy as Its Reputation Suggests Online,” *The Washington Post*, December 24, 2014, [http://www.washingtonpost.com/lifestyle/style/review-the-interview-has-some-laughs-and-makes-some-points-but-isnt-as-edgy-as-its-reputation-suggests/2014/12/24/97b85a8a-8ba9-11e4-a085-34e9b9f09a58\\_story.html](http://www.washingtonpost.com/lifestyle/style/review-the-interview-has-some-laughs-and-makes-some-points-but-isnt-as-edgy-as-its-reputation-suggests/2014/12/24/97b85a8a-8ba9-11e4-a085-34e9b9f09a58_story.html) (accessed March 22, 2015).

<sup>31</sup> Libicki, “Why Cyber War, Strategist.” 33.

<sup>32</sup> ScienceFriday, “Which Cyber Hacks Should We Worry About?” January 16, 2015, *Science Friday.com*, streaming video, 12:23, <http://sciencefriday.com/segment/01/16/2015/which-cyber-hacks-should-we-worry-about.html> (accessed January 23, 2015).



laws of war) created by regarding combat electrons effectively as equivalents to agents of force ought to be overwhelmed by strategic sense.”<sup>33</sup> The Sony hack is a good example of phenomena described by Peter Singer: “Essential concepts that define what is possible and proper are being missed, or even worse, distorted.”<sup>34</sup> This causes “past myth and future hype” to combine, making what actually happened even more difficult to discern.<sup>35</sup> The conclusion is that the context of cyber power and strategy is important, as well as careful consideration of what makes our cyberspace vulnerable.

Vulnerabilities in cyberspace are variable, and often the result of a need for individual convenience and profit for business. In 2015, government, business, and private citizens have a reliance on digital networking that is not only a matter of convenience, but, in some cases, is required by law. The current trend toward increased digitization is unchecked and not likely to change. What should not be lost in the discourse, however, is that in cyberspaces an absolute separation exists between what can occur in those constructed spaces and what is truly a vulnerability. As Valeriano and Maness explain:

The most important distinction of cyber is that between the physical and synaptic layer. These layers are not collapsed together. The danger coming from cyber invasions can only apply to the knowledge existing in the information world and not to all knowledge. In other words the state is only as vulnerable as it allows itself to be.<sup>36</sup>

Jeffery Carr articulates the misplaced context of cyber when stating “the potential effect of a digital or cyber weapon used against a network is directly proportional to how much a given population relies on that network.”<sup>37</sup> Exploitation of a corporate or defense network is not a random event that just occurs on its own. Carr offers a powerful and realistic counter argument that should not be minimized in a discussion of cyber power’s real capabilities. Framing the impact of a cyber event as a constant and sustained vulnerability ignores the reality that we can be proactive in adjusting our posture once attacked. This goes farther than the ideas of improved defensive positions. In a constructed space, a space that is inherently virtual, choices and adjustments can be made with regard to reliance on the medium. The irony with cyberspace is that its physical properties may be non-permissive, but it facilitates the construction of very permissive and discretionary environments, altered and adjusted by the user of the space.<sup>38</sup>

### Analyzing Cyber Power and the Strategic Context

Embracing flawed assumptions about cyber power has negative implications for cyber policy. Assumptions that overestimate cyber power, as has been illustrated, is risky and ill advised. Focusing policy on the least likely scenarios of so-called cyber-warfare diverts resources away from “preventing or mitigating the effects of more realistic but less dramatic scenarios” that are actually more likely to be encountered.<sup>39</sup> Recent focus has been about loss of data and hacks by state actors against both government and business. Data hacks prompted calls for government reaction, primarily defense.

<sup>33</sup> Gray, *Making Strategic Sense*, 14.

<sup>34</sup> P. W. Singer, *Cybersecurity and Cyberwar: What Everyone Needs to Know* (New York: Oxford University Press, 2014), 6.

<sup>35</sup> *Ibid.*

<sup>36</sup> Brandon Valeriano and Ryan Maness, “Persistent Enemies and Cyberwar” in *Cyberspace and National Security: Threats, Opportunities, and Power in a Virtual World*, ed. Derek S. Reveron (Washington, DC: Georgetown University Press, 2012), 141.

<sup>37</sup> J. Carr, “The Misunderstood Acronym: Why Cyber Weapons Aren’t WMD,” *Bulletin of the Atomic Scientists* 69, no. 5 (September 1, 2013): 32.

<sup>38</sup> *Ibid.*, 39.

<sup>39</sup> Lawson, “Beyond Cyber-Doom,” 96.

What we have, however, if properly understood, are opportunities for more clearly understanding the role of national policy and defense in responding to the cyber power needs of non-defense entities. Following the economic crisis of 2008, many financial companies acknowledged that they had contributed to the mistakes directly resulting in the crisis and the subsequent regulation. Interestingly, however, they do not appear to share that same feeling of culpability for failing to secure their networks and data, and rather see a role for government protection and defense involvement.

The discourse needs to always strive for clear problem definition in assessing cyber power and cyberspace. Lawson's example is to disaggregate the threats, and "focus on broader range of cyberspace-based events, e.g., human error, market failure, technical failure, in addition to malicious attacks by actors with intent to disrupt."<sup>40</sup> In other words, the focus of some strategic thought on massive cyber war and the effort that goes into preparing to defend against that unlikely event can mask the nature of other less-obvious cyber threats with the potential for real strategic impacts. Edward Snowden's global (and illegal) publication of sensitive national security and diplomatic information is an example of more broadly defining the threat. His actions did real strategic damage to our diplomatic, informational and defense power in a way that exemplifies the existential cyber war for which the U.S. has been preparing.

The discourse also needs to center more around empirical research and less on hypothetical scenarios when evaluating what is in the realm of the possible in cyberspace.<sup>41</sup> Defense techniques that incorporate operational design can be helpful in framing the environment as well as the problem definition. Those charged with policy and strategy decisions about cyber power should demand a level of accuracy in information and problem framing that relies on far more than inductive anecdote. Lack of unfamiliarity with technology cannot be an impediment to understanding the nature of cyber power and good decision making. Strategic leaders must be quick to question and critically analyze whether what they are hearing is "based on empirical evidence or merely the reflection of long held anxieties about technology and recycled assumptions about infrastructure and social fragility."<sup>42</sup>

Finally, the discourse needs to shift its outcomes away from a crisis response orientation and toward developing ways and means that promote resilience in technological and social systems that ultimately bound cyber power and cyberspace. As the several examples indicate, the cyber domain is constructed and is largely what its users make of it. Lawson calls for three initiatives:

1. modernization and repair of infrastructure,
2. promoting strong local communities and good governance, and
3. increasing decentralization and self-organization in social systems.<sup>43</sup>

Defense strategy concerned with cyber power can improve most by increasing decentralization. That this imperative includes decentralization as a way to form cyber policy is unique. This idea should be familiar to military leaders due to parallels with principles within Mission Command doctrine.

#### A Model for Assessing Cyber Threats

The Carnegie Mellon Software Engineering Institute proposes a useful holistic model for understanding cyber threats. The Cyber Prioritization Model (CTP) was a result of a larger study on cyber intelligence across business, government, and industry. During the study the research team noted diverse and problematic methods that were used to prioritize and understand various cyber

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<sup>40</sup> Ibid., 97.

<sup>41</sup> Ibid.

<sup>42</sup> Ibid.

<sup>43</sup> Ibid.

threats.<sup>44</sup> When applied to problems of defense and strategy, this model could assist in better framing the strategic context of cyberspace threats.

The model disaggregates threats into three areas for analysis: (1) the *likelihood* of threat actors executing attacks, (2) the *impact* that the threat could have on the organization, and (3) the *risk* a threat poses based on an organization's known vulnerabilities.<sup>45</sup> The cyber threat prioritization model is helpful for thinking strategically about cyber power and cyber strategies, sorting through threats, and identifying or prioritizing threats in terms familiar to defense leaders. The model is based on a summation of likelihood, impact, and risk. Likelihood is a function of understanding the capability and intent of cyber threat or actor. Attack methods, resources, motive and targeted data are all a part of analyzing and qualifying likelihood.<sup>46</sup> Impact is about assessing effects. In the CTP model, impacts are grouped into two areas: operational impact and strategic interests.

The CTP model does not wholly omit the nature of national security impacts and interests, but considering the strategic impact of systems related to homeland security and defense is necessary. The third portion of the CTP model deals with risk. This component is also useful for thinking about DoD vulnerabilities. The CTP model identifies two categories of risk: people and the cyber-footprint.<sup>47</sup> What is interesting about the risk dimensions of the CTP model is the assumption that vulnerabilities are dependent on the organization's choices and the people in that organization—an assumption in keeping with earlier discussions on discretionary vulnerability. The results of the three-part analysis can then be plotted on a graph similar to Figure 1. Analyzing potential cyber threats using these modeled areas is helpful to understanding threats based on discreet characteristics. Doing so facilitates aligning the policy and prioritization of limited resources for the organization's cyber efforts.<sup>48</sup>

How does this holistically apply to understating cyber threats with national security implications? By seeing threats parsed among these three areas and evaluating them separately, we can make informed decisions on strategy and policy. For example, in Figure 1, the *impact* of the disruption of networks and systems that control the nation's nuclear arsenal would occupy the "high" quadrant. This should lead to a corresponding understanding that our cyber strategies in the *risk* quadrant must reduce the cyber footprint (e.g., network and digital reliance) while reducing opportunities for human error and interaction with digital networks. Libicki (also quoted in Gray) provides a concise example:

There is no inherent reason that improving information technologies should lead to a rise in the amount of critical information in existence (for example, the names of every secret agent). Really critical information should never see a computer; if it sees a computer, it should not be one that is networked; and if the computer is networked, it should be air gapped.<sup>49</sup>

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<sup>44</sup> Jay McAllister and Troy Townsend, "Implementation Framework- Cyber Threat Prioritization Online," *Carnegie Mellon University Software Engineering Institute* (September, 2013): 4.3, <http://sei.cmu.edu/about/organization/etc/upload/framework-cyber.pdf> (accessed March 6, 2015).

<sup>45</sup> Ibid.

<sup>46</sup> Ibid., 4.6.

<sup>47</sup> Ibid., 4.8.

<sup>48</sup> Ibid., 4.3.

<sup>49</sup> Martin C. Libicki, *Conquest in Cyberspace: National Security and Information Warfare* (New York: Cambridge University Press, 2007), 105-106; Martin C. Libicki and Project Air Force (U.S.), *Cyberdeterrence and Cyberwar Online* (Santa Monica, CA: RAND, 2009), 19, <http://search.ebscohost.com/login.aspx?direct=true&scope=site&db=nlebk&db=nlabk&AN=304894> (accessed January 8, 2015); quoted in Gray, *Making Strategic Sense*, 47.

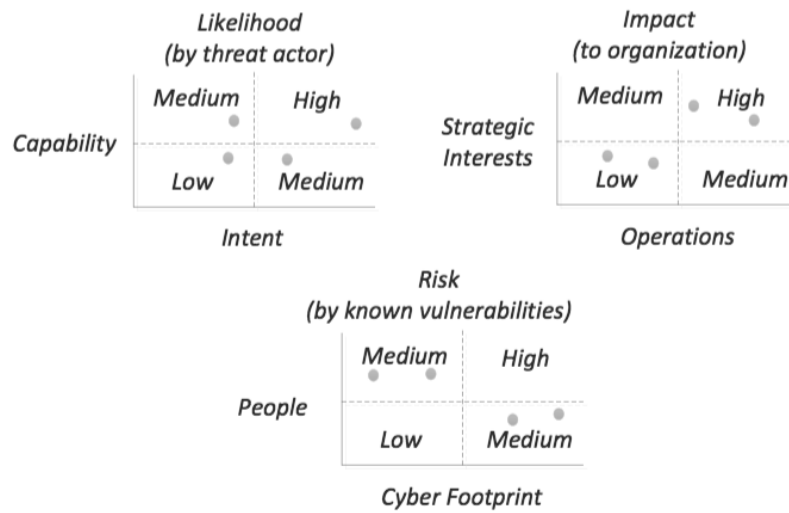


Figure 1. Cyber Threat Prioritization Model<sup>50</sup>

Assessment of impact and likelihood can effectively inform prioritization of effort and help to reduce risk. The distinction in both examples is that the vulnerability is discretionary. People, the cyber footprint, and the resiliency of the systems (both digitally and socially) are all adjustable and malleable. They also exist astride the digital domain and the human domain.

Our reliance on digital networking will not be reduced as time and technology increase capacity and capability. Of interest are the nature and characteristics of cyberspace as they relate to strategy. Participation in cyberspace is discretionary. The human beings who construct cyberspaces and reconstruct them rapidly define vulnerabilities and opportunities. When approached strategically, “Cyberspace can be what we and our enemies make of it.”<sup>51</sup> Users participate in their own exposure in cyberspace in a unique way compared to the other traditional domains.

### Recommendations

The final analysis of the cyber power conversation begins with what our role is with regard to learning about cyber, understanding vulnerabilities, and perceiving risk. The policy and strategy documents that lay out the direction for operating in cyberspace are misaligned with the actions that the U.S. is taking to understand the primacy of humans in this domain. Humans ultimately are responsible for making judgments on context, vulnerabilities, and the strategic significance of cyber power. In spite of policy statements establishing the need for a cyber savvy workforce and defense strategies that call for better “cyber-hygiene,” most of the effort has been on the technical aspects of securing digital networks and developing new command structures for managing cyber forces.<sup>52</sup> People, however, are ultimately the arbiters of collective success in cyberspace.

One example of the primacy of people and cyber is the 2011 DoD Strategy for Operating in Cyberspace that emphasizes people as the first line of cyberspace defense. It directs the “fostering of a culture of information assurance” and advocates high costs for those who engage in malicious

<sup>50</sup> Ibid., 4.4.

<sup>51</sup> Ibid., 31.

<sup>52</sup> Department of Defense Strategy for Operating in Cyberspace, 6.

activities from inside the network.<sup>53</sup> A cultural shift would be enabled by “new policies, new methods of personnel training, and innovative workforce communications.”<sup>54</sup> This innovation in training and culture has not gained noticeable traction since the publication of the document. The DoD must increase the education of users and leaders across the board, not just in those specialties related to digital networking.

Education is a baseline for understanding cyber power’s real capabilities and context. The general choice to remain uninformed and uneducated about the true nature of cyber power has diluted both the discussion and understanding of risk. By remaining relatively uninformed about what is possible, people become disassociated and divested from the outcomes. Even if strategic cyber warfare is unlikely, cyber power as a complementary action to operational warfare is a reality, and the cyberspaces in which all operate are ubiquitous. What is not ubiquitous, however, is a common familiarity with those tools, their capabilities, and an understanding of what is actually possible in cyberspace. As noted above, a common thread in the strategic literature places people as the front-line of defense in cyberspace. What remains in practice, however, is a focus on minimizing the responsibility of users and leaders, hardening our systems, and specialization of expert knowledge. For the U.S. Army, the majority of users’ cyber responsibility is simply answering a question (right or wrong) on a logon screen and taking an annual class on information assurance. This minimalist approach to education on cyber power and cyberspace relies primarily on centralization and control.

Operations in cyberspace and reliance on digital networking are a given. Cyber power-enabled intelligence can be a significant weapon to complement operational warfare, and can be a threat when wielded by a well-resourced adversary. In practice, the DoD should demand as much understanding of this weapon as with any other individual weapon. One could not imagine dissociation with a pistol or rifle that was as diluted as current individual knowledge about cyberspace and digital networks. Daily interaction with digital networking is exponentially more frequent than with an M4 carbine or M9 pistol, yet there is a considerable amount of dissociation with the former that is not tolerated with the latter.

Policy that focuses on the technical aspects of threats and risk reduction at the expense of education and training may be less useful as technology further evolves. Kraft, et al., called this the “Adam and Eve Paradox,” whereby in spite of the Moore’s Law and the exponential improvement in technology every 18-24 months, the slant of cyber attacks and threats is trending towards less sophisticated attacks that target “low hanging fruit,” defined as targets that typically involve human mistake and weakness.<sup>55</sup> The paradox is that as technology gets more capable, so do the technical mechanisms to reduce risk. In the cyber threat priority model above, this would translate into having the ability to affect the cyber footprint positively at the pace in which technology and the threats advance. The result is that risk is now more skewed towards the low hanging fruit (i.e., *the people* in our organizations). Thus, the military ought not choose to minimize education, but rather must expand the knowledge and responsibilities about cyber power across all of its units and activities. The cyber specialization of units and occupational specialties is necessary, but should be

<sup>53</sup> Ibid., 7.

<sup>54</sup> Ibid.

<sup>55</sup> Moore’s Law is the observation by Gordon E. Moore that over the history and glide path of computing hardware, the number of transistors that can be placed within an integrated circuit doubles every two years. This concept is explained in detail in Moore’s paper “Cramming More Components onto Integrated Circuits,” *Readings in computer architecture* (2000): 56, and the online source “Moore’s Law, Part 1: Brief History of Moore’s Law and Current State,” *Research Blog*, n.d., <http://googleresearch.blogspot.com/2013/11/moores-law-part-1-brief-history-of.html> (accessed March 25, 2015); Michael Kraft, et al., “The Adam and Eve Paradox,” Proceedings of the International Conference on Information Warfare & Security, January 2013, 275.

accompanied by robust programs to educate the majority of cyberspace participants in order to build needed resiliency within the larger network.

Lawson warns against users of cyberspace being passive consumers, lacking the digital skills and understanding necessary to overcome adversity should a disruption occur.<sup>56</sup> DoD policy makers should take this into account when developing units and systems that minimize user involvement. Patrick Jogoda describes solutions to cyber challenges with a similar idea of decentralization. The best solutions for defending cyberspace and responding to attacks will not come from promoting centralized and monolithic structures but will be “more Wikipedia than Manhattan project. It takes networks to understand, manage, and build networks. In the early 21st century, total control—however well-intentioned—is a fantasy.”<sup>57</sup> The trade off in controlling systems and users while decentralizing network power must be carefully balanced in a defense setting.

### Conclusion

Cyberspace is a finite domain, bounded at least for now by the physical properties of voltage, and the mathematical properties of logical sequences and combinations.<sup>58</sup> In the end we *choose* to avail ourselves of the benefits of cyberspace, and “if that cyberspace is found vulnerable to attack, or unexpectedly prone to technical failure, the fault will be ours.”<sup>59</sup> Yet, the strategic discourse on cyber power overestimates the threat and minimizes the context while reducing the breadth of education and understanding by the human element. The premise that gives existential capacity for cyber to damage our security interests, and then applies the theories of other traditional domains, fails to acknowledge the constructed and participatory nature of cyberspace. Moving beyond flawed assumptions for cyber power and cyber strategy will enable strategic leaders to analyze threats based on their likelihood, impact, and risk and consequently enable a more effective response.

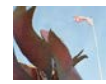
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<sup>56</sup> Lawson, “Beyond Cyber-Doom,” 98.

<sup>57</sup> Patrick Jogoda, “Speculative Security,” in *Cyberspace and National Security: Threats, Opportunities, and Power in a Virtual World*, ed. Derek S. Reveron, (Washington, DC: Georgetown University Press, 2012), 33.

<sup>58</sup> Technical Singularity is the prediction or hypothesis by Victor Vinge that the continued advances in technology will lead to a change that is comparable to the rise of human life on Earth. Vinge presented in this idea in 1993 at a NASA symposium and in a paper titled *The Coming Technological Singularity: How to Survive in a Post-Human Era*. At the time he predicted that within 30 years the technological means to create superhuman intelligence would emerge, thus ending the human era. A wealth of current research on singularity blends artificial intelligence, biology, and religion; see B. R. Bannister, *Fundamentals of Modern Digital Systems*, 2nd ed. (New York: Springer-Verlag, 1987), 1.

<sup>59</sup> Colin S. Gray, *Making Strategic Sense of Cyber Power: Why the Sky Is Not Falling Online* (Carlisle, PA: Strategic Studies Institute and U.S. Army War College Press, 2013), 39, <http://www.strategicstudiesinstitute.army.mil/pubs/display.cfm?pubID=1147> (accessed February 23, 2015).



# Moving to the City

Andrew M. Zacherl

The terror attack of September 11, 2001—one of the most profound and world changing events of the past sixty years—continues to impact the world’s political, military, and economic environments. Yet world environments are shaped as much by ongoing processes as by traumatic events. Subtle and ongoing forces significantly alter both the conduct of military operations and the strategies utilized to pursue and protect each nation’s interests. Urbanization of the world’s growing population and rapid expansion of information and communication technologies (ICTs) are prime concerns.

Urbanization has generated complex urban environments that are larger in population and physical size than at any time in human history. These megacity environments serve as homes to a vast diversity of ethnic, cultural, and economic groups and are the primary conduits for resources flowing into and out of surrounding rural areas.<sup>1</sup> The percentage of people residing in urban areas has continued to increase since the industrial revolution. In 1800, only 2% of the world’s population was urbanized; in 1950 that number had climbed to 30%; and by 2000, 47% of the world’s population were urban dwellers.<sup>2</sup> This concentration of humanity, resources, and critical infrastructure drastically impacts the environment in which international competition and conflicts occur. Moreover, this trend is most pronounced in areas of the developing world which, due to a lack of financial resources, modest managerial capability, and uneven political will, are governed by entities “least equipped to handle” massive urbanization.<sup>3</sup>

Information interconnectivity, likewise, has expanded exponentially through the growth of information and communication technologies. As people worldwide become more connected through technology, their social environments potentially expand from the local to the global level, and their ability to convey information and exert influence becomes more pronounced. The ability to transmit and receive information makes every connected person a potential conflict participant whether through observation, indirect involvement, or direct contribution.

The strategies a nation must employ to achieve or protect its national interests must account for these increasingly important forces. For the United States, maintaining strategic legitimacy and credibility<sup>4</sup> when military force is employed requires commitment to the Law of Armed Conflict and

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Andrew M. Zacherl (MMAS Air University) is a Colonel in the United States Army. An earlier version of this article was written while the author was a United States Army War College Fellow at Tufts University.

<sup>1</sup> David J. Kilcullen, *Out of the Mountains: The Coming of the Urban Guerrilla* (New York: Oxford University Press, 2013), 42.

<sup>2</sup> United Nations Habitat Organization. “Urbanization: Facts and Figures” <http://ww2.unhabitat.org/mediacentre/documents/background5.doc> (accessed October 28, 2014).

<sup>3</sup> Kilcullen, *Out of the Mountains*, 28.

<sup>4</sup> James D. Campbell, “French Algeria and British Northern Ireland: Legitimacy and the Rule of Law in Low-Intensity Conflict,” March-April 2005, <http://www.leavenworth.army.mil/milrev/download/English/MarApr05/campbell.pdf> (accessed October 28, 2014).

to the principles of discrimination<sup>5</sup> and proportionality.<sup>6</sup> The “cluttered” nature of urbanized terrain where combatant, non-combatant, and critical infrastructures are tightly packed in close proximity makes adherence to these principles particularly challenging.<sup>7</sup> Discrimination:

ensures that we aim only at the right target at the right time. In complex urban terrain there is a constant risk of striking innocent civilians, or destroying infrastructure of cultural or political significance. Our enemies deliberately seek to provoke an over-reaction from us in the presence of innocent civilians. This is a clever use of asymmetry against our greater firepower . . . Nothing undermines the credibility of our efforts more than the unintended killing of civilians.<sup>8</sup>

The consequences of errors in discrimination or missteps in proportionality are magnified by the proliferation and use of information and communication technologies. The battle at the Qasr al-Nil Bridge on January 28, 2011 during the Egyptian uprisings against the Mubarak regime exemplifies this reality. During the battle, protestors marching to Tahrir Square faced off against Egyptian security forces who, in turn, utilized particularly brutal riot control tactics during the confrontation. The ferocious street battle assumed strategic importance through an exceedingly effective media campaign strategy that fully leveraged modern ICT capability. The protest elements used mobile phone video posted to YouTube to document and disseminate the regime’s brutality and the protestor’s solidarity and resolve. Kilcullen describes the effects of this violent confrontation and the following media action as one of “the most pivotal battles of the revolution.”<sup>9</sup> Taken together, urbanization and ICT proliferation create a challenging situation demanding an appropriate strategy for military engagement in large urban environments.

Despite dangers and pitfalls, avoiding urban environments altogether is unlikely, unrealistic, and significantly overlooks an opportunity. Modern urbanized areas provide unique cross-domain access making them strategic decisive points. Complex urban environments are the intersections of land, sea (where applicable), and information connectedness/cyber domains.<sup>10</sup> Strategic benefits inherent in maintaining control of the assets of a modern urban environment include: access to the littorals and air/sea port facilities therein, control of telecommunications and cellular network hubs, and direct access to large population segments in a concentrated area. Whether from a pure access or a population-centric examination, urban environments clearly serve as decisive points in the modern world. Furthermore, they can only be effectively leveraged through the application of capabilities residing in the physical domain: the land domain which offers direct and persistent access to these environments.<sup>11</sup> At the same time, however, the capabilities employed within the land domain must be applied appropriately to account for the human response to operations in urban environments. Application of inappropriate means in the execution of a given strategy damages legitimacy and outweighs any potential benefit gained by controlling an urban area. To achieve Landpower’s true strategic potential, a full suite of land-based capabilities must be advanced to

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<sup>5</sup> The principle of discrimination requires distinguishing between combatants, who may be attacked, and noncombatants, against whom an intentional attack may not be directed, and between legitimate military targets and civilian objects. This definition is derived from the 1991 U.S. Department of Defense final report on the conduct of the Gulf War.

<sup>6</sup> The principle of proportionality requires that the anticipated incidental injury or collateral damage must not be excessive in light of the military advantage expected to be gained.

<sup>7</sup> Peter Leahy, “Chief of Army’s Address to Land Warfare Conference 2007,” public speech, Adelaide Convention Center, Adelaide, Australia, September 24, 2007. Transcript available on line at <http://www.defence.gov.au/media/speechtpl.cfm?CurrentId=7208>.

<sup>8</sup> Ibid.

<sup>9</sup> Kilcullen, *Out of the Mountains*, 195.

<sup>10</sup> Ibid., 28.

<sup>11</sup> Leahy, “Chief of Army’s Address to Land Warfare Conference 2007.”



embrace the expanding urban environment and the proliferation of information and communication technologies.

The continued growth of urban environments requires a shift in strategic thinking with regard to the military means used to pursue desired end states. Past discussions have focused primarily on how kinetic force should be applied and generally can be grouped into two approaches: direct and indirect combat. The direct approach seeks to *optimize combat* in urban environments. Applications of technology focused on *improving targeting* and lethality of military forces conducting operations in urban terrain are critical. When optimizing direct combat, forces target only key nodes thereby prompting adversaries to expend defense resources. The indirect approach, in contrast, seeks to minimize if not avoid fighting in the cities altogether. Instead, military forces would secure land, sea, and air approaches to the city while delivering precision strikes on identified targets and resources within the city. Both approaches are flawed. They treat the urban area as little more than a challenging terrain with unique operational constraints. Both approaches tend to largely discount the humans occupying the city and relegate them to two artificially discrete categories: enemies and bystanders. While enemies will surely exist within contested urban environments, viewing non-enemies simply as bystanders is a mistake. In a complex urban environment, the non-committed population represents a form of contested territory. The force that effectively provides the perception of security to the innocent and/or uncommitted population will gain significant advantages, including the ability to maintain force protection, generate actionable intelligence, and leverage essential resources and assets. The force that effectively leverages the population can accomplish this while avoiding catastrophic events that damage credibility and undermine the strategy which brought military forces to the urban area in the first place.<sup>12</sup>

To effectively influence and mobilize contemporary urban populations, a third “combined” approach is required—one that leverages military tools, capabilities resident within other governmental entities and civil society, and information and communication technologies. A combined approach leverages the capabilities of partners with a vested interest in maintaining the stability of the urban area, especially the political entity responsible for the city itself.<sup>13</sup> A combined approach does not discount the use of military force but judiciously applies it proportionately in an effort to minimize negative second order effects. Military Civil Affairs and Military Information Support Forces, moreover, serve as key facilitators and enablers with civilian and civil society partners. This balance requires being prepared to simultaneously identify, seek out, and destroy the enemy while working closely with partners to “protect, support and persuade the population.”<sup>14</sup>

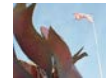
Challenges to United States efforts to pursue and protect our national interests are increasingly complex. Preparation for possible conflict with a near peer competitor, such as China, may no longer be the primary concern. While vigilance is always appropriate, current global trends suggest that China—although the *most* likely threat—is, in many ways, the most *unlikely* threat. Maintaining control of key populations and domain access points that exist within the boundaries of future urban areas—wherever they are—is essential. Urban environments gain their strategic value from the unique fusion of operational domains. Accounting for this fusion has the potential to yield access across multiple domains and to deliver clear strategic advantage. To ignore or avoid preparing for military operations in massive urban areas is an assured path to operational and strategic failure. The U.S. must pursue strategies to achieve desired ends within massive urban areas and do so without inordinate and unacceptable risks to life, resources, credibility, and political will. In a world where the masses are moving to the city, the U.S. military must be prepared to move there as well.

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<sup>12</sup> Ibid.

<sup>13</sup> Kilcullen, *Out of the Mountains*, 259.

<sup>14</sup> Leahy, “Chief of Army’s Address to Land Warfare Conference 2007.”



# The Rise of China and U.S. Strategy

Derrick Lee

In the wake of two protracted counterinsurgency wars in Iraq and Afghanistan, some would argue that the United States no longer enjoys strong unipolar primacy and that U.S. ability to lead a political, economic and security world order is coming to an end.<sup>1</sup> The primary challenger: China. By virtue of the size of its economy, China is on a trajectory to surpass the U.S. economy, further develop hard- and soft-power influence, and continue to increase military capabilities.<sup>2</sup> Such declinist persuasion, however, may be overly alarmist and pessimistic. On the world stage, the U.S. faces no hegemonic rival. When compared to China over the last decade, the relative strength—both militarily and economically—of the U.S. has risen despite China's impressive growth.<sup>3</sup> The U.S. may yet be able to maintain its position of world leadership, but serious concerns exist. Among them, China's: increasingly hardline and assertive stance, aggressive military actions along claimed borders and spheres of influence, recalcitrance on key global issues, such as free trade, intellectual property, and cyber, and growing revisionist ambition to expand the Chinese role in global affairs and to challenge the current status quo in Asia and the degree of U.S. influence.<sup>4</sup> Despite the need to address a resurgent and revisionist China, current U.S. national security strategy and policies do not provide specific guidelines on how to manage the ever-complex and dynamic relations with revisionist China in the coming decade.

The primary documents<sup>5</sup> guiding U.S. national security and policy offer no comprehensive or detailed outline for how the U.S. will adequately address the risk posed by resurgent China.<sup>6</sup> This

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Derrick Lee (MSM University of Maryland) is a Lieutenant Colonel in the United States Army. An earlier version of this article was written while the author was a United States Army War College Fellow at Harvard University.

<sup>1</sup> Stephen M. Walt, "The End of the American Era," *National Interest* 116 (November/December 2011): 12.

<sup>2</sup> Arvind Subramanian, "The Inevitable Superpower: Why China's Dominance is a Sure Thing," *Foreign Affairs* 90, no. 5 (September-October 2011)

<sup>3</sup> Michael Beckley, "China's Century? Why America's Edge Will Endure," *International Security* 36, no. 3 (Winter 2011/12): 78.

<sup>4</sup> Walter Russell Mead, "The Return of Geopolitics: The Revenge of the Revisionist Powers," *Foreign Affairs* (May-June 2014), <https://www.foreignaffairs.com/articles/china/2014-04-17/return-geopolitics> (accessed October 26, 2014).

<sup>5</sup> Five were directly issued by the U.S. government: *National Security Strategy 2010*, *Quadrennial Defense Review Report 2014*, *QDR in Perspective Report 2010*, *Nuclear Posture Review Report 2014*, *Ballistic Missile Defense Review Report 2010*; two were independent studies sponsored by the U.S. government: *NATO 2020: Assured Security; Dynamic Engagement* (ASDE Report), May 2010 and *Leading Through Civilian Power: The First Quadrennial Diplomacy and Development Review*, December 2010.

<sup>6</sup> Richard L. Kugler, *New Directions in U.S. National Security Strategy, Defense Priorities and Diplomacy* (Washington, DC: National Defense University Press, 2011), vii-viii.

lack of formal guidance with regard to China and the “pivot” to Asia<sup>7</sup> carries both the advantages and disadvantages of ambiguity. The ambiguity of U.S. strategy parallels, in some respects, the generally ambiguous U.S.—China relationship. A certain degree of ambiguity is necessary for dealing with a non-adversarial revisionist power with whom the relationship is not clearly defined. Security strategy or policy predicated on deliberate strategic ambiguity may be effective and warranted in certain discrete situations (as with U.S. policy for cross-strait relations between China and Taiwan).<sup>8</sup> Keeping another global power guessing sans miscalculation, however, creates a delicate balance too subtle to maintain.<sup>9</sup> Strategic ambiguity is simply not a viable long-term strategy for synchronizing elements of national power for effective strategy implementation.

Two decades of unipolar world order in which the United States faced no existential threat or near-peer competitor helped establish the conditions of today’s strategic ambiguity. Formulation of a coherent strategy is much easier when presented with a singular, well-defined threat. Panelists at the 2008 U.S. House of Representatives Armed Services Committee Hearing on formulation of a national security priority, for example, testified to the difficulties of formulating a tight, clever, and sophisticated security strategy for the United States due to the lack of an identified existential threat.<sup>10</sup> Because China’s revisionism is a recent development, the last two decades have not required concerted U.S. policy and strategy efforts or attention. Successive post-1994 U.S. National Security Strategy documents evidence this. Released by Presidents Clinton, Bush, and Obama, they provide no guidance for truly focusing U.S. national security efforts beyond maintaining and underwriting global security/stability and (post 2001) countering terrorist and violent extremist threat.<sup>11</sup>

Clear priorities must now be established as the U.S. attempts to shift some focus from the Middle East to rebalance security priorities toward Asia.<sup>12</sup> In order to effectively deal with, manage, and if necessary, contain Beijing, U.S. security strategy and policy must be a carefully coordinated and synchronized whole-of-government effort. Washington’s official publications outlining U.S. national security strategy, diplomatic efforts, and economic policies must specifically address China’s growing revisionist influence and efforts to change the balance of power in the region. Dealing with China should not be a strictly realist strategy aimed at hard-power containment through purely military or security-related endeavors. Rather, U.S. strategy must be predicated on bilateral engagements and multilateral diplomatic efforts to preclude miscalculations or unintended escalation of tensions. But the U.S. must also advance a strategy that establishes clear objectives for maintaining vital U.S. interests in Asia, with requisite security posture and military capacity to hedge against and deter revisionist actions that threaten regional stability.

This task is made more difficult by China’s own ambiguity. China is driven by its official foreign policy in which “major powers are the key, surrounding areas are the first priority, developing countries are the foundation, and multilateral forums are the important stage.”<sup>13</sup> Yet because China

<sup>7</sup> Barack Obama, “Remarks by President Obama to the Australian Parliament,” public speech, Parliament House, Canberra, Australia, November 17, 2011.

<sup>8</sup> Pan Zhongji, “U.S. Taiwan Policy of Strategic Ambiguity: A Dilemma of Deterrence,” *Journal of Contemporary China* 12, no. 35 (2003): 388.

<sup>9</sup> *Ibid.*, 391.

<sup>10</sup> U.S. Congress, House of Representatives, Committee on Armed Services, Subcommittee on Oversight and Investigations, *The New U.S. Grand Strategy*, 110<sup>th</sup> Cong., 2<sup>nd</sup> sess., July 31, 2008, 2.

<sup>11</sup> Nation Security Strategy of Barack Obama (2010) states that the U.S. will continue to underwrite global security; NSS of George W. Bush (2006, 2002) stresses promotion of democracy and end of tyranny as the main drivers of establishing and maintaining global stability; NSS of William Clinton (2001, 2000, 1998, 1997, 1996, 1995, 1994) promotes engagement with allies and partners and enhancement and employment of U.S. military capability in accordance with the Goldwater-Nichols Act of 1986 to maintain regional and global stability.

<sup>12</sup> Obama, “Remarks by President Obama to the Australian Parliament.”

<sup>13</sup> David Shambaugh, “Coping with a Conflicted China,” *The Washington Quarterly* 34, no. 1 (Winter 2011): 9.

remains a deeply conflicted rising power, diverse and contradictory actions/positions are often exhibited. Within China tension exists between hard and soft power approaches to national strategy. Under Jiang Zemin and Hu Jintao, China emphasized soft power as the main catalyst for its “peaceful rise” grand strategy.<sup>14</sup> Hard-power realism, however, is gaining ground. For centuries, realism has had a deep-rooted influence in Chinese collective intellectual world view.<sup>15</sup> The notion of hard power realism has been fueled by the growing of China’s stature following subjugation and humiliation by colonial powers for much of the past two centuries. Hard power realists advocate the use of China’s growing military, economic, and diplomatic influence to coerce others toward the ends China desires, believing that power is worth little if it is not used.<sup>16</sup> Hard power realism driven by narrowly defined self-interests<sup>17</sup> is clearly present in China’s foreign policy (e.g., China’s increasing aggressiveness towards its neighbors in East and South China Seas, and a series of hardline stances on issues ranging from censorship of Google to declaring restrictive airspace over much of East China Sea). Imbued with a sense of retribution from a long period of China’s weakness,<sup>18</sup> hard power realism is advocated by some leading Chinese security experts (e.g., Shen Dingli, the Dean of the School of International Studies at Shanghai’s Fudan University) and by some influential policy makers/senior officials of the People’s Liberation Army who advocate a strong, forceful response to any encroachment upon China’s interests.<sup>19</sup> Beijing has placed great emphasis on modernizing its navy, opaquely increasing defense spending, adopting an anti-access, area defense posture in the Pacific solely aimed at countering U.S. military capability in the region.<sup>20</sup> At the same time, China faces a number of domestic and internal issues that will affect China’s outward behavior in an inconsistent and unpredictable manner with significant impact to U.S. interests in the region.<sup>21</sup> These range from a population demographic imbalance, domestic pollution and environmental issues, to an economy that shows signs of plateauing after a decade of growth sustained through extensive exports and manufacturing.<sup>22</sup>

Countering China’s seeming hard power initiatives with U.S. hard power may at first seem to be a logical response. Doing so would allow the U.S. to counter Beijing’s core interests, including those related to Taiwan, Tibet, Xinjiang, and disputed territories in South and East China Seas.<sup>23</sup> A hard power U.S. security strategy would seek to limit China’s influence in Asia by (1) establishing a strong military presence in the Pacific, (2) enacting a policy of “strategic hedging” with strengthened alliances and partnerships around China’s periphery, (3) levying tough economic and trade policies, and (4) leveraging U.S. power and instruments of diplomacy bereft of a concerted engagement effort with China. Hard power alone, however, is ill-advised and should not be the sole, nor even the primary, component of U.S. strategy. At this juncture, China is both a potential adversary and a prospective strategic partner. A hardline hard power U.S. response will exchange ambiguity for adversary, further

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<sup>14</sup> Xin Li and Verner Worm, *Building China’s Soft Power for a Peaceful Rise*, Asian Research Centre, Copenhagen Business School Discussion Paper (Copenhagen: Copenhagen Business School, July 28, 2009): 4.

<sup>15</sup> See Alastair Iain Johnston, *Cultural Realism: Strategic Culture and Grand Strategy in Chinese Culture* (Princeton: Princeton University Press, 1998).

<sup>16</sup> Shambaugh, “Coping with a Conflicted China,” 12.

<sup>17</sup> Shambaugh, “Coping with a Conflicted China,” 24.

<sup>18</sup> *Ibid.*, 13.

<sup>19</sup> Shen Dingli, “Presentation at the New Zealand Institute of International Affairs,” public speech, Victoria University of Wellington, New Zealand, June 28, 2010.

<sup>20</sup> Geoff Dyer, “China vs. U.S.: Is this the New Cold War?” *Financial Times* (February 24, 2014), 1.

<sup>21</sup> Shambaugh, “Coping with a Conflicted China,” 25.

<sup>22</sup> Ruchir Sharma, “China’s Illusory Growth Numbers,” *Dow Jones Wire Chinese (English)*, October 30, 2013.

<sup>23</sup> Wu Xinbo, “China and the United States: Core Interests, Common Interests, and Partnership,” *United States Institute of Peace Special Report 277*, June 2011, 1.

entrenching Beijing's rigid obstinacy while increasing tensions and the prospect for escalatory conflict.

The U.S. and, indeed, the world cannot afford the fallout. Rather U.S. strategy and policy efforts with China should be based on cooperation grounded in a position of strength.<sup>24</sup> To be successful, the U.S. must focus on leveraging bilateral relations with its key allies—Japan, South Korea, Australia, Thailand, and Philippines—as a foundation for building a long-term multilateral institution that avoids unnecessarily provoking China while providing incentives rooted in common interests to help elicit Chinese cooperation.<sup>25</sup> Active diplomatic and economic engagement backed by a strong U.S. military posture is required. The U.S. should adopt neither an overly optimistic framework of global cooperation nor an unduly pessimistic relationship of inevitable conflict. A strong, effective U.S. policy toward China will be assertive and prudently realistic, taking every viable measure to avoid military conflict while not shirking from situationally necessary diplomatic confrontation.

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<sup>24</sup> Patrick D. Cronin, ed., *Cooperation from Strength: United States, China and the South China Sea* (Washington, DC: Center for New American Security, 2011): 24.

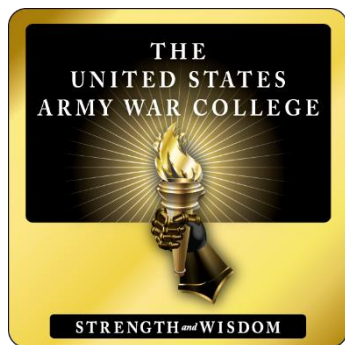
<sup>25</sup> *Ibid.*, 23.

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Student Publications



**STRENGTH** *and* **WISDOM**



# The *Army War College* Review

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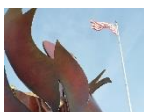
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Flag flying over the Strength and Wisdom statue, a gift from the class of 2014, capturing the mission, spirit, and history of Carlisle Barracks (photo by Laura A. Wackwitz, Ph.D.).

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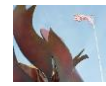
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# A Grand Strategy of Restraint: Neither Grand nor Strategic

David M. Knych

*Current United States grand strategy entails an activist foreign policy, a robust overseas military presence, and a vast network of alliances and security commitments. Critics argue that following this grand strategy is proving disastrous to American interests. America, they say, is overstretched, in decline, and can no longer afford to maintain an ambitious global reform agenda or meet security obligations abroad. Their proposed alternative is to enact a grand strategy of Restraint or Retrenchment that seeks to preserve a narrower, vital set of security interests by reducing overseas presence, security commitments abroad, and shifting burdens to allies and partners. Restraint, however, is not a viable long-term grand strategy. Its proponents fail to account for the many nuances of world economies, leadership, and securities. The United States must continue to play a vital role on the world stage, serving as a leader and partner where possible, and securing vital national security interests where needed.*

Keywords: *Retrenchment, National Security, Liberal Hegemony, Primacy, Decline*

The role and reputation of the United States as the global economic leader took a severe hit in 2008 when the world economy was brought to its knees by an American economic crisis. Amid national and international criticism over the wars in Iraq and Afghanistan, confidence in U.S. grand strategy began to erode. Speculation that the U.S. was no longer to remain the—or even a—world superpower surged, prompting calls for U.S. retrenchment and restraint. Eight years later, U.S. grand strategy remains under fire from those who maintain that the United States has reached a point of imperial overstretch such that an ambitious grand strategy and activist foreign policy agenda serve to hasten America’s decline.

In Barry Posen’s estimation, for example, the current U.S. grand strategy—what he refers to as *Liberal Hegemony*—is “wasteful, costly, and counterproductive”<sup>1</sup> and, therefore, disastrous to the United States’ security interests. He argues that the extant grand strategy perpetuates an unnecessarily large and disproportionate military bolstered by a self-interested industrial complex.

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*David M. Knych (M.S.S. United States Army War College) is a Colonel in the United States Army. An earlier version of this article, written under the direction of Dr. Michael A. Spangler, earned a prestigious Association of the United States Army (AUSA) Writing Award for the USAWC class of 2015.*

<sup>1</sup> Barry R. Posen, *Restraint: A New Foundation for U.S. Grand Strategy* (Ithaca, NY: Cornell University Press, 2014), 24.

An advanced and expensive military makes it easy for policymakers to resort to force or threat of force when other available instruments of national power might be as effective. Thus, says Posen, billions of dollars are spent on unnecessary wars and assorted military interventions.<sup>2</sup> “The strategy,” he adds,

makes enemies almost as quickly as it dispatches them. The strategy encourages less-friendly states to compete with the United States more intensively, while encouraging friendly states to do less than they should in their own defense, or to be more adventurous than is wise.<sup>3</sup>

*Liberal Hegemony*, he believes, induces some states to engage in soft, counter-balancing or “low grade diplomatic opposition” rather than encouraging them to bandwagon with the United States.<sup>4</sup> For others (e.g., Russia and China), cooperation is merely a means of constraining the United States and limiting its influence.

If the intent is to cope with a coming multipolar world and alleged decline in American influence, Posen and similarly minded experts recommend the United States adopt a new, less robust grand strategy.<sup>5</sup> The problem, as they define it, is not just the “rise of China” or the “decline of America,” but rather the overall diffusion of power to growing regional players such as India, Brazil, and Turkey. While regional powers will not likely overtake American power and influence, their willingness and ability to push back against perceived American interference continues to grow. Emerging new powers will create fresh opportunities for states to function cooperatively, thereby potentially limiting or countering U.S. influence.

In light of these observations, Posen and others have outlined a case for a new U.S. grand strategy based on the tenets of *Restraint* or *Retrenchment* that they believe would help the country preserve both its prosperity and security over the long run.<sup>6</sup> Their proposed grand strategy of *Restraint* would seek to reduce or eliminate the U.S. military’s overseas presence, scale back and possibly cut its international security commitments, and restrict efforts to advance a liberal institutional order.<sup>7</sup> The United States would back away from a global reform agenda, significantly reduce the size of its military, and focus on narrowly defined vital national security interests. The argument would be compelling were it not inherently flawed. Advocates of restraint, while ostensibly promoting the very survival of the United States are, in fact, urging a course of action that could irreparably weaken the U.S. and its interests at home and abroad.

## **Current U.S. Grand Strategy**

Grand strategy refers to “a set of ideas for deploying a nation’s resources to achieve its interests over the long run.”<sup>8</sup> “It orchestrates ends, ways, and means,” and aligns a State’s relative power with its interests throughout both peacetime and war.<sup>9</sup> Grand Strategy incorporates all elements of national power including diplomatic, information, military, and economic authorities. Grand

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<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

<sup>4</sup> Barry R. Posen, “Pull Back: The Case for a Less Activist Foreign Policy,” *Foreign Affairs* 92, no. 1 (January/February 2013): 2.

<sup>5</sup> Stephen M. Walt, “The End of the American Era,” *The National Interest* 116 (November/December 2011): 7.

<sup>6</sup> Posen, “Pull Back: The Case for a Less Activist Foreign Policy,” 2.

<sup>7</sup> Stephen G. Brooks, G. John Ikenberry, and William C. Wohlforth, “Don’t Come Home America: The Case against Retrenchment,” *International Security*, 37, no. 3 (Winter 2012-13): 7.

<sup>8</sup> Brooks, Ikenberry, and Wohlforth, “Don’t Come Home America: The Case Against Retrenchment,” 11.

<sup>9</sup> Patrick Porter, *Sharing Power? Prospects for a U.S. Concert-Balance Strategy*, (Carlisle Barracks, PA: U.S. Army War College Press, 2013), 5.

strategic instruments include “diplomacy, propaganda, cultural subversion and demoralization, trade embargoes, espionage and sabotage.”<sup>10</sup> By establishing foundational principles which serve to inform and drive policy decisions over an extended horizon, grand strategy provides “a coherent statement of the concepts” to deal effectively with the full spectrum of national security threats faced by the state.<sup>11</sup>

The absence of a guiding grand strategy forces policymakers to respond reactively as problems develop on the world scene. The result? Policymakers and leaders necessarily resort to expedience which provides, at best, short term solutions often at long term expense. An effective grand strategy, then, is essential and requires articulation of a positive vision and positive principles that must be continuously and publicly advanced. This helps prevent both state and nonstate actors from manipulating “the image of the United States for their own ends.”<sup>12</sup> Despite its importance to long term national security, comprehensive description and understanding of U.S. grand strategy remains somewhat elusive and lacks clear consensus.

Patrick Porter defines U.S. grand strategy as *Primacy or Leadership*—an effort to preserve the United States as the unipolar guardian of the international order seeking to “remake the World in America’s image” by spreading a democratic foundation and a robust market ideology.<sup>13</sup> According to Porter, while political factions may differ on specific ways to enact the strategy, the end objective of preserving American *Primacy* as envisioned at the end of World War II endures.<sup>14</sup>

Posen’s description of U.S. grand strategy as *Liberal Hegemony* is more stark. He argues that by seeking to preserve its “great power advantage” relative to other nations, the U.S. enacts hegemonic control via sustained investment in military power designed to dissuade adversaries or potential challengers from competing. The combination of enforced hegemony with U.S. commitment to advancing democratic governance, individual rights, free market economics, a free press, and the rule of law are deemed essential to U.S. security. By using the term *Liberal Hegemony*, Posen highlights the centrality of promoting liberal, western values abroad to U.S. grand strategy.<sup>15</sup> In this sense, Posen shares Porter’s view that America seeks to shape other nations within its own image. But is this a true grand strategy?

William Martel contends that the United States has not really adopted a guiding grand strategy since the Cold War strategy of *Containment*. He claims current U.S. policies towards Iran, Russia, and China remain unchanged—the “residue” of the Cold War *Containment* strategy.<sup>16</sup> Brooks, Ikenberry, and Wohlforth, on the other hand, argue that the United States is engaged in a grand strategy best categorized by *Deep Engagement*. Far more than either Martel’s “containment” or Porter’s “leadership” (which they dismiss as merely a descriptive condition, not a strategy), *Deep Engagement* is an enduring, post-WWII strategy that entails:

managing the external environment to reduce near- and long-term threats to U.S. national security; promoting a liberal economic order to expand the global economy and maximize domestic prosperity; and creating, sustaining, and revising the global

<sup>10</sup> Colin S. Gray, *Modern Strategy* (New York: Oxford University Press, 1999), 162.

<sup>11</sup> William C. Martel, “Grand Strategy of ‘Restraint,’” *Orbis* 54, no. 3 (Summer 2010): 357.

<sup>12</sup> *Ibid.*, 372.

<sup>13</sup> Porter, “Sharing Power? Prospects for a U.S. Concert-Balance Strategy,” 6-7.

<sup>14</sup> *Ibid.*, 8.

<sup>15</sup> Posen, *Restraint: A New Foundation for U.S. Grand Strategy*, 5-6.

<sup>16</sup> Martel, “Grand Strategy of ‘Restraint,’” 357.

institutional order to secure necessary interstate cooperation on terms favorable to U.S. interests.<sup>17</sup>

In order to guard its security and to prompt prosperity, the United States has encouraged a liberal economic order and developed close defense relationships with allies and partners in Europe, the Middle East, and Asia—building American military bases all over the globe, patrolling the global commons, and stationing thousands of troops overseas. They argue that this “fundamental decision to remain deeply engaged abroad” has remained remarkably consistent, despite minor differences in policies and approaches between administrations and despite the shifting rationale for the strategy over the years.<sup>18</sup>

### The Concept of Restraint

A Grand Strategy of *Restraint* theoretically bridges the gap between the two poles of *Hegemony* and *Isolationism* by simultaneously retracting strategic commitments, maintaining some level of engagement, and pursuing interests vital to U.S. security. *Restraint* advocates question whether the United States can continue to bear the costs of its long-pursued, ambitious, activist foreign policy, and its propensity to engage in military interventions abroad. In their estimation, most military interventions are not necessary, do not effectively protect vital U.S. security interests, and, in actuality, make the nation less secure. The call for adopting a new approach grows louder in the wake of two costly and exhaustive wars in Iraq and Afghanistan, the recent global economic crisis, the rise of China and the Asia-Pacific region, and growing instability in a number of regions (e.g., Ukraine, Syria, Libya, Iraq and Yemen).

To adopt a grand strategy of *Restraint*, the United States would first step back from an agenda focused on global reform and stick to protecting and advancing only a narrow set of national security interests: countering terrorism, ensuring non-proliferation of weapons of mass destruction, and preventing another power from upending the international order. The military would be downsized and sent to war only when absolutely necessary. Second, the United States would reduce its security commitments overseas, systematically removing large numbers of military personnel from forward bases.

On the surface, the tenets of *Restraint* appear reasonable. They are, however, inherently flawed. *Restraint* is a grand strategy lacking at least one crucial component: a positive set of principles upon which to base American decision-making. As Martel notes:

The exercise of self-restraint can never be a grand strategy itself. Indeed, a common refrain among scholars and policymakers for some time has been that the United States should exercise greater self-restraint in foreign policy. However, this characteristic alone does not constitute a grand strategy. To be effective a grand strategy must advance positive principles.<sup>19</sup>

In short, self-restraint fails to provide a coherent basis for grand strategy. Simply stating what the United States is *against* is insufficient. Grand strategy must advance the ideals upon which the United States stands and for which it will strive.

The first component of the *Restraint* case is the idea that the U.S. should at least reduce, if not entirely abandon, its ambitious agenda for global reform. Posen believes that Washington’s

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<sup>17</sup> Brooks, Ikenberry, and Wohlforth, “Don’t Come Home America: The Case Against Retrenchment,” 11.

<sup>18</sup> Stephen G. Brooks, G. John Ikenberry, and William C. Wohlforth, “Lean Forward: In Defense of American Engagement,” *Foreign Affairs* 92, no. 1 (January/February 2013): 130.

<sup>19</sup> Martel, “Grand Strategy of ‘Restraint,’” 367.

ambitions have led the attempts to rescue failing states by military intervention in Somalia, Haiti, Bosnia, Kosovo, and Libya. Military actions were variously undertaken “to defend human rights, suppress undesirable nationalist movements, and install democratic regimes.”<sup>20</sup> Posen’s conclusion is incomplete, failing to recognize that these interventions clearly entailed humanitarian components. To be an effective strategy, *Restraint* would require the United States to suspend its core underlying values, in particular, those aligned with defending and advancing human rights. The implication is that the United States should simply stand by and do nothing while innocent people are victimized by corrupt regimes, or while they fall victim to civil war or genocidal policies. Intervention in the absence of vital U.S. security interests is, under a strategy of *Restraint*, entirely unwarranted. Posen draws a hard and fast line, completely ignoring that there may well be times when the U.S. defense of freedom and human rights will help to forestall greater humanitarian catastrophe. If left unchecked, an ensuing instability could be racked with human misery and may, in the near or long term, jeopardize both the interests and global standing of the United States.

In the words of U.S. Assistant Secretary of State Victoria Nuland, “We must avoid the false choice between our values and our interests.”<sup>21</sup> In a democracy, the values held by the state and its citizens help define its interests, and sometimes our values *are* our interests. The United States has an interest in advancing democracy and stability, economies based on free market principles, and human rights broadly conceived as a means of helping to preserve both prosperity and security by combatting instability abroad. If the United States has the capacity (i.e., resources, reliable partners, and domestic and international legitimacy) then there are times when it should intervene, militarily or otherwise, or at least hold open the possibility of intervention. To base a grand strategy on the principle that the United States will not intervene except under any but the most threatening circumstances, as *Restraint* advocates propose, is neither realistic nor consistent with long-term U.S. interests or American values.

Rather than attempting to promote a liberal democratic image, Posen suggests that the United States focus its strategy on just three key areas: “preventing a powerful rival from upending the global balance of power, fighting terrorists, and limiting nuclear proliferation.”<sup>22</sup> Bringing stability in unstable regions, advancing democracy, and promoting respect for human rights may be the most effective, least bloody, and least costly means of achieving these objectives in the long-run. Posen overlooks the reality that expansion of democratic and liberal values to other regions of the globe benefits U.S. interests by increasing the likelihood that these states will cooperate to combat terrorism and nuclear proliferation.

The second component of the *Restraint* strategy is that the United States should eliminate or significantly reduce its security commitments and presence overseas. Doing so would theoretically (a) discourage allies from taking a “free-ride” by requiring them to provide for their own defense, (b) remove the U.S. from the precarious position of defending nascent allies in the event that they provoke a conflict,<sup>23</sup> and (c) prevent the U.S. from intervening militarily to defend allied interests rather than its own. *Restraint* advocates, however, fundamentally misunderstand the nature of U.S. relationships with allies and partners in Europe, Asia, and the Middle East.

In the case of Europe, *Restraint* advocates call for the removal of all United States forces, citing the overall wealth and security of the European continent. Europe, however, shares many of the same

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<sup>20</sup> Posen, “Pull Back: The Case for a Less Activist Foreign Policy,” 1.

<sup>21</sup> Transcript: Toward a Transatlantic Renaissance—Ensuring Our Shared Future,” November 13, 2013, <http://www.atlanticcouncil.org/news/transcripts/transcript-toward-a-transatlantic-renaissance-ensuring-our-shared-future> (accessed January 25, 2015).

<sup>22</sup> Posen, “Pull Back: The Case for a Less Activist Foreign Policy,” 4.

<sup>23</sup> *Ibid.*, 3.



values the United States seeks to promote: human rights, rule of law, democratic governance, and free markets. European countries possess significant military capabilities relative to the rest of the world, and collectively comprise an economic powerhouse that wields significant soft power. Europe includes the United States' most capable and willing allies and partners. A key reason for this support and cooperation is precisely because the United States maintains a physical presence *in Europe*. Presence provides access, influence, basing rights, and opportunities to train with allies and partners to preserve security. The North Atlantic Treaty Organization has brought stability to central Europe, parts of the Balkans, and potentially to Afghanistan. The Allies did not go to these places of their own volition; they went because the United States led them there in pursuit of shared values and common interests. Lastly, the only time the Alliance actually invoked Article V (i.e., its obligation to come to the common defense of an ally) was when the United States was attacked on September 11<sup>th</sup>, 2001. The United States then became a beneficiary of transatlantic security as well as a guarantor of it. Even while heavily dependent on Russian energy resources, Europe remains one of the largest U.S. trading partners. Any reduction in U.S. presence would constitute an opportunity for Russia to exert leadership and expand political influence.

In the Asiatic region, the U.S. has built lasting security by cementing bilateral treaties with Japan, South Korea, Australia, New Zealand, the Philippines, Taiwan, and Thailand. The U.S. has managed to incorporate these partners into an increasingly liberal world economic framework<sup>24</sup> that benefits the United States economically and enhances both regional stability and economic security. U.S. relationships with Japan and South Korea are vital. They provide stabilizing access and a viable platform for exerting regional influence. From a position of strength that includes presence, the United States and its allies can better engage China and incentivize it to play a responsible role, "while [concurrently] hedging against the possibility of aggressive behavior as China's power grows."<sup>25</sup>

Posen's argument that the U.S. should focus narrowly on preventing a rival from upending the global balance of power, fighting terrorists, and limiting nuclear proliferation fails to explain how these vital interests can be achieved without strong partnerships abroad. The U.S. needs partnerships that entail an overseas presence and include basing, access, influence, and opportunities to build partner capacities and allies in critical regions. Historically, and for good reason, a key component of the United States' strategy to stabilize world order and counter threats has been its overseas presence and alliances.

Presence and engagement with partners and allies engenders confidence in the United States and serves to enhance capabilities, strengthen alliances, and build partner capacity. The United States, as *Restraint* advocates correctly note, cannot do everything alone, but to suggest that the U.S. can counter 21<sup>st</sup> Century threats and maintain strong, reliable, and capable partnerships without a viable presence in key regions seems wishful at best and dangerous at worst.

### **The Case against Restraint**

Proponents of *Restraint* advance several flawed arguments to justify the strategic shift they propose. These include:

- The United States is overstretched and can no longer afford an activist foreign policy.
- America is in decline and the world is heading towards multi-polarity.

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<sup>24</sup> Walt, "The End of the American Era," 7.

<sup>25</sup> Joseph S. Nye Jr., "The Future of American Power: Dominance and Decline in Perspective," *Foreign Affairs* 89, no.6 (November/December 2010): 3, (accessed February 8, 2015).

- A less activist foreign policy prevents soft counter-balancing by the likes of Russia and China who are provoked into impeding the U.S. interests through aggressive policies.
- The American public favors less overseas presence and in general a reduction in internationalism.

Christopher Layne warns of America's "ballooning budget deficits" and argues that U.S. "strategic commitments exceed the resources available to support them."<sup>26</sup> The United States, in short, is out of money and can no longer afford to be the hegemonic power and world police. Thus, a grand strategy of *Restraint* is necessary to slow the coming decline while positioning America to better manage its interests. Charles Kupchan says the United States must be guided from its current state of "overextension" toward a balance "between foreign policy ends and its economic and political means."<sup>27</sup> Defense and foreign policy expenditures over the past several decades, however, have actually declined as a percentage of GDP (see Figure 1).<sup>28</sup> Even in 2012, as the United States was still deeply involved in Afghanistan and conducting global counter terrorism operations, the Department of Defense was still only spending 4.5% of Gross Domestic Product (GDP): the historical average over the last 60 years. By comparison, the Soviet Union was spending nearly a quarter of its GDP on defense in its final decades.<sup>29</sup>

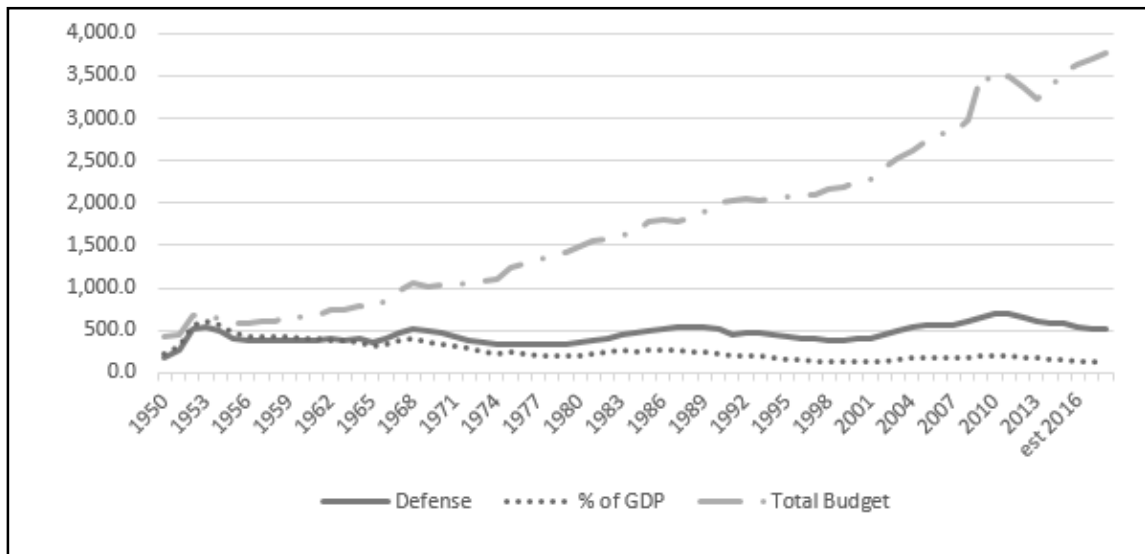


Figure 1: Defense Expenditures and Total Budget in Constant 2009 Dollars and Defense as Percentage of Gross Domestic Product<sup>30</sup>

The growing national debt is a genuine concern. Defense and foreign policy expenditures, however, are not necessarily the culprits in debt production, at least not by historical comparison. The vast majority of the growth in the national debt derives from obligated, not discretionary, spending. The real culprit lies with the inability of the U.S. to spend within its means and failure to

<sup>26</sup> Christopher Layne cited in Brooks, Ikenberry, and Wohlforth, "Lean Forward: In Defense of American Engagement," 132.

<sup>27</sup> Charles Kupchan, "Grand Strategy: The Four Pillars of the Future," *Democracy* 23 (Winter 2012): 12.

<sup>28</sup> Nye, "The Future of American Power: Dominance and Decline in Perspective," 3.

<sup>29</sup> Brooks, Ikenberry, and Wohlforth, "Lean Forward: In Defense of American Engagement," 133.

<sup>30</sup> Chart originally developed by Brooks, Ikenberry, and Wohlforth, "Don't Come Home America: The Case Against Retrenchment," 18; Office of Management and Budget, "Historical Tables," Table 6.1: <http://www.whitehouse.gov/omb/budget/Historicals> (accessed January 29, 2015).

raise revenue commensurate with its desire to spend. Admittedly, slashing the defense budget will produce a positive economic impact, but much greater reforms are necessary to produce fiscal order and a balanced budget.

The claim that *Restraint* will forestall the decline in American power and influence is speculative at best. The suggestion ignores the real possibility that the United States' forward leaning, pro-active leadership role actually produces its relative power and global influence. U.S. security commitments effectively reduce competition in key regions, secure an open world economy, provide leverage in economic trade, and foster cooperation that counters threats to U.S. interests.<sup>31</sup> If the United States were to eschew its active foreign policy and retreat to the relative safety of its borders, the decline of American influence and leadership may well be hastened rather than forestalled.

A third argument advanced by *Restraint* enthusiasts suggests that relative power necessarily wanes as the world becomes an ever more multipolar, messier, more competitive environment. The United States, then, cannot afford to be everywhere, to exert influence, and to provide leadership. Moreover, if the United States continues to pursue an ambitious strategy, doing so will actually harm U.S. security rather than help to preserve it. Realistically speaking, however, the United States has never been everywhere, influenced every outcome, or even led in every crisis:

After World War II, the United States had nuclear weapons and a preponderance of economic power, but nonetheless was unable to prevent the 'loss' of China, to roll back communism in Eastern Europe, to overcome the stalemate in the Korean War, to stop the 'loss' of North Vietnam, or to dislodge the Castro regime in Cuba.<sup>32</sup>

To be sure, the world is in a transformative period, but the world has always been a messy place and will likely remain so.

In assessing the current security environment, Brent Scowcroft notes that globalization has already eroded national borders and will increasingly disrupt the Westphalian, State-centric system. States will be challenged by outside forces unconstrained by traditional boundaries as exemplified by the growth of trans-border Islamic extremism, resource shortages, criminal networks, and identity and cultural conflict.<sup>33</sup> According to the *U.S. Army's Operating Concept*, the proliferation of technology and high-tech weaponry will increasingly allow state and non-state actors to employ hybrid strategies to challenge the United States' competitive and technological advantages.<sup>34</sup> In an increasingly information-based world, the diffusion of power to non-state actors will be much more dangerous than power transition between states. As Nye observes, "for all the fashionable predictions of China, India and Brazil surpassing the United States in the next decades, the greater threat may come from modern barbarians and non-state actors."<sup>35</sup> If Nye's picture of the future security environment is accurate, the world will likely require increasingly more U.S. leadership, engagement, and presence, not less. Cooperation among states as well as international institutions and frameworks will become increasingly important. The network of allies, partners, and multilateral fora initiated and encouraged by the U.S. will play a critical role.

Proponents of *Restraint* put far too much stock in the idea of America-in-Divide, using the foreign policy "folly" of the 2003 Iraq War and the Economic Recession of 2008 as the primary evidence. According to Stephen Walt, "the twin debacles of Iraq and Afghanistan only served to

<sup>31</sup> Brooks, Ikenberry, and Wohlforth, "Lean Forward: In Defense of American Engagement," 132.

<sup>32</sup> Nye, "The Future of American Power: Dominance and Decline in Perspective," 2.

<sup>33</sup> Brent Scowcroft, "A World in Transformation," *The National Interest*, 119, (May/June 2012): 8.

<sup>34</sup> U.S. Department of the Army, *U.S. Army Operating Concept, Win in a Complex World 2020-2040*, TRADOC Pamphlet 525-3-1 (Fort Eustis, VA: U.S. Department of the Army, October 31, 2014), 15: 2-6.

<sup>35</sup> Nye, "The Future of American Power: Dominance and Decline in Perspective," 1.

accelerate the waning of American dominance and underscore the [increasing] limits of United States power.”<sup>36</sup> The ensuing economic decline initially prompted retrenchment strategy thinking. Indeed, research by MacDonald and Parent supports the argument that states can forestall decline by “paring back military expenditures, avoiding costly conflicts, and shifting burdens on to others.”<sup>37</sup>

The argument that America is in a state of terminal decline, however, is tenuous. In comparison to other powers the U.S. remains in an enviable position. The United States has a positive demographic profile when compared with China, Russia, Europe, and Japan. The populations of those countries are aging much more rapidly than is the U.S. population. India is confronted by a youth bulge that will likely prove difficult to manage.<sup>38</sup> Geo-strategically, the United States remains relatively secure. The dynamic, free enterprise system enjoyed by the United States is unmatched and the prospects for U.S. energy independence are looming. Before U.S. entrepreneurs developed and implemented Hydraulic Fracturing, or “fracking,” virtually no one imagined the U.S. would be standing on the verge of energy independence with a prospect for becoming an energy exporter. Even after the 2008 financial crisis and resultant recession, the World Economic Forum continues to rank the United States as fourth in economic competitiveness, with China standing 27<sup>th</sup>. The United States remains the leader in developing new technology sectors such as information technology, biotechnology, and nanotechnology, and American inventors routinely register as many patents per year as the rest of the world combined.<sup>39</sup> While the Iraq War proved costly and the economic recession was a major setback, Nye points out that there was no concomitant collapse of confidence in the dollar and that bond yields actually rose during the crisis (suggesting confidence in the U.S. economy). Even now, the United States remains on a steady path toward economic recovery while the European economy is stagnant and China’s growth is slowing appreciably.

A third argument for *Restraint* is that the United States provokes other countries into counterbalancing its power. As Posen notes the U.S. enjoys an enviable geo-strategic position in the world, protected by two large oceans, two friendly countries bordering north and south, and an arsenal of nuclear weapons to deter any potential rival. “Ironically, however, instead of relying on these inherent advantages for its security, the United States has acted with a profound sense of insecurity, adopting an unnecessarily militarized and forward-leaning foreign policy. The Strategy has generated predictable pushback.”<sup>40</sup> Pushback from Russia and China comes primarily in the form of soft counter-balancing and/or low-grade diplomatic opposition, designed to thwart U.S. influence and actions. Posen cites Chinese and Russian interference in the 1999 Kosovo Campaign, 2003 invasion of Iraq, and efforts to slow the West’s efforts to isolate Syria as examples. He adds that the U.S. activist foreign policy incentivizes Russian and Chinese collusion despite the “long history of border friction, and hostility between the two countries.”<sup>41</sup>

The counter-balancing claim ignores the very real possibility that even if the United States adapted a less aggressive posture and smaller presence overseas, Russia and China might still work to counter United States interests in order to protect and pursue their own agendas. Stephen Walt observes, “If China is like all previous great powers—including the United States—its definition of ‘vital’ interests will continue to grow as its power increases, and it will try to use its growing muscle

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<sup>36</sup> Walt, “The End of the American Era,” 9.

<sup>37</sup> Paul K. Macdonald and Joseph M. Parent, “Graceful Decline? The Surprising Success of Great Power Retrenchment,” *International Security* 35, no. 4 (Spring 2011): 19.

<sup>38</sup> Andrew F. Krepinevich Jr., “The Pentagon’s Wasting Assets,” *Foreign Affairs* 88, no. 4 (July/August 2009): 8.

<sup>39</sup> Nye, “The Future of American Power: Dominance and Decline in Perspective,” 4.

<sup>40</sup> Posen, “Pull Back: The Case for a Less Activist Foreign Policy,” 2.

<sup>41</sup> *Ibid.*

to protect an expanding sphere of influence.”<sup>42</sup> The argument fails to recognize that as the United States retreats from key regions and becomes seemingly less supportive of allies and partners, China, Russia, and possibly others will seek to fill the void.

Brooks, Ikenberry, and Wohlforth dismiss the counter-balancing argument, indicating that since the end of the Cold War no major powers have attempted to balance against the United States, either by building military alliances or by attempting to match U.S. military might. Further, the soft counter-balancing cited by Posen is very difficult to distinguish from normal diplomatic competition and the U.S. is both experienced and highly skilled at employing soft counter-balancing leverage. The international legal norms and institutions created under U.S. leadership are tailor-made for use by the United States and its allies and partners.<sup>43</sup>

A final argument is that the American public desires a strategy of *Restraint*. Proponents of *Restraint* cite a war-weary populace that is increasingly looking inward to address assorted problems and challenges here at home. According to Charles Kupchan:

The U.S. public—which should not determine foreign policy, but should inform it—is turning inward; a recent Pew survey found that 46 percent of Americans believe the country ‘should mind its own business’ and 76 percent of Americans want us to ‘concentrate more on our own national problems’ rather than problems far afield, by historical standards very high measures of isolationist sentiment.<sup>44</sup>

After 13 years of war, trillions of dollars spent, and thousands of lives lost, the public is understandably focused on seeking peace and addressing domestic concerns. This response, however, is likely only temporary. Public opinion parallels were seen in 1976 following the Vietnam War.<sup>45</sup> Additionally, polling messages are mixed. Although the public may be frustrated with foreign policy, survey analysts Lindsay and Krauss conclude that “it isn’t ready to abandon internationalism or to embrace unilateralism.” When asked about “the role the U.S. should play in the world,” for instance, 72 percent opted for one of leadership, and 56 percent of those polled believe the “U.S. should remain the sole military superpower.”<sup>46</sup> In 2003, Pew research polls indicated that 72 percent of the American public believed that use of military force in Iraq was “the right decision.” Public opinion moved only gradually in the other direction over several years.<sup>47</sup> More recently, polls show that more than 60 percent of Americans believe the United States should send combat troops to Iraq to fight the Islamic State of Iraq and the Levant (ISIL).<sup>48</sup> *Restraint* advocates fail to consider these statistics. Proponents of a grand strategy of *Restraint* are convinced the United States will be more secure under a less ambitious, less activist foreign policy whereby the U.S. closes its overseas bases, reduces its security commitments, and brings its military forces home. They are mistaken.

<sup>42</sup> Walt, “The End of the American Era,” 8.

<sup>43</sup> Brooks, Ikenberry, and Wohlforth, “Lean Forward: In Defense of American Engagement,” 133.

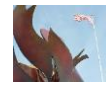
<sup>44</sup> Kupchan, “Grand Strategy: The Four Pillars of the Future,” 13.

<sup>45</sup> Pew Research Center, “Majority Says U.S. Should ‘Mind Its Own Business’ Internationally,” December 3, 2013, <http://www.people-press.org/2013/12/03/public-sees-u-s-power-declining-as-support-for-global-engagement-slips/12-3-2013-2/> (accessed March 2, 2015).

<sup>46</sup> Pew Research Center, “Commentary by James M. Lindsay and Rachel Kauss of the Council of Foreign Relations: The Public’s Mixed Message on America’s Role in the World,” December 3, 2013, <http://www.people-press.org/2013/12/03/commentary-by-james-m-lindsay-and-rachael-kauss-of-the-council-on-foreign-relations/> (accessed March 2, 2015).

<sup>47</sup> Pew Research Center, “Public Attitudes Toward the War in Iraq: 2003 – 2008,” (March, 19, 2008, <http://www.pewresearch.org/2008/03/19/public-attitudes-toward-the-war-in-iraq-20032008/> (accessed March 15, 2015).

<sup>48</sup> Quinnipiac University Poll, “U.S. Voters Back 2 - 1 Sending Troops to Fight ISIS, Quinnipiac University Finds; Voters Say 3 - 1 Keep Unvaccinated Kids Out of School,” March 4, 2015, <http://www.quinnipiac.edu/news-and-events/quinnipiac-university-poll/national/release-detail?ReleaseID=2171> (accessed March 15, 2015).



# Democracy Promotion in the Post-Cold War Era

Stewart C. Eales

*In his first inaugural address, George Washington asserted that the American people were entrusted with the preservation of “the sacred fire of liberty and the destiny of the republican model of government.” The character of that “preservation” has evolved overtime, expanding to new heights in recent years with the collapse of the Soviet Union. In the post-Cold War era, American Presidents seized the opportunity to pursue a “new world order” built on a democratic foundation. Presidents George H. W. Bush, William J. Clinton, George W. Bush, and Barack H. Obama each responded to challenges and circumstances impacting their democracy promotion efforts. Analyses of each president’s approach to democracy promotion illustrates the importance of achieving consistency between values and actions/policies, clarifying the role of military power in democracy promotion, revitalizing the national commitment to American Exceptionalism, and distinguishing between the promotion of liberal values and the nurturing of democratic institutions.*

Keywords: *Engagement, Enlargement, Exceptionalism, New World Order*

During his inaugural speech in January 2009, President Barack Obama identified a wide array of national challenges. Most were somewhat familiar, but one was unique in modern American history: the crisis in confidence—at home and abroad—in America’s role as a world leader.<sup>1</sup> Widespread uncertainty regarding both America’s right and ability to lead had evolved from the assertive and sometimes aggressive promotion of worldwide democracy by recent U.S. administrations, ongoing domestic governance and budgetary challenges, and the War on Terror.

The crisis in credibility that led to this atmosphere of domestic disillusion and international distrust also had a dampening effect on America’s ability to export two of its most valuable resources: democratic values and good governance.<sup>2</sup> Obama’s concern was valid. Loss of confidence had, and

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*Stewart C. Eales (M.S.S. United States Army War College) is affiliated with the Department of State. An earlier version of this article, written under the direction of Dr. Richard M. Meinhart, earned prestigious Military Officers Association of America (MOAA) Writing Award for the USAWC class of 2015.*

<sup>1</sup> Unlike his predecessors, President Obama had to speak of core values and national obligations in terms that indicated they had been lost and must be reclaimed. He used similar language with regard to America’s status as a world leader, declaring that America was ready to “lead once more.” Barack Obama, “Inaugural Address,” January 20, 2009, <http://www.presidency.ucsb.edu/ws/?pid=44> (accessed January 13, 2015).

<sup>2</sup> University of Toronto human rights Professor Michael Ignatieff observed that America, “[once] a model to emulate,” had by 2005 become “an exception to avoid.” Pew Research Center polling data supports this view. Andrew Kohut and Bruce Stokes, *America Against the World* (New York: Henry Holt, 2006), 29-36; Thomas Carothers, *Democracy Policy under*

continues to have, significant implications for American power and identity. The “legitimacy of U.S. policies and the values that underlie them,” along with the evident benefits we derive from them, are the basis of America’s soft power.<sup>3</sup> They have drawn others to share America’s vision, imitate its political and economic systems, and seek its shores. They represent an essential component of America’s strategic culture and national identity—a unifying value and sense of purpose that has framed what Americans believe and how they define proper national behavior.

Throughout his presidency, Obama has sought, with some success, to reestablish America’s image both as a responsible great power and as the legitimate leader of democracies. He must, however, find a way to leverage that renewed influence to effectively promote democracy. Understanding President Obama’s democracy promotion efforts relative to his post-cold war predecessors will help enable his successors to more effectively pursue of democracy promotion of their own. The U.S. needs a calibrated promotion of democracy that advances liberal democratic values, encourages democratic governance, enhances U.S. credibility, and helps rebuild confidence in America as democracy’s champion.<sup>4</sup>

## Democracy

The word democracy describes a wide array of political structures, processes, purposes, and/or principles, either in isolation or in combination.<sup>5</sup> As Colin Gray asserts, “culture as context provides meaning for events,”<sup>6</sup> making democratic policies and underlying values essential elements of America’s strategic culture. Classically, democracy is defined in terms of the will of the people (the source of power) and the common good (outcomes from the use of power). By focusing on the relationships between sources and outcomes, political scientists have tended to emphasize functionalism as an explanatory framework for democracy.<sup>7</sup> The result is a modern definition that features mechanisms for the selection of leaders, competition among candidates for public support, and government restraint due to public accountability.<sup>8</sup> Democracy, however, is more than a set of functional structures and processes. To more fully understand its enactment requires a deeper understanding of the will of the people and the common good. The people of the United States, for example, are bound together by more than just rules and procedures. They are, in part, united by a

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*Obama: Revitalization or Retreat?* (Washington, DC: Carnegie Endowment for International Peace, January 11, 2012), 7-8, [http://carnegiendowment.org/files/democracy\\_under\\_obama.pdf](http://carnegiendowment.org/files/democracy_under_obama.pdf) (accessed November 11, 2014).

<sup>3</sup> Joseph S. Nye, Jr., “The Decline of America’s Soft Power,” *Foreign Affairs Online* 83, no. 3 (May, 2004): 16-20, <http://search.proquest.com/docview/214306737?accountid=4444> (accessed January 16, 2015).

<sup>4</sup> This paper examines the issues under presidential authority and control. Though domestic governance and budgetary challenges have a direct bearing on the government’s credibility at home and the country’s reputation abroad, the executive branch has limited power to resolve them.

<sup>5</sup> Samuel P. Huntington, *The Third Wave: Democratization in the Late Twentieth Century* (Norman: University of Oklahoma Press, 1991), 6, <http://polisci2.ucsd.edu/democracy/documents/Huntington-ThirdWave.pdf> (accessed September 13, 2014); Sean M. Lynn-Jones, “Why the United States Should Spread Democracy,” March 1998, 3-4, [http://belfercenter.ksg.harvard.edu/publication/2830/why\\_the\\_united\\_states\\_should\\_spread\\_democracy.html](http://belfercenter.ksg.harvard.edu/publication/2830/why_the_united_states_should_spread_democracy.html), (accessed September 13, 2014).

<sup>6</sup> Colin S. Gray, *Modern Strategy* (New York: Oxford University Press, 1999), 129.

<sup>7</sup> Joseph Schumpeter called this relationship a “democratic method” and Robert Dahl identified it as “competition and participation.” Joseph A. Schumpeter, *Capitalism, Socialism, and Democracy* (New York: Harper, 1950), quoted in Huntington, *The Third Wave*, 6; Michael Coppedge, Angel Alvarez and Claudia Maldonado, “Two Persistent Dimensions of Democracy: Contestation and Inclusiveness,” *The Journal of Politics Online* 70, no. 3 (July 2008): 632-647, (accessed January 22, 2015).

<sup>8</sup> Huntington, drawing from Schumpeter and Dahl, asserts that a “political system is democratic to the extent that its most powerful collective decision makers are selected through fair, honest, and periodic elections in which candidates freely compete for votes and in which virtually all the adult population is eligible to vote.” Huntington, *The Third Wave*, 6-7; Lynn-Jones, “Why the United States Should Spread Democracy,” 3-4.



concept of the common good characterized by steadfast commitment to inalienable rights, freedom, liberty, independence, and the rule-of-law. These truths are held by Americans “to be self-evident.” They are not, however, truths inherent to democracy<sup>9</sup>—which can take many forms (e.g., liberal or social democracies)—but are principles embodied in the political philosophy called liberalism.<sup>10</sup>

Combining the elements of process and principle provides a means of effectively differentiating between a full democracy and what has been called a “hollow democracy.” The first manifests both process and principle, while the second displays democratic processes like voting but lacks enactment of democratic principles such as political rights and civil liberties.<sup>11</sup> Journalist Fareed Zakaria has characterized states in this latter category as “illiberal democracies,” observing that they actually undermine the credibility of the liberal democracy being promoted by the United States.<sup>12</sup>

### Motives for Promotion

The belief that America’s democratic ideals and system of governance make it unique among nations has been a cornerstone of America’s cultural identity since its founding. George Washington asserted that “the preservation of the sacred fire of liberty and the destiny of the republican model of government are justly considered, perhaps, as deeply, as finally, staked on the experiment entrusted to the hands of the American people.”<sup>13</sup> Washington conveyed the belief that America held a divine torch with the potential to be a blessing to mankind, and the conviction that America had a noble obligation to protect and nurture that flame.

That sense of purpose—with its inherent flavor of responsibility and honor—has shaped America’s national identity, framed its political narrative, and guided its foreign engagement. The image of America as a torch bearer is central to American Exceptionalism, which embodies the conviction that America is unique among nations due to the presumably divine “truths” upon which it was founded and the role those “truths” have played in shaping and guiding its governance system.

America still views itself as a torch bearer. President Ronald Reagan employed a similar image when he spoke of America as “the shining city on a hill,” a description that has since become synonymous with American Exceptionalism.<sup>14</sup> Nearly 225 years after Washington’s inaugural

<sup>9</sup> Michael Mandelbaum sees democracy as a “fusion” of liberty and popular sovereignty; noting that the exercise of liberty requires institutions with skilled people to support it, values to provide limits, and autonomy over time to internalize it. Michael Mandelbaum, *The Ideas that Conquered the World: Peace, Democracy, and Free Markets in the Twenty-first Century* (New York: Public Affairs, 2002), 2; Philippe C. Schmitter and Terry Lynn Karl, “What Democracy Is... and Is Not,” *The Journal of Democracy Online*, Summer 1991, 114, <http://www.lcusd.net/cms/lib04/CA01000868/Centricity/Domain/346/What%20Democracy%20Is%20and%20Is%20Not.pdf> (accessed January 16, 2015).

<sup>10</sup> T. F. Rhoden, “The Liberal in Liberal Democracy,” *Democratization Online*, 2013, 6, <http://www.tandfonline.com.ezproxy.usawcpubs.org/doi/pdf/10.1080/13510347.2013.851672> (accessed January 23, 2015); Lynn-Jones, “Why the United States Should Spread Democracy,” 4; Huntington, *The Third Wave*, 7.

<sup>11</sup> Claudia McElroy, “Private Eye: Liberia’s Hollow Democracy,” *The Guardian Online*, July 26, 1997, [http://www.lexisnexis.com/hottopics/lnacademic/?shr=t&csi=138620&sr=HLEAD\(%22Private%20Eye%20Liberia's%20Hollow%20democracy%22\)%20and%20date%20is%201997](http://www.lexisnexis.com/hottopics/lnacademic/?shr=t&csi=138620&sr=HLEAD(%22Private%20Eye%20Liberia's%20Hollow%20democracy%22)%20and%20date%20is%201997) (accessed December 3, 2014). See also “Freedom in the World 2014: The Democratic Leadership Gap,” *Freedom House Online*, 2014, 18-22, <https://freedomhouse.org/sites/default/files/Freedom%20in%20the%20World%202014%20Booklet.pdf> (accessed December 3, 2014).

According to Freedom House, nineteen of the forty-nine states in sub-Saharan Africa were “electoral democracies” at the end of 2013. Only ten of those nineteen qualified as being “free” – actively supporting both political rights and civil liberties. The other nine were only “partially free” as their citizens did not enjoy a full range of civil liberties.

<sup>12</sup> Fareed Zakaria, “The Rise of Illiberal Democracy,” *Foreign Affairs Online* 76, no. 6 (November 1997): <http://search.proquest.com/docview/214284293?accountid=4444> (accessed January 23, 2015).

<sup>13</sup> George Washington, “Inaugural Address,” April 30, 1789, <http://www.presidency.ucsb.edu/ws/?pid=25800> (accessed January 15, 2015).

<sup>14</sup> Newt Gingrich, *A Nation Like No Other: Why American Exceptionalism Matters* (Washington, DC: Regnery, 2011), 29, iTunes iBook; Ronald Reagan, “Remarks Accepting the Presidential Nomination at the Republican National



address, Obama concluded his own address with a torch-bearing metaphor, challenging Americans to “answer the call of history and carry into an uncertain future that precious light of freedom.”<sup>15</sup>

### The Practice of Promotion

For the first hundred years the prevailing definition of democracy promotion among national leaders involved preservation of the flame so that its radiance might be spread. Abraham Lincoln still thought of democracy as an experiment that might fail. He said the Civil War was a test to determine whether America, “or any nation conceived in liberty and dedicated to the proposition that all men are created equal,” could last.<sup>16</sup> The obligation remains to preserve democratic governance and practice democratic values in a manner that would, in Washington’s words, “Win the affections of [the Nation’s] citizens and command the respect of the world.”<sup>17</sup>

The perception of what it meant to defend and nurture freedom and democracy grew with the scope of U.S. power and global engagement. The new role, proclaimed by Woodrow Wilson in his call to build “a world made safe for democracy,” was that of a shield bearer responsible for assuring a global environment in which democracy could survive and thrive.<sup>18</sup> Subsequent presidents embraced that role as they sought to counter threats during World War II and the Cold War by providing “a shield behind which democracy could flourish.”<sup>19</sup> The duty in the Truman Doctrine, however, was to “support free people who are resisting attempted subjugation by armed minorities or by outside pressures.”<sup>20</sup> The goal was to enhance security. The benefits of democracy were treated as a bonus.<sup>21</sup>

At the end of the Cold War, democracy promotion assumed an assertive edge with the new mandate to build a democratic world. The Soviet Union’s collapse and fall of the communist system in Eastern Europe were understood as validation of democracy, prompting active and even vigorous promotion. America’s new role as the sole superpower and leader of the growing community of worldwide democracies was elevated to that of standard bearer.

Each approach to democracy promotion experienced changes in accord with America’s increasing power and reach. As national identity shifted over time, these shifts were reflected in the underlying motives, objectives, and words used to describe actions and their ends. Three approaches surface and can be characterized as follows:

- The torch bearer—obligated by providence to reflect a virtuous system of liberty and justice for others to admire and emulate.

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Convention,” August 23, 1984, <http://www.presidency.ucsb.edu/ws/?pid=40290> (accessed January 15, 2015); Ronald Reagan, “Farewell Address to the Nation,” January 11, 1989, <http://www.presidency.ucsb.edu/ws/?pid=29650> (accessed January 15, 2015).

<sup>15</sup> Barack Obama, “Inaugural Address,” January 21, 2013, <http://www.presidency.ucsb.edu/ws/?pid=102827> (accessed January 15, 2015).

<sup>16</sup> Abraham Lincoln, “The Gettysburg Address,” November 19, 1863, <http://voicesofdemocracy.umd.edu/lincoln-gettysburg-address-speech-text/> (accessed January 16, 2015).

<sup>17</sup> George Washington, “Inaugural Address,” April 30, 1789.

<sup>18</sup> Thomas M. Kane, *Theoretical Roots of US Foreign Policy* (New York: Routledge, 2006), 79–80, quoted in Edward H. Buehrig, *Woodrow Wilson and the Balance of Power* (Gloucester, MA: Peter Smith, 1968), 248.

<sup>19</sup> George H. W. Bush, *National Security Strategy of the United States* (Washington, DC: The White House, March 1990), Preface, <http://nssarchive.us/NSSR/1990.pdf> (accessed January 24, 2015).

<sup>20</sup> Harry S. Truman, “Recommendation for Assistance to Greece and Turkey,” March 12, 1947, [http://www.trumanlibrary.org/whistlestop/study\\_collections/doctrine/large/documents/pdfs/5-9.pdf#zoom=100](http://www.trumanlibrary.org/whistlestop/study_collections/doctrine/large/documents/pdfs/5-9.pdf#zoom=100) (accessed October 14, 2014).

<sup>21</sup> Michael McFaul, *Advancing Democracy Abroad: Why We Should and How We Can* (Lanham, MD: Rowman & Littlefield, 2010), 12.

- The shield bearer—obligated by providence and strength to protect the freedom of others who pursued that virtuous system.
- The standard bearer—obligated by providence and/or enlightened self-interest to champion the spread of political systems and economies that would embrace liberty and the rule of law within a world community of democracies.

The nation did not merely exchange one burden for another during these transitions, but rather added the new to the old. Consequently, Presidents George H. W. Bush, William J. Clinton, and George W. Bush were able to freely mix all three approaches. That, however, was not to be the case for President Barack Obama.

### Post-Cold War Promotion of Democracy

Thomas Carothers properly notes that “any administration’s approach to democracy [promotion] is inevitably an amalgam of highly varied policies.”<sup>22</sup> The type of action taken and level of effort invested will likely vary from region-to-region and, in some cases, country-to-country. The three identified approaches can be readily applied to all four post-Cold War presidents, each of whom sought to project, protect, or advocate democratic principles and processes.

#### George H. W. Bush – 1989 to 1993

George H. W. Bush assumed office when the Soviet Union was imploding and Soviet Bloc countries were in a state of transition. He viewed those events as an affirmation of the Founding Fathers’ vision and a vindication of America’s democratic institutions and values.<sup>23</sup> His foreign policy message is reminiscent of Woodrow Wilson’s efforts to prepare Americans for a unique role in a new international environment—what Bush initially described as a “new world” and a “new era.”<sup>24</sup> He, like Wilson, envisioned a community of nations united by a shared respect for freedom, democracy, and free markets—what he eventually came to call a “New World Order.”<sup>25</sup>

Bush, seeing the world was at a crossroads, confidently promoted the path toward democracy.<sup>26</sup> He approached democracy’s spread with a sense of certainty, asserting that people, given a choice,

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<sup>22</sup> Thomas Carothers, *U.S. Democracy Promotion During and After Bush* (Washington, DC: Carnegie Endowment for International Peace, 2007), 3, [http://carnegieendowment.org/files/democracy\\_promotion\\_after\\_bush\\_final.pdf](http://carnegieendowment.org/files/democracy_promotion_after_bush_final.pdf) (accessed November 11, 2014).

<sup>23</sup> George H. W. Bush, "Address Before a Joint Session of the Congress on the State of the Union," January 29, 1991, <http://www.presidency.ucsb.edu/ws/?pid=19253> (accessed January 18, 2015); George H. W. Bush, "Address Before a Joint Session of the Congress on the State of the Union," January 28, 1992, <http://www.presidency.ucsb.edu/ws/?pid=20544> (accessed January 18, 2015); George H.W. Bush, *National Security Strategy of the United States* (Washington, DC: The White House, March 1990), Preface, 11, <http://nssarchive.us/NSSR/1990.pdf> (accessed January 24, 2015); George H. W. Bush, *National Security Strategy of the United States* (Washington, DC: The White House, August 1991), Preface, <http://nssarchive.us/NSSR/1991.pdf> (accessed January 24, 2015).

<sup>24</sup> George H. W. Bush, *National Security Strategy*, March 1990, 18; George H. W. Bush, *National Security Strategy*, August 1991, 1, 6; George H.W. Bush, "Address to the United Nations General Assembly in New York City," September 21, 1992, <http://www.presidency.ucsb.edu/ws/index.php?pid=21478&st=&st1> (accessed January 19, 2015).

<sup>25</sup> George H. W. Bush, "Address Before a Joint Session of the Congress on the State of the Union," January 31, 1990, <http://www.presidency.ucsb.edu/ws/?pid=18095> (accessed January 13, 2015); George H. W. Bush, "Address to the 44th Session of the United Nations General Assembly in New York," September 25, 1989, <http://www.presidency.ucsb.edu/ws/?pid=17559> (accessed January 19, 2015); George H. W. Bush, "Remarks at the United States Coast Guard Academy," May 24, 1989; George H. W. Bush, "Address Before a Joint Session of the Congress on the State of the Union," January 29, 1991; George H. W. Bush, "Remarks at the Richard Nixon Library Dinner," March 11, 1992, <http://www.presidency.ucsb.edu/ws/?pid=20709> (accessed December 19, 2014).

<sup>26</sup> George H. W. Bush, "Inaugural Address," January 20, 1989, <http://www.presidency.ucsb.edu/ws/?pid=16610> (accessed January 19, 2015); George H. W. Bush, "State of the Union," January 29, 1991.

would “inevitably” choose freedom and elections.<sup>27</sup> Yet, he still conveyed the sense that history had provided a fleeting opportunity, which must be seized. He challenged Americans to pursue a “common vision of the peaceful world we want to see,” identifying six ways to do so and beginning each with “It is time. . . .”<sup>28</sup> When explaining the basis for the nation’s obligation he bluntly declared “[We] are Americans; we have a unique responsibility to do the hard work of freedom.”<sup>29</sup>

Bush’s foreign policy reflected a desire for partners, an understanding of the need to maintain a sense of perspective as the world’s only superpower, and the intent to actively incorporate all three approaches to democracy promotion as the torch bearer, the shield bearer, and the standard bearer in shaping the new world order. Bush stressed that the post-Cold War era represented an opportunity for the United Nations to fulfill its charter with regard to world peace and prosperity. Highlighting the success of the U.N. in its mandate to drive Iraq from Kuwait, he dedicated a portion of the 1991 National Security Strategy (NSS) and large portions of two U.N. speeches to identifying ways in which the U.N. could, and must, live up to the vision that inspired its founding.<sup>30</sup>

Critics noted that Bush, when he might have established America’s vision of liberal democracy as the new global norm in his 1991 speech before the U.N. General Assembly, made no mention of democracy. Instead, he spoke of sovereignty, rule of law, and human rights (a mix of realist and liberal concepts).<sup>31</sup> Bush appears to have been subordinating a desire to promote the American model of democracy to a need to establish trust among nations unused to a world with the U.S. as the sole superpower.<sup>32</sup> When preeminent power might have tempted Bush to assert U.S. hegemony by defining American democracy as the global benchmark, he opted instead to promote trust and pursue partnership. In truth, Bush did not see promotion of democracy and partnerships as mutually exclusive. He expected NATO to provide the secure environment in which democracy might grow and thrive in Europe.<sup>33</sup> He instituted U.S.-sponsored programs like the Support for East European Democracy, Freedom Support Act, and New Enterprise for the Americas to promote democratization through economic reform and political stability, international connectivity, and growth through developing free market economies.<sup>34</sup>

Bush occasionally sent mixed messages with regard to the promotion of democracy. He initially justified the deployment of U.S. forces to Panama in December 1989, for example, as a response to

<sup>27</sup> George H. W. Bush, “Address on Administration Goals before a Joint Session of Congress,” February 9, 1989, <http://www.presidency.ucsb.edu/ws/?pid=16660> (accessed January 18, 2015). See also George H. W. Bush, *National Security Strategy*, August 1991, 8. It states, “It is only a matter of time” before Cuba joins the democratic western hemisphere and that other regional players must help Cuba “accept the inevitable peacefully.”

<sup>28</sup> George H. W. Bush, “State of the Union,” January 31, 1990.

<sup>29</sup> George H. W. Bush, “State of the Union,” January 29, 1991.

<sup>30</sup> George H. W. Bush, *National Security Strategy*, August 1991; George H. W. Bush, “Address to the 46th Session of the United Nations General Assembly in New York City,” September 23, 1991, <http://www.presidency.ucsb.edu/ws/?pid=20012>; George H. W. Bush, “Remarks to the United Nations Security Council in New York City,” January 31, 1992, <http://www.presidency.ucsb.edu/ws/?pid=20555> (accessed January 18, 2015).

<sup>31</sup> Charles Krauthammer, “First, Democracy; the Element Bush Missed,” *The Washington Post Online*, September 27, 1991, <http://search.proquest.com/docview/307446289?accountid=4444> (accessed January 23, 2015).

<sup>32</sup> George H. W. Bush noted that the world, though recognizing the absolute power of the U.S., was not afraid because it “trusts us with power, and the world is right.” He was clearly sensitive about maintaining that trust. George H. W. Bush, “State of the Union,” January 29, 1991.

<sup>33</sup> George H. W. Bush, *National Security Strategy*, August 1991.

<sup>34</sup> George H. W. Bush, “Statement on Signing the Support for East European Democracy (SEED) Act of 1989,” November 28, 1989, <http://www.presidency.ucsb.edu/ws/?pid=17874> (accessed January 24, 2015); George H. W. Bush, “Remarks Announcing the Enterprise for the Americas Initiative,” June 27, 1990, <http://www.presidency.ucsb.edu/ws/?pid=18644> (accessed January 24, 2015); George H. W. Bush, “Statement on Signing the FREEDOM Support Act,” October 24, 1992, <http://www.presidency.ucsb.edu/ws/?pid=21658> (accessed January 24, 2015).

the “reckless threats and attacks upon Americans” by forces under Panamanian dictator, General Manuel Noriega.<sup>35</sup> One month later he proudly announced to Congress that democracy had been restored in Panama, mixing cause and effect.<sup>36</sup> On a broader scale, Bush talked about the new world order as a universal event, when in fact his national security strategies reflect a concentration on Europe and Eurasia, with some attention to Asia and South America, and almost none to the Middle East or Africa.<sup>37</sup> Bush vigorously waved the democratic standard in his effort to gather former Soviet states into a new community of democracies, but if he was bearing the democratic torch for Africa, he was certainly not holding it very high.

#### William J. Clinton – 1993 to 2001

Bill Clinton’s priority during his first months in office was the implementation of a broad-reaching domestic agenda designed to address economic crisis and implement welfare reform. That focus and level of effort came at the expense of foreign policy.<sup>38</sup> Clinton, an internationalist at heart, appears to have been satisfied to carry on Bush’s pursuit of the new world order. He did not publically declare his foreign policy vision until growing criticism and worrisome isolationist trends forced the issue in late summer 1993.<sup>39</sup> At that time, he and his senior foreign policy advisors unveiled a policy of enlargement. The policy, outlined in four speeches between September 21 and 27, 1993,<sup>40</sup> was based on three basic premises:

1. The world is more secure but less stable; Isolationism, factionalism, and separatism compete with liberal democracy for preeminence.
2. More nations are embracing democracy and market economics in a manner that “resonates” with America’s core values.

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<sup>35</sup> George H. W. Bush. "Address to the Nation Announcing United States Military Action in Panama," December 20, 1989, <http://www.presidency.ucsb.edu/ws/?pid=17965> (accessed January 24, 2015).

<sup>36</sup> George Bush, "State of the Union," January 31, 1990.

<sup>37</sup> George H. W. Bush, *National Security Strategy*, March 1990, 9-14; George H. W. Bush, *National Security Strategy*, August 1991, 5-11. The 1993 *National Security Strategy* is a retrospective look at the administration’s accomplishment rather than a shaping document for policy action. The successes it claims in the realm of “promotion of peace and democracy” are surprisingly shallow given the vision in the previous two documents. George H.W. Bush, *National Security Strategy*, January 1, 1992, 5.

<sup>38</sup> Douglas Brinkley, “Democratic Enlargement: The Clinton Doctrine,” *Foreign Policy Online* 106 (Spring, 1997): 113, <http://search.proquest.com/docview/224052885?accountid=4444> (accessed January 24, 2015); John Dumbrell, “Was There a Clinton Doctrine? President Clinton’s Foreign Policy Reconsidered,” *Diplomacy & Statecraft Online* 13, no. 2 (2002): <http://www.tandfonline.com/loi/fdps20> (accessed January 24, 2015).

<sup>39</sup> Brinkley, “Democratic Enlargement: The Clinton Doctrine,” 113; James M. McCormick, *American Foreign Policy and Process Online* (Boston: Wadsworth Cengage Learning, 2010), 182, [https://books.google.com/books?id=m\\_MOrBfBEmYC&pg=PA242&lpg=PA242&dq=McCormick+American+Foreign+Policy+and+Process+5+pdf&source=bl&ots=HUzbRMu4rZ&sig=h54VlymJfjop8\\_Pon\\_OWxQEJdo&hl=en&sa=X&ei=rIvEVIfiOTPIsASB9YDYAw&ved=0CEcQ6AEwBw#v=onepage&q=McCormick%20American%20Foreign%20Policy%20and%20Process%205%20pdf&f=false](https://books.google.com/books?id=m_MOrBfBEmYC&pg=PA242&lpg=PA242&dq=McCormick+American+Foreign+Policy+and+Process+5+pdf&source=bl&ots=HUzbRMu4rZ&sig=h54VlymJfjop8_Pon_OWxQEJdo&hl=en&sa=X&ei=rIvEVIfiOTPIsASB9YDYAw&ved=0CEcQ6AEwBw#v=onepage&q=McCormick%20American%20Foreign%20Policy%20and%20Process%205%20pdf&f=false) (accessed January 25, 2015).

<sup>40</sup> McCormick, *American Foreign Policy and Process*, 182. See Warren Christopher, “Building Peace in the Middle East,” *U.S. Department of State Dispatch Online* 4, (September 27, 1993): 654-657, <http://search.proquest.com/docview/233230476> (accessed February 9, 2015); Anthony Lake, “From Containment to Enlargement,” public speech, Johns Hopkins University School of Advanced International Studies, Washington, DC, September 21, 1993. <https://www.fas.org/news/usa/1993/usa-930921.htm> (accessed December 10, 2014); Madeleine Albright, “Use of Force in a Post-Cold War World,” *U.S. Department of State Dispatch Online*, 4 (September 27, 1993): 665-668, [http://ck5zj6hy9n.search.serialssolutions.com/?ctx\\_ver=Z39.88-2004&ctx\\_enc=info%3Aofi%2Fenc%3AUTF-8&rft\\_id=info:sid/summon.serialssolutions.com&rft\\_val\\_fmt=info:ofi/fmt:kev:mtx:journal&rft.genre=article&rft.title=Use+of+force+in+a+post-Cold+War+world&rft.jtitle=US+Department+of+State+Dispatch&rft.date=1993-09-27&rft.pub=U.S.+Government+Printing+Office&rft.issn=1051-7693&rft.eissn=2332-1563&rft.volume=4&rft.issue=39&rft.spage=665&rft.externalDBID=IAO&rft.externalDocID=14291629&paramdict=en-US](http://ck5zj6hy9n.search.serialssolutions.com/?ctx_ver=Z39.88-2004&ctx_enc=info%3Aofi%2Fenc%3AUTF-8&rft_id=info:sid/summon.serialssolutions.com&rft_val_fmt=info:ofi/fmt:kev:mtx:journal&rft.genre=article&rft.title=Use+of+force+in+a+post-Cold+War+world&rft.jtitle=US+Department+of+State+Dispatch&rft.date=1993-09-27&rft.pub=U.S.+Government+Printing+Office&rft.issn=1051-7693&rft.eissn=2332-1563&rft.volume=4&rft.issue=39&rft.spage=665&rft.externalDBID=IAO&rft.externalDocID=14291629&paramdict=en-US) (accessed February 9, 2015); William J. Clinton, “Remarks to the 48th Session of the United Nations General Assembly in New York City,” September 27, 1993, <http://www.presidency.ucsb.edu/ws/?pid=47119> (accessed January 20, 2015).

3. Free-market democracies promote prosperity, increase stability, are more reliable partners, and tend to resolve disputes through ways other than war.

Those premises, in turn, shaped an enlargement strategy that called for the U.S. to strengthen the existing community of market democracies, nurture and add new democracies and market economies to that community, protect the community from states opposed to democracy and free markets, and promote democracy and free market economics as part of humanitarian efforts (called the “humanitarian agenda”).<sup>41</sup> The Clinton strategy clearly embraced the roles of torch bearer, shield bearer, and standard bearer.

Clinton balanced his internationalist predisposition with realist policies. He had committed the U.S. to lead the international community, but added the qualification that U.S. national interest would determine the time and place for any active intervention.<sup>42</sup> America would support reform and democracy, foster good governance, and “serve as the fulcrum for change and a pivot point for peace,” but it could not solve every problem and nor become the world’s police.<sup>43</sup> This approach required weighing each national security challenge on its own merits in an effort to determine whether or not national interests warranted action.

Enlargement placed considerable emphasis on open markets as the basis of democracy promotion.<sup>44</sup> Clinton’s seven National Security Strategies dedicated extensive text to trade and economic development. He said “open markets and rule-based trade are the best engines we know of for raising living standards, reducing global poverty and environmental destruction, and assuring the free flow of ideas.”<sup>45</sup> Clinton appreciated open markets for the example of prosperity they provided, but valued them most as a force for integration among nations and societies in an increasingly globalized economy. His expectation was that “market democracies,” having been freed from the Soviet threat and a constant requirement to invest in containment, would seek to enlarge their communities.<sup>46</sup>

One of the enlargement strategy’s four elements that did not appear in Clinton’s 1993 address to the U.N. was the “humanitarian agenda.”<sup>47</sup> Part of that agenda involved “working to help democracy and market economies take root in regions of greatest humanitarian concern.”<sup>48</sup> In the 2000 NSS, Clinton combined promoting human rights abroad with promoting democracy,

<sup>41</sup> The substance of the strategy was explicitly stated in Anthony Lake’s presentation at Johns Hopkins University. Lake, “From Containment to Enlargement.”

<sup>42</sup> William J. Clinton, *A National Security Strategy of Engagement and Enlargement* (Washington, DC: The White House, July 1994), 5, <http://nssarchive.us/NSSR/1994.pdf> (accessed January 24, 2015); William J. Clinton, “Remarks on International Security Issues at George Washington University,” August 5, 1996, <http://www.presidency.ucsb.edu/ws/?pid=53161> (accessed January 20, 2015); William J. Clinton, “Remarks at the United States Naval Academy Commencement Ceremony in Annapolis, Maryland,” May 25, 1994, <http://www.presidency.ucsb.edu/ws/?pid=50236> (accessed January 20, 2015); McCormick, *American Foreign Policy and Process*, 182-183.

<sup>43</sup> William J. Clinton, “Remarks to Midshipmen,” April 1, 1993, <http://www.presidency.ucsb.edu/ws/?pid=46391> (accessed January 20, 2015); William J. Clinton, “Remarks to the 48<sup>th</sup> Session of the United Nations”; William J. Clinton, “Remarks on International Security Issues at George Washington University.”

<sup>44</sup> William J. Clinton, “Remarks to the 48<sup>th</sup> Session of the United Nations.”

<sup>45</sup> William J. Clinton, “Address before a Joint Session of the Congress on the State of the Union,” January 27, 2000, <http://www.presidency.ucsb.edu/ws/?pid=58708> (accessed January 25, 2015).

<sup>46</sup> Lake, “From Containment to Enlargement”; William J. Clinton, “Remarks to the 48<sup>th</sup> Session of United Nations.”

<sup>47</sup> Clinton’s humanitarian agenda pre-dates the U.N. convention regarding “responsibility to protect,” under which sovereignty no longer shields a state from foreign interference if the welfare of its people are in doubt. Whether one led to the other or both were a consequence of growing internationalism remains unclear. See “Responsibility to Protect,” April 16, 2014, linked from *The United Nations Home Page* at <http://www.un.org/en/preventgenocide/adviser/responsibility.shtml> (accessed January 25, 2015).

<sup>48</sup> Anthony Lake, “From Containment to Enlargement”; William J. Clinton, “Remarks to the 48<sup>th</sup> Session of the United Nations.”



identifying the combination as one of his three “central goals/core objectives.”<sup>49</sup> The concept sounds innocuous, but the integration of democratic promotion and humanitarian concerns encourages what John Kane calls “the fractured myth of virtuous power” and provides a moral framework that has been used to justify regime change.<sup>50</sup> Clinton used this rationale to justify interventions in Serbia and Kosovo.<sup>51</sup> Clinton’s statements do not reflect a belief in either the divine provenance of democracy or its inevitability. He did not hesitate to mention God in public gatherings, but his explanations for why things occurred were more secular and historic.<sup>52</sup> That tendency is reflected in his assertion that “[one] of the most important lessons of the last fifty years is that democracy and free markets are neither inevitable nor irreversible.”<sup>53</sup> Such a view, combined with a sense of the moment, likely made him more inclined to actively promote both democracy and free markets.

### George W. Bush – 2001 to 2009

An examination of democracy promotion under George W. Bush (hereafter referred to as Bush 43), reveals a clear change in the president’s focus and tone during his second term in office. The aspect of democracy he was promoting underwent a fundamental shift. That shift was likely due to the momentous events of 9/11 and the subsequent initiation of the War on Terror in Afghanistan and the war in Iraq.

Bush 43, during his first years in office, was an active promoter of liberal democratic principles, supporting what he called “the non-negotiable demands of human dignity.”<sup>54</sup> His 2002 NSS called for the nation to “champion aspirations for human dignity” by promoting “the rule of law; limits on the absolute power of the state; free speech; freedom of worship; equal justice; respect for women; religious and ethnic tolerance; and respect for private property.”<sup>55</sup> In contrast, he viewed democratic systems as being tailored to fit the society they served, saying, “[The] form that freedom and democracy take in any land will reflect the history, culture, and habits unique to its people.”<sup>56</sup> Clearly he viewed the structures and process of democracy as being negotiable.

<sup>49</sup> William J. Clinton, *A National Security Strategy for a New Century* (Washington, DC: The White House, December 1999), iii, <http://nssarchive.us/NSSR/2000.pdf> (accessed January 25, 2015).

<sup>50</sup> John Kane, “American Values or Human Rights? U.S. Foreign Policy and the Fractured Myth of Virtuous Power,” *Presidential Studies Quarterly Online* 33, no. 4 (December 2003): 772, <http://search.proquest.com/docview/215689309> (accessed February 28, 2015).

<sup>51</sup> William J. Clinton, “Remarks Announcing the NATO Decision on Air Strikes in Bosnia and an Exchange with Reporters,” February 9, 1994, <http://www.presidency.ucsb.edu/ws/?pid=49509> (accessed January 25, 2015); William J. Clinton, “Remarks at the United States Naval Academy,” May 25, 1994; William J. Clinton, “Interview with Dan Rather of CBS News,” March 31, 1999, <http://www.presidency.ucsb.edu/ws/?pid=57340> (accessed January 25, 2015).

<sup>52</sup> While George H. W. Bush acknowledged God’s grace in the Cold War victory, Clinton asserted it was due to democracy providing “more prosperity and more personal human happiness” than communism. William J. Clinton, “Remarks at the United States Military Academy Commencement Ceremony in West Point, New York,” May 29, 1993, <http://www.presidency.ucsb.edu/ws/?pid=46638> (accessed January 20, 2015).

<sup>53</sup> William J. Clinton, “Remarks at the United States Coast Guard Academy Commencement in New London, Connecticut,” May 22, 1996, <http://www.presidency.ucsb.edu/ws/?pid=52848> (accessed January 20, 2015).

<sup>54</sup> George W. Bush, *National Security Strategy of the United States of America Online* (Washington, DC: The White House, September 2002), 3, <http://www.state.gov/documents/organization/63562.pdf> (accessed January 25, 2015).

<sup>55</sup> Ibid.

<sup>56</sup> George W. Bush, “Commencement Address at the United States Military Academy in West Point, New York,” June 1, 2002, <http://www.presidency.ucsb.edu/ws/?pid=62730> (accessed January 25, 2015); George W. Bush, “Remarks to the United Nations General Assembly in New York City,” September 21, 2004, <http://www.presidency.ucsb.edu/ws/?pid=72758> (accessed January 20, 2015); George W. Bush, “Remarks to the Plenary Session of the United Nations General Assembly in New York City,” September 14, 2005, <http://www.presidency.ucsb.edu/ws/?pid=58797> (accessed January 26, 2015).

Bush 43 avoided using the word “democracy” in a promotion context during his early years in office.<sup>57</sup> In his first inaugural address he described the nation’s democratic faith as “an ideal we carry but do not own, a trust we bear and pass along.”<sup>58</sup> He took a sharing rather than a promotional approach—that of a torch bearer rather than a standard bearer. More prominent in his speeches were words like “freedom,” “justice,” “liberty,” “peace,” and “free markets.” He supported these principles with money dedicated to programs like the Millennium Challenge Account, the African Growth and Opportunity Act, and the U.S.-Sub-Saharan African Trade and Economic Cooperation Forum.<sup>59</sup>

During his early years in office, Bush 43 drew a distinction between promoting human dignity and promoting democratic institutions. His priority was human dignity. In the 2002 NSS, a document with nine sections, the text dedicated to “championing” human dignity appeared in section two. It included a pledge of action: to openly challenge violations, use foreign aid to promote freedom, make freedom and democratic values central to bilateral relationships, and promote freedom of religious expression.<sup>60</sup> In contrast, the text associated with “Building the Infrastructure of Democracy” was section seven and involved development programs designed to enhance health, education and welfare—activities that would improve quality of life but not necessarily advance democratic practices or values.<sup>61</sup>

A significant shift in tone and focus with regard to democracy promotion occurred in 2004. Noting the tendency to tolerate oppressive regimes for the sake of stability, Bush 43 announced in June 2004 that the U.S. would continue to work with any country dedicated to fighting terrorism, but in the long run would “expect a higher standard of reform and democracy” from partners.<sup>62</sup> The contrast between his two inaugural speeches is stark. Where the first referred to passing along America’s democratic faith, the second proclaimed a global policy of dedicated democracy promotion with “the ultimate goal of ending tyranny in our world.”<sup>63</sup> U.S. relations with other countries would be tied to their support for human dignity and opposition to oppression. America would not enforce its style of government on the unwilling (process remained negotiable), but it would help others to find their voice (nonnegotiable) and attain their freedom (nonnegotiable). Democracy promotion had morphed to become democracy coercion, particularly for those deemed to be “outlaw regimes.”<sup>64</sup> In short, Bush 43 had set aside the torch and picked up the shield and standard.

The decisions and actions associated with the War on Terror and regime change in Iraq have had a far-reaching effect on democracy promotion by the United States. The torture, degradation, and long-term imprisonment without trial of terror suspects undermined America’s image as the

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<sup>57</sup> A review of speeches and press interviews Bush 43 gave during his first thirty days in office reflect virtually no use of the word “democracy.” The few exceptions typically involved shared American ideals rather than promotion abroad. See *The University of California/Santa Barbara’s American Presidency Project Online Database*, <http://www.presidency.ucsb.edu/>.

<sup>58</sup> George W. Bush, “Inaugural Address,” January 20, 2001, <http://www.presidency.ucsb.edu/ws/?pid=25853> (accessed January 20, 2015).

<sup>59</sup> George W. Bush, “Remarks to the United Nations General Assembly,” September 21, 2004; George W. Bush, “Remarks Announcing the United States – Sub-Saharan Africa Trade and Economic Cooperation Forum,” May 16, 2001, <http://www.presidency.ucsb.edu/ws/?pid=25853> (accessed January 23, 2015).

<sup>60</sup> George W. Bush, *National Security Strategy*, September 2002, 4.

<sup>61</sup> *Ibid.*, 21-23.

<sup>62</sup> George W. Bush, “Commencement Address at the United States Air Force Academy in Colorado Springs, Colorado,” June 2, 2004, <http://www.presidency.ucsb.edu/ws/?pid=72640> (accessed January 20, 2015).

<sup>63</sup> George W. Bush, “Inaugural Address,” January 20, 2005, <http://www.presidency.ucsb.edu/ws/?pid=58745> (accessed January 20, 2015).

<sup>64</sup> *Ibid.*

torch bearer for democratic values like rule-of-law and equal access to justice.<sup>65</sup> Bush 43 pursued many forms of democracy promotion during his presidency—including expanded engagement with Africa—but in the end, people reflecting on America’s role as the leading proponent of democracy will likely only remember his later justification of the war in Iraq as an effort to build a new democracy—a linkage that remains difficult to break.<sup>66</sup>

### Barack H. Obama – 2009 to Present

The world that Barack Obama addressed on inauguration day in January 2009, differed from that of his three post-Cold War predecessors. Each of them had assumed office in a time when America was embracing its role as the sole superpower and leader of a rapidly growing community of democratic states. Each had enjoyed a degree of flexibility in their promotion of democratic values and systems, choosing when and how America would bear the torch, shield, and/or standard as democracy’s champion. Their challenge had been to employ the elements of national power in a way that advanced U.S. interests while reinforcing the nation’s image abroad as a partner rather than a hegemon.

Obama took office at a time when America’s post-Cold War hegemony—what some have called America’s “triumphalist moment”—had passed; and with it had gone the assumption that the U.S. would lead the inevitable rise of a world community of market democracies.<sup>67</sup> Many of the values, virtues, and structures that had been the basis for America’s democratic reputation had been called into question in the previous six years. In addition, the financial crisis of 2008 and subsequent global recession, along with the rise of China as an economic powerhouse, left some wondering whether establishing market democracies was really the best way to achieve prosperity.<sup>68</sup> Obama’s challenge was not one of choosing how and when to hold up the torch, shield, or standard of democracy, but rather of reestablishing America’s right and ability to bear them all.

His 2009 inaugural address began the process with the words, “[Starting] today, we must pick ourselves up, dust ourselves off, and begin again the work of remaking America.” His message focused on reclaiming the things that had made America unique: its values that still represented a light worth following, its reputation as a reliable friend, and the obligations that came with greatness.<sup>69</sup> Within two days the new president issued three executive orders designed to help restore America’s reputation for due process and the rule of law by establishing a prohibition against torture, directing the closure of the Guantanamo Bay detention center, and initiating a review of legal procedures for holding and trying suspected terrorists. Progress on the latter two has been slow, but

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<sup>65</sup> Mary E. Stuckey and Joshua R. Ritter, “George Bush, <Human Rights>, and American Democracy,” *Presidential Studies Quarterly Online* 37, no. 4 (December 2007): 658, <http://search.proquest.com/docview/215682948> (accessed March 17, 2015); Joseph S. Nye, “Democracy’s Challenge in the Age of Terrorism; Both Preventing New Terrorist Attacks and Avoiding the Mistakes of the Past are Essential for the Future,” *Pittsburgh Post-Gazette Online*, August 21, 2011, [http://www.lexisnexis.com/hottopics/lnacademic/?shr=t&csi=144577&sr=HLEAD\(%22DEMOCRACY’S%20CHALLENGE%20IN%20THE%20AGE%20OF%20TERRORISM%20BOTH%20PREVENTING%20NEW%20TERRORIST%20ATTACKS%20AND%20AVOIDING%20THE%20MISTAKES%20OF%20THE%20PAST%20ARE%20ESSENTIAL%20FOR%20THE%20FUTURE%22\)%20and%20date%20is%202011](http://www.lexisnexis.com/hottopics/lnacademic/?shr=t&csi=144577&sr=HLEAD(%22DEMOCRACY’S%20CHALLENGE%20IN%20THE%20AGE%20OF%20TERRORISM%20BOTH%20PREVENTING%20NEW%20TERRORIST%20ATTACKS%20AND%20AVOIDING%20THE%20MISTAKES%20OF%20THE%20PAST%20ARE%20ESSENTIAL%20FOR%20THE%20FUTURE%22)%20and%20date%20is%202011) (accessed March 17, 2015).

<sup>66</sup> Carothers, *U.S. Democracy Promotion During and After Bush*, v.

<sup>67</sup> Daniel Deudney and G. John Ikenberry, “Democratic Internationalism: An American Grand Strategy for a Post-exceptionalist Era,” *Council on Foreign Relations Working Paper Online*, November 2012, 4, <http://www.cfr.org/grand-strategy/democratic-internationalism-american-grand-strategy-post-exceptionalist-era/p29417> (accessed November 11, 2014).

<sup>68</sup> Harsh V. Pant, *China’s Rising Global Profile: The Great Power Tradition* (Portland, OR: Sussex Academic Press, 2011), 6.

<sup>69</sup> Barack Obama, “Inaugural Address,” January 20, 2009, <https://www.whitehouse.gov/blog/2009/01/21/president-barack-obamas-inaugural-address>.



Obama succeeded in sending “an unmistakable signal that our actions in defense of liberty will be [as] just as our cause.”<sup>70</sup>

Obama understood the fundamental truth that the honor of bearing the torch of democracy (a prerequisite for being trusted to take up the shield or standard), must be earned. To that end, he highlighted the need for domestic democratic renewal in his 2010 NSS—asserting that America’s right and ability to lead the world and shape events abroad required work on democratic values at home. A section entitled *Renewing American Leadership—Building at Home, Shaping Abroad* of the NSS stated, “The most effective way . . . to promote our values is to live them. America’s commitment to democracy, human rights, and the rule of law are essential sources of our strength and influence in the world.”<sup>71</sup>

Significantly, the 2010 NSS spoke routinely of engagement rather than enlargement with respect to international relationships, reflecting in some ways the 1991 example of George Bush who emphasized America as a partner rather than a superpower.<sup>72</sup> Obama sought to reinforce this perspective as he shared his views regarding the promotion of democracy in a September 2009 speech before the U.N. General Assembly. He acknowledged that the U.S. had “too often been selective in its promotion of democracy.”<sup>73</sup> Echoing a view expressed by Bush 43 early in his first term, Obama asserted that nations pursuing democracy must shape it to fit their needs and culture. Structure was again negotiable. He announced that the U.S. was prepared to lead and concluded with a declaration that America was ready to begin a new chapter in international cooperation.<sup>74</sup>

Much has happened since Obama made that declaration. His responses to foreign threats and opportunities during the intervening period have consistently reflected an effort to regain the international community’s trust and the American public’s confidence. His approach to foreign policy has been reminiscent of the balancing acts performed by both Presidents Bush and Clinton: promoting a liberal desire for international norms and structures even as he made decisions based on a realist’s perspective for balancing risk and interest.<sup>75</sup> The result has been a foreign policy that might be characterized as selective engagement. Some examples include:

- Responding to protestors seeking to overthrow the authoritarian Tunisian regime in January 2011 (called the Jasmine Revolution), Obama employed carrots and sticks in a year-long effort to promote a relatively fair and free election. Tunisia is now an Islamic Democratic state with a National Constituent Assembly.<sup>76</sup>

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<sup>70</sup> Barack Obama, “Remarks at the State Department,” January 22, 2009, <http://www.presidency.ucsb.edu/ws/?pid=85694> (accessed January 20, 2015); Barack Obama, “Executive Order 13491 - Ensuring Lawful Interrogations,” January 22, 2009, <http://www.presidency.ucsb.edu/ws/index.php?pid=85669> (accessed January 26, 2015); Barack Obama, “Executive Order 13492 - Review and Disposition of Individuals Detained at the Guantánamo Bay Naval Base and Closure of Detention Facilities,” January 22, 2009, <http://www.presidency.ucsb.edu/ws/index.php?pid=85670> (accessed January 26, 2015); Barack Obama, “Executive Order 13493 - Review of Detention Policy Options,” January 22, 2009, <http://www.presidency.ucsb.edu/ws/index.php?pid=85671> (accessed January 26, 2015).

<sup>71</sup> Barack Obama, *National Security Strategy* (Washington, DC: The White House, May 2010), 2, <http://nssarchive.us/NSSR/2010.pdf> (accessed January 24, 2015).

<sup>72</sup> The 2010 NSS spoke of pursuing comprehensive engagement and used the word “engagement” forty two times in sixty pages. The word “enlargement,” pursued by Clinton, never appears in the document. See Barack Obama, *National Security Strategy*, May 2010.

<sup>73</sup> Barack Obama, “Remarks to the United Nations General Assembly in New York City,” September 23, 2009, <http://www.presidency.ucsb.edu/ws/?pid=86659> (accessed January 26, 2015).

<sup>74</sup> Ibid.

<sup>75</sup> Mark Landler, “A Region’s Unrest Scrambles U.S. Foreign Policy,” *The New York Times Online*, January 25, 2011, [http://www.nytimes.com/2011/01/26/world/26diplo.html?\\_r=0](http://www.nytimes.com/2011/01/26/world/26diplo.html?_r=0) (accessed January 26, 2015).

<sup>76</sup> Alexis Arieff and Carla E. Humud, “Political Transitions in Tunisia,” *Congressional Research Service Online*, October 22, 2014, <https://www.fas.org/sgp/crs/row/RS21666.pdf> (accessed January 26, 2015); Barack Obama, “Statement

- In 2011 the Egyptian people sought to oust President Hosni Mubarak, their ruler for three decades and a long-time U.S. partner. Obama pressed Mubarak to step down in favor of a democratic process and accepted the results of that election, even though it handed power to an Islamist party not friendly to the United States. When the Egyptian Army overthrew the elected government in July 2013, jeopardizing \$1.5 billion in U.S. aid, Obama suspended joint exercises and some arms sales but did not cut off aid entirely.<sup>77</sup> He ultimately subordinated democratic values to practical regional security concerns.
- Obama wanted to assist Islamic rebels attempting to oust Syrian President Bashar al-Assad in 2011, particularly after the use of chemical weapons by the regime. However, the most capable rebel forces were affiliated with radical Islamic groups that the U.S. could not support. Obama, with the threat of air strikes and Russian assistance, compelled Assad to hand over Syria's chemical weapons stockpiles, although he has yet to identify a tenable strategy for removing the Syrian dictator.<sup>78</sup>
- The U.S. is increasingly engaged in fighting one of the same radical Islamic groups as Assad—the Islamic State of Iraq and the Levant (ISIL). ISIL's success in Iraq has created a problem for Obama. A sense of obligation to aid Iraq, a democratic state established by the U.S. remains, but it has been tempered by domestic concerns regarding the possible return of U.S. ground forces to the country. Obama has taken a middle path, seeking to “degrade and ultimately destroy ISIL” through U.S. air strikes and support to partners on the ground.<sup>79</sup> His initial decision to restrict U.S. ground forces to non-combat missions, however, has limited the nation's ability to clearly assume the mantle of leadership thus far.

Evident in the contrast between his two National Security Strategies, Obama has moved beyond establishing America's credibility to actively asserting its leadership role. While the 2010 NSS spoke of “renewing” and “building a stronger foundation” for leadership, the 2015 document proclaims in bold text that the U.S. will “‘lead with purpose,’ ‘lead with strength,’ ‘lead by example,’ ‘lead with capable partners,’ ‘lead with all the instruments of U.S. power,’ and ‘lead with a long term perspective.’”<sup>80</sup> Words like “essential” and “indispensable” are used to describe American leadership.<sup>81</sup> The 2015 NSS reflects the U.S. as leading through a combination of independent action, regional partnerships, and support for international organizations. Accordingly, the U.S. will promote three of its four enduring interests—security, stability, and economic prosperity—through

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on the Situation in Tunisia,” January 14, 2011, <http://www.presidency.ucsb.edu/ws/?pid=88899> (accessed January 26, 2015).

<sup>77</sup> U.S. law prohibits the provision of funds to a military that overthrows a democratic government. To buy time for resolution the administration avoided using the word “coup.” Michele Kelemen, “Obama Struggles To Find Effective Egypt Policy,” *NPR Online*, August 18, 2013, <http://www.npr.org/2013/08/18/213088735/obama-struggles-to-find-effective-egypt-policy> (accessed January 26, 2015); Barack Obama, “Remarks on the Situation in Egypt,” February 1, 2011, <http://www.presidency.ucsb.edu/ws/?pid=88954> (accessed January 26, 2015).

<sup>78</sup> Kenneth Pollack, “Assessing the Obama Administration's Iraq-Syria Strategy,” *Brookings Online* (September 26, 2014), <http://www.brookings.edu/blogs/markaz/posts/2014/09/26-pollack-assessing-obama-administration-iraq-syria-strategy> (accessed January 26, 2015); Adam Entous, “Inside Obama's Syria Debate,” *Wall Street Journal Online*, March 30, 2013, <http://search.proquest.com/docview/1321561428> (accessed January 26, 2015).

<sup>79</sup> Barack Obama, “Statement by the President on ISIL,” September 10, 2014, <http://www.whitehouse.gov/the-press-office/2014/09/10/statement-president-isil-1> (accessed February 26, 2015).

<sup>80</sup> Barack Obama, *National Security Strategy*, May 2010, 4, 7; Barack Obama, *National Security Strategy* (Washington, DC: The White House, February 2015), 2-4, [http://www.whitehouse.gov/sites/default/files/docs/2015\\_national\\_security\\_strategy.pdf](http://www.whitehouse.gov/sites/default/files/docs/2015_national_security_strategy.pdf) (accessed February 6, 2015). There are thirty-five references to the U.S. assuming an active leadership role in the 37 page document. The word democracy—as something to be promoted, protected, or supported—appears forty-one times.

<sup>81</sup> Barack Obama, *National Security Strategy*, February 2015, Cover Letter.

this hybrid approach.<sup>82</sup> From the perspective of democracy promotion, the NSS reserves only one national interest solely for U.S. action: the promotion of values.<sup>83</sup> President Obama has clearly reclaimed the role of torch bearer.

Another important change in the 2015 NSS is Obama's acknowledgement of American Exceptionalism. Obama was criticized during his first administration for his avoidance of the word "exceptional" when describing America, and on one occasion drew criticism for implying the U.S. was no more exceptional than any other country.<sup>84</sup> Until relatively recently, he seemed to be tacitly agreeing with the political analysts who were asserting the U.S. had entered a "post-exceptionalist era."<sup>85</sup> That attitude is not, however, conveyed in the 2015 NSS. Obama's cover letter to that strategy document ends with the acknowledgement that Americans "embrace our exceptional role and responsibilities at a time when our unique contributions and capabilities are needed most."<sup>86</sup> Obama appears to have reclaimed the duty of bearing the democratic standard as well.

### **Recommendations**

To effectively maintain and advance the systematic promotion of democracy as bearers of the torch, shield, and standard, the U.S. needs to set four basic goals: (1) achieve consistency between values and actions/policies, (2) make clear the connection between the military and U.S. promotion of democracy, (3) advance national commitment to exceptionalism, and (4) promote democratic structures while supporting each culture's unique values and characteristics. To succeed, U.S. presidents first need to demonstrate that core liberal democratic values are a litmus test for policy decisions. Bush 43's initial pursuit of "human dignity" as a non-negotiable basis for policy decisions exemplifies this practice. His actions following the 9/11 attacks, however, undermined the approach by sacrificing core values in pursuit of security interests. Furthermore, the practice of making foreign policy decisions on a case-by-case basis as Clinton did, suggests the need for a consistent values-based standard. Policy decisions should clearly and consistently identify the role that values play in their administration's pursuit of national interests.

Second, U.S. presidents need to clarify the role of military power in the promotion of democracy. A risk associated with the prior recommendation is that it can lead to poor decisions regarding the use of military power unless policy defines the military's role in promoting liberal democratic values. Many post-Cold War foreign policy challenges have involved situations in which U.S. values were infringed, but the appropriateness of military action remained unclear. Assorted global conditions have further complicated the matter by blurring the line between human rights and humanitarian concerns. The U.S. must establish a policy that defines and guides the use of military power when value-related interests are at risk. Doing so will empower military planners and allies while discouraging human rights violations.

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<sup>82</sup> Ibid., Cover Letter, 2,15, 24.

<sup>83</sup> Ibid., 3, 19. The fourth section of the NSS is entitled *Values*.

<sup>84</sup> Kathleen Parker, "President Obama and That 'Exceptional' Thing," *Washington Post Online*, January 30, 2011, <http://www.washingtonpost.com/wp-dyn/content/article/2011/01/28/AR2011012805190.html> (accessed November 10, 2014).

<sup>85</sup> Deudney and Ikenberry, "Democratic Internationalism: An American Grand Strategy for a Post-Exceptionalist Era." See also Andrew J. Bacevich, *The Limits of Power* (New York: Metropolitan Books, 2008); Peter Beinart, "The End of American Exceptionalism," *National Journal Online*, January 30, 2014, <http://www.nationaljournal.com/magazine/the-end-of-american-exceptionalism-20140203> (accessed November 10, 2014).

<sup>86</sup> Barack Obama, *National Security Strategy*, February 2015, Cover Letter.

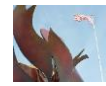
Third, U.S. presidents need to reassert the mantle of American Exceptionalism. President Obama has declared that America is prepared to embrace its “exceptional role and responsibilities.”<sup>87</sup> Presidential leadership should build on that assertion by developing and implementing a communications strategy to publicize that America remains an exceptional nation. Consistently emphasizing the linkage between policies and values would support such a message. Presidents should promote American Exceptionalism as the foundation of a national identity that instills in Americans a unique sense of obligation, optimism, and authority—inspiring the nation to use its unrivaled power in pursuit of a better world for all.

Fourth, U.S. presidents need to continue to distinguish between the promotion of liberal values and the nurturing of democratic institutions. Bush 43’s view that democratic values should be non-negotiable, but that democratic systems should be flexible, has great merit. Efforts that focus on countering corruption, encouraging public participation in governance, and investing in initiatives that provide shared prosperity are essential to building societies that can embrace democratic institutions like representative government and open market economics. Nations and their citizens must themselves do the work of connecting democracy to their own set of unifying values. Establishing democratic structures in the hopes of promoting liberal values has too often produced hollow democracies. A clear vision of both the desired end state and the means of achieving it will remain essential.

The four post-Cold War presidents share three things in common with regard to the promotion of democracy: all embraced it as an American responsibility, spoke of it in idealist terms that envisioned a global community of democracies, and pursued it within a realist decision-making process. Systematic application of these four recommendations will enable President Obama and his successors to more effectively bear the torch, shield, and standard of democracy while enhancing the promotion of democracy as the path to a better world.

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<sup>87</sup> Ibid.



# Public Disclosure Websites and Extremist Threats

Nathan T. Ray

*Public disclosure websites (PDWs) constitute a serious security challenge to the United States and other nations. PDW activists are dedicated to exposing sensitive government and commercial information in the belief that they are acting in the public good. As a result, PDWs have revealed previously hard-to-find, strategic and tactical level information that benefits the resiliency and operations of insurgent, terrorist, and criminal groups. To date, no evidence links PDWs to an attack by a violent nonstate group, but the threat exists and is almost certain to grow as Internet access expands globally. Given the high likelihood that unauthorized disclosures of sensitive information will continue, the U.S. Government should adopt stronger controls to safeguard information, including new legislation to address leaking and a review of information sharing policies and practices. Left unchallenged, PDWs imperil the ability of the United States to protect its citizens, work effectively with allies around the world, and counter violent nonstate groups.*

Keywords: *Internet, Intelligence, Counterintelligence, Information Privacy, Information Piracy*

As he [Mohammed] called me by name to stand, he said, “Go get me information about those people and do not alarm them about me.”

—*Military Studies in the Jihad Against the Tyrants:  
The Al-Qaeda Training Manual*<sup>1</sup>

Dateline April 2011: A group of Libyan fighters, frightened and unsure of their next move, hunkered behind a screen of trees near their hometown of Yefren in the Nafusa Mountains southwest of Tripoli. Nearby, government forces bombarded the town with rockets tipped with high-explosives. If the Libyan fighters attacked, would the rockets be a threat? They needed intelligence. The leader’s cell phone rang. Two Libyan nationals—one in Finland, the other in the United Kingdom—briefed the leader via Skype. The British contact, who had trained on the same rocket launchers during his compulsory military service under the Qaddafi regime, advised that the rockets would overshoot

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Nathan T. Ray (M.S.S. United States Army War College) is affiliated with the Interagency. An earlier version of this article, written under the direction of Dr. Paul R. Kan, earned a prestigious Armed Forces Communications-Electronics Association (AFCEA) Writing Award for the USAWC class of 2015.

<sup>1</sup> Jerrold M. Post, *Military Studies in the Jihad Against the Tyrants: The Al-Qaeda Training Manual* (Maxwell Air Force Base, AL: USAF Counterproliferation Center, n.d.).

them if they attacked. Moreover, Qaddafi's soldiers were likely firing the rockets remotely from a distance using an electric cable. Armed with this intelligence, the Libyan fighters successfully assaulted the batteries.<sup>2</sup>

## The Public Disclosure Website Phenomenon

Communication and information technologies<sup>3</sup> are improving the intelligence gathering capabilities of violent non-state actors—insurgents, terrorists, and crime groups—around the world. These groups use the Internet for propaganda, fundraising, communications, initiating computer network attacks, and intelligence gathering and dissemination.<sup>4</sup> The quality of Internet-based intelligence information is likewise improving. Now, fighters like those in the Nafusa Mountains, can mine the proliferation of government, news, and military-interest websites, gaining immediate tactical advantages and enhancing a group's resiliency against adversarial intelligence and security efforts. Although some information gained may not be "readily actionable," it could prove highly valuable as part of a group's "learn/grow process," thereby informing analysis of adversarial threats and strategic challenges.<sup>5</sup> For nonstate groups who employ technology effectively, the Internet may function as an adjunct case officer, counterintelligence officer, and intelligence analyst.

Public disclosure websites (PDW) increase the Internet's utility in this regard. Dedicated to the proposition that "citizens deserve more access to information that the powers that be hold in secret," sites like WikiLeaks (wikileaks.org) or the Federation of American Scientists' Secrecy Project (fas.org) encourage exposure of sensitive government and commercial information.<sup>6</sup> As a result, PDWs have harmed "governments and corporations in ways that have much more wide-ranging implications than many other global social movements before them, from economic to security threats."<sup>7</sup> Most PDW activists do not espouse violence or crime, but by revealing hard-to-find strategic-level information and analysis, they may provide insurgents, terrorists, and criminals with the intelligence they seek. PDWs are, therefore, a security risk that must be included in any analysis concerned with predicting, preparing for, and subverting violent groups and their initiatives. Failure to understand use/potential use of PDWs or other Internet sources could be devastating. In many

<sup>2</sup> John Pollock, "People Power 2.0: How Civilians Helped Win the Libyan Information War," *Technology Review Online*, May-June 2012, 63-64, <http://www.technologyreview.com/featuredstory/427640/people-power-20/> (accessed November 22, 2014).

<sup>3</sup> Internet users in the developing world accounted for nearly two-thirds of the world's users in 2014. Likewise, 55 percent of the world's 2.3 billion mobile-broadband subscribers lived in the developing world. This trend continues to grow. See, "Internet Well on Way to 3 billion Users, UN Telecom Agency Reports," *M2 PressWire*, May 6, 2014; Cisco, "Cisco Visual Networking Index Predicts Annual Internet Traffic to Grow More Than 20 Percent (Reaching 1.6 Zettabytes) by 2018; More Traffic Will Traverse Global Networks in 2018 Than All Prior 'Internet Years' Combined; Ultra-HD/4K Adoption and M2M Technologies Including Smart Cars Among Key Growth Drivers," June 10, 2014, <http://newsroom.cisco.com/press-release-content?articleId=1426270> (accessed November 22, 2014).

<sup>4</sup> Academic books, chapters, and journal articles on these topics now probably run into the tens of thousands in English alone. See Paul J. Smith, *The Terrorism Ahead: Confronting Transnational Violence in the Twenty-first Century* (Armonk, NY: Sharpe, 2008), 73-75; Gabriel Weimann, *Terror on the Internet: The New Arena, the New Challenges* (Washington, DC: United States Institute of Peace Press, 2006), 111-145, 193-196; Wael Adhami, "The Strategic Importance of the Internet for Armed Insurgent Groups in Modern Warfare," *International Review of the Red Cross* 89, no. 868 (December 2007): 857-878; Steven Metz, "The Internet, New Media, and the Evolution of Insurgency," *Parameters* 42, no. 3 (Autumn 2012): 80-90; Thomas, "Al Qaeda and the Internet," 114, 118.

<sup>5</sup> Christopher M. Ford, "Of Shoes and Sites: Globalization and Insurgency," *Military Review* 87, no. 3 (May-June 2007): 88; Timothy L. Thomas, "Al Qaeda and the Internet: The Danger of 'Cyberplanning,'" *Parameters* 33, no. 1 (Spring 2003): 112-123.

<sup>6</sup> Wendy H. Wong and Peter A. Brown, "E-Bandits in Global Activism: WikiLeaks, Anonymous, and the Politics of No One," *Perspectives on Politics* 11, no. 4 (December 2013): 1018; Joel Brenner, *America the Vulnerable: Inside the New Threat Matrix of Digital Espionage, Crime, and Warfare* (New York: Penguin Press, 2011), 171.

<sup>7</sup> Wong and Brown, "E-Bandits in Global Activism," 1018.

ways, the Internet is a neutral operational environment for non-state actors, who are themselves vulnerable to online surveillance by authorities, as well as suffering from their own paranoia regarding potential surveillance.<sup>8</sup> But regardless of whether or not the Internet is currently “a force multiplier for terrorist organizations,”<sup>9</sup> greater understanding of non-state intelligence practices is crucial to countering extremists.<sup>10</sup>

Non-state groups clearly recognize the value of open-source information available through PDWs and the Internet. Noted for developing cyber-attack tools, the Muslim Hackers Club, for example, included links on its website to PDWs purporting to disclose U.S. Secret Service code names and radio frequencies.<sup>11</sup> Al-Qa’ida, likewise, has long-recognized the importance of publicly-available information, now made easier and safer to find thanks to the Internet. “Using [openly available information] and without resorting to illegal means,” one operations manual instructs, “it is possible to gather at least 80% of information about the enemy. The one gathering information with this public method is not exposed to any danger whatsoever.”<sup>12</sup> Another manual advises fighters to employ a “computer specialist” for intelligence collection, who can “enter and download information as required, whether this be images, video, secret documents, statements, or textual reports.”<sup>13</sup>

Because PDWs offer significant intelligence value to insurgents, terrorists, and criminal organizations, they will increasingly supply extremists with critical intelligence benefitting their operations and potentially providing for their long-term survival. As a result, PDW activism constitutes a serious security challenge. The U.S. Government must, therefore, continue strengthening information assurance controls, re-evaluate “need-to-share” mindsets sanctioned in the wake of the 9/11 attacks, and recognize that PDWs rely on anonymous leakers and self-described whistleblowers like Edward Snowden for site content.

### The Lunev Axiom Re-Validated

Although PDWs are clearly enlarging the pool of operational information and analysis for extremists, the total amount of classified government information continues to grow and vastly outweighs the number of sensitive documents currently available online.<sup>14</sup> In other words, “the [mere] count of leaked [documents] tells us nothing about the significance of a breach.”<sup>15</sup> Yet, the potential *sensitivity* of exposed information must not be overlooked. Even a single improperly disclosed document could wield tremendous damage to national security, depending, of course, on its content, the timing of its release, and the ability of subversive groups to quickly capitalize on the released information.

In March 2010, for example, the U.S. Department of Defense warned that “some 2,000 pages of documents WikiLeaks released on equipment used by coalition forces in Iraq and Afghanistan . . .

<sup>8</sup> Manuel R. Torres-Soriano, “The Vulnerabilities of Online Terrorism,” *Studies in Conflict & Terrorism* 35, no. 4 (2012): 263-277.

<sup>9</sup> David C. Benson, “Why the Internet Is Not Increasing Terrorism,” *Security Studies* 23, no. 2 (2014): 295. Benson reviews al-Qa’ida attacks from 1995-2011, but does not examine the efforts of other groups like Hezbollah.

<sup>10</sup> William Rosenau, “Understanding Insurgent Intelligence Operations,” *Marine Corps University Journal* 2, no. 1 (Spring 2011): 1. See also Blake W. Mobley, *Terrorism and Counterintelligence: How Terrorist Groups Elude Detection* (New York: Columbia University Press, 2012).

<sup>11</sup> Weimann, *Terror on the Internet*, 113.

<sup>12</sup> Post, *Military Studies in the Jihad*, 87-88.

<sup>13</sup> Norman Cigar trans., *Al-Qa’ida’s Doctrine for Insurgency: ‘Abd Al-‘Aziz Al-Muqrin’s A Practical Course for Guerilla War* (Washington, DC: Quicksilver Books, 2009), 122.

<sup>14</sup> Alasdair Roberts, “The WikiLeaks Illusion: WikiLeaks’ Tsunami of Revelations from U.S. Government Sources Last Year Did Not Change the World, but it Did Change WikiLeaks,” *Wilson Quarterly* 35, no. 3 (Summer 2011): 17.

<sup>15</sup> *Ibid.*, 18.



could be used by foreign intelligence services, terrorist groups and others to identify vulnerabilities, plan attacks, and build new [improvised explosive] devices.”<sup>16</sup> The following year, days before the successful U.S. operation against Osama bin Ladin, WikiLeaks published documents indicating Washington was interested in Abbottabad, almost compromising the raid.<sup>17</sup>

PDWs may already be helping to strengthen the long-term resiliency of nonstate groups against military, law enforcement, and intelligence operations. Even before Snowden’s revelations, “Jihadist technology . . . [was] so sophisticated and secretive” that the National Security Agency (NSA) was unable to monitor their communications, despite using collection methods “specifically designed to uncover terrorist plots.”<sup>18</sup> Now, groups like the Islamic State (ISIS) boast about using “Snowden approved” encryption to protect their communications.<sup>19</sup> Nonstate groups may also employ more secure off-the-shelf electronic devices and digital technologies as they become available. Manufacturers and service providers like Apple, Google, Yahoo, and Facebook have scrambled to protect user information in response to the public outcry over Snowden’s revelations.<sup>20</sup>

Such developments highlight the continuing validity of the Lunev Axiom of intelligence. First coined by U.S. intelligence officer James Bruce to describe the negative impact of Cold War-era press leaks on U.S intelligence and military operations/capabilities, the Lunev Axiom states: “classified information disclosed in the press is the effective equivalent of intelligence gathered through foreign espionage.”<sup>21</sup> Bruce based his observation on a comment from former Soviet military intelligence officer Stanislav Lunev who defected to the United States in 1992. “I was amazed—and Moscow was very appreciative—at how many times I found very sensitive information in American newspapers,” Lunev recalled. “In my view, Americans tend to care more about scooping their competition than about national security, which made my job easier.”<sup>22</sup>

According to Bruce, press leaks that reveal U.S. intelligence techniques/operations provide adversaries with an opportunity to develop denial and deception countermeasures that effectively diminish U.S. intelligence collection efforts and effectiveness while raising the prospect that such intelligence collection will be defeated.<sup>23</sup> As electronic technologies become more sophisticated and readily available worldwide, leaked materials are even more easily disseminated/researched electronically allowing for rapid compilation and comprehensive review.<sup>24</sup> Former NSA and Central

<sup>16</sup> Stephanie Strom, “Pentagon Sees a Threat from Online Muckrakers,” *New York Times Online*, March 18, 2010, [http://www.nytimes.com/2010/03/18/us/18wiki.html?ref=us&\\_r=0](http://www.nytimes.com/2010/03/18/us/18wiki.html?ref=us&_r=0) (accessed November 22, 2014).

<sup>17</sup> Eric J. Dahl, “Finding Bin Laden: Lessons for a New American Way of Intelligence,” *Political Science Quarterly* 129, no. 2 (Summer 2014): 195.

<sup>18</sup> Adam Goldman and Lara Jakes, “Encryption Helps Terrorists Evade U.S. Threat that Closed Embassies Was Discussed in Chat Room,” *St. Louis Post-Dispatch*, August 15, 2013. [http://www.lexisnexis.com/hottopics/lnacademic/?shr=t&csi=11810&sr=HLEAD\(%22Encryption%20helps%20terrorists%20evade%20U.S.%20Threat%20that%20closed%20embassies%20was%20discussed%20in%20chat%20room%22\)%20and%20date%20is%202013](http://www.lexisnexis.com/hottopics/lnacademic/?shr=t&csi=11810&sr=HLEAD(%22Encryption%20helps%20terrorists%20evade%20U.S.%20Threat%20that%20closed%20embassies%20was%20discussed%20in%20chat%20room%22)%20and%20date%20is%202013)

<sup>19</sup> Steven Swinford, “Spy Chief: Facebook is Helping Terrorists; Technology Giants are in Denial Over Their Responsibility, Says New Head of GCHQ,” *The Daily Telegraph*, November 4, 2014. [http://www.lexisnexis.com/hottopics/lnacademic/?shr=t&csi=8109&sr=HLEAD\(%22Spy%20chief%20Facebook%20is%20helping%20terrorists%22\)%20and%20date%20is%202014](http://www.lexisnexis.com/hottopics/lnacademic/?shr=t&csi=8109&sr=HLEAD(%22Spy%20chief%20Facebook%20is%20helping%20terrorists%22)%20and%20date%20is%202014).

<sup>20</sup> Ezzeldeen Khalil, “Cloud Cover - Jihadists' Use of Anonymizing Internet Security,” *Jane’s Intelligence Review* 26, no. 3 (February 18, 2014): 2.

<sup>21</sup> James B. Bruce, “How Leaks of Classified Intelligence Help U.S. Adversaries: Implications for Laws and Secrecy,” in *Intelligence and the National Security Strategist: Enduring Issues and Challenges*, ed. Roger Z. George and Robert D. Kline (Washington, DC: National Defense University Press, 2004), 401.

<sup>22</sup> *Ibid.*

<sup>23</sup> *Ibid.*, 399.

<sup>24</sup> *Ibid.*



Intelligence Agency (CIA) Director Michael Hayden echoed this concern in the wake of the 2010 WikiLeaks revelations:

If I had gotten this trove on the Taliban or Al-Qaeda, I would have called this priceless. If I'm head of Russian intelligence, I'm getting my best English speakers and saying, "Read every document, I want you to tell me how good are these guys? What are their approaches, their strengths, their weaknesses and blind spots?"<sup>25</sup>

Nonstate actors almost certainly view sensitive materials published by PDWs as a similar windfall of intelligence resources.

### **Intelligence Agencies of the People**

PDWs expose sensitive government and commercial information under the assumption that ordinary citizens deserve greater access to information held in secret by "the powers that be."<sup>26</sup> The most extreme activists believe that "Information does not just want to be free; it longs to be free. Information expands to fill the available storage space."<sup>27</sup> Virtually all PDWs actively encourage and abet leaking or self-described whistleblowing, as well as declassification of U.S. Government materials through the Freedom of Information Act (FOIA). Activists promote the use of encryption and Internet anonymizing programs (e.g., The Onion Router or Tor), that enable secure Internet browsing and allow users to "to create regions free from the coercive force of the outer state."<sup>28</sup> More practically, these tools allow leakers and whistleblowers to divulge sensitive information anonymously and communicate securely with activists.

Although PDWs are rooted in twentieth century activist journalism and Vietnam-era disclosures (e.g., *The Pentagon Papers* and Philip Agee's disclosures of CIA operations),<sup>29</sup> PDWs are distinguished from their antecedents in several ways. First, as "the intelligence agency of the people,"<sup>30</sup> many engage in Internet-based *sousveillance*—or the "observation from below of more powerful organizations and people."<sup>31</sup> This form of inverse surveillance is practiced by informal networks of citizens seeking to curb perceived excesses by the state.<sup>32</sup> By using cell phones to gather and post video of police and government activities, these groups and individuals alter the public/Internet discourse regarding individual events and the larger issues of which they may be a

<sup>25</sup> Steven Swinford, Michael Smith, and Stephen Grey, "Freedom Fighter or Information Terrorist?" *The Sunday Times*, August 1, 2010, 13.  
[http://www.lexisnexis.com/hottopics/lnacademic/?shr=t&csi=332263&sr=HEADLINE\(%22FREEDOM%20FIGHTER%20OR%20INFORMATION%20TERRORIST?%22\)%20and%20date%20is%202010](http://www.lexisnexis.com/hottopics/lnacademic/?shr=t&csi=332263&sr=HEADLINE(%22FREEDOM%20FIGHTER%20OR%20INFORMATION%20TERRORIST?%22)%20and%20date%20is%202010)

<sup>26</sup> Wong and Brown, "E-Bandits in Global Activism," 1018.

<sup>27</sup> Eric Hughes, "A Cypherpunk's Manifesto," in *Crypto Anarchy, Cyberstates, and Pirate Utopias*, ed. Peter Ludlow (Cambridge, MA: The MIT Press, 2001), 82.

<sup>28</sup> Julian Assange with Jacob Appelbaum, Andy Müller-Maguhn, and Jérémie Zimmermann, *Cypherpunks: Freedom and the Future of the Internet* (New York: OR Books, 2012), 5.

<sup>29</sup> James Jay Carafano, *Wiki at War: Conflict in a Socially Networked World* (College Station: Texas A&M University Press, 2012), 202; Brenner, *America the Vulnerable*, 171; Charlie Beckett and James Hall, *WikiLeaks: News in the Networked Era* (Cambridge, UK: Polity Press, 2012), 156-157; Rahul Sagar, *Secrets and Leaks: The Dilemma of State Secrecy* (Princeton, NJ: Princeton University Press, 2013), 178-179.

<sup>30</sup> Beckett, *WikiLeaks*, 120.

<sup>31</sup> Lee Rainie and Barry Wellman, *Networked: The New Social Operating System* (Cambridge, MA: The MIT Press, 2012), 240.

<sup>32</sup> Jascha Hoffman, "Sousveillance," *New York Times Magazine Online*, December 10, 2006,  
[http://www.nytimes.com/2006/12/10/magazine/10section3b.t-3.html?\\_r=0](http://www.nytimes.com/2006/12/10/magazine/10section3b.t-3.html?_r=0) (accessed November 28, 2014).

part. The WikiLeaks disclosures in 2010 were perhaps “the most controversial and publicized sousveillance” effort to date<sup>33</sup>—at least until Snowden’s revelations.

Second, PDWs are technologically poised to exploit information from unauthorized (e.g., “leaks”) and authorized (e.g., posted online) sources. Such a posture increases the potential “scale and scope” of PDW-enabled disclosures and ensures that improperly disclosed materials will proliferate rapidly over the Internet.<sup>34</sup> Most PDWs encourage whistleblowing and leaking by enabling secure “drop boxes” where individuals can anonymously and securely submit sensitive materials,<sup>35</sup> and by providing free software that protects Internet users from online surveillance. WikiLeaks, for example, pioneered the use of Skype (which scrambles transmissions), Pretty Good Privacy, (a free encryption program), and the Tor browser, (which anonymizes Internet usage by routing activity through a network of approximately 2,000 volunteer computer servers worldwide).<sup>36</sup> Similarly, a rival site, Globaleaks (globaleaks.org), sponsors Tor-based software to create a peer-to-peer “leak amplification network.”<sup>37</sup>

Third, PDWs are an artifact of the Web 2.0 philosophy and culture. As with other Web 2.0 entities (e.g., jihadist websites), PDW users and supporters participate in a virtual community, helping to produce and shape website content, rather than just passively consuming information.<sup>38</sup> This interactive characteristic fosters relationships among online activists. The shadowy hacktivist collective Anonymous, for example, is bound together by shared beliefs regarding online free speech and information freedom.<sup>39</sup> The Web 2.0 ethos also makes Snowden’s leaks a part of the PDW phenomenon. Justifying his actions as sousveillance, Snowden improperly disclosed sensitive U.S. documents. He used the same encryption and anonymizing tools and techniques that PDWs promote, and received legal support from WikiLeaks (at least initially with ongoing publication and distribution of leaked information continuing online).<sup>40</sup>

Finally, PDWs are creating a new “complex media ecology” through relationships with traditional media.<sup>41</sup> Because the sheer volume of leaked materials on sites like WikiLeaks limits the public’s ability to interpret available information, PDWs rely on the gatekeeping and interpretative functions of traditional media to make their disclosures meaningful. In the absence of media interpretation, activist efforts to stoke indignation leading to political reform are rendered mute.<sup>42</sup> In 2010, for example, muted public response to large releases of U.S. military/diplomatic documents prompted WikiLeaks to seek assistance from *The New York Times*, *The Guardian*, and *Der Spiegel* to decipher the exposed content (U.S. military and diplomatic acronyms, classification information,

<sup>33</sup> Rainie and Wellman, *Networked*, 240.

<sup>34</sup> Carafano, *Wiki at War*, 202; Neville Bolt, “The Leak Before the Storm: What WikiLeaks Tells US About Modern Communication,” *The RUSI Journal* 155, no. 4 (August/September 2010): 48.

<sup>35</sup> Rainie and Wellman, *Networked*, 241.

<sup>36</sup> David Leigh and Luke Harding, *WikiLeaks: Inside Julian Assange’s War on Secrecy* (New York: PublicAffairs, 2011), 51-56.

<sup>37</sup> Andy Greenberg, *This Machine Kills Secrets: How Wikileaks, Cypherpunks, and Hacktivists Aim to Free the World’s Information* (New York: Dutton, 2012), 318-319.

<sup>38</sup> Manuel R. Torres-Soriano, “The Hidden Face of Jihadist Internet Forum Management: The Case of Ansar Al Mujahideen,” *Terrorism and Political Violence*, 2014, 1.

<sup>39</sup> Wong and Brown, “E-Bandits in Global Activism,” 1019.

<sup>40</sup> Peter Maass, “Snowden’s People,” *New York Times Magazine*, August 18, 2013, 22-29, 49. <http://search.proquest.com/docview/1428006861?accountid=4444>; Anthony Faiola, “WikiLeaks Aids Snowden on the Run,” *Washington Post*, June 24, 2013, <http://search.proquest.com/docview/1370504061?accountid=4444>; Colin Freeze, “There are so Many Stories Left,” *The Globe and Mail*, October 20, 2014. <http://search.proquest.com/docview/1614723083?accountid=4444>.

<sup>41</sup> Bolt, “The Leak Before the Storm,” 48; Roberts, “The WikiLeaks Illusion,” 18-19; Sagar, *Secrets and Leaks*, 178-179.

<sup>42</sup> Roberts, “The WikiLeaks Illusion,” 18.

and other arcana) and shape it into more accessible stories (with names redacted).<sup>43</sup> PDWs have also forged relationships with traditional media outlets to overcome funding challenges. Most sites rely heavily on donations to provide for operation expenses and to diffuse the possible impact of litigation.<sup>44</sup>

For their part, traditional media outlets have embraced PDWs because PDWs have “dramatically increased the ease with which reporters, editors, and publishers can evade laws or regulations pertaining to the publication of classified information.”<sup>45</sup> Access to leaked information has multiple benefits for established media: providing increased circulation, audience attention, advertising commitments, profits, and cutting edge status. By supplying reporters with both information and sensationalism, PDWs have effectively revitalized the “campaigning reputations” of many well established media outlets, elevated their status for “high-quality journalism” that PDWs lack, and reminded readers “they are still key players in the political game.”<sup>46</sup>

### Secret Desktop Archives

PDWs are digital libraries that provide searchable access to open-endedly archived information. The content of many PDWs grows continually. In 2011, for example, WikiLeaks received sensitive documents “about thirty times a day.”<sup>47</sup> Site content is available indefinitely on the Internet, whether through PDW mirror sites or programs like the “Wayback Machine” (archive.org), which digitally store Internet content.<sup>48</sup> Indeed, many PDWs (including WikiLeaks), use mirror sites to operate despite limited funds and government efforts to shut down or block access to them.<sup>49</sup> These measures help ensure that sensitive information published by a PDW is and will be available to any user for the foreseeable future.

The digital nature of PDWs therefore benefits nonstate groups in several ways. PDWs provide easy access to sensitive information; PDWs help solve information storage and retrieval issues that have traditionally plagued nonstate groups seeking to preserve intelligence information; and PDWs facilitate compartmentalization functions like intelligence gathering and record-keeping. By enabling nonstate groups to preserve these capabilities in case of compromise, valuable information is less likely to be misplaced or captured. As recollected by former Provisional Irish Republican Army (PIRA) operative Brendan Hughes:

In 1987, I came across a dump, a bundle of intelligence reports that had been lying there from 1974, and what had happened was the intelligence officer whose stuff it was was killed and no one knew where he had his stuff hidden. That happens in a guerilla organisation (sic)—a lot of the intelligence is lost like that because you do not have a central control where you can gather and hold intelligence. So, a lot of it is done by word of mouth . . . by memory. A lot of it has gone . . . it's not a great system.<sup>50</sup>

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<sup>43</sup> Ibid., 18-19.

<sup>44</sup> Bolt, “The Leak Before the Storm,” 48-49.

<sup>45</sup> Sagar, *Secrets and Leaks*, 178.

<sup>46</sup> Bolt, “The Leak Before the Storm,” 48.

<sup>47</sup> Brenner, *America the Vulnerable*, 170.

<sup>48</sup> *Wayback Machine Home Page*, [www.archive.org](http://www.archive.org) (accessed November 30, 2014).

<sup>49</sup> Rainie and Wellman, *Networked*, 241.

<sup>50</sup> Gaetano Joe Ilardi, “IRA Operational Intelligence: The Heartbeat of the War,” *Small Wars & Insurgencies* 21, no. 2 (June 2010): 335.

PDWs, in addition to “cloud storage” options, help solve such conundrums. The number of PDWs, however, may challenge the ability of extremists to monitor them. Virtually all PDW activists provide support to those who leak or whistleblow, but they are not uniform in their views regarding unauthorized disclosures. Differences of opinion among PDW activists have led to the creation of multiple sites and have shaped the way site owners release and analyze leaked materials/declassified documents. As a result, the PDW community is dominated by four major types of sites: disruptive, government transparency, media-enabled, and independent.

### Disruptive Sites

Disruptive sites are the most visible and notorious PDWs. Their activists (e.g., Julian Assange, WikiLeaks’ founder and chief spokesperson) are willing to expose all types of sensitive information, regardless of proprietary or intellectual property controls, under the auspices of serving the greater public good.<sup>51</sup> Disruptive PDWs include WikiLeaks—the most prominent PDW to date—and Cryptome (cryptome.org)—a less-well known competitor that has been active since the 1990s and is probably the oldest PDW in operation.<sup>52</sup> The WikiLeaks revelations in 2010 and the resulting publicity spawned a range of lesser known, and as yet less effectual, copycat sites like BalkanLeaks (balkanleaks.eu), OpenLeaks (openleaks.org), and GlobaLeaks, which seeks to help “anyone . . . easily set up and maintain an anonymous whistleblowing platform.”<sup>53</sup>

In addition to the tens of thousands of U.S. military and diplomatic documents revealed by WikiLeaks in 2010, disruptive PDWs have improperly disclosed a range of sensitive government materials. Cryptome, for example, has published “the names of 2,619 CIA sources, 276 British intelligence agents, 600 Japanese intelligence agents,” as well as imagery of sensitive U.S. Government sites.<sup>54</sup> Some disruptive PDWs appear to specialize in certain types of disclosures as with the relatively new site Cryptocomb (cryptocomb.org) which maintains exclusive focus on unmasking alleged CIA officers and covert facilities.<sup>55</sup>

### Government Transparency Sites

Numerous PDWs are dedicated to promoting transparency for the U.S. government. Such sites take a more pragmatic approach to secrecy in government and the private sector than do more extremist disruptive sites.<sup>56</sup> Stephen Aftergood, Director of the Federation of American Scientists’

<sup>51</sup> Carafano, *Wiki at War*, 202-203.

<sup>52</sup> Beckett, *WikiLeaks*, 19.

<sup>53</sup> Ibid., 115-116, 121; Greenberg, *This Machine Kills Secrets*, 229, 318-319; *GlobaLeaks Home Page*, [www.globaleaks.org](http://www.globaleaks.org) (accessed November 22, 2014). Other disruptive PDWs noted by Beckett and Greenberg include: BaltiLeaks, BritiLeaks, BrusselsLeaks, Corporate Leaks, CrowdLeaks, EnviroLeaks, FrenchLeaks, GlobaLeaks, JumboLeaks (a campus watchdog at Tufts University), Indoleaks, IrishLeaks, IsraeliLeaks, JamiiForums, Jumbo Leaks, KHLeaks, LeakyMails, Localeaks, MapleLeaks, MurdochLeaks, Office Leaks, Porn WikiLeaks, PinoyLeaks, PirateLeaks, QuebecLeaks, RuLeaks, ScienceLeaks, ThaiLeaks, TradeLeaks, and UniLeaks. Some sites may no longer be operating.

<sup>54</sup> Greenberg, *This Machine Kills Secrets*, 100-101.

<sup>55</sup> *Cryptocomb Home Page*, [www.cryptocomb.org](http://www.cryptocomb.org) (accessed November 22, 2014).

<sup>56</sup> Russ Kick, “From Their Vaults to Your Desktop,” *The Village Voice*, May 16, 2000, 44-45. <http://search.proquest.com/docview/232268516?accountid=4444>; Laura Gordon-Murnane, “Shhh!: Keeping Current on Government Secrecy,” *Searcher* 14, no. 1 (January 2006): 35-47. Gordon-Murnane offers an extensive list of government transparency sites, including BushSecrecy.org (bushsecrecy.org), Center for Democracy and Technology (cdt.org), Coalition of Journalists for Open Government (cjog.net), Freedom of Information Clearinghouse (citizen.org), MemoryHole (thememoryhole.org), National Security Whistleblowers Coalition (nswbc.org), OMB Watch (ombwatch.org), Project on Government Oversight (pogo.org), OpenTheGovernment.org (openthegovernment.org), Common Cause (commoncause.org), Freedom of Information Center (missouri.edu), FreedomInfo.org (freedominfo.org), Government

Secrecy Project,<sup>57</sup> for example, seeks to “challenge unwarranted secrecy and to promote reform of national security information policy and practice,” but “also believes that some information should be classified.”<sup>58</sup> Aftergood envisions use of the Secrecy Project to strike a “balance between what government should keep classified and what the American public should be able to see.”<sup>59</sup> Likewise, many government transparency activists, such as Daniel Ellsberg (who maintains his own personal website at [ellsberg.net](http://ellsberg.net)), have been engaged in ongoing watchdog efforts for decades and do not share the same zeal as Assange and his cohorts.

The efforts of government transparency sites potentially benefit nonstate actors in several ways. A number are at the forefront of FOIA efforts to declassify government documents, providing both insight about the FOIA process and updates about newly declassified documents, whistleblowing, and leaked information—occasionally several times per week.<sup>60</sup> Some sites also serve as clearinghouses for whistleblowing and whistleblowers, including links to resources to enable the filing of complaints.<sup>61</sup> In addition, some government transparency sites link to or repost leaked information and provide, as does the Secrecy Project, insightful analyses regarding security and intelligence issues.

### Media-Enabled Sites

In the wake of the 2010 WikiLeaks revelations, a handful of traditional media outlets (including *The Wall Street Journal*) created their own leaker sites (e.g., the now defunct *Safehouse*), apparently using the same anonymizing and encryption tools that PDWs employ.<sup>62</sup> Doing so allows traditional outlets more leeway to evaluate leaked information and directly shape any subsequent story related to its release. Until the Snowden revelations in 2013, however, only one of these sites, *Al Jazeera*’s “Transparency Unit,” participated in a noteworthy and large-scale disclosure of sensitive materials. In January 2011, the Transparency Unit released approximately 1,700 files consisting of diplomatic correspondence, memos, e-mails, minutes of private meetings, strategy papers, and PowerPoint slides related to the Israeli-Palestinian peace process from 1999-2010.<sup>63</sup> The leak potentially had greater political impact than the WikiLeaks revelations, though it received far less play in established American media outlets.<sup>64</sup>

### Independent Sites and Blogs

An untold number of individuals with varying political agendas are routinely linking to, reposting, and blogging about sensitive and declassified information available on the Internet. Some individuals reach wide audiences, like security expert Bruce Schneier ([schneier.com](http://schneier.com)) who publishes the popular “Crypto-Gram” monthly e-mail newsletter.<sup>65</sup> Independent sites also may directly receive

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Accountability Program ([whistleblower.org](http://whistleblower.org)), and Judicial Watch ([judicialwatch.org](http://judicialwatch.org)). Many of these sites operate ancillary websites and blogs providing updates about declassified U.S. government materials and whistleblowing-related news.

<sup>57</sup> Recognized as one of the “most important” government watchdog sites.

<sup>58</sup> Gordon-Murnane, “Shhh!!” 38.

<sup>59</sup> *Ibid.*

<sup>60</sup> *Ibid.*, 36-38.

<sup>61</sup> *Ibid.*, 40-41, 43.

<sup>62</sup> Beckett, *WikiLeaks*, 127-128; Sagar, *Secrets and Leaks*, 165.

<sup>63</sup> Beckett, *WikiLeaks*, 127.

<sup>64</sup> *Ibid.*

<sup>65</sup> *Bruce Schneier Home Page*, [www.schneier.com](http://www.schneier.com) (accessed November 22, 2014).

leaked information, as occurred in the case of former Federal Bureau of Investigation (FBI) linguist Shamai Leibowitz, convicted in May 2010 of passing classified materials to a blogger.<sup>66</sup>

### The Heartbeat of the War

PDWs may disclose information that has strategic and tactical benefits for nonstate groups, including efforts to protect communications, undertake surveillance, and target individuals. Violent nonstate actors using PDW supplied information almost certainly have created, and will continue to create, new security challenges for the United States and other countries. Nonstate groups collect intelligence because “chance and uncertainty are anathema” to them. PDWs supply these groups with insights that, when combined with other intelligence, help them to exert more “predictability and control” over operations and their environment.<sup>67</sup> In turn, nonstate groups can better mitigate “unforeseen circumstances” and craft more effective operations and internal processes to increase their chances for success.<sup>68</sup> As Provisional Irish Republican Army operative Brendan Hughes once remarked, “[W]ithout intelligence forget about it . . . Intelligence is the heartbeat of the war.”<sup>69</sup>

#### Strategic-Level Benefits

Nonstate groups are likely to combine sensitive information disclosed by PDWs with data gleaned from government publications, declassified documents, scholarly works, media stories, legal cases, and a group’s own experiences to generate exploitable and decisive insights regarding U.S. and Western military and intelligence capabilities. Document translation is no longer the barrier it once was. With the trend toward digital translation applications and increasing language group interconnectivity, most armed groups can probably easily translate documents and accompanying media stories. Translation assistance may also be received by those foreign students and native-born individuals in the United States and the West who have joined armed groups and/or participate in Internet-based propaganda efforts.<sup>70</sup> Moreover, armed groups—like the Libyan fighters in the opening vignette—may be able to tap growing Internet access to “crowd source” intelligence needs, such as translation, compilation, and analysis of leaked information, using members of diaspora populations and ideological supporters outside war zones.<sup>71</sup>

This potential intelligence capability may provide an armed group with a more comprehensive assessment of adversarial threats, including the capabilities of U.S. and Western military, intelligence, and law enforcement agencies, intelligence gaps, and governmental tensions that hamper responses. At the same time, PDW collections of leaked documents (e.g., Afghanistan and Iraq War materials published by WikiLeaks), have lasting relevancy as documentary resources that help inform a group’s strategic-level thinking and decision making. Such information may become more valuable to nonstate groups in an era of retrenchment for the U.S. and other major western

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<sup>66</sup> Peter Grier, “Soldier Arrested in WikiLeaks Classified Iraq Video Case,” *Christian Science Monitor Online*, June 7, 2010, <http://www.csmonitor.com/USA/Military/2010/0607/Soldier-arrested-in-WikiLeaks-classified-Iraq-video-case> (accessed November 22, 2014); Maria Glod, “Former FBI Employee Sentenced in Classified Leak,” *Washington Post Online*, May 25, 2010, <http://www.washingtonpost.com/wp-dyn/content/article/2010/05/24/AR2010052403795.html> (accessed November 22, 2014).

<sup>67</sup> Ilardi, “IRA Operational Intelligence,” 347; Gaetano Joe Ilardi, “Irish Republican Army Counterintelligence,” *International Journal of Intelligence and Counterintelligence*, 23, no. 1 (2009): 2.

<sup>68</sup> Ilardi, “IRA Operational Intelligence,” 347.

<sup>69</sup> *Ibid.*, 331.

<sup>70</sup> David V. Gioe, “Tinker, Tailor, Leaker, Spy,” *The National Interest*, no. 129 (January/February 2014): 55.

<sup>71</sup> Pollock, “People Power 2.0,” 63-71.



governments. Conventional warfare could soon become a more attractive and viable option for nonstate groups as it has in previous periods of retrenchment and retraction. In the years since 1944, insurgents pursued a conventional strategy in 32 percent of insurgencies since 1944 (or fifty of 156 campaigns).<sup>72</sup> The collapse of Cold War-era power blocs in the 1990s, for example, encouraged 48 percent of rebel groups to use conventional warfare over guerrilla tactics, more than at any other time before or since.<sup>73</sup>

Extremists may indirectly benefit from PDW-based revelations that have a chilling effect on U.S. and Western information-sharing and intelligence collection efforts. PDWs are changing the information landscape in ways that require re-evaluation of best-practices with regard to intelligence gathering, dissemination, storage, and access. In the United States, the issue is best exemplified by the tension between “need to know” and “need to share” national security practices. Both Chelsea Manning<sup>74</sup> and Edward Snowden were able to leak large amounts of sensitive information, in part, due to the current “need-to-share” paradigm among U.S. intelligence and security agencies.<sup>75</sup> In response to Congressional criticism regarding information hoarding and failure to “connect the dots” following the 9/11 attacks, U.S. intelligence and security organizations reversed the venerable counterintelligence principle of “need-to-know” in order to “share information broadly across bureaucratic lines and prepare analysis for the widest possible dissemination in order to prevent intelligence stovepiping.”<sup>76</sup> As a result, Manning and Snowden had access to sensitive information unrelated to their primary responsibilities.<sup>77</sup>

The fallout from Manning’s and Snowden’s unauthorized disclosures has increased the likelihood that foreign intelligence services “may wish to distance themselves from mutually beneficial cooperative partnerships . . . with the U.S. government,” potentially hampering efforts to collect intelligence and quickly respond to armed groups. Germany and the United Kingdom, for example, have already scaled back their intelligence relationships with the United States due to these PDW-related leaks.<sup>78</sup> At a more tactical level, the leaks have probably further complicated the already-nuanced process of U.S. information-gathering and intelligence-collection from human sources. Foreign diplomats and government officials “will think twice about sharing frank thoughts with their U.S. counterparts if they think what they say will be online tomorrow.” Current and future human intelligence sources—particularly those at risk to harm if exposed—will, likewise, need constant reassurance that the information they provide “won’t endanger them in the next tranche of leaked information.”<sup>79</sup>

### Communications Security

Snowden’s disclosures signaled to nonstate groups that PDWs are a potential goldmine of information regarding U.S. intelligence collection. Armed groups seek to protect communications against adversarial collection to ensure operational success and maintain internal cohesion—

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<sup>72</sup> Seth G. Jones and Patrick B. Johnston, “The Future of Insurgency,” *Studies in Conflict & Terrorism* 36, no. 1 (2013): 6.

<sup>73</sup> *Ibid.*

<sup>74</sup> The source of the WikiLeaks disclosures.

<sup>75</sup> Gioe, “Tinker, Tailor, Leaker, Spy,” 51.

<sup>76</sup> *Ibid.*

<sup>77</sup> *Ibid.*

<sup>78</sup> *Ibid.*, 55-56.

<sup>79</sup> *Ibid.*, 53-55.

increasing a group's chances of long-term survival. Al-Qa'ida operational doctrine warns fighters that the:

biggest thing that destroys organizations is the issue of communications (wire, wireless, direct, indirect). Therefore, one must pay attention to this problem and plan for this, keeping up with technological developments related to the means of communication.<sup>80</sup>

PDWs, like the one compiling and explaining the technical collection tools and programs exposed by Snowden (Bruce Schneier's personal website), contribute instrumentally to these efforts.<sup>81</sup> Former NSA officials indicate ISIS has exploited Snowden's disclosures—including a leaked NSA report detailing how it electronically surveilled former bin Ladin confidant Hassan Ghul prior to his 2012 death—to learn “what types of communication to avoid or how to make them more secure.”<sup>82</sup> The U.S. should increase its efforts to do the same.

### Targeting Individuals

PDWs are potentially a significant source of identity information that could be used to harm U.S. and Western military, diplomatic, and intelligence personnel. Cryptocomb's efforts to profile alleged CIA personnel are especially problematic. Site sponsors have compiled extensive dossiers on some individuals, including photographs, addresses, maps and street-level views of residences, past job titles, information about family members, and other personal details.<sup>83</sup> Though no evidence exists that Cryptocomb actively supports violent groups, the site nonetheless presents the type of intelligence that extremists use to plan assassinations. Al-Qa'ida operational doctrine specifies that to pinpoint a target, groups must collect:

A. Personal information: his name, age, his photograph, his home address, his car (the make, color, license plate number, model), his daily routine . . . his weekly routine, where he spends his vacations . . .

C. Information about the house and its site (the exact address, the part of town, the block where the house is, the house or the building itself, the floor, the apartment, the room).<sup>84</sup>

Extremists may not yet have used Cryptocomb's (or any other PDW's) information to attack an official, but this risk is not without precedent. In 1975, Greek terrorists assassinated Richard Welch, the CIA Station Chief in Athens, Greece, after the Greek press published both his name (initially exposed in *Counter Spy*, a left-wing U.S. magazine) and address.<sup>85</sup> Should extremists wish to target

<sup>80</sup> Cigar, *Al-Qa'ida's Doctrine for Insurgency*, 123.

<sup>81</sup> Bruce Schneier Home Page, [www.schneier.com](http://www.schneier.com) (accessed November 22, 2014).

<sup>82</sup> Rowan Scarborough, “Islamic State Using Leaked Snowden Info to Evade U.S. Intelligence: Disclosures From Classified Documents Help Terrorist Group's Militants Avoid Detection,” *Washington Times Online*, September 4, 2014, <http://www.washingtontimes.com/news/2014/sep/4/islamic-state-using-edward-snowden-leaks-to-evade-/?page=all#pagebreak> (accessed September 4, 2014).

<sup>83</sup> *Cryptocomb Home Page*.

<sup>84</sup> Cigar, *Al-Qa'ida's Doctrine for Insurgency*, 142-143.

<sup>85</sup> John Crewdson, “The Murder That Sparked Identities Protection Act,” *Chicago Tribune Online*, March 12, 2006, [http://articles.chicagotribune.com/2006-03-12/news/0603120383\\_1\\_spy-then-cia-director-william-colby-intelligence-identities-protection-act](http://articles.chicagotribune.com/2006-03-12/news/0603120383_1_spy-then-cia-director-william-colby-intelligence-identities-protection-act) (accessed December 1, 2014); Mark Landler, “Greek Court Convicts 15 in 27-Year-Old Terror Group,” *New York Times Online*, December 9, 2003, <http://www.nytimes.com/2003/12/09/world/greek-court-convicts-15-in-27-year-old-terror-group.html> (accessed December 1, 2014); David Wise, “The Cold War is Over, but for Spies the Risk of Death Remains the Same CIA: Freddie Woodruff, Slain on a Mission to Help an Old U.S. Ally in the Former Soviet Union, Was the 57th Agent to Die. An Unusual Trip by our Top Spy,” *Los Angeles Times*, August 15, 1993, <http://search.proquest.com/docview/281978836?accountid=4444>.



the individuals on Cryptocomb, the site provides helpful information for that as well. Sadly, these individuals, whether accurately identified or not, likely remain at risk for harassment or violence because Cryptocomb's information cannot be wholly expunged from the Internet, even were the site to remove its dossiers.

Similarly, extremists might identify spies and informants within a group by gleaning clues from leaked documents. After the WikiLeaks 2010 revelations, for example, a Taliban spokesman warned, "We will investigate through our own secret service whether the people mentioned [in Afghanistan-related documents] are really spies working for the U.S. If they are U.S. spies, then we know how to punish them."<sup>86</sup> Subsequently, the group claimed to have uncovered and executed a spy in Kandahar on the basis of information provided by WikiLeaks, although this claim has been disputed.<sup>87</sup> Whether other armed groups have undertaken similar investigations and reprisals remains unclear.

### Adjunct Surveillance

Sensitive government information disclosed by PDWs also potentially benefits extremist operational planning, particularly during the initial stages. Armed groups are increasingly using the Internet to gather open-source intelligence on targets. The Internet provides a cyberspace equivalent for discreet surveillance and a forum in which to communicate findings.<sup>88</sup> Easily-searched PDW collections of leaked and declassified government documents, maps and images of sensitive sites (including satellite imagery, and other materials) provide extremists with potentially operational seed material. In December 2010, WikiLeaks, for example, made a significant disclosure in this regard after publishing a classified U.S. State Department "list of worldwide critical infrastructure," which included hydroelectric sites, pharmaceutical plants, and undersea cable locations.<sup>89</sup> Some sites were probably already known, but publication of the list provided greater insight into U.S. strategic concerns, as well as potentially identifying locations that may not have previously attracted attention.

## Recommendations

The volume of sensitive information for homeland security purposes continues to increase and more and more government data are stored electronically. Two high-profile leaks of sensitive U.S. government information in three years suggest that additional unauthorized disclosures are probable.<sup>90</sup> Facilitated by innovations in encryption and anonymizing software, energized activists utilizing PDW information<sup>91</sup> may very "well make the first half of the twenty-first century the age of the whistleblower."<sup>92</sup> Unfortunately, not all whistleblowers have the best interests of the United States at heart, and even those who do may mistakenly disclose information with devastating consequences. Although uniformly implementing stronger information controls to mitigate leaks will be a challenge, initiatives are underway.<sup>93</sup> Further options that warrant attention include:

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<sup>86</sup> Swinford, Smith, and Grey, "Freedom Fighter or Information Terrorist?" 13.

<sup>87</sup> Gioe, "Tinker, Tailor, Leaker, Spy," 55.

<sup>88</sup> Kevin A. O'Brien, "Assessing Hostile Reconnaissance and Terrorist Intelligence Activities: The Case for a Counter Strategy," *The RUSI Journal* 153, no. 5 (October 2008): 35.

<sup>89</sup> Brenner, *America the Vulnerable*, 174.

<sup>90</sup> Carafano, *Wiki at War*, 202.

<sup>91</sup> Greenberg, *This Machine Kills Secrets*, 316; Swinford, "Spy Chief."

<sup>92</sup> Carafano, *Wiki at War*, 202.

<sup>93</sup> See James B. Bruce and W. George Jameson, *Fixing Leaks: Assessing the Department of Defense's Approach to Preventing and Deterring Unauthorized Disclosures* (Santa Monica, CA: The RAND Corporation, 2013). Bruce and

- **Seeking comprehensive legislation regarding leaks.** A recent RAND study notes that U.S. legislators and officials are now more open to reforming U.S. statutes regarding information leaks and espionage.<sup>94</sup> Accordingly, U.S. national security agencies should work with Congress and the White House to craft “new provisions distinct from the espionage laws” for those who engage in unauthorized disclosures. “Carefully tailored” civil sanctions should also be levied regarding the publication of classified information “with gross negligence or reckless disregard” for national security.<sup>95</sup>
- **Emphasizing “need for mission” over “need to share.”** Government personnel should have access to all mission-specific information—but no more. Chelsea Manning, for example, should have been able to access only Iraq-related State Department documents, not the entire database. Likewise, access to sensitive information should be rescinded, as appropriate, once personnel move to a new account or mission.
- **Encryption enhancement.** U.S. Government computer systems, including unclassified systems, should employ multiple layers of encryption to protect data.<sup>96</sup> If improperly removed, materials would be unreadable without decryption, thus delaying, if not completely neutralizing, the potential impact of a leak.
- **Increasing technology utilization and personnel activation.** U.S. Government agencies should leverage all computer technologies and enhance personnel education about data leaks, flagging suspicious computer-related activities, and investigating leaks as they occur. Tools are available and can be readily adapted for incorporation into new systems (e.g., the Joint Information Environment) before these systems are fielded.<sup>97</sup>

As Internet access expands and improperly disclosed materials become more readily available via PDWs, the likelihood that such information will be used for extremist ends increases. From the Nafusa Mountains to Washington, D.C., electronic sharing of information has not only changed the way people communicate, but the way they think about, utilize, and share information. Public disclosure websites amplify information sharing beyond measure, calling forth the need for governments to change the way they think about, utilize, and share information. To survive the cutting edge, the United States must develop a comprehensive, systematic approach to information as a tactical and strategic commodity and to the threat posed by public disclosure websites and their descendants.

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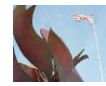
Jameson provide an unclassified review and further recommendations for the Office of the Secretary of Defense regarding the implementation of its anti-leak efforts enacted in the wake of Manning’s and Snowden’s leaks.

<sup>94</sup> Ibid., 34.

<sup>95</sup> Ibid.

<sup>96</sup> Ibid., 33.

<sup>97</sup> Ibid., 33-34.



# The Ideological and Political Power of the Islamic State

David M. Kobs

On June 29, 2014, with the release of “This Is the Promise of Allah,” Abu Mohammed al-Adnani, spokesman of the Islamic State of Iraq and as-Sham (ISIS), announced an Islamic Caliphate with Abu Bakr al-Baghdadi as the Caliph of all Muslims, and changed the name ISIS to the Islamic State.<sup>1</sup> That summer, Iraq’s army collapsed. The insurgent army of ISIS advanced into Mosul and central Iraq, virtually erasing four divisions of Iraqi troops and massacring at least 750 prisoners.<sup>2</sup> In less than 90 days, ISIS had succeeded in accumulating the largest treasury of any terrorist group, controlling a population of 5,000,000 in an area of Iraq and Syria equal in size to Jordan,<sup>3</sup> and demonstrating the capability to place an army of 20,000 to 30,000 in the field.<sup>4</sup> Public outcry from regional and western nations continues to call for military intervention by means of bombing or, if necessary, “boots on the ground.” Yet, military intervention cannot be successful absent a larger campaign to address both the root causes that prompted the rise of ISIS and the underlying sources of power that sustain it.

That larger campaign must begin with an assessment of the unique combination of ideology and political power at the core of ISIS.<sup>5</sup> Applying Michael Mann’s framework for evaluating the relative power of states along military, economic, political, and ideological dimensions provides a more comprehensive understanding of ISIS and its uses of power to control a population. Mann’s

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*David M. Kobs (M.A. University of Texas) is a Colonel in the United States Army. An earlier version of this article was written under the direction of Dr. Lenny Wong while the author was a United States Army War College Fellow at Tufts University, 2015.*

<sup>1</sup>This paper uses the abbreviation ISIS when referring to the Islamic State to maintain consistency with the most commonly used academic and journalistic practices. The Arabic name “Dowlat Islamia fi al-Iraq wa as-Sham” can be translated as the Islamic State of Iraq and the Levant or the Islamic State of Iraq and Syria. The organization shortened its name to the Islamic State on June 29, 2014. Other common abbreviations include IS, ISIL or “Daesh” (Arabic). See also Abu Mohammed Al-Adnani, “This Is the Promise of Allah - the Proclamation of the Islamic Caliphate,” [http://myreader.toile-libre.org/uploads/My\\_53b039foocb03.pdf](http://myreader.toile-libre.org/uploads/My_53b039foocb03.pdf). (accessed October 25, 2014).

<sup>2</sup> “Iraq: Islamic State Executions in Tikrit,” *Human Rights Watch*, September 2, 2014 <http://www.hrw.org/news/2014/09/02/iraq-islamic-state-executions-tikrit> (accessed October 9, 2014).

<sup>3</sup> Faysal Itani, “State Building - The Islamic State’s Trajectory in Iraq,” *Jane’s Islamic Affairs Analyst*, 14, no. 8 (2014): 1.

<sup>4</sup> Jim Sciutto, Jamie Crawford, and Chelsea Carter, “ISIS Can ‘Muster’ between 20,000 and 31,500 Fighters, CIA Says,” *CNN*, September 12, 2014, <http://www.cnn.com/2014/09/11/world/meast/isis-syria-iraq/> (accessed October 16, 2014)..

<sup>5</sup> For an example of this model applied to the al-Qaeda network see: David M. Kobs, “Terrorist Support of the State: The Al-Qaeda Network and Failed States” (master’s thesis, University of Texas, 2005).

definition of states as “multiple overlapping and intersecting sociospatial networks of power”<sup>6</sup> allows for a wider application of his ideas to non-traditional states and groups of nonstate actors. Mann’s key measures for defining state power include how extensive it is (i.e., ability to control from a distance), how intensive (levels of individual commitment), authoritative (conscious obedience), diffuse (spontaneous obedience), despotic (leader forces activity) and infrastructural (ability of the state to penetrate society).<sup>7</sup> Within Mann’s structure, ISIS is best understood as a power network in contention with other networks for control of a population in both physical and virtual space. The success of ISIS in controlling physical territory results directly from its greater relative strength in both spaces as compared to the other networks in contention (e.g., Syria, Iraq, Kurds, other Syrian resistance groups, al-Qaeda, and the U.S. led coalition).

ISIS adheres to a belief in a perfect Islamic “golden age” that blends the political and religious spheres under a Caliph,<sup>8</sup> thereby increasing the importance of ideological power. This ideology reinforces political power to control three separate populations: (1) true believers who form the central cadre of ISIS members, (2) subject populations who live in ISIS controlled territory and are thus forced to comply with ISIS dictates (although they may not be actively supportive of ISIS), and (3) ISIS sympathizers who are inclined to support the Caliphate from within their dispersed resident communities.

ISIS draws most of its power from its ideology. Abu Bakr al-Baghdadi declared himself Caliph which, if legitimate, would accord him both religious and civil power over Muslims worldwide. As a lineal descendent of al-Qaeda,<sup>9</sup> ISIS uses much of al-Qaeda’s theology to justify its actions. Islamic scholars characterize this doctrine as either takfiri or khuwariji. ISIS supporters consider their interpretation of Islam as the only true one, declaring that any Muslim who does not agree is an apostate or heretic. Heretics must be converted or killed.<sup>10</sup> Ideology of this ilk makes tolerance and reason difficult. Those who resist, counter, debate or reject the perfect theology of ISIS are considered apostate regardless of religious credentials.<sup>11</sup> The belief system is complete and closed.

ISIS competes against other radical Islamic and terrorist organizations for supporters throughout the global community. Since its earliest incarnation as al-Qaeda in Iraq, ISIS has prioritized allotting resources to its media wing in order to build domestic and international support.

<sup>6</sup> Michael Mann, *The Sources of Social Power: Volume I - A History of Power from the Beginning to A.D. 1760* (New York: Cambridge University Press, 1986), 1.

<sup>7</sup> Michael Mann, *The Sources of State Power: Volume II - The Rise of Classes and Nation-states, 1760-1914* (New York: Cambridge University Press, 1993), 6-59. Mann uses eight descriptors to characterize state power: distributive vs. collective, extensive vs. intensive, authoritative vs. diffused, and despotic vs. infrastructural. Distributive power is zero sum while collective power can be strengthened by two parties working together against a third. Extensive power is the state’s ability to control activities over long distances. Intensive power is the level of commitment individuals have to their work. Authoritative power is conscious obedience to directed commands and diffused power is unconscious and spontaneous obedience; these may coexist but one will dominate. Despotic power is the ability of the leader to force obedience. Infrastructural power refers to the state’s ability to logistically implement decisions throughout its territory. ISIS has strong despotic, authoritative, and distributive tendencies; extensive and intensive power are weak among the general populace but strong among core members.

<sup>8</sup> Mohammed Ayoob, *The Many Faces of Political Islam* (Ann Arbor: University of Michigan Press, 2008).

<sup>9</sup> ISIS evolved over time from Abu Mussab al Zarqawi’s *Jamaat al Tawheed wa al Jihad* (Group for Monotheism and Jihad) formed in Jordan in 1999. Zarqawi moved his organization to Iraq following the 2003 U.S. invasion, petitioned to join al-Qaeda, and the group became *Tanzim Qadaat al Jihad fi Balad al Rafidayn* (Al Qaeda in the Land of the Two Rivers or Al Qaeda in Iraq). The group renamed itself *Dowlat Islamia fi Balad al Rafidayn* (The Islamic State in the Land of the Two Rivers or The Islamic State of Iraq commonly abbreviated as ISI) in 2006. Despite years of operations on both sides of the Iraq-Syria border and active participation in the Syrian civil war since 2012, it did not add Syria to its title – *Dowlat Islamia fi al-Iraq wa as-Sham* (Islamic State of Iraq and the Levant or Islamic State of Iraq and Syria) until 2013. The final name change to *Dowlat Islamia* (Islamic State) occurred in 2014.

<sup>10</sup> Nazih Ayubi, *Political Islam: Religion and Politics in the Arab World* (New York: Routledge, 1991), 63, 125-126.

<sup>11</sup> Al-Adnani, “This Is the Promise of Allah,” 9-10.

They easily transmit ideological doctrine through social and physical networks<sup>12</sup> across the global community, thus wooing recruits, garnering supporters, and reinforcing the true believers. While a handful of jihadist groups have pledged fealty to ISIS, mainstream al-Qaeda branches remain loyal to the al-Qaeda hierarchy.<sup>13</sup> As al-Baghdadi indicated in his call for doctors and engineers to migrate to the Islamic State and join the fight,<sup>14</sup> attracting foreigners is a top priority for ISIS. Maintaining expatriate support is also crucial. Key expectations of expatriate supporters include: financing the cause, acting unilaterally in “lone wolf” operations, and creating loyalist groups in their homelands.

Though ideologically strong, ISIS is not invincible. Political power is the weakest element of ISIS’ authority. Although the organization appears to be more interested in governing its territory than were earlier groups (e.g., the Taliban), governance, per se, is not its strength. In the absence of true political power, ISIS relies extensively on force and the threat of force to coerce adherence and obedience.<sup>15</sup> ISIS has been reasonably successful, however, in responding to a political need among a sizeable population segment:<sup>16</sup> the Sunni populations severely repressed in/by Iraq and Syria. Seizing this opportunity helps ISIS to construct transactional alliances, further strengthening its political influence with former Baathists, other rebel groups, criminal networks, and oppressed Sunni tribesmen.

ISIS adroitly ties ideology to political power by declaring that the only true source of law is Divine. Because, as Sayyid Qutub declared, people “should not decide any affair on their own, but must refer to God’s injunctions concerning it and follow them,”<sup>17</sup> ISIS depends upon a religious ideology that dictates all aspects of public and personal life. That ideology is transferred politically to ISIS as the (self-declared) Divine authority on Earth. ISIS, then, is responsible for enforcing God’s injunctions. In “This is the Promise of Allah,” ISIS makes clear the connection between religious ideology and political power, stating that because ISIS performs political functions—appointing governors and judges, making tax collections, and implementing a legal system—ISIS therefore constitutes the Caliphate.<sup>18</sup> Thus ISIS has established a system in which ISIS members voluntarily obey political expectations and enforce prescribed directives on the subject population under the auspices of the perceived unity of Allah and ISIS. Although the rule is frequently brutal, political services are provided within well-defined rules. The success with which ISIS has blended ideological and political authority has accorded ISIS the ability to act with strong intensive, extensive, and diffused power. ISIS members and supporters follow guidance from the central authority over long distances, are personally devoted to the cause, and act spontaneously in accordance with prescribed guidelines. For the most part, however, the subject populations under ISIS are not ideologically motivated. Those subjected to ISIS’ rule by virtue of geography generally obey (to the extent they must) out of fear. This generates low infrastructural power so ISIS finds implementing decisions difficult except in areas where increased presence forces compliance.

<sup>12</sup> Michael Mann, “The Sources of Social Power Revisited: A Response to Criticism,” in *An Anatomy of Power: The Social Theory of Michael Mann*, ed. John A. Hall and Ralph Schroeder (Cambridge, UK: Cambridge University Press, 2005), 385-386.

<sup>13</sup> Khalil, “Caliphate Question”

<sup>14</sup> John Hall, “ISIS Leader Calls on ‘Every Muslim’ to go to the Territory his Group has Seized and Build an ‘Islamic State,’” *Daily Mail Online*, last modified 2 July 2014, accessed 25 October 2014, <http://www.dailymail.co.uk/news/article-2676347/ISIS-leader-calls-Muslim-territory-group-seized-build-Islamic-state.html> (accessed 25 October 2014).

<sup>15</sup> Itani, “State Building,” 5-6.

<sup>16</sup> Mitchell Prothero, “Islamic State Ascendant - Iraq Struggles to Tackle the Proto-Caliphate,” *Jane Terrorism and Security Monitor*, 2014, <https://janes-ihs-com.ezproxy.library.tufts.edu/CustomPages/Janes/DisplayPage.aspx?DocType=News&ItemId=+++1719186&Pubabbrev=JTSM> (accessed 29 September 2014).

<sup>17</sup> Sayyid Qutb, *Milestones*, (San Vendemiano, ITA: Reproduced by SIME ePublishing, 2005), 26-27, See <http://majalla.org/books/2005/qutb-nilestone.pdf>.

<sup>18</sup> Al-Adnani, “This Is the Promise of Allah,” 4-5.

In comparison, the governments of Iraq and Syria have extremely low ratings in all dimensions of power within the space controlled by ISIS. Years of persecution have resulted in Iraq and Syria projecting power primarily via authoritative and despotic means. Actions do not occur without the presence of state security forces. Kurdish regions of both states, however, have strong social power based on their homogeneous populations and long tradition of resisting government authority and social pressure. The Kurds—ranking high on both intensive and diffused power—are individually committed to defending their region and therefore act independently to protect it. Historically speaking, although Kurdish forces have suffered defeats, they have not acquiesced nor have they suffered a complete rout as that which befell Iraqi forces; Kurdish will to resist remains steadfast.

ISIS, then, cannot be defeated solely on military terms. The limited success of military operations to date serves as a case-in-point. In June 2014, the U.S. and its allies launched Operation Inherent Resolve as part of an overarching strategy to combat ISIS. The campaign targets ISIS in Iraq and Syria while simultaneously increasing military assistance to the Iraqi Military and Kurdish Peshmerga. As a result, the front line forces of the Iraqi Army and Kurdish defense forces have been bolstered, but no amount of bombing short of complete annihilation can defeat an ideology.

The primary focus of the anti-ISIS coalition, then, must be countering the political and ideological tenants that seemingly empower ISIS. The military elements of national power, meanwhile, can help buy time for political reform and ideological change. Importantly, non-Muslim states, including the U.S. must avoid any overt appearance or actual entry into the ideological debate. Arguments that counter the takfiri message will only resonate with true believers and followers if those arguments are advanced by Muslim scholars and spiritual leaders. Spiritual authorities in Saudi Arabia, Jordan, and Egypt may be best positioned to successfully engage ISIS in the ideological sphere. Senior religious leaders have started to publish anti-ISIS messages in an effort to counter the takfiri monologue. Two of the most important are a fatwa by Saudi Arabia's Grand Mufti which states "extremism, radicalism and terrorism do not belong to Islam in any way,"<sup>19</sup> and an open letter to al-Baghdadi signed by over 100 religious scholars that systematically debunks the theology and actions of ISIS point by point.<sup>20</sup> Although such arguments are unlikely to sway core members of ISIS, they are likely to impact global fund raising and recruiting efforts by diverting some ISIS supporters away from the cause. Arab states need to create or strengthen existing counter radicalization programs, to include education (to counter blind adherence to takfiri ideologies) and rehabilitation programs for former fighters. Fighters who feel they must choose between victory and death are likely to remain on the battlefield. Those with perceived options may choose a different path. Rehabilitation programs can facilitate both reconciliation and reintegration into civil society.

Additionally, institutions must be built to counter ISIS' strength in the political arena. Creating and sustaining such institutions in Syria is impossible at this time due to the ongoing civil war, but is more feasible in Iraq. Iraqi political reforms which stress inclusiveness rather than Shi'a supremacy are essential to addressing Sunni grievances. Unless Iraq's government provides for greater political inclusion, Sunni resistance and general unrest and disorder will continue. Similar inclusive changes are warranted in the nations from which ISIS draws foreign fighters. Lack of opportunity combined with social exclusion are powerful forces driving individuals towards radicalism and potential violence.

Without significant political reforms, a military victory over ISIS would be transitory at best. New groups will continue to surface as long as the overall situation remains unchanged. ISIS and

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<sup>19</sup> "Saudi Grand Mufti Denounces ISIS and Al-Qaeda," August 19, 2014 [http://saudiembassy.net/latest\\_news/news08191401.aspx](http://saudiembassy.net/latest_news/news08191401.aspx) (accessed October 16, 2014).

<sup>20</sup> "Open Letter to Dr. Ibrahim Awwad Al-Badri, Alias 'Abu Bakr Al Baghdadi,' and to the Fighters and Followers of the Self-Declared 'Islamic State'" accessed October 10, 2014, <http://lettertobaghdadi.com/> (accessed October 10, 2014).

similar groups must be defeated by advancing strong arguments that counter their ideology and by much greater socio-political inclusion for young Muslims. The struggle will be won online—not on the ground, by nurturing hearts and minds—not bombing weapons stockpiles, through proactive leadership by Islamic leaders capable of impacting Muslim people worldwide—not high power military force delivered by Western agents in the deserts of Iraq and Syria.



# Negotiating with Terrorists: The Way Forward

Craig Simonsgaard

The United States policy of not negotiating with terrorists fails to serve American security interests. By refusing to negotiate, the U.S. effectively seals the fate of both hostage(s) and terrorist(s), prevents all possibility of finding a diplomatic solution, denies the U.S. an opportunity to gather information via negotiation, and, in essence, serves to justify terrorist executions for both terrorists and their supporters. Denying even the possibility of negotiation not only serves terrorist ends by making their actions appear all the more just in the face of U.S. absolutism, but it also unnecessarily and severely limits U.S. options. In short, the U.S. should end its absolutist no-negotiation policy and be open to negotiating with terrorists when doing so would benefit U.S. interests.

The no-negotiation policy exists for a variety of understandable reasons. Perhaps the most common and compelling rationale mirrors that advanced by Senator Ted Cruz (R-TX) in the context of the Sergeant Bergdahl trade. Cruz emphasized that the reason the U.S. does not negotiate with terrorists is “because once you start doing it, every other terrorist has an incentive to capture more soldiers.”<sup>1</sup> Supporters of the no-negotiation policy further fear that negotiating with terrorists can lead to concessions that, although seemingly small to U.S. negotiators, will encourage terrorists to believe that they are being effective and should therefore press-on to gain future concessions.<sup>2</sup> Because terrorists do not pose an existential threat to U.S. national security, they warrant neither the respect nor the commitment of resources necessary for negotiation. Acknowledging even the possibility of negotiation is abhorrent, therefore, because it could yield unexpected rewards for terrorist behavior, suggest that the terrorist and terrorist demands are attention worthy, and imply that the terrorist situation is a credible threat to the continued existence of the United States. These fears constitute the three most common arguments in support of the no negotiation policy. Neumann summed the policy nicely when stating:

Democracies must never give in to violence, and terrorists must never be rewarded for using it. Negotiations give legitimacy to terrorists and their methods and undermine actors who have pursued political change through peaceful means. Talks can destabilize the

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*Craig Simonsgaard (B.A. Arizona State University) is a Colonel in the United States Army. An earlier version of this article was written under the direction of Colonel Martin C. Clausen while the author was a United States Army War College Fellow at the University of Denver, 2015.*

<sup>1</sup> Senator Ted Cruz, "This Week' Transcript: Ambassador Susan Rice and Sen. Ted Cruz," *ABC News*, June 1, 2014, <http://abcnews.go.com/ThisWeek/week-transcript-ambassador-susan-rice-sen-ted-cruz/story?id=23942676&singlePage=true> (accessed October 13, 2014).

<sup>2</sup> Robert A. Pape, "The Strategic Logic of Suicide Terrorism," *American Political Science Review* 97, no. 3 (2003): 356.



negotiating governments' political system, undercut international efforts to outlaw terrorism, and set a dangerous precedent.<sup>3</sup>

Eloquence and passion aside, each of these arguments misses the point.

Under certain circumstances, negotiating with violent non-state actors is appropriate even when it could be construed as rewarding terrorist behavior. The release of U.S. POWs, for example, requires negotiation<sup>4</sup> and is worthy of the effort. In addition, not all actions that may appear “rewarding” do, in fact, carry rewards. U.S. Soldiers, for example, understand the potential consequence of being captured by Taliban or Al-Qaeda forces (likely beheading) and go to great lengths to avoid that scenario.<sup>5</sup> As Harris notes: “the Islamic State . . . lately seems to be far more interested in butchering Americans than in taking money to set them free.”<sup>6</sup> Senator Cruz’s argument, therefore, that negotiating for a U.S. POW would only incentivize terrorist hostage taking is incorrect. If terrorists could capture more U.S. forces they would—regardless of whether or not they could negotiate a concession or settlement of some kind. No reward is necessary to encourage soldier capture, just as no reward is possible to force terrorist organizations to play by democratic rules.<sup>7</sup> Terrorist groups of the 21<sup>st</sup> century represent a serious threat to the long term social, political, and economic stability of governments and communities across the globe. Many terrorist organizations are credible adversaries with whom a measure of dialogue can, at worst, be informative. Successful negotiation does not require shared democratic values. The United States, for example, has negotiated formally and informally with the Soviets, the Cubans, and the North Vietnamese; none of them were playing by democratic rules and all of them used force (or the threat of force) in an effort to gain political advantage.

The lethality, size, international reach, information operations, and economic consequences of modern terrorist organizations are substantial. Thus, concern over granting legitimacy to terrorist groups is misplaced: They already have real power and are causing real problems for legitimate governments. An organization that can orchestrate killing approximately 3,000 people in one morning, for example, is an organization with sufficient agency that labels of “legitimate” are irrelevant. Terrorists have become players on the international scene and can no longer be ignored and diplomatically dismissed. *Terrorist groups may be of significant size*. Shining Path, a left-wing group in Peru that reached its high water mark in the 1990’s, for example, reportedly had 10,000 full-time fighters and between 50,000 and 100,000 supporters.<sup>8</sup> *Terrorist groups inflict significant casualties*. World-wide casualty rates per attack have increased over 500 percent during the past 40 years. In the late 60s/early 70s the average number of victims (killed and wounded) by international terrorism was 2.08 per attack. Early in the 2000s, that rate had increased to 10.89 victims per attack.<sup>9</sup> The impact on the United States in 2001 was proportionally even greater. In the 1970’s, 17 percent of attacks resulted in U.S. fatalities but by the 1990s, that rate increased to 25 percent.<sup>10</sup> *Activities by terrorists groups can have devastating economic repercussions*. One

<sup>3</sup> Peter R. Neumann, “Negotiating with Terrorists,” *Foreign Affairs Online*, January/ February 2007, <http://www.foreignaffairs.com/articles/62276/peter-r-neumann/negotiating-with-terrorists> (accessed October 3, 2014).

<sup>4</sup> Rick Ungar, “Why ‘We Don’t Negotiate With Terrorists’ No Longer Holds Up As Policy,” *Forbes Online*, June 5, 2014, <http://www.forbes.com/sites/rickungar/2014/06/05/why-we-dont-negotiate-with-terrorists-no-longer-holds-up-as-policy/> (accessed 31 October 2014).

<sup>5</sup> Observation based on the author’s experience in Afghanistan and Iraq. Most Soldiers do not believe they will be treated in accord with international law and go to great lengths to protect themselves from capture.

<sup>6</sup> Shane Harris, “‘No One’s Really in Charge’ in Hostage Negotiations,” *Foreign Policy Online*, October 8, 2014, [http://www.foreignpolicy.com/articles/2014/10/08/no\\_ones\\_really\\_in\\_charge\\_in\\_hostage\\_negotiations?wp\\_login\\_redirect=0](http://www.foreignpolicy.com/articles/2014/10/08/no_ones_really_in_charge_in_hostage_negotiations?wp_login_redirect=0) (accessed October 13, 2014).

<sup>7</sup> Neumann, “Negotiating With Terrorists,” 6.

<sup>8</sup> James Ron, “Ideology in Context: Explaining Sendero Luminoso’s Tactical Escalation,” *Journal of Peace Research* 38, no. 5 (2001): 569.

<sup>9</sup> James A. Piazza, “Is Islamist Terrorism More Dangerous? An Empirical Study of Group Ideology, Organization, and Goal Structure,” *Terrorism and Political Violence* 21, no. 1 (2009): 62.

<sup>10</sup> Bruce Hoffman, “Terrorism Trends and Prospects,” in *Countering the New Terrorism*, eds. Ian O. Lesser, Bruce Hoffman, John Arquilla, David Ronfeldt, Michael Zanini, and Brian Michael Jenkins (Santa Monica, CA: Rand Corporation, 1999), 7-38.

estimate, for example, put the costs associated with the 9/11 Twin Towers attacks at \$3.3 trillion.<sup>11</sup> Regardless of the perceived “legitimacy” of terrorist organizations, they nevertheless must be addressed.

Terrorism that does not pose an existential threat to the United States is still terrorism whether or not it succeeds in meeting terrorist objectives or causing real national harm.<sup>12</sup> The perception of terrorism as a grave and global problem permeates American culture and heavily influences both domestic and international policy and strategy. The threat, in other words, even if not entirely existential, is real nevertheless. According to Jackson:

One of the important consequences of the 11 September 2001 attacks was a rapid transformation in the security priorities of many Western states and international organizations. In a relatively short space of time, terrorism emerged as arguably the single most important security issue; its elevation up the list of priorities quickly engendered an impressive array of new anti-terrorism laws, agencies, doctrines, strategies, programmes, initiatives, and measures. The terrorism threat is now a major focus of policy-making attention and commands enormous intellectual and material investment from the security establishment, the emergency services, industry and commerce, the academy and the media.<sup>13</sup>

Real threats have real costs. The western world struggles with the expenses associated with fighting terrorism. In 2012, the U.S. committed approximately \$17.2 billion in classified funds to be spent by the intelligence community defending against terrorism<sup>14</sup> while the Department of Homeland Security (DHS) spent \$47.4 billion. Although not every dollar went to counter-terrorist programs, DHS nevertheless exists as a direct result of the 9/11 attacks.<sup>15</sup> Even if terrorism is not regularly successful,<sup>16</sup> it would still be cheaper in the long run to avoid conflict. Avoiding conflict is nearly impossible without some avenue for negotiation.

The benefits of ending the U.S. no-negotiation policy far outweigh the largely fallacious reasons for maintaining the hardline. First, reversing the policy would allow the U.S. government to pursue a diplomatic solution without having to violate its own no-negotiation policy. When news broke of the Sergeant Bergdahl trade, for example, the media was filled with rhetoric chastising the administration for “violating its own rules” without regard for the value of executing that deal. A more flexible policy would foster more strategic consistency and allow political leaders to pursue the most appropriate options in each particular circumstance. The second reason is that negotiation can benefit the U.S. when further conflict is likely and possibly inevitable. Even if negotiations fail, the U.S. might gain valuable intelligence about adversaries through the negotiation process. Negotiation based intelligence gathering not only includes gaining organizational information like personal connections and chain of command, but also generates a better understanding of the true interests of terrorist leaders who may say one thing to constituents but have different personal or organizational objectives.<sup>17</sup> Knowing as much as possible about an adversary is

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<sup>11</sup> Shan Carter and Amanda Cox, “One 9/11 Tally: \$3.3 Trillion,” *New York Times Online*, September 8, 2011, [http://www.nytimes.com/interactive/2011/09/08/us/sept-11-reckoning/cost-graphic.html?\\_r=1&](http://www.nytimes.com/interactive/2011/09/08/us/sept-11-reckoning/cost-graphic.html?_r=1&) (accessed October 27, 2014).

<sup>12</sup> For a fuller discussion of terrorism success vs. failure see Max Abrahms, “Why Terrorism Does Not Work,” *International Security* 31, no. 2 (Fall 2006); Peter Krause, “The Political Effectiveness of Non-State Violence: A Two-Level Framework to Transform a Deceptive Debate,” *Security Studies* 22, no. 2 (2013); Max Abrahms, “What Terrorists Really Want: Terrorist Motives and Counterterrorism Strategy,” *International Security* 32, no. 4 (Spring 2008); Daniel Byman and Christine Fair, “The Case for Calling them Nitwits,” *The Atlantic Monthly On-line*, July/August 2010, [http://www.theatlantic.com/magazine/archive/2010/07/the-case-for-calling-them-nitwits/308130/?single\\_page=true](http://www.theatlantic.com/magazine/archive/2010/07/the-case-for-calling-them-nitwits/308130/?single_page=true) (accessed October 8, 2014); Barbara Walter and Andrew Kydd, “Strategies of Terrorism,” *International Security* 31, no. 1 (Summer 2006).

<sup>13</sup> Richard Jackson, “Constructing Enemies: ‘Islamic Terrorism’ in Political and Academic Discourse,” *Government and Opposition* 42, no. 3 (2007): 394.

<sup>14</sup> “The Black Budget,” *The Washington Post Online*, (August 2013), <http://www.washingtonpost.com/wp-srv/special/national/black-budget/> (accessed October 27, 2014).

<sup>15</sup> Dylan Matthews, “Twelve Years after 9/11, We Still Have No Idea How to Fight Terrorism,” *The Washington Post Online*, (September 2013), <http://www.washingtonpost.com/blogs/wonkblog/wp/2013/09/11/twelve-years-after-911-we-still-have-no-idea-how-to-fight-terrorism-2/> (accessed October 27, 2014).

<sup>16</sup> Max Abrahms, “Why Terrorism Does Not Work,” 42-78.

<sup>17</sup> Audrey Kurth Cronin, *How Terrorism Ends: Understanding the Decline and Demise of Terrorist Campaigns*, (Princeton, NJ: Princeton University Press, 2009), 37.

essential.<sup>18</sup> Negotiation can be helpful in that regard. Third, when appropriate, offering to negotiate could show U.S. commitment to problem solving. Even if terrorist leaders reject an offer to talk, the very act of negotiation willingness by U.S. authorities could signal to terrorist supporters that their leaders prefer violence over negotiation. In short, a willingness to negotiate could potentially lead to the start or widening of a rift between terrorist leaders and followers.<sup>19</sup>

Recognizing the “high costs” of giving concessions to terrorists may seem like encouraging future attacks, Fisher, Ury, and Patton suggest that:

through communication it may be possible to convince terrorists (and possible future terrorists) that they will not receive a ransom [or whatever concession they are trying to achieve]. It may also be possible to learn of some legitimate interests they have and to work out an arrangement in which neither side gives in.<sup>20</sup>

More convincing is their simple, almost obvious, point that “In general, the better the communication, the better your chance to exert influence.”<sup>21</sup> The no-negotiation policy curtails in significant ways the opportunity for the U.S. to display leadership while exerting influence.

Clearly, negotiation is not a cure-all avenue for dealing with terrorism. With or without negotiation, the way ahead will be fraught with difficulties and hard choices. Although communication will never overcome “insurmountable differences,” “without open channels of communication, opportunities to explore common interests may be missed.”<sup>22</sup> When dealing with well organized, violent, nonstate actors, the U.S. should remove its own gag, trust its own leadership, and add the possibility of negotiation to its arsenal.

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<sup>18</sup> Sun Tzu, “The Art of War,” in *Roots of Strategy*, ed. T. R. Phillips (Mechanicsburg, PA: Stackpole Books, 1985), 13-64.

<sup>19</sup> Cronin, *How Terrorism Ends*, 38.

<sup>20</sup> Roger Fisher, William Ury, and Bruce Patton, *Getting to Yes*, (New York: Penguin Books, 2011), 163-164.

<sup>21</sup> *Ibid.*, 163.

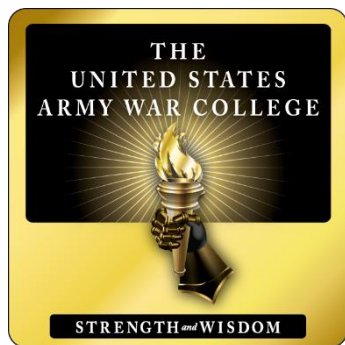
<sup>22</sup> Raymond Cohen, *Negotiating Across Cultures: Communication Obstacles in International Diplomacy* (Washington, DC: United States Institute of Peace Press, 1991), 158.

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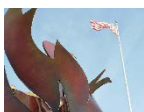
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Flag flying over the Strength and Wisdom statue, a gift from the class of 2014, capturing the mission, spirit, and history of Carlisle Barracks (photo by Laura A. Wackwitz, Ph.D.).

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# China's Strategic Interests in the Arctic

William G. Dwyer III

*After having actively conducted Arctic research for many years, China now seeks greater access to and involvement in the Arctic and Arctic affairs. China's quest for full membership in the Arctic Council is significant. This study reviews China's historical activities in the Arctic and argues that recently intensified Chinese initiatives are driven by two considerations: a search for natural resources and a desire to secure new maritime trade routes. The paper offers recommendations for enhancing U.S. national security interests while encouraging responsible Chinese behavior in a dynamic sphere of international cooperation.*

**Keywords:** *U.S. Arctic Strategy, Coast Guard, Icebreaker, Oil, Fisheries, Law of the Sea, Arctic Council*

The Arctic environment is in great flux. Scientific studies show the Arctic ice cap has diminished by 40% over the past 35 years.<sup>1</sup> Nations are conducting polar scientific research to better understand the changing Arctic ecosystem and the effects of the warming Arctic upon the world's climate. The Arctic Ocean and coastal areas once barren and frozen under a dense sheet of ice are slowly coming to life with industry and commerce brought about by the receding ice conditions. These environmental changes bring new opportunities for the eight Arctic nations (Canada, Denmark, Finland, Iceland, Norway, Russia, Sweden, and the United States) that ring the North Pole (Figure 1) and are competing for abundant resources (e.g., oil, natural gas, minerals, and fish stocks) that the newly accessible Arctic contains. The receding ice is also unlocking three additional maritime trade routes that will relieve the increasingly stressed global marine transportation system between Asian, European, and North American ports: the Northern Sea Route, the Transpolar Sea Route, and the once-legendary Northwest Passage.

Although it has no Arctic littoral, China has been active in the Arctic for many years conducting climate research and assorted scientific expeditions. Recently, China has signaled its intent to become more involved in Arctic affairs and governance by seeking full membership in the multilateral Arctic Council and closer collaboration with the Arctic nations. China's interest in the Arctic is driven primarily by the need to fuel and feed the world's largest population and developing economy. China's search for new sources of oil, natural gas, minerals, and fish, stem from this desire as does its quest to secure additional maritime trade routes.

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*William G. Dwyer III (M.S.S. United States Army War College) is a Commander in the United States Coast Guard. An earlier version of this article, written under the direction of Professor Brett D. Weigle, placed Third in the prestigious 2015 Secretary of Defense National Security Essay Competition hosted by NDU Press. Commander Dwyer was a member of the USAWC Class of 2015.*

<sup>1</sup> Scott Borgerson et al., *The Emerging Arctic* (New York: Council on Foreign Relations, 2014), <http://www.cfr.org/arctic/emerging-arctic/p32620#/> (accessed March 4, 2015).

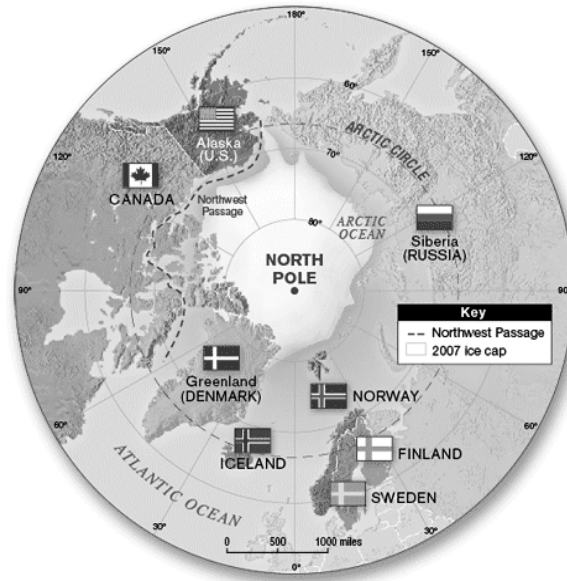


Figure 1: The Arctic Nations<sup>2</sup>

### China's History in the Arctic

China's interest in the Polar Regions dates back over thirty years. The Chinese Arctic and Antarctic Institute that directs the nation's polar research program was established in 1981.<sup>3</sup> China's initial interest in the Arctic involved scientific research to better understand the effects of changing Arctic conditions on the weather patterns in China.<sup>4</sup> It has since conducted numerous expeditions to both the North and South Poles.<sup>5</sup> In 2004, China built a permanent Arctic climate research facility in Norway.<sup>6</sup> Chinese publications have shifted since 2007 from a purely scientific focus to more strategic, political, and legal issues concerning the Arctic region.<sup>7</sup> By 2010, China conducted four independent Arctic missions aimed at scientific research, partnership building, and economic opportunities.<sup>8</sup> China's *Twelfth Five Year Plan* calls for increased polar research to understand potential effects of Arctic climate on its national economic policy.<sup>9</sup>

<sup>2</sup> Baker Vail Design, "Map of the Arctic," <http://www.bakervailmaps.com/map-illustration/world-maps/arctic-circle-map.html> (accessed January 30, 2015).

<sup>3</sup> Shilo Rainwater, "Race to the North," *Naval War College Review* 66, no. 2 (Spring 2013): 69.

<sup>4</sup> Njord Wegge, "China in the Arctic: Interests, Actions and Challenges," *Nordlit* 32 (2014): 87, <http://septentrio.uit.no/index.php/nordlit/article/view/3072/2964> (accessed December 4, 2014).

<sup>5</sup> Linda Jakobson, "Beijing's Arctic Goals are Not to Be Feared," *Financial Times*, May 19, 2013, <http://www.ft.com/cms/s/0/3dfd6f16-bef1-11e2-87ff-00144feab7de.html#axzz3PD95q0dA> (accessed January 20, 2015).

<sup>6</sup> Oleg Vukmanovic and Balazs Koranyi, "Russia's Revival of Arctic Northern Sea Route at Least 10 Years Away," *Reuters*, January 25, 2013, [http://www.thestar.com/business/2013/01/25/russias\\_revival\\_of\\_arctic\\_northern\\_sea\\_route\\_at\\_least\\_10\\_years\\_away.html](http://www.thestar.com/business/2013/01/25/russias_revival_of_arctic_northern_sea_route_at_least_10_years_away.html) (accessed January 15, 2015); Rainwater, "Race to the North," 69.

<sup>7</sup> Olga Alexeeva and Frederic Lasserre, "China and the Arctic," in *Arctic Yearbook*, ed., Lassi Heininen (Akureyri, Iceland: Northern Research Forum, 2012), 81, [http://www.arcticyearbook.com/images/Articles\\_2012/Alexeeva\\_and\\_Lassere.pdf](http://www.arcticyearbook.com/images/Articles_2012/Alexeeva_and_Lassere.pdf) (accessed March 10, 2015).

<sup>8</sup> *Ibid.*

<sup>9</sup> People's National Congress, *China's Twelfth Five Year Plan (2011-2015)* (Beijing: People's National Congress, 2011), 17, <http://cbi.typepad.com/files/full-translation-5-yr-plan-2011-2015.doc> (accessed January 25, 2015).

Despite all this activity, China has no declared official Arctic policy. Rather, Chinese officials have issued statements espousing their interest in the environmental impacts of the changing Arctic climate.<sup>10</sup> Unlike its position in the South China Sea, the Chinese government has stated that the Arctic should be open to all nations—not simply those with territory in the region. This indication of China's intent to compete for the potentially immense natural resources of the Arctic also provides a subtle warning to any nation seeking to control the Arctic waterways. China's State Oceanic Administration has called the Arctic the “inherited wealth of all humankind . . . and not the ‘private property’ of the Arctic nations . . . every country in the world has an equal right to exploit the Arctic Ocean.”<sup>11</sup> The use of the word “exploit” is telling: China clearly views the Arctic as an opportunity to meet its growing energy, mineral, and food supply needs.

The region is rich in natural resources and could, indeed, help sustain China's large population and meet the demands from its rising middle class. In July 2014, China's population was estimated at 1.4 billion people, the world's largest.<sup>12</sup> China's intent to compete for Arctic access and resources is exemplified as follows: (1) a leading Chinese academic stated, “Whoever has control of the Arctic route will control the new passage of world economics and international strategies,”<sup>13</sup> and (2) a Chinese Navy official claimed that since 20% of the world's population is located in China, it is entitled to 20% of the resources contained in the Arctic.<sup>14</sup> China, however, is not an arctic nation, does not enjoy the unfettered access to Arctic resources it apparently desires, and is hindered by the 1982 United Nations Convention on the Law of the Sea (UNCLOS)—and international legal framework that governs nations' actions there.

### The United Nations Convention on the Law of the Sea

UNCLOS is the maritime framework of legal governance and cooperation that includes express dispute resolution mechanisms for natural resource and maritime boundary line disputes through arbitration.<sup>15</sup> Unlike the other seven Arctic nations, the United States has yet to join the current 156 signatories to UNCLOS because ratification by the U.S. Senate has stalled over concerns about political sovereignty. The U.S. government nevertheless has affirmatively stated its commitment to the principles of the treaty.<sup>16</sup> It currently regards UNCLOS as the customary international law; this approach, however, does not allow authorize the U.S. to take advantage of the UNCLOS dispute resolution process. UNCLOS membership would aid U.S. sovereignty claims to the extended Outer Continental Shelf (OCS) and allow for better multi-lateral cooperation in the Arctic.<sup>17</sup>

UNCLOS includes specific provisions for claims related to the OCS—the seabed and subsoil areas that may reach beyond a nation's exclusive economic zone (EEZ). The EEZ extends past a nation's twelve nautical mile territorial sea out to 200 nautical miles from the baseline where the territorial sea originates

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<sup>10</sup> Caitlin Campbell, *China and the Arctic: Objectives and Obstacles*, (Washington, DC: U.S.–China Economic and Security Review Commission, April 13, 2012), 3.

<sup>11</sup> *Ibid.*, 4.

<sup>12</sup> Central Intelligence Agency, World Factbook, “China,” June 22, 2014, <https://www.cia.gov/library/publications/the-world-factbook/geos/ch.html> (accessed January 18, 2015).

<sup>13</sup> Humpert Malte and Andreas Raspotnik, “The Future of Arctic Shipping along the Transpolar Sea Route,” in *Arctic Yearbook*, 297, [http://www.arcticyearbook.com/images/Articles\\_2012/Humpert\\_and\\_Raspotnik.pdf](http://www.arcticyearbook.com/images/Articles_2012/Humpert_and_Raspotnik.pdf) (accessed March 3, 2015).

<sup>14</sup> David C. Wright, “The Dragon Eyes the Top of the World: Arctic Policy Debate and Discussion in China,” *China Maritime Studies* 8 (August 2011): 7.

<sup>15</sup> United Nations Convention on the Law of the Sea (UNCLOS), Annex II, Commission on the Limits of the Continental Shelf, 1982, Article 76, [http://www.un.org/Depts/los/convention\\_agreements/texts/unclos/annex2.htm](http://www.un.org/Depts/los/convention_agreements/texts/unclos/annex2.htm) (accessed February 7, 2015).

<sup>16</sup> Charles Ebinger and Evie Zambetkis, “The Geopolitics of Arctic Melt,” *International Affairs* 85 (June 2009): 1226-1227.

<sup>17</sup> *Ibid.*, 1232.

(Figure 2).<sup>18</sup> UNCLOS awards coastal states sovereign rights to the natural resources within their EEZ and also to those (such as oil and gas) in the Outer Continental Shelf outside their EEZ.<sup>19</sup> Countries submit applications to the Commission on the Limits of the Continental Shelf based on scientific evidence where their OCS extends beyond the EEZ. Neither China (a non-Arctic nation) nor the United States (a non-party to UNCLOS) have legal standing to press claims to the Arctic extended OCS.

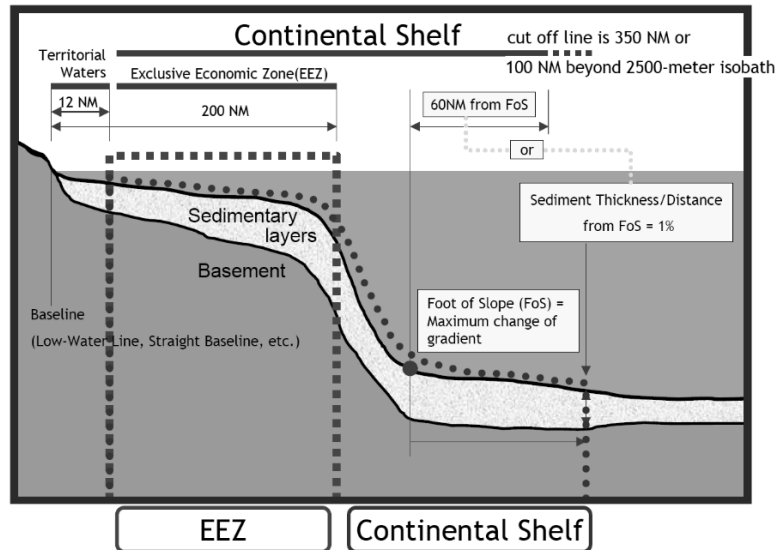


Figure 2: Exclusive Economic Zone and Continental Shelf <sup>20</sup>

The UNCLOS legal structure, intended to resolve Arctic maritime boundary disputes, is similarly unavailable to the United States, despite its unquestionable status as an Arctic nation. The United States must, for example, negotiate resolution of two boundary disagreements on a bilateral level with Canada—outside the orderly process enjoyed by signatories to UNCLOS. Given an understanding of how nations interact under this treaty regarding maritime natural resource issues, consideration of China's three interests in the Arctic is the next step.

### China's First Interest: Transpolar Trade Routes

Asia's growing wealth and middle class are causing a shift in global trade that will expand maritime commerce through Asia for many years, requiring additional trade routes to alleviate the congested, vulnerable maritime highways and chokepoints. As the world leader in global maritime commerce, almost 50% of China's gross domestic product is reliant on ocean shipping and China's ports continue to increase container throughput capacity.<sup>21</sup> Chinese shipping companies view the Arctic as a viable trade route during the ice-free months. Three Arctic Ocean routes (Figure 3) hold great promise for China's commerce: the Northern Sea Route (NSR), the Northwest Passage (NWP) and the Transpolar Sea Route (TSR). The Northern Sea Route runs along the Arctic coasts of Russia and Norway. Vessels traveling the NSR can realize significant savings in sailing days (and fuel costs) between Northern Europe and Asia and avoid the risk of piracy associated with the Strait of Malacca near Malaysia. The traditional warm-water route through the

<sup>18</sup> UNCLOS, Annex II, Section V, Article 57.

<sup>19</sup> Ibid., Section VI, Article 77.

<sup>20</sup> Avin Kumar, "Different Zones of Sea Under UNCLOS," *Marine Engineering*, February 26, 2013, [http://www.tunnel2funnel.com/2013\\_02\\_01\\_archive.html](http://www.tunnel2funnel.com/2013_02_01_archive.html) (accessed February 11, 2015).

<sup>21</sup> Humpert and Raspotnik, "The Future of Arctic Shipping Along the Transpolar Sea Route," 295.

Suez Canal requires on average 48 days and 11,300 nautical miles for oil tankers and large container vessels. That same voyage along the NSR is shortened by 13 days and 4,000 nautical miles.<sup>22</sup> In 2014, the NSR opened to maritime traffic for six weeks from mid-August until 1 October; the NSR Administration Office received over 600 transit applications (a record number).<sup>23</sup>

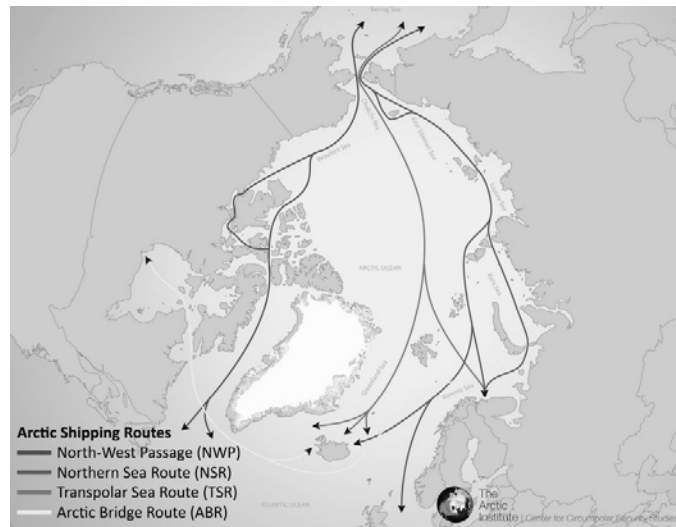


Figure 3: Arctic Shipping Routes<sup>24</sup>

Russia defines the NSR as the leg transiting Russia's internal waters from the Bering Strait to the western edge of the Kara Sea and consequently regulates vessel traffic along it.<sup>25</sup> Specifically, vessels must apply for transit permits and are subject to inspection by Russian authorities. Currently Russia and the other Arctic nations strongly disagree about the interpretation and applicability of the UNCLOS terms, leading to protests against Russia's "improper implementation of UNCLOS provisions" to support its sovereignty interests.<sup>26</sup> Russia's regulation of the NSR magnifies her global strategic importance to other maritime trading nations. China's Polar Institute stated that if conditions permit, 5% to 15% of China's international trade could move via the NSR by 2020; its number of NSR transit permits trails only Korea and Japan.<sup>27</sup> Some scholars believe China's influence as a global leader in maritime shipping may force Russia to ease its control over this route as China advocates for freedom of navigation rights to transit the Arctic.<sup>28</sup>

The Northwest Passage begins near Greenland and threads its way through the Canadian Arctic Archipelago to its western terminus south of the Bering Strait. The NWP reduces distances between ports

<sup>22</sup> Jeremy Bender, "Russia is Militarizing the Arctic," *Business Insider*, December 2, 2014.

<sup>23</sup> Mike Schuler, "Northern Sea Route Transit Applications Hit Record High in 2014," *gCaptain*, blog entry posted October 28, 2014, <http://gcaptain.com/northern-sea-route-transit-applications-hit-record-high-2014/> (accessed February 17, 2015).

<sup>24</sup> Humpert and Raspotnik, "The Future of Arctic Shipping."

<sup>25</sup> The Russian Federation, *The National Security Strategy of the Russian Federation until 2020* (Moscow: The Kremlin, May 13, 2009), 42, <http://rustrans.wikidot.com/russia-s-national-security-strategy-to-2020> (accessed March 3, 2015).

<sup>26</sup> Vukmanovic and Koranyi, "Russia's Revival of Arctic Northern Sea Route at Least 10 Years Away."

<sup>27</sup> Tom Røseth, "Russia's China Policy in the Arctic," *Strategic Analysis* 38, no. 6 (2014): 851, <http://www.tandfonline.com/doi/pdf/10.1080/09700161.2014.952942> (accessed December 4, 2014).

<sup>28</sup> *Ibid.*, 852; For more information on the applicable UNCLOS article concerning special regulations dealing with human activities in ice-covered waters, see UNCLOS, Section VII. Protection and Preservation of the Marine Environment, 1982, Article 234, [http://www.un.org/depts/los/convention\\_agreements/texts/unclos/part12.htm](http://www.un.org/depts/los/convention_agreements/texts/unclos/part12.htm) (accessed March 16, 2015).



in Asia and Europe by nearly 5,000 kilometers compared to the Suez Canal.<sup>29</sup> The *Nordic Orion*, for example, a bulk carrier, saved \$200,000 and four days transiting from Vancouver to Finland via the NWP in the ice-free month of September 2013.<sup>30</sup> Experts predict traditional non-ice strengthened vessels will be able to make the voyage by the summer of 2050.<sup>31</sup> The United States disagrees with Canadian instance that since much of the NWP passes between its sovereign islands, the NWP is part of Canadian territorial waters. The United States maintains the NWP is an “international strait” whereby “transit passage” applies.<sup>32</sup>

As the Arctic Ocean ice cap shrinks to reveal ice-free routes in the summer months, the Transpolar Sea Route will become accessible. The TSR crosses the Arctic Ocean directly over the North Pole, unlike the NSR and NWP coastal routes. The TSR is the shortest of the Arctic routes at 2,100 nautical miles, spanning from the Bering Strait to Northern Europe. From a navigation perspective, it may be the most perilous, requiring a mostly ice-free Arctic Ocean for safe transit. Despite this restriction, the TSR could become the preferred route since it does not require passage through the Russian or Canadian EEZs where those nations seek to enforce jurisdiction over vessels transiting the NSR and NWP, respectively.<sup>33</sup> Current environmental conditions and future climate modeling predictions show ice-free summer months by 2030.<sup>34</sup>

Declaring that it shall “ensure the safety of marine transport channels and maintain our country’s marine rights and interests,”<sup>35</sup> China has invested heavily in naval shipbuilding to protect assets and shipping routes in the Indian Ocean as manufactured products move west and petroleum is shipped east to China. “[W]ith the expansion of the country’s economic interests, the navy wants to better protect the country’s transportation routes and the safety of our major sea lanes” stated a senior Chinese officer.<sup>36</sup> As the Arctic thaws and vessel transits increase, China could use its large naval presence to project power to ensure the safety of its vessels transiting the Arctic. An increased Chinese naval presence in the Arctic creates another venue for potentially aggressive confrontations with vessels from other nations. China’s lack of compliance with the Convention on the International Regulations for Preventing Collisions at Sea (which China signed in 1980) was highlighted as recently as 2013 in a near-collision with the USS *Cowpens* in the South China Sea.<sup>37</sup>

China has also expanded its civilian maritime capability to operate in the Arctic. Ice-strengthened vessels carry both bulk cargo and containers, ostensibly to be used exclusively for scientific polar research, but ice-strengthened vessels will also provide China with the capability to assist Chinese ships transiting the ice-choked Arctic waters of the NSR. Their unstated mission will be to maintain Arctic maritime domain awareness. In addition, China currently has one operational polar icebreaker and another in production.<sup>38</sup>

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<sup>29</sup> Paul Waldie, “A Reality Check on the Northwest Passage ‘Boom,’” *The Globe and Mail*, January 7, 2014, <http://www.theglobeandmail.com/report-on-business/breakthrough/will-cold-dark-northwest-passage-see-more-ships/article16231502/> (accessed February 27, 2015).

<sup>30</sup> *Ibid.*

<sup>31</sup> *Ibid.*

<sup>32</sup> Michael Byers, “Canada Can Help Russia with Northern Sea Route,” *The Moscow Times*, June 9, 2012, <http://www.themoscowtimes.com/opinion/article/canada-can-help-russia-with-northern-sea-route/460127.html> (accessed March 16, 2015); UNCLOS, Part 3, Straits used for International Navigation. 1982. Section II. [http://www.un.org/depts/los/convention\\_agreements/texts/unclos/part3.htm](http://www.un.org/depts/los/convention_agreements/texts/unclos/part3.htm) (accessed March 16, 2015).

<sup>33</sup> UNCLOS, Article 19. “Passage is innocent so long as it is not prejudicial to the peace, good order or security of the coastal State. Such passage shall take place in conformity with this Convention and with other rules of international law.”

<sup>34</sup> Humpert and Raspotnik, “The Future of Arctic Shipping Along the Transpolar Sea Route,” 285.

<sup>35</sup> People’s National Congress, *China’s Twelfth Five Year Plan (2011-2015)*, 17.

<sup>36</sup> Rainwater, “Race to the North,” 66.

<sup>37</sup> David Alexander and Pete Sweeney, “U.S., Chinese Warships Narrowly Avoid Collision in South China Sea,” *Reuters*, December 13, 2014, <http://www.reuters.com/article/2013/12/14/us-usa-china-ships-idUSBRE9BCOT520131214> (accessed April 12, 2015).

<sup>38</sup> Wang Qian, “New Icebreaker Planned for 2016: Officials,” *China Daily*, January 6, 2014, [http://www.chinadaily.com.cn/china/2014-01/06/content\\_17216579.htm](http://www.chinadaily.com.cn/china/2014-01/06/content_17216579.htm) (accessed January 18, 2015).

The 167-meter *Xuelong* (*Snow Dragon*) can break 1.2 meter thick ice and has deployed on five Arctic research expeditions since 1999.<sup>39</sup> China's new eight-thousand ton icebreaker will cost nearly \$200 million, reflecting the level of China's commitment to future Arctic operations.<sup>40</sup> Both vessels are slated to deploy to the Arctic and Antarctic for over 200 days per year.<sup>41</sup>

The United States, an Arctic nation, currently operates two polar icebreakers to support both the Arctic and Antarctic deployments. Unlike China, however, the U.S. Congress has committed no funding to a much needed replacement icebreaker. The U.S. Coast Guard cutters *Polar Sea* and *Polar Star* were built in the 1970s as "heavy" icebreakers—the most powerful non-nuclear icebreakers in the world.<sup>42</sup> In 2000, the Coast Guard commissioned the *Healy*, an Arctic-only, medium icebreaker, funded by the Department of Defense. In 2006, *Polar Star* was placed in indefinite caretaker status with no funding to replace her engines. Her sister ship avoided the same fate only after a nearly \$60 million, ten-year service life extension. The Coast Guard is left to support U.S. maritime activities in the Arctic Ocean while resupplying American installations in Antarctica with only two icebreakers.<sup>43</sup>

### China's Interests: Petroleum and Minerals

According to the U.S. Geological Survey, the Arctic region contains approximately 90 billion barrels of oil, 1.7 trillion cubic feet of natural gas, and 44 billion barrels of natural gas liquids. Estimates place 84 percent of these resources in offshore areas of the Arctic Ocean.<sup>44</sup> China, meanwhile, is a net importer of oil with projected demand to lead the world in this category by 2020. China currently gets half of its oil supply from the Middle East via tankers and is also a leading importer of natural gas. Middle East conflicts or interruptions in the sea-lane supply routes would adversely impact the Chinese economy, leading China to seek more secure sources of oil and natural gas to fuel its expanding economy. The Arctic offers a source in a more politically stable area and closer to China than its current Middle East suppliers. Consequently, Russia and China are building partnerships for development of Arctic oil and liquefied natural gas fields in the Russian Arctic.<sup>45</sup>

The Arctic is a potential source of mineral resources that China needs for its robust manufacturing sector. Greenland, which is a part of Denmark, holds large reserves of copper, uranium, and other minerals that make it an area of keen interest for Chinese companies and the Chinese government. Greenland's ores are so plentiful that they can meet a quarter of the world's demands for uranium and rare earth metals needed for manufacturing in China.<sup>46</sup> Elsewhere, a Chinese corporation recently purchased a quartzite mine in Norway, iron-ore deposit in Greenland, and has planned oil exploration in the waters of neighboring

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<sup>39</sup> Rainwater, "Race to the North," 69.

<sup>40</sup> Ibid.

<sup>41</sup> Alexeeva and Lasserre, "China and the Arctic," 82.

<sup>42</sup> National Research Council, *Polar Icebreaker Roles and U.S. Future Needs: A Preliminary Assessment* (Washington, DC: The National Academies Press, 2005). Heavy icebreakers are defined as vessels capable of breaking 6 feet of ice continuously at 3 knots, and can back and ram through at least 20 feet of ice; U.S. Coast Guard, "USCGC POLAR STAR (WAGB-10)," <https://www.uscg.mil/pacarea/cgcpolarstar/> (accessed February 5, 2015).

<sup>43</sup> U.S. Coast Guard, Acquisition Directorate, "Icebreaker," <http://www.uscg.mil/hq/cg9/icebreaker/> (accessed March 4, 2015).

<sup>44</sup> Kenneth Bird et al., *Circum-Arctic Resource Appraisal: Estimates of Undiscovered Oil and Gas North of the Arctic Circle* (Denver: U.S. Geological Survey, 2008), <http://pubs.usgs.gov/fs/2008/3049/> (accessed December 16, 2014).

<sup>45</sup> Atle Staalesen, "In Russia-China Alliance, an Arctic Dimension," *Barents Observer*, November 14, 2014, <http://barentsobserver.com/en/arctic/2014/11/russia-china-alliance-arctic-dimension-14-11> (accessed February 27, 2015).

<sup>46</sup> Elizabeth Economy, "The Four Drivers of Beijing's Emerging Arctic Play and What the World Needs to Do," *Forbes Asia*, April 4, 2014, <http://www.forbes.com/sites/elizabethconomy/2014/04/04/the-four-drivers-of-beijings-emerging-arctic-play-and-what-the-world-needs-to-do/> (accessed February 11, 2015).



Iceland.<sup>47</sup> These investments, which often cost several billion U.S. dollars, provide economic boosts to the smaller Arctic nations who partner with Chinese state-run corporations.

### China's Interests: Fisheries

China may be positioning itself to exploit the untapped fisheries of the unspoiled Arctic. With the world's largest population, China has a great demand for food. Historically most Chinese, especially those who live near the coast, have relied on fish as a source of protein. According to a 2010 study on global fisheries conducted by the Pew Environment Group, China leads the world in catch by tonnage as well as in overall consumption of fish.<sup>48</sup> The growing Chinese middle class places increasing demand on China's commercial fishing industry to find new sources, such as the fish stocks of the bountiful Arctic Ocean. China has a global distant-water fishing fleet numbering more than 2000 vessels (ten times larger than the United States).<sup>49</sup> Currently, China has nearly 400 vessels operating in West African waters and 100 more vessels fishing the waters off South America.<sup>50</sup> Chinese fishing vessels are generally not compliant with international fishing standards and regulatory practices; they have been cited or seized for illegal fishing from South Korea to Indonesia.<sup>51</sup> China's disregard for fisheries management and refusal to control the actions of its fishing vessels could be disastrous to fish stocks in the unpatrolled waters of the Arctic.

In 2014, five Arctic nations (Canada, Denmark, Norway, Russia, and the United States) signed a ban on commercial fishing in the Arctic Ocean to protect the living marine resources of the thawing region.<sup>52</sup> The United States had previously banned commercial fishing north of the Bering Strait in 2009. With the exception of the aboriginal native groups living in the Arctic, who are allowed to harvest fish and sea mammals, there are no commercial Arctic fisheries. Fisher stock such as herring and cod are predicted to flourish as the climate warms.<sup>53</sup> Bans and active enforcement of national fisheries regulations are seen by China as denying its right to the so-called "global commons." This increasingly robust stance and intense lobbying efforts by China may be reflected in the deficit of international fisheries agreements concerning the Arctic. Surprisingly, despite its mandate to "promote cooperation . . . on issues of sustainable development," the Arctic Council has not created a regional fisheries management organization as exists in other important fisheries around the globe.<sup>54</sup>

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<sup>47</sup> Njord Wegge, "China in the Arctic: Interests, Actions and Challenges," 83-98, <http://septentrio.uit.no/index.php/nordlit/article/viewFile/3072/2964>.

<sup>48</sup> Pew Environment Group, "China Tops World in Catch and Consumption of Fish," *Science Daily*, September 23, 2010, <http://www.sciencedaily.com/releases/2010/09/100922121947.htm> (accessed January 18, 2015).

<sup>49</sup> Katie Lebling, "Curbing China's Massive – and Destructive – Distant Water Fishing Fleet," *The Blog of the Wilson Center's Environmental Change and Security Program*, blog entry posted November 11, 2013, <http://www.newsecuritybeat.org/2013/11/curbing-chinas-massive-destructive-distant-water-fishing-fleet/#.Uoubp41m6S4> (accessed March 4, 2015).

<sup>50</sup> Daniel Pauly et al., "China's Distant-water Fisheries in the 21st Century," *Fish and Fisheries* 15, no. 3 (2014): 474-488, <http://onlinelibrary.wiley.com/doi/10.1111/faf.12032/full> (accessed March 3, 2015).

<sup>51</sup> Lebling, "Curbing China's Massive – and Destructive – Distant Water Fishing Fleet"; Ben Otto, "China Makes Appeal for Chinese Fishermen Caught in Indonesia," *The Wall Street Journal Online*, December 10, 2014, <http://www.wsj.com/articles/china-makes-appeal-for-chinese-fishermen-caught-in-indonesia-1418218872> (accessed March 4, 2015).

<sup>52</sup> Lauren Rosenthal, "Five Nations Tentatively Agree to Arctic Fishing Ban," *KUCB-Unalaska*, March 6, 2014, <http://www.alaskapublic.org/2014/03/06/five-nations-tentatively-agree-to-arctic-fishing-ban/> (accessed December 16, 2014).

<sup>53</sup> Heather Exner-Pirot, "New Direction for Governance of the Arctic Region," *Arctic Yearbook*, 238, [http://www.arcticyearbook.com/images/Articles\\_2012/Exner\\_Pirot.pdf](http://www.arcticyearbook.com/images/Articles_2012/Exner_Pirot.pdf) (accessed March 10, 2015).

<sup>54</sup> Erik J. Molenaar and Robert Corell, *Arctic Fisheries* (Brussels: Arctic TRANSFORM, February 9, 2009), 23, <http://arctic-transform.org/download/FishBP.pdf> (accessed February 9, 2015); U.S. Department of State, "Chairman's Statement at Meeting on Future of Arctic Fisheries," May 1, 2013, <http://www.state.gov/e/oes/rls/pr/2013/209176.htm> (accessed February 9, 2015).

## China and the Arctic Council

The Arctic Council was established in 1996 and is headquartered in Tromsø, Norway.<sup>55</sup> As a high-level intergovernmental forum, it addresses issues faced by the eight Arctic governments and the indigenous people of the Arctic.<sup>56</sup> Although the Council's original mandate was sustainable development and environmental awareness, it has expanded in mission scope and membership. The Arctic Council lacks regulatory authority on security issues, and its actions are non-binding, which undermines its potential effectiveness.<sup>57</sup> The Council has been a forum for collaboration between members. Although the Council's mandate has not been expanded, the group has accomplished significant multi-lateral agreements. In 2011, Council members signed the Aeronautical and Maritime Search and Rescue agreement.<sup>58</sup> This represents the first binding agreement under the authority of the Arctic Council. Another recent example of coordination is the Arctic oil spill response plan. Both initiatives were developed out of necessity due to limited infrastructure and resources of the region.

The Arctic Council's charter provides for non-Arctic states and organizations to be granted non-voting observer status. During its term as the Secretariat of the Arctic Council in 2007-2013, Norway lobbied for inclusion of China as an observer.<sup>59</sup> Perhaps due to its commercial interest in Greenland's mines, China petitioned Denmark to support this initiative, too. Some Arctic states opposed the enlargement of the Council by observer states, assuming their interests were merely economic (i.e., China).<sup>60</sup> Russia, at first, resisted the admission of China, as it would potentially upset the balance of power in the Arctic. Russia's delegates believed that China, as a non-Arctic nation, would attract unwanted attention to the region.<sup>61</sup>

Concerns about China's Arctic intentions were likely stimulated by leading Chinese Arctic commentator, Li Zhenfu who opined that China's scientific interest in the Arctic is window dressing for other interests. Li has spoken of "the possibility of our country's open declaration of sovereignty over the Arctic and Arctic sea routes, as well as [a] territorial claim."<sup>62</sup> Additionally, in 2011, a top Russian Navy admiral labeled China a threat to Russian economic interests in the Arctic<sup>63</sup>.

As a result, Canada proposed limitations to alleviate Russia's concerns. Under the terms of admission to the Council, the observers must acknowledge the sovereign rights of Arctic nations and the application of UNCLOS. All observer states will come under review by the full members of the Arctic Council every four years and are not allowed to vote on issues brought before the Council.<sup>64</sup> Ultimately, the Arctic Council admitted as observers China, France, Germany, India, Italy, Japan, Korea, the Netherlands, Poland,

<sup>55</sup> Arctic Council, *Joint Communiqué of the Governments of the Arctic Countries on the Establishment of the Arctic Council* ("Ottawa Declaration") (Ottawa, Canada: Arctic Council, September 19, 1996), <http://library.arcticportal.org/1270/> (accessed February 9, 2015).

<sup>56</sup> Arctic Council "Observers," <http://www.arctic-council.org/index.php/en/about-us/arctic-council/observers> (accessed March 3, 2015).

<sup>57</sup> Heather Conley and Jamie Kraut, *U.S. Strategic Interest in the Arctic: An Assessment of Current Challenges and New Opportunities for Cooperation* (Washington, DC: CSIS Europe Program at the Center for Strategic and International Studies, April 2010), 13, [http://csis.org/files/publication/100426\\_Conley\\_USStrategicInterests\\_Web.pdf](http://csis.org/files/publication/100426_Conley_USStrategicInterests_Web.pdf) (accessed March 20, 2015).

<sup>58</sup> The Arctic Council, "First Live Arctic Search and Rescue Exercise - SAREX 2012," September 25, 2012, <http://www.arctic-council.org/index.php/en/environment-and-people/oceans/search-and-rescue/620-first-arctic-search-and-rescue-exercise-sarex-2012> (accessed March 3, 2015).

<sup>59</sup> Morten Brugarud, "Norway Says Yes to China in Arctic Council," *Barents Observer*, January 22, 2013, <http://barentsobserver.com/en/arctic/2013/01/norway-says-yes-china-arctic-council-22-01> (accessed on January 18, 2015).

<sup>60</sup> Røseth, "Russia's China Policy in the Arctic," 844.

<sup>61</sup> Ibid.

<sup>62</sup> Wright, "The Dragon Eyes the /top of the World," 9.

<sup>63</sup> Roseth, "Russia's China Policy in the Arctic," 847.

<sup>64</sup> Ibid.

Singapore, Spain and the United Kingdom, as well as nine intergovernmental and eleven non-governmental organizations.<sup>65</sup> According to Espen Barth Eide, Norway's Foreign Affairs Minister, "We want people to join our club. That means they will not start another club."<sup>66</sup> Expanding the Arctic Council to non-Arctic states was important because issues such as marine transportation regulations would require support from non-Arctic states utilizing new trade routes. The aim of expanding the membership is not only to build the Council's stature but also to maintain its status as the body of reference for all Arctic issues.

China is on a mission to convince the Arctic Council and the world that it has legitimate rights to the Arctic and its resources. China wants to change the rules of the Arctic Council and is lobbying for full membership status. Calling itself a "near Arctic state," China argues the Arctic is a global commons and that it should have access to the region's natural resources and scientific research potential.<sup>67</sup> According to Chinese Navy Admiral Yin Zhou, the "Arctic belongs to all the people around the world, as no nation has sovereignty over it . . . China must play an indispensable role in Arctic exploration as [it] has one-fifth of the world's population."<sup>68</sup> As a result, many countries have questioned China's role and interests in the Arctic. A Canadian official stated, "There exists in China a distinct group of academics and officials trying to influence their leaders to adopt a much more assertive stance in the Arctic than has traditionally been the case. This could ultimately bring China into disagreement with circumpolar states in a variety of issue areas and alter security and sovereignty relationships in the circumpolar region."<sup>69</sup>

### Charting the Way Forward

In 2015, the United States assumed the leadership chair of the Arctic Council for two years. President Obama appointed a well-qualified Special Representative for the Arctic, retired Admiral Robert Papp, former U.S. Coast Guard Commandant. As Commandant, Papp worked closely with his Chinese counterparts on the North Pacific Coast Guard Forum and strengthened the China-United States ship-rider program, where Chinese maritime enforcement officers deploy on U.S. Coast Guard cutters operating in the Western Pacific. The latter program is a sterling example of international cooperation to combat transnational maritime crime, specifically the prevention of illegal commercial fishing. The ship-rider program represents an ongoing opportunity for increased U.S.-China combined maritime operations and partnership in a common area of concern. Papp also established strong relationships with navy and coast guard leaders from other Arctic nations to develop the Arctic search and rescue and oil spill response plans.

China and America share a common interest in freedom of navigation in the Arctic. China, however, does not view the United States as an Arctic power, unlike Canada and Russia. China's posture may stem from the lack of any serious U.S. Arctic strategy, U.S. refusal to ratify UNCLOS, and modest U.S. Arctic operations in comparison to other Arctic states.<sup>70</sup> One option the Arctic Council leadership could consider would be to offer China full member status in return for China submitting its controversial maritime claims in the South China Sea to UNCLOS arbitration. This alternative would require close coordination not only between Arctic member states but also littoral nations of the South China Sea. To date, China's official messages concerning its interests in the Arctic have followed twin themes of scientific research and environmental monitoring, with undertones of natural resource allocation and the development of new trade routes. China has shown support for the Arctic Council, as evidenced in its pursuit of full membership status, and support for the underlying framework of UNCLOS as it applies in the Arctic.

<sup>65</sup> Arctic Council, "Observers."

<sup>66</sup> Brugard, "Norway Says Yes to China in Arctic Council."

<sup>67</sup> Arthur Guschin, "Understanding China's Arctic Policies," *The Diplomat*, November 14, 2013, <http://thediplomat.com/2013/11/understanding-chinas-arctic-policies/> (accessed March 16, 2015).

<sup>68</sup> Economy, "The Four Drivers of Beijing's Emerging Arctic Play and What the World Needs to Do."

<sup>69</sup> Wright, "The Dragon Eyes the Top of the World," 9.

<sup>70</sup> *Ibid.*, 3.

At the same time, China has been unwilling to consider UNCLOS as a forum for arbitration of maritime boundary disputes in the South China Sea. China's signing of UNCLOS in 1996 was qualified by its rejection of certain provisions in dispute resolution clauses.<sup>71</sup> Offering full member status on the Arctic Council in return for China's submission to UNCLOS arbitration elsewhere on the planet may reveal China's true ambitions. Both the South China Sea and the Arctic Ocean offer similar natural resources in the form of oil, natural gas, and fisheries. The United States may have an opportunity to collaborate with China on the Arctic Council while working to shape its expanding influence in the Arctic. China's *Twelfth Five Year Plan* calls for increased coordination and cooperation to include forging bilateral and multilateral maritime cooperation agreements as well as active participation in international maritime forums.<sup>72</sup> Acknowledging China's great power status may encourage China to embrace a more cooperative tone and transparent efforts in the Arctic.

Even if not offered full member status, China will likely continue to expand economic partnerships with smaller Arctic countries such as Denmark and Iceland to meet China's future natural resource demands. The Arctic Council needs to monitor these relationships and prevent China from becoming a quasi-Arctic state through exerting economic leverage over Council member states. China has forged, for example, a strong bilateral relationship with Iceland, as evidenced by China's construction of the largest embassy in Reykjavik. Iceland has permitted the Chinese National Offshore Oil Corporation to develop projects on its continental shelf.<sup>73</sup> Additionally, China's only free trade agreement in Europe exists with Iceland.<sup>74</sup> Iceland has experienced significant problems with its economy since the 2008 banking collapse, and the opportunity to collaborate with a rising China is expected to offer a financial lifeline.<sup>75</sup> The chair and the members of the Arctic Council must be alert to votes by Iceland on Council issues. Are they truly being cast in accord with Icelandic positions and do they advance best interest of the Council? Or might China be exerting *de facto* influence through a proxy mechanism?

From 1951 through 2006, Iceland hosted U.S. forces at Keflavik Naval Air Station until a U.S. military drawdown program closed the facility and withdrew 1,300 American personnel from Iceland.<sup>76</sup> With no organic military, the Icelandic government was upset since closing the base left the island nation with no defense presence.<sup>77</sup> Iceland likely still resents this abrupt move by fellow NATO member the United States. As their bilateral relations with China strengthen, Iceland may offer China aircraft and naval basing rights to support their regional interests.

China's burgeoning influence may be a potential threat to the framework of Arctic cooperation and the broader security of the region. China, therefore, should not be allowed to create implicit proxy states through financial leverage or to exert undue diplomatic influence on smaller, politically and economically weaker Arctic states such as Iceland. The risk of an unchecked China in the Arctic may lead to regional instability and a lack of trust and cooperation among Arctic nations. It may cause a shift from the current state of liberalism fostered through the Arctic Council to a realist view.

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<sup>71</sup> See UNCLOS: Declarations and Statements, [http://www.un.org/depts/los/convention\\_agreements/convention\\_declarations.htm](http://www.un.org/depts/los/convention_agreements/convention_declarations.htm).

<sup>72</sup> People's National Congress, *China's Twelfth Five Year Plan (2011-2015)*, 17.

<sup>73</sup> Richard Milne, "CNOOC Teams up with Icelandic Group in its Play for Arctic Oil," *Financial Times*, June 9, 2013, <http://www.ft.com/intl/cms/s/0/7cd80ca8-d0fa-11e2-a3ea-00144feab7de.html#axzz3TRrlrxvI> (accessed March 3, 2015).

<sup>74</sup> Wegge, "China in the Arctic: Interests, Actions and Challenges," 91.

<sup>75</sup> Simon Bowers, "Iceland Rises from the Ashes of the Banking Collapse," *The Guardian*, October 6, 2013, <http://www.theguardian.com/world/2013/oct/06/iceland-financial-recovery-banking-collapse> (accessed March 3, 2015).

<sup>76</sup> Josh White, "U.S. to Remove Military Forces and Aircraft from Iceland Base," *The Washington Post Online*, March 17, 2006, <http://www.washingtonpost.com/wp-dyn/content/article/2006/03/16/AR2006031601846.html> (accessed April 10, 2015).

<sup>77</sup> *Ibid.*

China's interest in the Arctic may also reinforce its broader narrative of a rising China as a global power. As such, China has recently flexed its muscle on the United Nations Security Council through the increased use of its permanent member veto power (five times since 2007).<sup>78</sup> Likewise, it has become a more assertive leader in Asian multinational forums such as the Shanghai Cooperation Organization and in 2014 directly challenged the existing Bretton Woods monetary institutions with the establishment of the Asian Infrastructure Investment Bank.<sup>79</sup>

## Conclusion

The Arctic will continue to be a strategically important region as nations position themselves to take advantage of the untapped resources and expeditious maritime routes. Although China's interests in the Arctic started with scientific research, they have evolved into a desire to exert influence over the control and distribution of the bountiful natural resources (oil, natural gas, minerals, and fish stocks) required to sustain China's population and fuel the world's largest economy. As Stephen Blank notes, "China is clearly after more than simply investment and trade opportunities as it continues to display its obsession with securing energy and other supplies where the U.S. Navy cannot or will not go."<sup>80</sup> Additionally, China has signaled its intent to step up its use of the three Arctic maritime transit routes.

The Arctic Council is the internationally agreed model of governance and has established a strong reputation for cooperation and mutual respect among Arctic nations, as evidenced by the Arctic SAR and oil spill agreements. China is not likely to be satisfied with a limited role of observer in Arctic affairs and can be expected to continue to lobby for full membership on the Council. To boost the strategic importance of the group, however, the Arctic Council can capitalize on China's leadership position in the global economy. The rise of China in the Arctic may also be seen as a balance to Russia—which is the most active and provocative state in this region.

The self-labeling of the United States as an "Arctic nation" by national policy makers is not borne out by the intensity of American policy and activity in the region.<sup>81</sup> Unlike Russia and Canada, the United States is perceived by China as neither an Arctic power nor a threat to China's rising influence in the region. This perception offers the advantage of muting any aggressive notes in the tone of American calls for China to exhibit responsible behavior befitting a major international power.

The United States can take concrete actions in three arenas—unilateral, bilateral and multilateral—to reduce the risk to its national security interests in the Arctic. First, the U.S. Senate should ratify the UNCLOS and fund additional Coast Guard aircraft, icebreakers, and other patrol vessels to give the United States both increased international legitimacy and Arctic maritime capability.

Second, the United States should capitalize on the success of the bilateral Coast Guard ship-rider program to build confidence with China in related maritime areas. A candidate venue could be the joint maritime patrols between littoral nations in the South China Sea proposed last month in Malaysia by the commander of the U.S. 7<sup>th</sup> Fleet. Scott Cheney-Peters of the Center for Strategic and International Studies suggests that the U.S. component of such patrols could be vessels from the Coast Guard (rather than the U.S. Navy) to reduce the appearance of a direct military challenge to China.<sup>82</sup> The law-enforcement character of the U.S. Coast Guard and its established capacity-building programs with its Chinese counterpart should result in a less provocative presence with the potential to spawn additional areas of cooperation.

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<sup>78</sup> Wegge, "China in the Arctic: Interests, Actions and Challenges," 86.

<sup>79</sup> Ibid; *The Asian Infrastructure Investment Bank Home Page*, <http://aiibank.org/> (accessed April 12, 2015).

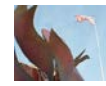
<sup>80</sup> Stephen Blank, "China's Arctic Strategy," *The Diplomat*, June 20, 2013, <http://thediplomat.com/2013/06/chinas-arctic-strategy/> (accessed March 9, 2015).

<sup>81</sup> Robert J. Papp, "America is an Arctic Nation," *The White House Blog*, blog entry posted December 2, 2014, <http://www.whitehouse.gov/blog/2014/12/02/america-arctic-nation> (accessed January 25, 2015).

<sup>82</sup> Scott Cheney-Peters, "Joint Patrols and U.S. Coast Guard Capacity," April 1, 2015, <http://amti.csis.org/joint-patrols-and-u-s-coast-guard-capacity/> (accessed April 12, 2015).

Third, the U.S. government must continue to leverage opportunities to build a solid coalition within the Arctic Council to induce China to assume the mantle of responsible global partner in several venues. The prize of full membership in the Arctic Council could be used to prod China into cooperation on maritime issues not only in the Arctic Ocean but further afield in the contentious theater of the South China Sea. The United States and the other Council members must be vigilant to Chinese attempts to subvert Council proceedings through economic coercion of vulnerable Arctic nations. The evolving Arctic offers great potential for multi-lateral cooperation rather than the pursuit of self-interest and competition. The United States and China have an opportunity to reinforce strong maritime governance in the Arctic for their mutual benefit.





# Myanmar in the Balance

William E. Boswell

*As the U.S. continues to rebalance to the Pacific, the role of U.S.-Myanmar relations in that rebalance must be considered carefully. Stemming primarily from its location and relationship to China, Myanmar is a country of geopolitical and strategic importance to the United States and the world. Unfortunately, Myanmar's troubled history with human rights violations and its slow reform process continue to strain U.S.-Myanmar relations and make the way forward challenging. This essay argues that the United States must recalibrate its current policy with regard to Myanmar to include a limited military engagement option as a means of improving U.S.-Myanmar relations, facilitating reform, strengthening the rebalance posture, and maintaining U.S. values.*

**Keywords:** *Strategic Recalibration, Military Engagement, Foreign Policy, Rebalance*

The strategic rebalance of U.S. international efforts toward the Asia-Pacific region requires reengagement with Myanmar due to its physical location and historical ties to China, India, and Japan. The Southeast Asian nation is geopolitically important, sharing land borders with China, India, Bangladesh, Thailand, and Laos, an extensive natural border along the Bay of Bengal, and enjoying commanding access to the Strait of Malacca. Currently, Myanmar is undergoing significant internal political and military reform after nearly half a century of military rule. Myanmar's peaceful transfer of power and attendant democratic/human rights reform initiatives have been gradual and slow, resulting in many unfulfilled reform promises. In response, the U.S. has adopted an incremental approach to engagement activities proportional to the pace of Myanmar's internal reform, resulting in stronger—but still tentative—bilateral relations. Myanmar's geopolitical position, democratic re-posturing, and developing relationship with the U.S. make further assessment of current U.S. policy essential to ongoing rebalance efforts. This essay describes the geopolitical importance of Myanmar, provides a brief history of foreign relations, outlines issues with Washington's current engagement policy, discusses military engagement policy options, and recommends a limited military engagement option that underscores U.S. values while strengthening strategic rebalance posture.

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*William E. Boswell (M.S.S. United States Army War College) is a Lieutenant Colonel in the United States Army. An earlier version of this article, written under the direction of Colonel P. Michael Phillips, earned a prestigious Army War College Foundation award for Outstanding Strategy Research Paper for the USAWC Class of 2015.*

## Why Myanmar Matters

Myanmar's proximity to and relationship with China was a central factor in Washington's decision to reengage Myanmar after twenty years of diplomatic isolation. Developing a strong relationship with Myanmar, however, holds far greater potential than originally assumed. Strengthening the U.S.-Myanmar relationship is, in fact, essential to balancing regional strategic interests, especially with regard to China, India, and Japan.<sup>1</sup>

Having achieved independence in 1948, Myanmar is emerging from decades of military rule and internal strife. Myanmar's internal resources are varied. Thousands of ancient temples and historic sites contribute to its expanding tourism market. Myanmar also has abundant natural resources, including hydrocarbons, minerals, precious stones, timber, and fish. Offshore drilling blocks in Myanmar's extensive gas fields are arguably the most valued of its commodities. Intense competition among oil companies is both bolstering and testing the strength of Myanmar's economic and political relationships with the U.S., China, India, and Japan.<sup>2</sup>

While India and China possess nuclear weapons, dynamic economies, and assertive foreign policies, Myanmar's political, economic, and military experience and assets are more modest. Despite its relative weakness, Myanmar plays a role in balancing the ambitions of more powerful states. Once part of British India, Myanmar maintains a significant Indian diaspora as well as deep religious and cultural ties. Like Myanmar, China also maintains a large diaspora and shares cultural ties. Both India and China actively compete for access to Myanmar's natural resources through seaport and gas pipeline projects,<sup>3</sup> and both have been able to affect Myanmar's policies for the past two decades. Recent reforms, however, have enabled Myanmar to exert some influence to affect policies of China, India, the U.S., and Japan.

Beijing's steady consolidation of power maintains focus on internal regime stability followed by economic expansion and regional hegemony. By aggressively pursuing territorial claims in the South and East China Seas, China seeks to prevent containment and assert its role as the dominant Asian power. By modernizing its navy and massive commercial fleet, China leverages vitally important sea lanes to expand economic markets. China's handling of South China Sea claimant issues and increased access to the Indian Ocean is part of its "String of Pearls" approach. This approach has expanded China's commercial and naval presence at ports throughout the Indian Ocean, including Great Coco Island in Myanmar, Chittagong in Bangladesh, Hambantota in Sri Lanka, and Gwadar in Pakistan. Although Myanmar's location provides China with a means to project influence within the Indian Ocean littoral, the People's Liberation Army Navy (PLAN) is unlikely to seek establishment of permanent bases in Myanmar. China maintains non-military access to Myanmar's natural resources and its seaports via Chinese businesses and investments. Because Chinese contractors maintain some of their country's key port facilities, Myanmar remains somewhat beholden to China for spare parts and support. China could potentially use this technical assistance to expand its influence within ASEAN.

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<sup>1</sup> Euan Graham, "Southeast Asia in the US Rebalance: Perceptions from a Divided Region," *Contemporary Southeast Asia* 35, no. 3 (December 2013): 305.

<sup>2</sup> Gwen Robinson and Lionel Barber, "Myanmar Opens Oil and Gas Auction" (also titled "Myanmar to Reconsider Energy Contracts"), *FT.com Online*, April 11, 2013, <http://www.ft.com/cms/s/0/97b175c6-a2b7-11e2-9b70-00144feabdc0.html#axzz4EbiQxLXI>.

<sup>3</sup> Robert D. Kaplan, "Geography Rules: It's All About Spheres of Influence," *STRATFOR Online*, August 21, 2013, <https://www.stratfor.com/weekly/geography-rules-its-all-about-spheres-influence>.



China's relations with Myanmar form a critical component of Beijing's effort to counterbalance U.S. and Indian influence and maintain strategic situational awareness. With regard to energy security, China has pipelines through Myanmar and also has plans to build a canal across Thailand's Isthmus of Kra. If built, this canal could replace the Malacca Strait as China's primary avenue for importing oil and gas.<sup>4</sup> If need be, China could also use the canal for military access between the Gulf of Thailand and the Andaman Sea, thereby potentially limiting international access to the Malacca Strait and the South China Sea—a clear strategic advantage. The canal project, however, would take many years to develop. Until then, India should continue to enjoy its strategic maritime advantage in the Bay of Bengal.<sup>5</sup>

To demonstrate its maritime interests and counter Indian and U.S. naval influence, China has increased naval presence in the Bay of Bengal through routine visits to Myanmar's ports.<sup>6</sup> China will likely continue to provide technical and materiel support to Myanmar's ports, functionally guaranteeing routine access to oil and gas pipelines connecting China's landlocked Yunnan province (e.g., the Yunnan-Yangon-Irrawaddy corridor). Importantly, these supply routes could also be used to provide logistical support to PLAN forces operating in the Bay of Bengal (including those monitoring Indian naval activity and missile tests).<sup>7</sup>

Responding to Myanmar's domestic political reforms and to concerns about rising Chinese influence, India—like the U.S. and Japan—has implemented a more aggressive engagement strategy with Myanmar. Four of India's six remote Northeastern states sit between China and Myanmar and are quite physically removed from direct contact with New Delhi: Nagaland, Mizoram, Manipur, and Arunachal Pradesh. Arunachal Pradesh is the most vulnerable; China disputes India's claim to much of that remote state's territory.<sup>8</sup> Because India's northeast is also known for geographical inaccessibility, insurgencies, and underdevelopment, improved cross-border relations with Myanmar could also improve New Delhi's access to and governance within these troubled states. As part of India's "Look East" policy, this access could increase Myanmar's export market to India and increase the flow of Indian manufactured goods to Myanmar and other Southeast Asian countries. India, like China, also desires more efficient overland routes through Myanmar in order to supply its northeastern security forces. This could improve bilateral security cooperation between India and Myanmar and benefit both nations' internal security programs. India's Andaman and Nicobar Islands are geographically closer to Myanmar than to mainland India. Improved maritime cooperation with Myanmar would enhance Indian sea power projection and check China's regional ambitions. Because bilateral relations are improving, these designs may come to fruition. During the aftermath of Cyclone Nargis in 2008, for example, Myanmar demonstrated a greater measure of trust toward India than other nations when it permitted Indian military doctors exclusive access to undertake relief efforts inside its borders.<sup>9</sup> Myanmar-U.S. relations, however, remain strained due

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<sup>4</sup> James R. Holmes and Toshi Yoshihara, "China's Naval Ambitions in the Indian Ocean," *Journal of Strategic Studies* 31, no. 3 (June 2008): 367.

<sup>5</sup> David Brewster, "Beyond the 'String of Pearls': Is there really a Sino-Indian Security Dilemma in the Indian Ocean?" *Journal of the Indian Ocean Region* 10, no. 2 (2014): 133.

<sup>6</sup> Colin Dueck, "The Return of Geopolitics," *Real Clear World Online*, July 27, 2013, [http://www.realclearworld.com/articles/2013/07/27/the\\_return\\_of\\_geopolitics\\_105345.html](http://www.realclearworld.com/articles/2013/07/27/the_return_of_geopolitics_105345.html).

<sup>7</sup> Gurpreet S. Khurana, "China's 'String of Pearls' in the Indian Ocean and Its Security Implications," *Strategic Analysis* 32, no. 1 (January 2008): 3.

<sup>8</sup> Namrata Goswami, "China's 'Aggressive' Territorial Claim on India's Arunachal Pradesh: A Response to Changing Power Dynamics in Asia," *Strategic Analysis* 35, no. 5 (August 2011): 781.

<sup>9</sup> Ranjit Gupta, "China, Myanmar and India: A Strategic Perspective," *Indian Foreign Affairs Journal* 8, no. 1 (January 2013): 87.

largely to the history of U.S. sanctions against Myanmar on humanitarian grounds. Cyclone Nargis may have provided India with an opportunity to assist and possibly further develop positive relations with Myanmar, but the disaster also demonstrated Myanmar's commitment to maintaining its political distance from the United States. Myanmar denied U.S. access to its ports even when offered much needed humanitarian assistance.<sup>10</sup>

### History of U.S. Relations with Myanmar

The military has ruled Myanmar (formerly Burma) since 1962. At that time, General Ne Win implemented the "Burmese Way to Socialism" after ousting Prime Minister U Nu in a coup. Ne Win's Socialist Programme Party emerged as the only political party, which did not improve the country's ambiguous relationship with the U.S. He nationalized the economy, banned press freedoms, and, at times, imposed harsh anti-Chinese and anti-ethnic group policies. After Ne Win's resignation as party leader in 1988, a period of civil unrest led to General Saw Maung's brutal coup and the installation of the State Law and Order Restoration Council (SLORC). In response to the coup and subsequent human rights violations, the U.S. imposed long-term commercial and economic sanctions. In turn, those sanctions led Maung to expanded relations with China. Initially, India also took a hard stand against Myanmar's military rulers and supported pro-democracy groups. But by the mid-1990s, New Delhi's policy became more conciliatory out of concern for Beijing's growing influence.<sup>11</sup>

Renewed U.S. relations with Myanmar became necessary as sanctions ultimately failed to isolate and weaken Myanmar's military junta. The U.S. clearly needed a different approach to achieve strategic goals in the region.<sup>12</sup> Sanctions were largely ineffective because extensive Chinese military assistance and favorable Indian cooperation enabled Myanmar's regime to maintain control.<sup>13</sup> Myanmar's military rulers decided to engage meaningfully with the U.S. only after they became concerned with China's rising influence in their country.<sup>14</sup>

2003 signaled an era of reform for Myanmar, including an initial reform announcement via the "Roadmap to Discipline-flourishing Democracy." The "Roadmap" was followed by a constitutional referendum in 2008 and democratic elections in 2010. That same year, dissident Aung San Suu Kyi was released and reassumed political activities. Myanmar's presently quasi-civilian government has undertaken numerous political and economic reforms since its highly orchestrated election, where former General Thein Sein was elected as President and his Union Solidarity and Development Party (USDP) won the majority of seats in the upper and lower houses—not surprising as the 2008 constitution guaranteed the military a 25% quota in the legislature. Because of its inconsistency with democratic values, the military's high representation in the legislature remains an issue for the U.S. In 2012, parliamentary by-elections were held and opposition leader Aung San Suu Kyi and her National League for Democracy (NLD) party won 11 percent of the seats. President Obama also visited Myanmar in 2012 and 2014 and President Thein Sein visited President Obama in Washington

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<sup>10</sup> Sheldon Simon, "U.S.-Southeast Asia Relations: U.S. Frustrated as Burma Obstructs Cyclone Relief," *Comparative Connections, A Quarterly E-Journal on East Asian Bilateral Relations Online*, July 2008, <https://www.csis.org/analysis/comparative-connections-v10-n2-us-southeast-asia-relations>.

<sup>11</sup> *Ibid.*, 80.

<sup>12</sup> Kurt M. Campbell, "U.S. Policy toward Burma," October 21, 2009, <http://www.state.gov/p/eap/rls/rm/2009/10/130769.htm> (accessed September 10, 2014).

<sup>13</sup> Roman David and Ian Holliday, "International Sanctions or International Justice? Shaping Political Development in Myanmar," *Australian Journal of International Affairs* 66, no. 2 (March 2012): 122.

<sup>14</sup> "Less Thunder Out of China; Relations with Myanmar," *The Economist*, October 6, 2012, 56.

in 2013. The U.S. has lifted most, but not all, sanctions due to ongoing concerns about governance and human rights issues in Myanmar.

Even during its period of highest sanction, however, the U.S. failed to terminate all economic activity with the Myanmar military regime after 1988. The one exception was Chevron's joint venture for the construction of a pipeline linking Myanmar's Yadana gas field with Thailand. That became something of an embarrassment for Washington because alleged human rights abuses were traced to Myanmar's security forces who were assisting with the project.<sup>15</sup> The sting of being associated with Myanmar's long history of human rights violations reverberates as do continuing discriminatory policies within Myanmar. The U.S. reengagement approach, therefore, remains cautious—and understandably so. Although the U.S. now has access to many of Myanmar's natural resources that were inaccessible for over two decades, its approach has been incremental and predicated upon democratization efforts. This reengagement strategy is still somewhat risky, particularly with regard to stagnation of important reforms that compromise U.S. democratic values. The U.S. maintains legitimate concerns about Myanmar's limited efforts to change the political-military landscape and its continued suppression of ethnic minorities. Myanmar's rulers do not appear to share the U.S.'s sense of urgency with regard to timely reform. They do, however, appear to share U.S. concerns about China's growing economic and military footprint in the region. China's reduction of its insular policies and development of sizeable maritime assets in a remarkably short time likely contributed to Myanmar's move to enact internal reform initiatives.

China has viewed Myanmar as a vassal state at least since Myanmar's independence. After the 1988 coup, China increased its political and economic influence over Myanmar because relations with traditional democratic donor nations had been effectively severed. To achieve strategic goals in Myanmar, China has invested heavily in Myanmar's most powerful institution: its armed forces or *Tatmadaw*. China is likely to maintain this approach and, in turn, Myanmar will likely continue to maintain favorable military relations with Chinese counterparts. China's support to Myanmar's military junta provided time and space to rebuff international criticism, including incentives to enact change. Specifically, China provided protection in the U.N. Security Council, military equipment and training, and economic investment when few others were willing to provide such assistance.<sup>16</sup> Myanmar's relations with other neighboring Southeast Asian states and with India have been generally stable with regard to trade and investment. This further enabled Myanmar to withstand the economic impact of sanctions but Myanmar's mistrust of China, however, eventually convinced junta leaders that even though China's assistance helped insulate Myanmar from other foreign pressures, Chinese activities also threatened Myanmar's sovereignty.<sup>17</sup> The military junta consistently demonstrated its preference for political power over economic prosperity and, as such, needed to implement changes that would lift over twenty years of U.S. sanctions, reinvigorate foreign investment, and reduce overdependence on China.<sup>18</sup> In practice, the road to political reform has been tenuous and fragile. Nevertheless, even China now desires greater stability within Myanmar. By assisting Myanmar's leaders in resolving longstanding conflicts with ethnic groups that straddle their common border, China seeks to secure its pipelines and ensure uninterrupted energy security.<sup>19</sup>

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<sup>15</sup> "Congress Eyes Chevron's Role in Burma," *Financial Times*, October 24, 2007, 3.

<sup>16</sup> David I. Steinberg and Hongwei Fan, *Modern China-Myanmar Relations: Dilemmas of Mutual Dependence* (Copenhagen: NIAS Press, 2012), 299.

<sup>17</sup> Kyaw Yin Hlaing, "Understanding Recent Political Changes in Myanmar," *Contemporary Southeast Asia* 34, no. 2 (August 2012): 199.

<sup>18</sup> Gupta, "China, Myanmar and India: A Strategic Perspective."

<sup>19</sup> Maitrii Aung-Thwin, "Myanmar in 2013: Integration and the Challenge of Reform," *Southeast Asian Affairs*, 2014, 205.

Renewed U.S. interest in Myanmar is based on the larger strategic context of checking China's political and economic influence. Because China has increased efforts to maintain influence with Myanmar's military and civilian leaders, the U.S. must continue to develop a more positive relationship with Myanmar despite concerns over ethnic tensions and human rights violations. In essence, Myanmar is important because U.S. strategic rebalance objectives are inextricably tied to China's rise as a peer competitor. To that end, increased U.S. influence in Myanmar adds another complicating factor to China's foreign policy calculations, especially with respect to Beijing's South and Southeast Asia policies.

China, India, and the United States share many strategic interests in Asia's stability and prosperity (e.g., weapons of mass destruction, transnational terrorism, environmental issues, and economic prosperity). China's growing regional influence, however, has become a major concern for both India and the United States. India has the potential to be a major factor in controlling China's expansion. Recognizing this, the Obama administration has actively engaged India's current administration and enjoys favorable relations with Prime Minister Narendra Modi. This partnership is essential to countering Chinese influence, especially in Myanmar's case. India can diplomatically and militarily pressure China while doing more to assist Myanmar with reforms that lessen Myanmar's dependence upon China. Myanmar and India have historic ties and their Asian perspectives are more similar to each other than to U.S. worldviews.<sup>20</sup> The U.S. is thus able to focus on its values-based democracy and human rights agenda in Myanmar while other nations exercise engagement consistent with their national interests and values.

Similarly, Japan's historic and religious ties to Myanmar allow it to take advantage of several opportunities to engage Myanmar with an agenda that includes Myanmar's economy, natural resources, and its ability to influence China's activities in Myanmar. Japan has increased efforts to provide economic assistance for the people of Myanmar since 2010 when Myanmar began implementing domestic political and economic reforms. Since parliamentary elections in March 2012, Japan agreed to fund several infrastructure projects, including port facilities as a means of improving its bilateral relationship with Myanmar.<sup>21</sup> This increased application of soft power and humanitarian assistance comes at a time when Japan is deeply concerned about Chinese regional ambitions.

For decades China and Japan have proactively leveraged developmental assistance programs to advance sovereign interests and access strategically important resources throughout Asia and beyond. This strategy, paired with Myanmar's liberalization efforts, has attracted greater foreign assistance in recent years. Historically, though, China has enjoyed the greatest amount of influence since most donor nations dramatically reduced aid to Myanmar following the 1988 military coup (though India and Japan did not support U.S. sanctions). With the recent influx of economic assistance from a variety of donor nations, Myanmar is able to exercise greater sovereignty and reduce China's influence. Thus, China's strained relations with Myanmar are becoming more complicated and problematic. As much as China abhors transparency and partnering, it may find itself in a situation where cooperation with other donor nations becomes essential to maintaining a stake in Myanmar. Although China has demonstrated no such capacity in other areas (e.g., the East and South China Seas), the situation with Myanmar is different. China does not have a land border

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<sup>20</sup> Amit Gupta, "India and the United States," in *Global Security Watch – India* (Westport, CT: Praeger, 2012), 81.

<sup>21</sup> James Reilly, "China and Japan in Myanmar: Aid, Natural Resources and Influence," *Asian Studies Review* 37, no.2 (June 2013): 153.

on the Bay of Bengal and needs Myanmar to be able to maintain influence within Indian Ocean littoral nations.<sup>22</sup> China would also like to retain its influence over Myanmar without jeopardizing its relations with competing nations. Within this milieu, then, the U.S. must carefully consider best practices for engagement with Myanmar's newly democratic government, especially with regard to the *Tatmadaw*.

### Issues with Existing Engagement Policy

Although its motives can be unclear at times, Myanmar's leadership has deliberately implemented democratic reforms over the past decade. This liberalization has created a means for Myanmar to balance internal and external interests, but its government has not yet made enough progress in several key areas: increasing civilian control of the military, eliminating human rights abuses, breaking ties with North Korea, rendering politics more inclusive, and resolving ethnic tensions. To date, Myanmar has pursued many needed reforms half-heartedly. Meanwhile, the U.S. appears to have turned a blind eye to the *Tatmadaw's* reluctance to commit to Myanmar's reform agenda (in order to pursue its own interests with China). Strong Myanmar-U.S. relations could be a potential source of U.S. embarrassment if U.S. military engagement progresses ahead of Myanmar's military reforms. Until the aforementioned issues are resolved, U.S. policy must be anchored to democratic values and military engagement should be limited to humanitarian and governance themes.

Reforming Myanmar's military will be a major challenge. As the country's most powerful institution for over half a century, the *Tatmadaw* is Myanmar's primary perpetrator of human rights violations and oppression of ethnic and religious minorities. Myanmar also maintains military ties to North Korea.<sup>23</sup> The transition to actual civilian rule is incomplete and reform activities failed to amend the constitution before the 2015 election. Because Myanmar's 2008 constitution continues to mandate a 25 percent military quota in parliament, the military retains the power to approve or deny constitutional amendments. Thus, despite tremendous success during the 2015 election by Aung San Suu Kyi and her party, the road to fully democratic elections remains fraught with difficulty. To further solidify a positive U.S.-Myanmar relationship, newly elected leaders will need to more fully embrace reform initiatives. Many of Myanmar's 2012 and 2013 promises to President Obama remain unrealized, including Myanmar's failure (a) to effectively and humanely deal with the stateless Rohingya people, and (b) to move toward severing military ties with North Korea.<sup>24</sup> Further, reconciliatory political dialogue has not yet resulted from ceasefire agreements with 12 of 13 ethnic groups. The U.S. Congress has responded to these shortcomings by proposing H.R.4377, The Burma Human Rights and Democracy Act of 2014. If adopted, this act would prohibit security assistance funding to the government of Myanmar until the U.S. Secretary of State certifies that Myanmar has taken credible steps toward implementing promised reforms.<sup>25</sup> Moreover, the language of H.R. 3979 FY 15 NDAA, Military-to-Military Engagement with the Government of Burma (§ 1253) permits only limited engagement with Myanmar's military and essentially prohibits activities not related to institutional reform and humanitarian assistance. The current calibrated engagement approach with Myanmar should be revised to address increased concerns of human rights advocates and restore

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<sup>22</sup> *Ibid.*, 154.

<sup>23</sup> Donald M. Seekins, "Burma and U.S. Sanctions: Punishing an Authoritarian Regime," *Asian Survey* 45, no. 3 (May 2005): 439.

<sup>24</sup> Bureau of East Asian and Pacific Affairs, *U.S. Relations With Burma Fact Sheet* (Washington, DC: U.S. Department of State, 2014).

<sup>25</sup> *Burma Human Rights and Democracy Act of 2014*, H.R.4377, 113th Congress (September 9, 2014).

Congressional confidence. The following policy options provide some opportunities to recalibrate engagement and maintain influence in a country key to Washington's Asia strategy.

### Recalibration Options to Current Policy

The first option would be to prohibit further military engagement until the desired conditions are met. Cooperation with Myanmar's military has progressed ahead of the pace of necessary reforms. Expanding U.S. military engagement beyond current activities, therefore, would be prohibited in order to stress the conditional and values-based nature of U.S. reengagement. Under this option, the DoD and Congress would be sending a unified message: Myanmar has implemented essential reforms far too slowly. Absent further reforms (or evidence of reform acceleration), only existing capacity building programs focused on rule of law and human rights would continue. U.S. activities would be limited to those that promote democratic values, human rights awareness, and rule of law reform. Prohibiting further military engagement until agreed-upon benchmarks are met is a balanced way to improve the resolve and commitment of Myanmar's government.<sup>26</sup> Such a principled approach also would mitigate potential U.S. Congressional issues and likely receive support from Aung San Suu Kyi and the NLD party. This option would not affect ongoing military assistance programs from other donor nations such as India, Australia, and Great Britain. These programs would continue to reduce China's influence within the *Tatmadaw* and improve allies' and partners' influence, which by extension continue to benefit the U.S. Although DoD military programs would be more limited in scope, Myanmar would continue to desire them, effectively countering Chinese influence.

A second option would be to increase U.S. military engagement in order to accelerate the pace of reform and enhance U.S. influence in Myanmar. Specifically, the U.S. would expand security cooperation activities beyond rule of law and security sector reform programs, extending to a broader military and police audience by augmenting U.S. Law Enforcement programs with appropriate DoD instructors.<sup>27</sup> Myanmar's officers and NCOs would also benefit from attending educational courses at U.S.-based military institutions that teach norms of civil-military relations in order to restore public trust in Myanmar's security sector. Interaction with uniformed U.S. strategic leaders would increase exposure to democratic values and provide alternate viewpoints to Myanmar's leaders who have been extensively influenced by decades of Chinese military training programs. Rotational military medical missions would be deployed to areas affected by drug resistant malaria to build Myanmar's military medical capacity and generate a more humanitarian focused mission.<sup>28</sup> Because this option communicates U.S. willingness to proactively engage a military with significant human rights and rule of law deficiencies, Congress and human rights advocates would need to be convinced that more military assistance would have a catalytic and positive effect on reform within Myanmar's ranks. This could accelerate Myanmar's overall efforts to revamp its image and may decrease China's influence within the *Tatmadaw*. On a cautionary note, however, increased U.S. military engagement could also be perceived as provocative and unintentionally create a security dilemma with China.

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<sup>26</sup> Steve Hirsch, "Cracks Appear in US Myanmar Rapprochement," *The Diplomat Online*, April 30, 2014, <http://thediplomat.com/2014/04/cracks-appear-in-us-myanmar-rapprochement>.

<sup>27</sup> David Steinberg, "The Problem with H.R. 4377, the Burma Human Rights and Democracy Act of 2014," *cogitASIA Online*, May 7, 2014, <http://cogitasia.com/the-problem-with-h-r-4377-the-burma-human-rights-and-democracy-act-of-2014/>

<sup>28</sup> J. Stephen Morrison et al., *Myanmar: Regressed, Stalled, or Moving Forward?* (Washington, DC: CSIS, October 2014).

A third option would be a multilateral approach, aligning U.S.-Myanmar military assistance with ASEAN programs. Myanmar chaired ASEAN in 2014 and, capitalizing on Myanmar's successful leadership of a multilateral organization, the U.S. could promulgate a unique approach to Southeast Asian military activities that places ASEAN leadership at the forefront and utilize ASEAN Regional Forum (ARF) exercises and deployments to demonstrate unity of action toward pervasive issues such as narcotics production and trafficking, drug resistant malaria, human rights issues, humanitarian crises, and territorial disputes. This ARF-led framework in Myanmar would have U.S. participants serving as subject matter experts and neighboring countries like Thailand and Laos providing the majority of participants. Similar to Myanmar sending military observers to routine regional, multilateral military exercises (e.g., COBRA GOLD in Thailand), Myanmar's internal military exercises could focus on humanitarian crises modeled after 2008's Cyclone Nargis (as one possible scenario). This construct accords Myanmar's security forces more exposure to non-Chinese security forces, highlights the importance of humanitarian missions, and demonstrates U.S. military programs closely aligned with ASEAN partners. Even though there would be potential political and bureaucratic issues at the outset, these could be overcome and the long term benefits would be worth the effort. This framework could also be helpful with regard to resolving extraterritorial sovereignty issues in the South China Sea. Multilateral exercises are the norm in the region and Myanmar would likely be receptive to expanded interaction, albeit cautious with regard to exercises within its own troubled areas. Human rights advocates and concerned domestic audiences would likely applaud a multilateral approach where activities would be strictly humanitarian in nature. The main drawback to this option is that it would likely take several years to realize the benefits and Myanmar could be hesitant to agree to this framework in the near term. Further, the U.S. would need to exercise more restraint in the region as its actions are frequently interpreted as mixed messages, potentially indicating to China what would likely be perceived as another attempt at containment.

### **Suggested Military Engagement Approach**

Washington's reengagement strategy with Myanmar's fledgling democracy has been incremental, developing a strategic partnership pragmatically and patiently. The U.S. Department of Defense needs to maintain a strategy in step with Congress that ties increased military assistance directly to the advancement of essential reforms. In addition to Myanmar's peaceful transition out of decades of military rule, U.S. /national interests are focused on China's rise in economic and military might. A recalibrated military engagement strategy would maintain existing DoD security cooperation programs because they influence Myanmar's security sector stakeholders. These programs are also strictly limited to promoting democratic values, human rights awareness, and rule of law reform. Prohibiting further military engagement until agreed-upon benchmarks are met should strengthen the resolve and commitment of Myanmar's reformers. This principled approach also mitigates potential long-term resentment from ethnic minorities that have captured the interest of international human rights advocates. Future security cooperation programs must provide the ability for the U.S. to demonstrate its unwillingness to compromise on central issues and must give Myanmar the space to progress at its own pace without feeling threatened by external influences. This approach prevents domestic political backlash and permits gradual implementation of long term programs that would emerge from the U.S. mission's current in-country activities (e. g., USAID-led development programs, public diplomacy activities, security sector capacity building programs, and reintroduction of U.S. companies operating in Myanmar). The military portion of Washington's strategy could remain limited to rule of law and human rights focused topics until military transparency improves. Transparency would be measured through development of a round-table

forum that builds consensus among donor military nations (including China) and Myanmar's civilian and military leaders. Consensus among stakeholders would be achieved through the establishment of milestones and mutually agreeable performance standards.

Considering China's human rights record and extensive ties with the *Tatmadaw*, donor nation military assistance should focus on humanitarian activities and be directed toward rebuilding trust in former conflict areas. This collective defense partnership framework would demonstrate openness and improve the *Tatmadaw's* image by working with civilian populations in local communities. Providing equipment would be discouraged but could be approved on a case-by-case basis if doing so improves a necessary capability, such as medical response to infectious diseases. The U.S. military model of professionalism should help to reshape attitudes toward ethnic minorities and civilian officials. Close relationships with Washington's allies and partners will be leveraged to bolster U.S. credibility and mitigate risk of a relapse to military rule. These relationships also minimize concerns about whether a reduction of U.S. military assistance would cede ground to others such as China. Also, a limited U.S. military presence may even mollify China and thereby reduce the possibility of strategic misunderstanding. Encouraging support of round-table activities should lead to broader regional cooperation as well. Myanmar would try to balance American, Japanese, Indian, and Chinese influence and leverage this unified approach to demonstrate the *Tatmadaw's* progress toward transparency. If adequately resourced and prioritized, India's large armed force and close proximity to Myanmar would presumably contribute the most militarily. Donor nations such as Australia and Great Britain could also wield considerable influence and address gaps not covered by U.S. military programs. Improved military relations between the U.S. and India should signal to China that its String of Pearls approach ought to be cooperative in nature and not threaten freedom of navigation. This approach also discourages the practice of leveraging bilateral defense relations to achieve security goals not consistent with reform objectives. Increased transparency would also provide data essential for stakeholders to report progress accurately.

Because it allows Myanmar's political, economic, and social conditions to gradually evolve, this strategy is sustainable. It also provides donor military nations the insights to make necessary adjustments, both positive and negative. Military trade with North Korea continues to be a non-negotiable component for Washington and non-compliant members of the *Tatmadaw* would be singled out and denied the benefits of multilateral cooperation. USAID would continue to lead activities targeted at improving quality of life through development. These programs have a secondary benefit of addressing military transparency through inclusive, multilateral development programs.

Because it is not an extreme departure from the current engagement policy, this suggested strategy has minimal risks. Myanmar is a lesser known Asian country and U.S. activities would be underwritten by Aung San Suu Kyi, so U.S. domestic response would likely be favorable and go largely unnoticed. Myanmar, for its part, is acutely interested in maintaining favorable U.S. relations to balance China's regional influence. Restricting growth of U.S. military programs communicates Washington's adamancy regarding fulfillment of reform promises. Myanmar needs favorable long term U.S. relations in order to balance its neighbors and bolster its economy. These relations allow Myanmar to be less dependent upon China, provide India an opportunity to increase its influence, and give the U.S. a stronger regional partner in a geopolitically important location. This strategy ensures persistent and productive U.S. engagement with Myanmar and the Asia-Pacific region consistent with the overarching strategic framework of the United States.



## Conclusion

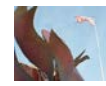
Reestablishing favorable relations with Myanmar was an essential component of the U.S. strategic rebalance to the Asia-Pacific region. Favorable U.S.-Myanmar relations are essential to Asia-Pacific regional stability in the 21<sup>st</sup> century. If carefully considered and approached, strategic rebalance success and preservation of Washington's moral high-ground can be achieved and maintained in Myanmar. A recalibrated military engagement strategy with Myanmar addresses concerns of human rights advocates and the U.S. Congress while incentivizing acceleration of democratic reforms.

Prohibiting further military engagement with Myanmar's military demonstrates a measure of calibrated restraint. This approach does not jeopardize bilateral relations because Myanmar is committed to reducing China's influence and growing strong relations with the United States. Myanmar's reforms will undoubtedly continue and its military will still benefit from well-crafted U.S. DoD engagement programs. India and other U.S. allies and partners will continue to challenge China. Success will be achieved through a U.S. strategy that is not defined by enhanced bilateral military relations during Myanmar's peaceful transition to civilian rule.

Increasing Washington's influence in Myanmar requires continuous engagement that includes leveraging India to balance China.<sup>29</sup> However, U.S. engagement must be consistent with American values, preserve U.S. integrity, and demonstrate Washington's unwillingness to compromise on governance and human rights issues in Myanmar. Simply maintaining the status quo will not adequately express U.S. concerns about Myanmar's government, nor will it serve American interests in the Asia-Pacific region.

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<sup>29</sup> Peter A. Coclanis, "The Myanmar Moment? Why Washington Made its Move," *World Affairs Online* 174, no. 5 (January/February 2012): 89, <http://www.worldaffairsjournal.org/article/myanmar-moment-why-washington-made-its-move>.



# Repetitions of History

Scott M. Naumann

*The U.S. Army's leadership is tasked with simultaneous achievement of two largely incompatible goals: downsizing the force and maintaining its capacity to enact the nation's defense strategy. Negotiating this challenge and avoiding conditions leading to a "hollow force" requires careful adjustment of three variables: end strength, readiness, and modernization. Failure to effectively and strategically manipulate these variables is a precursor to future defeat. By comparing the current situation facing U.S. military leadership with the British Army's downsizing efforts during the interwar period (1919-1939), this essay identifies insights for decision-makers charged with developing downsizing policies for the U.S. Army.*

**Keywords:** *Defense Drawdown, British Army, Force Structure, Readiness, End Strength, Modernization, Hollow Army*

Want of foresight, unwillingness to act when action would be simple and effective, lack of clear thinking, confusion of counsel until emergency comes, until self-preservation strikes its jarring gong—these are the features which constitute the endless repetition of history.

—Winston S. Churchill<sup>1</sup>

When predicting future national security threats or anticipating the next conflict, the historical record is clear: policy makers usually get it wrong. Indeed, former Secretary of Defense Robert Gates famously remarked that "... when it comes to predicting the nature and location of our next military engagement . . . our record has been perfect. We have never once gotten it right."<sup>2</sup> This condition is readily apparent today as the contemporary global security environment challenges defense policy makers to best prepare the U.S. Army for an uncertain future. Fiscal constraints, public war weariness, emerging technologies, and a myriad of global threats present a complex challenge to the

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*Scott M. Naumann (M.A. Hawaii Pacific University) is a Colonel in the United States Army. An earlier version of this article, written under the direction of Professor Philip M. Evans while the author was an Army War College Fellow at the University of North Carolina, earned a prestigious Commandant's Award for Distinction in Research for the USAWC Class of 2015.*

<sup>1</sup> Winston Churchill, "Air Parity Lost," speech to the House of Commons, May 2, 1935, <https://www.winstonchurchill.org/learn/speeches/speeches-of-winston-churchill/90-air-parity-lost> (accessed February 20, 2015).

<sup>2</sup> Robert M. Gates, "Secretary of Defense Remarks at West Point," February 25, 2011, <http://www.defense.gov/speeches/speech.aspx?speechid=1539> (accessed February 17, 2015).

Army's leadership tasked with downsizing the force while simultaneously ensuring its capacity to accomplish the nation's defense strategy.

At the core of this complex challenge lies a balancing act. To avoid cultivating a condition that leads to a "hollow force,"<sup>3</sup> former U.S. Army Chief of Staff General Raymond T. Odierno once stated that leaders must carefully adjust three variables during a downsizing period to ensure the force is prepared to meet future demands: end strength, readiness, and modernization.<sup>4</sup> To be sure, greater end strength is not necessarily a better condition. Indeed, during past drawdowns, the Army maintained end strength at the expense of readiness and modernization which ultimately led to a hollow force. Similarly, preserving modernization accounts or readiness over end strength can lead to other deleterious effects. Incredible technology and high readiness will not make up for an army too small to meet the defense strategic guidance.

Adjusting these variables to meet the challenges of the perceived operating environment—while simultaneously managing risk—is no easy task. The consequences are great. Failure to adequately manage these variables negatively impacts U.S. national security and, as Army Vice Chief of Staff General Daniel Allyn recently reflected, can place the lives of our soldiers at considerable risk.<sup>5</sup> In today's uncertain environment, this balancing act represents a difficult problem, but by no means is this a new phenomenon. Historical analysis, therefore, can provide useful insights to guide the downsizing of the U.S. Army—insights that can assist policy makers charged with generating options and developing solutions for the tasks undertaken.

This essay begins with a brief review of previous U.S. Army downsizing efforts, and then reviews the strategic context leaders face as they plan today's U.S. Army downsizing. Next, the case is made for the British Army downsizing experience during the inter-war period (1919-1939) as the lens best approximating our contemporary environment. An analysis of the insights gained from the British experience using General Odierno's benchmarks for hedging against the creation of a "hollow army" (end strength, readiness, and modernization) is presented.<sup>6</sup> The paper concludes with recommendations of the most significant insights for consideration by policy makers.

History cannot provide certain solutions for an uncertain future. Indeed, reasonable people can—and do—disagree with the ostensible lessons learned from any historical period. Moreover, leaders often perilously plan for the next war by preparing for history's last episode of conflict. Take, for instance, the French following World War I. Throughout the 1930s, the French Army constructed the elaborate Maginot Line to defend against a potential German invasion. Designed as a result of France's experience during the First World War, this system of defensive works sought to stymie a future German invasion along the historic route utilized by the Germans in 1914. The perceived success of static, defensive trench combat, during the First World War, proved folly as the German

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<sup>3</sup> The term "hollow army" entered into political-military vocabulary in the early 1980s. The term is widely used to describe military forces unprepared to meet national security requirements as a result of budget shortfalls. For more background and context see Frank L. Jones, *A Hollow Army Reappraised: President Carter, Defense Budgets, and the Politics of Military Readiness*, The Letort Papers (Carlisle Barracks, PA: U.S. Army War College, October 2012), 1, <http://www.strategicstudiesinstitute.army.mil/pdf/PUB1125.pdf> (accessed January 5, 2015).

<sup>4</sup> C. Todd Lopez, "Odierno: Sequestration Could Lead to Hollow Army," *Army News Service Online*, May 17, 2012, <http://www.army.mil/article/80058/> (accessed February 17, 2015).

<sup>5</sup> Richard Whittle, "There Is No Peace Dividend: Army Vice Chief Rails Against Sequester," *Breaking Defense*, January 29, 2015, <http://breakingdefense.com/2015/01/there-is-no-peace-dividend-army-vice-chief-rails-against-sequester/> (accessed February 3, 2015)

<sup>6</sup> C. Todd Lopez, "Odierno: Sequestration Could Lead to Hollow Army." 1.

military blitzkrieg of the Second World War simply bypassed the fixed defenses, and invaded neutral Holland instead. In less than six weeks the French capitulated.<sup>7</sup>

The U.S. Army is no stranger to this phenomena. Indeed, the 1991 invasion of Iraq proved to be a poor example for future conflict. With an eye on emulating the hundred hour victory benchmark set during Operation Desert Storm, the U.S. Army diligently trained throughout the 1990s to overwhelm a conventionally equipped and employed army through technological superiority and combined arms maneuver.<sup>8</sup> During its next conflict, however, the U.S. Army instead engaged in over a decade of counterinsurgency operations against asymmetric foes determined to attack perceived weaknesses and to avoid conventional military strengths. These examples suggest that using history to guide future strategy requires the selection of an appropriate analog for comparison. Accordingly, a good place to begin a search for an appropriate analog is with our own Army's history of downsizing.

### A Brief History of U.S. Army Drawdowns

The U.S. Army has undergone a period of downsizing following every major conflict over the past century with mixed results. During previous downsizing efforts, for various reasons, our nation's leaders repeatedly minimized the role of Landpower in strategic planning. A weak economy and public disillusionment following the First World War led to a significant reduction in manpower, reduced training, and meager equipment modernization programs.<sup>9</sup> This condition persisted up to the eve of the Second World War, ultimately resulting in an under-strength and under-equipped army, proficient in obsolete tactics with obsolete weapons, and largely prepared to fight the battles of the last war.<sup>10</sup> In 1942, when the Army engaged in its first combat of the Second World War at the North African Kasserine Pass, the fledgling force would pay a high price in blood to gain the battlefield experience required for future success.<sup>11</sup> Less than five years following the defeat of global fascism the Army found itself similarly unprepared. The tactical defeats sustained during the opening weeks of battle following the North Korean invasion of its southern neighbor in the summer of 1950, were rooted once again in the failure of the U.S. Army to adequately prepare itself for the future.<sup>12</sup> Certainly, the U.S. Army is no stranger to downsizing efforts, and a seemingly untapped potential exists for gaining historical insights to help guide another iteration of the drawdown series today.

The U.S. Army's current situation, however, stands apart from the robust history of previous downsizing periods. Unique to this American experience is downsizing the force in the midst of an increasingly uncertain and dangerous security environment. Following previous conflicts, the United States adopted a policy of retrenchment that disdained robust foreign engagement and military commitments. Unable to attend to pressing domestic issues during combat, politicians sought peaceful disengagement and the associated opportunities to reprogram finances toward domestic agendas ignored or slighted by the demands of military conflict. Despite the exhortations of President Woodrow Wilson, for example, most American politicians rejected the idea of future military

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<sup>7</sup> James L. Stokesbury, *A Short History of World War II* (New York: William and Morrow, 1980), 25.

<sup>8</sup> Robert H. Scales, *Certain Victory: The U.S. Army in the Gulf War* (Fort Leavenworth, KS: U.S. Army Command and General Staff College Press, 1994), 5.

<sup>9</sup> Maurice Matloff, ed., *American Military History* (Washington, DC: U.S. Government Printing Office, 1988), 406.

<sup>10</sup> Charles E. Heller and William A. Stoft, eds., *America's First Battles, 1776-1965* (Lawrence: University of Kansas, 1986), 227.

<sup>11</sup> Martin Blumenson, *Kasserine Pass* (Boston: Houghton Mifflin, 1967), 303.

<sup>12</sup> Heller and Stoft, eds., *America's First Battles, 1776-1965*, 266.

participation overseas following the First World War.<sup>13</sup> Accordingly, the subsequent decision not to join the League of Nations was a clear signal that the United States had little political interest in participating in an active global security system to ensure peace and stability.<sup>14</sup> The advent of the Great Depression in the late 1920s led to further reductions in fiscal expenditures for the U.S. Army, and also spawned a sense of pacifism throughout the country.<sup>15</sup> As a result, military engagement in the form of forward deployed forces and interventions plummeted.

The same pattern of retrenchment and limited engagement persisted following later conflicts. After World War Two, President Harry Truman felt obliged to rapidly downsize the army and return the mass of citizen soldiers back to their homes despite the broad threat of global communism and more specific threats of Soviet ambitions in Europe and Asia. Many scholars, policy makers, and military officials alike, openly questioned whether an army was even necessary given the employment of atomic weapons over Hiroshima and Nagasaki and the prospect for future nuclear war.<sup>16</sup> According to the conventional wisdom at the time, if a threat ever forced the United States to engage militarily, the nation would not rely on its army, but instead on its nuclear arsenal (which did not directly require ground forces) to prosecute the war. This general sentiment persisted through the Korean conflict, appeared again throughout the 1960s, and reemerged following the Nation's experience in Vietnam. In 1973, the U.S. Army's direct involvement in the Vietnam War ceased and the transition from a conscripted to an all-volunteer force began. This disengagement ushered in another era of defense reductions and military drawdowns. Viewed by many as a weakened institution in need of reform, the U.S. Army once again absorbed the most significant budget cuts. As a result, limited end strength compared to requirements, recruiting and retention problems, fiscal constraints, and a lack of political support led many officials to characterize the U.S. Army as a hollow force.<sup>17</sup>

The collapse of the Soviet Union dramatically changed the contours of the international system. With the threat of superpower conflict ostensibly diffused, politicians again reveled in the opportunity to usher in a new era of peace and harmony. The U.S. Army underwent a significant drawdown as part of the effort to redeem the emerging "peace dividend" of the American dominated unipolar world.<sup>18</sup> The drawdown of the early 1990s came at a time when the United States was not engaged in global conflicts against myriad active threats. Budget reductions did not place the security of the nation at levels of unacceptable risk because with decreased resources came decreased global engagement. Like each of the previous periods highlighted, policy makers were loath to incur additional military commitments. While the United States did engage in some significant military interventions following the Soviet Union's demise (e.g., the 1991 invasion of Iraq), for the most part, foreign policy tended to avoid global crises with the potential for significant military engagement—especially the commitment of U.S. Army ground forces. Enforcement of the no-fly zone over Iraq,

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<sup>13</sup> Russell Weigley, *History of the United States Army* (Bloomington: Indiana University Press, 1984), 396.

<sup>14</sup> Matloff, *American Military History*, 405.

<sup>15</sup> Weigley, *History of the United States Army*, 402.

<sup>16</sup> *Ibid.*, 500.

<sup>17</sup> Andrew Feickert, *Army Drawdown and Restructuring: Background and Issues for Congress* (Washington, DC: U.S. Library of Congress, Congressional Research Service, February 28, 2014), 28.

<sup>18</sup> As Mary Manjikian points out, in a peace dividend scenario, "the overwhelming impetus is to pump savings that are ostensibly realized by the end of conflict into domestic social programs." See *Do Fewer Resources Mean Less Influence? A Comparative Historical Case Study of Military Influence in a Time of Austerity* (Carlisle Barracks, PA: U.S. Army War College, 2015), 1-2.

aerial bombardment of Serbia, and cruise missile strikes against terrorists are further examples of the predominately limited military engagement that defined this period.

During this time, politicians eschewed the specter of significant military engagement. Even when the commitment of ground forces to secure national security objectives became necessary (e.g., the 1993 Somalia raid to capture terrorist leader Mohamed Farah Aideed in Mogadishu), the intervention was immediately curtailed for fear of escalating the conflict. This reluctance to intervene militarily, especially in situations which might lead to hostilities, was later dubbed the “Somalia Syndrome” or, in the words of President Bill Clinton’s special envoy Richard Holbrooke, the “Vietmalia Syndrome.”<sup>19</sup> As a result, an increasing concern over the potential to sustain casualties became the preoccupation of political and military leaders alike. This practice allowed for a continued reduction of defense expenditures in an effort to redeem the supposed peace dividend. Unfortunately, as the end of the 20<sup>th</sup> century approached, this dividend never really revealed itself.

The terrorist attacks of 9/11 and subsequent invasions of Taliban-controlled Afghanistan in 2001 and Saddam Hussein’s Iraq in 2003, forced the engagement of the U.S. Army into a new conflict—a fight that many officials argued our leaders failed to accurately predict and one for which still many more suggested the U.S. Army was unprepared. Today, at the close of our longest sustained military intervention in history, another drawdown is underway.

This brief history of U.S. Army drawdowns reinforces former Defense Secretary Gates’ opinion of the difficulty of predicting threats and challenges, identifying future aggressors, and anticipating the commencement of hostilities. Motivated by a supposed peace dividend, reluctance to use the military element of national power, or a desire to prioritize domestic initiatives, this history repeatedly demonstrates that decisions to reduce the U.S. Army following conflict have often resulted in costly and time consuming efforts to rebuild capabilities that were allowed to deteriorate. As a result, the U.S. Army was forced to repeatedly commit inadequately trained forces—at insufficient strength—in order to prevent defeat and to buy time to build and deploy a capable force for achieving national security objectives.<sup>20</sup> At the end of each conflict, policy makers forced the U.S. Army to disarm only to be tasked again later with additional security requirements. Again, former Defense Secretary Robert Gates summarized this trend:

every time we have come to an end of a conflict, somehow we have persuaded ourselves that the nature of mankind and the nature of the world has changed on an enduring basis, and so we have dismantled our military capabilities.<sup>21</sup>

History clearly demonstrates that the U.S. Army can expect to again find itself engaged in hostilities under less than optimal conditions and that the paradigm of uncertainty will continue to challenge the nation’s strategic planners.

### **The Perceived Contemporary Strategic Context**

In testimony before the Senate Armed Services Committee, General Odierno stated that the contemporary security environment is the most uncertain one he has seen during his career and that

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<sup>19</sup> Robert F. Baumann and Lawrence A. Yates, *My Clan against the World: US and Coalition Forces in Somalia 1992-1994* (Fort Leavenworth, KS: Combat Studies Institute Press, 2004), 2.

<sup>20</sup> Daniel Goure, “When We’ll Need an Army, You Can Bet We’ll Need it Bad,” *Early Warning Blog of the Lexington Institute*, October 13, 2014, <http://lexingtoninstitute.org/when-well-need-an-army-you-can-bet-well-need-it-bad/> (accessed October 15, 2014).

<sup>21</sup> Jim Garamone, “Gates Says U.S. Must Apply Lessons from Past Drawdowns,” *American Forces Press Service*, April 17, 2009, <http://www.defense.gov/news/newsarticle.aspx?id=53984> (accessed October 7, 2014).

the “amount and velocity of instability continues to increase around the world.”<sup>22</sup> A review of current military operations around the globe shows the U.S. Army engaged in numerous crises on six continents.<sup>23</sup> In addition to maintaining commitments in Afghanistan, the U.S. Army is deployed on myriad missions from advising the Iraqi Army in the fight with the Islamic State and reinforcing allies in Europe against threats of Russian expansion, to providing humanitarian support to combat the Ebola outbreak in West Africa. Indeed, in the spring of 2015, nine of ten active duty Division headquarters were currently deployed providing joint mission command responsibilities.<sup>24</sup> Beyond that, the Army remains regionally engaged and forward deployed as it executes Defense Department directed partnership exercises, world-wide counter-terrorism operations, and various other worldwide missions such as United Nations Peacekeeping operations in the Balkans and Sinai, the deterrence mission in South Korea, and counter narcoterrorism operations throughout Central and South America. From the renewed aggression of peer competitors, new domains of cyber warfare and expanding terrorist networks, to failed states, deadly epidemics, and treaty obligations, the list of security challenges is long and a degree of uncertainty prevails.

Unlike previous periods in our history where defense reductions corresponded with limited demands, today the U.S. Army faces the inverse: resources are decreasing while demand for Army capabilities is increasing. General Allyn succinctly captured this sentiment when he said that previous drawdowns “came at a time when we were not fighting [in] combat engagements on multiple continents. We do not have peace today. We are committed globally.”<sup>25</sup> This condition begs the question: if we can gain useful insights from previous drawdowns, but the contemporary operating environment is so drastically different from our experience in the past, what historical parallel offers the best insights given this current strategic context? The predicament of decreased resources with increased requirements may be unique to the U.S. Army but it is a challenge previously faced by one of our closest allies.

### **A Better Analog: The British Interwar Experience (1919-1939)**

The global security environment facing the British Army following the First World War was very similar to ours today. As one of the victors in the “Great War,” Great Britain no longer existed as a rising power but as a status quo empire of vast global commitments. These global requirements, however, competed for attention with other national interests. Public war weariness, domestic priorities, calls for immediate demobilization, and the incredible financial burden resulting from the First World War combined to form an analog closely matching our own situation today.

Given the carnage sustained on the battlefields and dwindling coffers of the treasury, British policy makers were eager to reshape the emerging world order to build a lasting peace. Much of this effort occurred during the Paris Peace Conference of 1919 where policy makers made a number of

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<sup>22</sup> Raymond T. Odierno, “CSA Remarks at SASC Congressional Testimony,” January 28, 2015, [http://www.army.mil/article/141798/Jan\\_28\\_2015\\_CSA\\_s\\_remarks\\_at\\_SASC\\_congressional\\_testimony/](http://www.army.mil/article/141798/Jan_28_2015_CSA_s_remarks_at_SASC_congressional_testimony/) (accessed February 9, 2015).

<sup>23</sup> Ronald Lewis, “Soldiers Deployed and Forward Stationed,” briefing slides with scripted commentary, Washington, DC, United States Army Public Affairs Office, January 7, 2015.

<sup>24</sup> Daniel B. Allyn, Vice Chief of Staff of the Army’s remarks at the Military Order of the Carabao January Luncheon, Washington, DC, January 20, 2015.

<sup>25</sup> Daniel Allyn, “Remarks at Association of the US Army Hot Topic Seminar,” January 29, 2015, <http://www.ausa.org/news/2015/Pages/AllynSequestrationis.aspx> (accessed February 17 2015).



decisions that would affect the British Army throughout the interwar period.<sup>26</sup> Chief of the decisions made during the conference was that Britain intended to avoid future war at all costs. Drafted in August of 1919 and known as the Ten Year Rule, the British government declared that the country would not engage in any great conflict during the next ten years and that no expeditionary force would be required during this timeframe.<sup>27</sup> Moreover, instead of embarking on the costly voyage of interventionist military policies, British policy makers determined to resolve future disputes through the League of Nations. The extant circumstances in 1919 were not always compatible with these utopian ideals, however. Indeed, Britain's military commitments actually increased following World War One.<sup>28</sup>

The famous phrase "the sun never sets on the Empire" could not be more accurate in describing the vast territory comprising the British Empire in 1919.<sup>29</sup> Almost immediately following the War, the British Empire would comprise the largest stretch of territory possessed at any other previous period in its history. This increased territory directly translated into increased demands for the British Army.

Immediately following the armistice, the British Government tasked the Army to maintain a significant constabulary force across the European continent to provide order following the collapse of Germany and the Austrian-Hungarian Empire. This mission created significant ramifications for the Army in that it required a substantial number of ground forces and prevented the rapid demobilization sought by the British cabinet. Additionally, at the Treaty of Versailles, Mesopotamia (Iraq), Transjordan, and Palestine became British mandates which, with the disintegration of the Ottoman Empire, extended British control of its line-of-communication from Egypt through Jerusalem to Baghdad. Moreover, the former German colonies of Togoland, Cameroon, and East Africa, became new British possessions in Africa. The Versailles Treaty also gave South-West Africa to the British dominion of South Africa, and Western Samoa, Northern Guinea, the Bismarck Archipelago, Northern Solomon Islands, and the phosphate-rich island of Nauru went to the other British Dominions of New Zealand and Australia.<sup>30</sup> Furthermore, British Army units occupied numerous other overseas garrisons, including Aden, Cyprus, Diego Garcia, Gibraltar, Labuan, Singapore, and Somaliland.<sup>31</sup>

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<sup>26</sup> Keith Neilson, "The Foreign Office and the Defense of Empire, 1919-1939," in *Imperial Defense: The Old World Order 1856-1956*, ed. Greg Kennedy (New York: Routledge, 2008), 31.

<sup>27</sup> Anthony Clayton, *The British Empire As a Supreme Superpower, 1919-1939* (London: The Macmillan Press, 1986), 18. The government did not publicize the Ten Year Rule for fear of eliciting a challenge from aggressor nations but British politicians felt that it neatly captured the fiscal realities of the time. The British Army and other services used the acronym OUNE to describe the budget constraints imposed on the armed forces by this rule—owing to the urgent need for economy.

<sup>28</sup> Brian Bond, *British Military Policy between the Two World Wars* (Oxford, UK: Oxford University Press, 1980), 14-18.

<sup>29</sup> Attributed to many sources. George Macartney (1773) wrote in the wake of the territorial expansion that followed Britain's victory in the Seven Years' War, of "this vast empire on which the sun never sets, and whose bounds nature has not yet ascertained." See also "An Account of Ireland in 1773 by a Late Chief Secretary of that Kingdom." p. 55; cited by Kevin Kenny (2006). *Ireland and the British Empire*. Oxford University Press. p. 72, fn.22, [http://en.wikipedia.org/wiki/The\\_empire\\_on\\_which\\_the\\_sun\\_never\\_sets#United\\_Kingdom](http://en.wikipedia.org/wiki/The_empire_on_which_the_sun_never_sets#United_Kingdom).

<sup>30</sup> Niall Ferguson, *Empire: The Rise and Demise of the British World Order and the Lessons for Global Power* (London: Allen Lane, 2002), 263.

<sup>31</sup> Ashley Jackson, "The Colonial Empire and Imperial Defense," in *Imperial Defense: The Old World Order 1856-1956*, 242.



Known security requirements combined with new and previously unknown requirements in an increasingly chaotic world. The global environment during the interwar period, like today, was rife with nationalistic and revolutionary movements at home, in Russia, and in India, further stretching the British Army's resources.<sup>32</sup> The secessionist movement by Irish Nationals gained momentum following the end of the First World War, which greatly increased British Army manpower requirements. In addition to the substantial police forces already employed to maintain order, the British Army deployed over 20,000 soldiers to quell the violence caused by the Sinn Fein uprisings—a deployment regarded as “quite insufficient” to meet the needs of the local commander.<sup>33</sup>

Additionally, while the allies discussed terms at Versailles, the Russian Tsar's government collapsed into civil war. In an attempt to bolster the anti-Bolshevik camp, Britain dispatched 14,000 troops to Russia to establish footholds in Siberia, the Caucasus, and Trans-Caspia.<sup>34</sup> These forces remained engaged for the next two years. Similarly, counterinsurgency operations in Egypt, Mesopotamia, and the borderlands of India forced Britain to commit significant forces to maintain national security objectives. Remarkably, despite these significant security requirements, the British Army's budget and end strength declined every year from 1919 to 1932.<sup>35</sup>

The principal challenge facing British defense leaders during the interwar years was reconciling the management of increasing global requirements with the constraints of a decreasing budget. Like today in the United States, domestic political demands placed significant pressure on budget decision makers. Political leaders looking for savings frequently targeted the armed forces for funds in order to allocate more resources to satisfy domestic spending initiatives. Moreover, many political leaders feared increased defense expenditures could jeopardize the tenuous post-war economy and therefore prioritized economic stability and “good financial house-keeping” over increased funding of the armed forces.<sup>36</sup> A war weary public, opposition party political pressure, and the transition of Britain from a creditor to a debtor nation following the war also combined to curtail defense expenditures. As a result of these combined pressures, defense expenditures decreased from £604 million in 1919 to £292 million in 1920, and to a low of £111 in 1922.<sup>37</sup> Incredibly, this amounted to a budget decrease of nearly 82 percent in only three years. A dilemma confronted British policy makers—allocate more resources to meet domestic spending demands at the cost of securing foreign policy objectives, or accept the growing costs (especially military expenditures) of great power status at the cost of economic recovery.<sup>38</sup> Despite the increased military requirements following the First World War, British fiscal appropriations tended to favor domestic priorities at the expense of army end strength, readiness, and modernization programs.

Much like today, the interwar British Army struggled to adjust the variables of end strength, readiness, and modernization to accomplish their nation's strategic defense guidance. Public demand for other domestic programs, a sense of retrenchment, and fiscal austerity combined with rising global requirements to form a complex and uncertain operating environment. Unfortunately for the British Army, many scholars describe the lasting legacy of this period as one defined by a

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<sup>32</sup> Keith Jeffrey, *The British Army and the Crisis of Empire, 1918-1922* (Manchester, UK: Manchester University Press, 1984), 18-19.

<sup>33</sup> *Ibid.*, 78.

<sup>34</sup> Clayton, *The British Empire as a Supreme Superpower, 1919-1939*, 45-60.

<sup>35</sup> Bond, *British Military Policy between the Two World Wars*, 33.

<sup>36</sup> George Peden, “The Treasury and Defense of Empire,” in *Imperial Defense; The Old World Order 1856-1956*, 78.

<sup>37</sup> Clayton, *The British Empire as a Supreme Superpower, 1919-1939*, 17.

<sup>38</sup> Jeffrey, *The British Army and the Crisis of Empire, 1918-1922*, 12.

serious lack of investment in training, weapons, and strategic thought that eventually led to unpreparedness for the next conflict. As a result, when Britain declared war on Germany following Hitler's invasion of Poland in 1939, the British Army would find itself a poor match compared to its German foe.<sup>39</sup> Given this close historical analog, and motivated by a desire to seek insights that may benefit our own downsizing effort today, a closer examination of British efforts to adjust the variables of end strength, readiness, and modernization follows.

### End Strength

The term end strength simply denotes the total number of personnel authorized by law to serve in an organization. In the U.S. Army, Congress determines this number and codifies the number in a National Defense Authorization Act.<sup>40</sup> Similarly, in the United Kingdom, members of the British Parliament determine the total end strength of the British Army based on recommendations from the Prime Minister's cabinet. An army is composed of people and equipment so end strength is important because it both defines the limits and provides the framework for developing force structure options. Simply put, end strength determines the size of the force (often measured in our own army by the number of brigade combat team organizations—the 3000 person operational building block—available for missions) and in many ways, determines the number of tasks an army is able to accomplish at any one time.<sup>41</sup> From a resourcing perspective, personnel end strength can be expensive when taking into account military pay, training, and maintenance costs—not to mention the costs of medical benefits and retirement compensation. An army requires people to execute its tasks, and people cost money.

Like our Army's experience today, the British Army also experienced a period of rapid end strength growth followed by downsizing. Immediately following World War One's formal cessation of hostilities, the British government began making plans to demobilize the army and commit it to global garrison, occupation, and policing functions.<sup>42</sup> From the fledging force of just over 750,000 personnel that initially responded to the German invasion in 1914, the British Army swelled to over 8.5 million personnel by 1918.<sup>43</sup> As soon as the combatants signed the armistice formally ending World War One, pressure mounted in Britain to redeploy and demobilize the Army. As a result of

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<sup>39</sup> Max Hastings, *The British Army; The Definitive History of the Twentieth Century* (London: Cassell Illustrated, 2007), 110.

<sup>40</sup> The Congress determines the end strength of active-duty personnel and the end strength of the Selected Reserve, as well as the maximum number of Reservists who can be on active-duty or full-time National Guard duty for various purposes. The Secretary of Defense (SECDEF) may increase the end strength authorization by up to 3 percent for active-duty personnel, and up to 2 percent for active-duty personnel who are paid from funds for reserve personnel. The SECDEF may also increase the authorized number of Reserve/National Guard personnel who are called up for active-duty service by up to 10 percent for any fiscal year. Each Service Secretary may increase the authorized active-duty end strength of the concerned service by up to 2 percent. 10 U.S. Code § 115, Public Law 113-291, Section 513, Vol. 128, pg. 3359.

<sup>41</sup> Richard J. Dunn, III, *Measuring Military Capabilities: An Essential Tool for Rebuilding American Military Strength* (Washington, DC: The Heritage Foundation, May 16, 2014), 4.

<sup>42</sup> T.R. Moreman, "Small Wars and Imperial Policing: The British Army and the Theory and Practice of Colonial Warfare in the British Army, 1991-1939," *The Journal of Strategic Studies* 19, no. 4 (December 1996): 106.

<sup>43</sup> Bond, *British Military Policy Between The Two World Wars*, 2.

this pressure, and anxious to avoid further unintentional conflicts, British politicians severely limited the capabilities of the army by keeping it short of funds.<sup>44</sup>

The decision to decrease army funding levels, yet fully support the League of Nations as the mechanism for maintaining global peace, produced a complex juxtaposition. Based on their superior expeditionary capability and global presence, the League of Nations was particularly dependent on British military forces to enact any enforcement protocol. Consequently, despite their profuse support of the international security organization, subsequent British governments became increasingly cautious of any schemes proffered by the League that might require British armed forces.<sup>45</sup> Beyond that, in spite of the political inclinations to avoid conflict, interwar manpower demands quickly surpassed those of the pre-war British Army, especially in terms of security operations.<sup>46</sup> Simply put, whether the government liked it or not, Britain had more security requirements than troops available.

Despite the end of the war, British Army units remained heavily committed in several operations considered necessary by the British Cabinet to maintain the security of the empire. Much like the U.S. Army's missions today, British Army requirements ranged from support to allies, occupation duty, garrison security, and active combat. Each required significant manpower and combined to strain available end strength. As an example, consider some of the manpower requirements in February of 1920, there were: 16,000 troops in Germany; 21,000 troops in Turkey; 26,000 troops in Egypt; 23,000 troops in Palestine; and 61,000 troops in Mesopotamia.<sup>47</sup> These requirements combined with the substantial force forward deployed in India of 70,000, and the Russian and Irish missions, for a grand total over 250,000 forces deployed worldwide.<sup>48</sup> These numbers represented the entire Regular British Army, and the fact that little remained for defense of the homeland (other than the small Territorial Army<sup>49</sup>—the American equivalent of a reserve) concerned military leaders at the highest level.

Chief of the Imperial General Staff, Sir Henry Wilson, searched for solutions to this manpower and requirements mismatch. He knew that without changes to policy, supporting these operations in the face of rapid demobilization and budget cuts would be incredibly difficult—if not nearly impossible. In his early 1920 consultations with British Prime Minister Lloyd George, Wilson described the precarious army end strength situation given existing requirements and warned of the lack of manpower to respond to contingencies. In a letter to the cabinet, Wilson stated, “Once again, I cannot too strongly press on the Government the danger, the extreme danger, of His Majesty's Army being spread all over the world, strong nowhere, weak everywhere, and with no reserve to save a dangerous situation or avert a coming danger.”<sup>50</sup> The army was overextended and under-resourced. Moreover, since the cost of fielding and sustaining numerous troops deployed worldwide consumed

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<sup>44</sup> David French, *Raising Churchill's Army: The British Army and the War against Germany 1919-1945* (Oxford, UK: Oxford University Press, 2000), 3.

<sup>45</sup> Clayton, *The British Empire as a Supreme Superpower, 1919-1939*, 18.

<sup>46</sup> Jeffrey, *The British Army and the Crisis of Empire, 1918-1922*, 52.

<sup>47</sup> Clayton, *The British Empire as a Supreme Superpower, 1919-1939*, 45.

<sup>48</sup> Bond, *British Military Policy between the Two World Wars*, 32.

<sup>49</sup> The Territorial Army was composed of civilians who volunteered for military training on a four year basis. Their primary responsibility was defense of the homeland, rather than expeditionary combat. Units were administered locally but trained centrally through the war office. For additional information see, Liddell Hart, *The Defense of Britain* (London: Faber and Faber, 1939), 411-436.

<sup>50</sup> Jeffrey, *The British Army and the Crisis of Empire, 1918-1922*, 50.

the majority of the British Army's budget allocation, little financing was left to apply towards training or equipping the force.

### Readiness

The basic problem confronting the British Army during the interwar period remained a shortage of resources to execute assigned tasks. As previously detailed, financial appropriations decreased every year from 1923 to 1932, and end strength continued its downward trend during the same time from 231,000 to 207,000.<sup>51</sup> During this same period, new equipment expenditures never topped £2 million out of the £62 million appropriated to the army.<sup>52</sup> These fiscal constraints further exacerbated the situation when combined with policies enacted to avoid military operations beyond those deemed absolutely essential for providing garrisons and policing forces throughout the empire, such as the Ten Year Rule. As a result, British Army readiness suffered.

In military terms, readiness is defined simply as the ability to provide capabilities required by the nation to execute assigned missions.<sup>53</sup> Military doctrine codifies how an army functions to accomplish assigned missions and also largely drives how an army is trained and equipped. If a unit is both properly trained and equipped to execute its assigned tasks then it is considered to possess a high state of readiness. Simply put, doctrine drives the focus for training in an army, but being trained without the necessary equipment or being equipped but unable to properly employ the weapons and equipment, results in greater risk and lower readiness.

During the final months of World War One, the British Army contributed to the defeat of Germany by embracing a sophisticated doctrine of combined arms operations. The allies realized that close coordination between infantry, artillery, and the nascent armored tank force was required to break the stalemate of trench warfare. Indeed, a majority of military historians including Alan Millett, Russell Weigley, and Williamson Murray, widely agree that the advent of combined arms operations doctrine was one of the most significant military lessons learned from the First World War. Successive British Army General Staffs during the interwar period seemed to acknowledge this lesson. For example, when addressing an audience of military officers during a 1927 readiness exercise, Chief of the Imperial General Staff Sir George Milne stated that, "it is the cooperation of all necessary arms that wins battles and that is your basis for training for the future. I want that to be your principle in training—combination and cooperation of arms."<sup>54</sup> Milne believed that a new doctrine emphasizing firepower and combined arms would provide the framework for military education, training, and organizing of the army to meet the needs of the future.

Despite acknowledgement of the need for combined arms doctrine and the commitment to reform the army in this manner, defense leaders failed to promulgate a doctrine that would prepare the British Army for the future warfare they envisioned. To be sure, new doctrine was produced during the interwar period. In fact, the British Army published three editions of its Field Service Regulations (the holistic doctrinal manual) throughout the 1920s. Constantly impaired by budget constraints and manpower limitations, British Army officers sought to create doctrine that favored technology and combined arms firepower rather than solutions that emphasized increasing

<sup>51</sup> Michael Carver, *Britain's Army in the 20<sup>th</sup> Century* (London: Macmillan, 1998), 157.

<sup>52</sup> Jeffrey, *The British Army and the Crisis of Empire, 1918-1922*, 23.

<sup>53</sup> U.S. Joint Chiefs of Staff, *CJCS Guide to the Chairman's Readiness System*, CJCS Guide 3401D (Washington, DC: U.S. Joint Chiefs of Staff, November 15, 2013), 12-13.

<sup>54</sup> David French, "Big Wars and Small Wars between the Wars, 1919-1939," in *Big Wars and Small Wars: The British Army and the Lessons of War in the 20<sup>th</sup> Century*, ed. Hew Strachan (New York: Routledge, 2006), 37.

manpower. Milne believed that future battles could be won at lower costs in blood and treasure by relying on technological solutions. However, the demands of colonial service, small-wars, and providing military support to civil authorities made achieving doctrinal training proficiency nearly impossible.

During the interwar period, the British Army was more often engaged in small-scale contingencies and counterinsurgency operations than major military campaigns. The tasks of manning colonial garrisons and policing the empire dictated the training focus for soldiers serving in the British Army during the interwar period. As noted previously, during this period the British Army engaged in myriad operations including five substantial counterinsurgency operations (Egypt, 1919; Ireland, 1919-1921; Mesopotamia, 1920; Palestine, 1929 and 1936-1939), two small-scale contingency operations (Afghanistan, 1919; Turkey, 1919-1922), and numerous colonial policing operations in the Caribbean, Cyprus, China, India, and the Sudan.<sup>55</sup> These requirements limited time for training combined arms tactics. Furthermore, in many of these deployed locations, insufficient funds and few training areas existed to facilitate the physical space required to execute established training doctrine (especially the employment of mortars, field artillery, and close air support).<sup>56</sup> While the General Staff recognized the possibility that future conflict on the European continent would require a British Army capable of complex combined arms operations, the immediate military missions throughout the colonies prevented leaders from exercising their professed doctrine.

Inadequate professional education and training programs also led to poor readiness. While the army published field service manuals offering guidance for training in accordance with established doctrine, virtually no system of formal education existed to train the officers tasked with leading the force. After receiving their commissions as army officers, new lieutenants were assigned to their regiment for duty. The established system expected senior officers within each individual regiment to educate and train their junior officers. The ability of senior officers to train their subordinates in the theory and practice of modern warfare was inconsistent. Some commanders were enthusiastic, well-educated instructors while others failed to accept the role of senior trainer and mentor responsible for the professional development of his subordinates.<sup>57</sup> Certainly operational experience and on the job training is a bedrock of an officer's development but the lack of a formal institutional education system failed to imbue young officers with an understanding of the doctrine they were expected to employ.

Force structure also inhibited readiness. To meet the numerous colonial demands of the force, the British Army developed a unique unit rotation system. Unfortunately, while taking into account the existing fiscal constraints limiting the size, and the immediate need to globally project the force, the resulting system had the unintended consequence of further exacerbating the ability of the army to train for full spectrum operations. Dubbed the Cardwell System (a reference to its designer, Sir Edward Cardwell the British Secretary of War), this arrangement reorganized the army into geographically affiliated regiments comprised of two battalions each.<sup>58</sup> One battalion would serve the empire abroad for a period of six years while the battalion remaining in England was responsible for recruiting and training new personnel, and then deploying them worldwide to meet the colonial needs of the empire. Practically speaking, the units retained in England remained manned at only cadre strength as they could lose as many as forty percent of trained personnel to maintain their

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<sup>55</sup> Paul Knaplund, *The British Empire 1815-1939* (New York: Harper and Brothers, 1941), 556.

<sup>56</sup> French, "Big Wars and Small Wars between the Wars, 1919-1939," 48.

<sup>57</sup> French, *Raising Churchill's Army: The British Army and the War against Germany 1919-1945*, 60.

<sup>58</sup> Carver, *Britain's Army in the 20<sup>th</sup> Century*, 7.

deployed partnered battalion's full strength and often suffered from low recruitment rates.<sup>59</sup> This condition greatly hampered readiness as it both precluded a unit from training to meet the demands of its deployed imperial missions and prevented junior officers from receiving the key developmental experiences required to lead units at higher levels. Moreover, the constant turnover of transitioning soldiers never allowed for units to train as a cohesive team. Totally committed to colonial policing functions when deployed, and vastly understrength when not deployed, the extant units produced by the Cardwell system were never able to comprehensively practice combined arms operations. This situation greatly undermined the ability of the army to conduct realistic training to ensure its readiness to meet future threats and ultimately led to the creation of a hollow force.

### Equipment Modernization

The British Army's predominant interwar commitment to colonial policing significantly impacted concepts for modernizing the force. While the force possessed a full complement of equipment best suited for the slow-moving battles it fought against the Germans during World War One, the demands of empire confounded attempts by the General Staff to adopt new equipment based on the lessons of the last war. After all, combined arms doctrine called for the development of a new generation of weaponry that mixed mobility with overwhelming firepower. As authorized end strength levels decreased, the British Army sought to ameliorate this reduction by substituting technology for manpower. A single machine-gun manned by a two-person crew, for example, could produce a rate of fire equal to a platoon of forty soldiers. Although effectively substituting equipment for people, new modern weapon systems like the automatic rifle, machine gun, and tank, were often heavier and required more ammunition and logistics to sustain. Moreover, these equipment characteristics contrasted with those of colonial military operations which placed a premium on vastly different requirements. Two weapon systems in particular serve as useful examples: the machine gun and the tank.

The trench warfare that dominated much of the First World War highlighted the value of the machine gun on the modern battlefield. With its ability to generate high rates of suppressive fire, the machine gun proved an invaluable asset to a modern army. By design, machine guns must be constructed of heavier material, require enormous amounts of ammunition, and are quite often operated by a crew of two or three. These requirements meshed poorly with those of colonial duty during the interwar period. With supply lines spanning continents and oceans, and premiums placed on the ability to rapidly deploy to quell a crisis, the heavy machine gun was not a favored weapon. Military officials feared fielding automatic weapons would "encourage troops to blaze away indiscriminately, and waste their limited supplies of ammunition."<sup>60</sup> Beyond that, employing automatic weapons in a colonial policing context—where close proximity to civilians increased the risk of collateral damage and civilian casualties—might actually increase resistance to British rule. In the end, the War Office favored mobility over firepower and limited appropriations for developing a modern machine-gun.

The development of the tank provides additional insights to British Army equipment modernization efforts during the interwar period. Tanks did not appear in large numbers until the end of World War One, and despite some early promising attempts to restore mobility to the battlefield, their initial record was somewhat dubious. Aside from the successful attacks during the Battle of Cambrai in late 1917, British armored vehicles were slow, difficult to maneuver, and under

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<sup>59</sup> French, "Big Wars and Small Wars between the Wars, 1919-1939," 43.

<sup>60</sup> French, *Raising Churchill's Army: The British Army and the War against Germany 1919-1945*, 85.

armed.<sup>61</sup> Some true innovators emerged following the war, however, who envisioned much more capable machines on future battlefields.

Initially, armored and mechanized warfare innovators enjoyed significant latitude to experiment with the nascent form of warfare. Indeed, the British Army actually led the world on tank design throughout the 1920s.<sup>62</sup> Chief of the Imperial General Staff George Milne sponsored the publication of mechanized warfare journals and authorized the development of an experimental mechanized force in 1925. Moreover, army officials directed the mechanized force to conduct numerous exercises annually until 1928. Supporters of the new concept pointed to the tactical advantages of speed and firepower in maneuvering against an armed force. However, detractors of the concept (many of whom parochially stood in the way of advancing the new theory) pointed to the significant logistical and communication support required to employ a mechanized force. Furthermore, horse cavalry proponents felt slighted at the prospect of machines replacing their mounts—a cultural impediment that pervaded much of the nobility and elite of the officer corps at the expense of force modernization.<sup>63</sup>

Unable to reconcile differences in philosophy, the experimental mechanized force ultimately collapsed under the strain of reduced budgets. The British did eventually procure some light and medium tanks but due to the conflicting requirements of colonial empire, designs often favored mobility over firepower. This condition presents a great irony in that British doctrine favored firepower solutions which would seem to prioritize heavy tank development. Failing to sustain their early lead in experimenting with armored warfare tactics and tank development, the British Army would cede their technological lead in this essential military capability. Furthermore, this decision proved to be a significant mistake during the opening battles of the Second World War as military leaders soon learned the overwhelming firepower of heavy tanks was still required to initially suppress an enemy force prior to rapidly maneuvering to gain positional advantage.

During the interwar period, the British Army was deployed around the globe and operated on a significantly reduced budget. Determined to avoid the immense casualties of trench warfare that dominated the First World War, defense officials looked to mechanization to restore mobility to the future battlefield. While the General Staff envisioned a new combined arms doctrine and some of the weapons required to optimize that form of battle, attempts to procure and field these new technologies faltered due to the increased logistic requirements associated with such weaponry. As a result, key weapon systems and equipment in the British Army inventory were ill designed or completely inadequate to counter the threat posed by a future German opponent. Fiscal constraints placed additional pressure on political and defense leaders who otherwise supported modernization efforts. After all, funds to increasingly mechanize the army and procure heavy tanks competed with those required to operate the global imperial garrisons. To summarize British equipment modernization efforts during the interwar period, most scholars agree with the eminent military historian Williamson Murray that:

The British . . . while sponsoring extensive experiments with tanks in the 1920s and early 1930s, never found a place for such developments in an army committed to

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<sup>61</sup> Williamson Murray, "Armored Warfare: The British, French, and German Experiences," in *Military Innovation in the Interwar Period*, ed. Williamson Murray and Alan Millet (New York: Cambridge University Press, 1996), 6.

<sup>62</sup> French, *Raising Churchill's Army: The British Army and the War against Germany 1919-1945*, 97.

<sup>63</sup> Carver, *Britain's Army in the 20<sup>th</sup> Century*, 153.

defending colonies and forbidden by its political masters until February 1939 even to consider a continental war.<sup>64</sup>

Poorly equipped for future conflict, the British Army paid in blood and treasure, the price of low unit readiness.

### Drawing Correct Conclusions

Henry Kissinger once said, “It is not often that nations learn from the past, even rarer that they draw the correct conclusions from it.”<sup>65</sup> To determine if the U.S. Army can gain insights from the British downsizing experience to guide contemporary efforts, one must first determine which elements constitute a “military lesson” and then which lessons fit the current context. As William C. Fuller notes, military practitioners often seek lessons in an effort to inoculate “against error and mistake in war, which at worst can produce defeat and at the very best can exact an extremely high cost in blood.”<sup>66</sup> These military lessons entail two critical components:

The first is the problem of knowing what the lessons are . . . To extract useable lessons from the past, we have to interpret [them], and interpretation can be skewed by prejudice, pre-conceptions, and tacit assumptions. The second problem concerns the action taken in response to this process of learning. The issue is one of receptivity—that is, the degree to which a military organization actually embraces a lesson in practice and alters the way in which it conducts business as a result.<sup>67</sup>

Fuller goes on to suggest that military lessons depend on two conditions: (1) interpreting the nature and outcome of a previous conflict, and then (2) making a prediction about the nature and outcome of a future conflict. Fuller cautions against predictions, seeing them as simple prophecies that are by nature academically hazardous and prone to misjudge the situation under examination. Moreover, interpreting a situation from the past comes with its own set of pitfalls, assuming “an inevitable outcome that permits the extraction of a lesson from one war that can be applied to the next. However, the outcomes of previous wars frequently were not inevitable, but contingent.”<sup>68</sup> Fuller’s contentions serve as an appropriate guard against drawing the wrong conclusions from the past, allowing bias to cloud analysis, and making assumptions that given a certain set of conditions, an absolute future will result. Nevertheless, history can “stimulate imagination” and “help one envision alternative futures.”<sup>69</sup> Despite the dangers of drawing conclusions from the past, modern day decision makers should seek out lessons from the past, even if they result in solutions offering only marginal performance improvements. As Neustadt and May discuss, pitfalls such as prejudice, pre-conceptions, and tacit assumptions must be avoided.<sup>70</sup> Determining causality from complex historical narratives is a difficult task—one requiring greater depth specificity than presented

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<sup>64</sup> Williamson Murray, “Innovation: Past and Future,” in *Military Innovation in the Interwar Period*, 312.

<sup>65</sup> Jeremi Suri, *Henry Kissinger and The American Century* (Cambridge, MA: Harvard University Press, 2009), 129.

<sup>66</sup> William C. Fuller, Jr., “What is a Military Lesson?,” in *Strategic Studies: A Reader*, eds. Thomas G. Mahnken and Joseph A. Maiolo (New York: Routledge, 2014), 24.

<sup>67</sup> *Ibid.*, 25.

<sup>68</sup> *Ibid.*

<sup>69</sup> Richard Neustadt and Ernest May, *Thinking In Time: The Uses of History for Decision Makers* (New York: The Free Press, 1986), xv.

<sup>70</sup> Neustadt and May, *Thinking In Time: The Uses of History for Decision Makers*, xvii.



herein.<sup>71</sup> Nonetheless, this inquiry into the British Army downsizing experience yields four principal lessons.

First, decision-makers should not preserve end strength or force structure at the expense of unit readiness. The British Cardwell System met the immediate need of providing forces for imperial commitments. While the two battalion per regiment model enacted by this design accomplished short-term requirements of colonial policing and garrison duties, it also prevented the force from achieving a high state of readiness. This system enabled the development of a hollow force unable to conduct collective training and ill-equipped to respond to emerging threats. Moreover, as a force generating concept, the Cardwell System provided trained troops to the empire, but impaired the British Army's ability to respond to other contingencies. The design entailed flexibility. Even if the Imperial General Staff successfully convinced the government to authorize the creation and deployment of an expeditionary force, insufficient units and equipment existed to execute such a mission. An army organized for colonial policing was simply not suited for the demands of modern warfare. This issue should not be lost on our own operational planners working on revised force generation concepts today. The U.S. Army must execute all assigned missions, so a sufficient amount of active duty forces sustained at a high readiness level must remain uncommitted and available to respond to emerging threats and contingencies. While most tactical combat formations resident in the National Guard and Reserve cannot be mobilized in time to counter immediate threats, many National Guard and Reserve force enablers and combat support units can be rapidly mobilized. Planners must take into consideration a total army analysis (the Active, Reserve, and National Guard components) when proposing future force generation models. While it is said that quantity has a quality of its own, from the historical military perspective, committing great numbers of ill-equipped, understrength, and poorly trained units to battle usually leads to defeat.

Second, decision makers should enact policies and pursue programs that strive to lead the world in the development and procurement of new weapons and technologies. While British defense leaders recognized the potential mechanized warfare and tanks held for future warfare, they failed to realize this potential and ceded the leadership in this area to other countries. Again, short-sighted policies constrained the development of heavy tanks and prevented full experimentation of mechanized warfare. While some exercises and experiments existed throughout the 1930s, resource constraints combined with bureaucratic infighting among parochial senior commanders to effectively limit implementation of any innovative lessons for mechanizing the force writ large.

The British downsizing experience also evokes a cautionary tale against curtailing relative advantages in the industrial base. Colonial commitments favored the development of munitions requiring little logistical support.<sup>72</sup> This short-term focus, however, effectively prevented the research and technology components of industry from continually developing modern weaponry. The British Treasury's 1932 decision to cease funding tank research and development severely impaired future rearmament measures.<sup>73</sup> When the German threat finally convinced politicians to

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<sup>71</sup> For example, to illustrate British modernization efforts during the interwar period only machine gun and tank development were addressed. Other weapon systems and equipment could have been examined. The paper focused primarily on Britain's Expeditionary Army and not the Territorial Army—each faced similar resource constraints if dissimilar tasking requirements. Beyond that, colonial manpower contributions to the British Army were counted as part of the British Army. This nuance is important because the dominions contributed a substantial manpower to the British Army during the First World War but increasingly less during the inter-war period. This remains a subject for additional study and is especially relevant given the contemporary penchant for coalition warfare.

<sup>72</sup> French, *Raising Churchill's Army: The British Army and the War against Germany 1919-1945*, 45.

<sup>73</sup> *Ibid.*, 97-102.

produce a comparable tank, stalled research and development programs for modern armaments and purpose-built engines limited production to inferior and outmoded tank designs.<sup>74</sup> Economic efficiencies aside, decisions that allow a capability to deteriorate to the point that it cannot easily and rapidly be reestablished, lead to unacceptable risks.

General George C. Marshall, U.S. Army Chief of Staff during World War Two, once remarked that in times of peace the military has “plenty of time and little money” and that in periods of conflict has “plenty of money and little time.”<sup>75</sup> Sustained research and development during times of peace ensures a technological edge and provides a means for rapid procurement when funding is increased during times of conflict. These insights are especially relevant as policy makers contemplate funding allocations for future technologies (e.g., unmanned aerial vehicles and cyber-weapons).

Third, U.S. Army leaders should continue to emphasize professional development and education programs as a hedge against future uncertainty. The British Army lacked an institutional education system to professionally develop its officer corps. Responsibility for training leaders fell on the operational force. While this first-hand operational experience is vital in developing future leaders, a more holistic system is required to ensure a common doctrinal foundation across the force. Today the U.S. Army maintains robust officer and non-commissioned officer education systems. Continued investment in professional education is essential for creating agile and adaptive leaders to operate in an increasingly complex and uncertain world. Fiscal austerity can serve as a powerful incentive to further refine our current education systems. Just as British officers strived to maintain dominance in a radically changing world following the First World War, American officers are faced with global commitments replete with full spectrum threats. Furthermore, we are experiencing a rapid pace of technological change much like the British faced during the interwar period: instead of machine guns, tanks, and mechanization, we are challenged by drones, cyber-warfare, non-state actors, and vastly inter-connected global communication networks. Fiscal austerity should not preclude our experimentation with new warfighting techniques, doctrines, or capabilities. The U.S. Army conducted similar exercises in the past (e.g., the Louisiana Maneuvers of the 1930s and 1990s) and should continue to invest time and resources to such efforts in the future. Moreover, our Army should seize this opportunity to thoroughly question old concepts, new innovations, as well as our own performance during the last decade plus of continuous combat operations. History suggests a perilous result if we fail to invest in the education and professional development of our people, and if we fail to critically examine our recent conflicts in Iraq and Afghanistan.

Finally, defense decision-makers must take a long term view in crafting strategic guidance. The decision to implement the Ten Year Rule on a rolling basis beginning in 1919 was one of the principal factors leading to British unpreparedness at the start of World War Two. Enacted by the British Cabinet, this directive affected military policy by assuming competitor nations—putatively Germany and Japan—posed no threats to British interests and that no requirement existed to consider arming, mobilizing, or preparing for future conflict on the European continent or the Pacific basin.<sup>76</sup> Curiously, as Mary Manjikian notes, this decision does not seem to have been based on intelligence estimates but was solely a political considerations.<sup>77</sup> Our leaders, she argues,

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<sup>74</sup> Carver, *Britain's Army in the 20<sup>th</sup> Century*, 162.

<sup>75</sup> John S. Brown, “When Budgets Plunge,” *Army Magazine* 63, no. 4 (April 2013): 28.

<sup>76</sup> George Peden, “The Treasury and Defense of Empire,” in *Imperial Defense: The Old World Order 1856-1956*, 78.

<sup>77</sup> Manjikian, *Do Fewer Resources Mean Less Influence? A Comparative Historical Case Study of Military Influence in a Time of Austerity*, 21.

decide to behave as if the world is safer and suggest a relatively short-term perspective in which only current events are considered . . . leaders have thought about the need for a strong military in the context of the conflict which has just ended, thus thinking about the short term rather than the extreme.<sup>78</sup>

Like the rolling threat of sequestration today, the short-sighted policy of the Ten Year Rule imposed long-standing limits on Britain's ability to respond to future threats and ultimately constrained the development of a long term defense strategy.

Arguably most dangerous, the Ten Year Rule also facilitated an environment in which the British Army could avoid serious intellectual introspection and strategic thought. With appropriations cut precipitously, there seemed "no inclination to profit from the dreadful experience by studying all the lessons"<sup>79</sup> of the First World War. In fact, the British Army failed to seriously examine the lessons of the "Great War" for fourteen years before finally establishing a committee charged with this important task in 1932.<sup>80</sup> Before an army can plan for the future, it must understand its past.

The U.S. Army Capabilities and Integration Center (ARCIC) serves as a "futures" think-tank and is responsible for developing concepts that provide strategic and operational direction. This organization also supports Combatant Commanders by evaluating capabilities needed for the future force in a range of operational environments. Current efforts to develop concepts for the Army in 2025 and beyond play an invaluable role in strategy development, and efforts to curtail investment in this area must be avoided. Only by considering the long-term view of the global security environment, studying the continuities of war, understanding the changing character of conflict, and applying purposeful design to future forces will policy makers develop strategy and deliver capabilities required to win in a complex and uncertain world.

## Conclusion

With the benefit of hindsight, historians view the interwar period with some clarity. History records the dire consequences of failing to adjust the variables of end strength, readiness, and modernization: the high price in blood of our nation's most precious resource—its sons and daughters. Our leaders have sounded the clarion call. While the global security environment remains the most complex and uncertain in recent history, this situation is not unique. Downsizing lessons from the British interwar period are useful for framing our challenges today and provide insights for imagining future courses of action. Further episodes of sequestration will most likely demand reductions in force that prevent full implementation of the current defense strategic guidance.<sup>81</sup> This situation could lead to a revised strategy that limits requirements, to the realization that increased funding above sequester limits is required to meet the needs of the nation, or to a myriad of other hybrid end states. No single option exists free of risk. Civilian leaders must weigh the competing demands of our democracy while considering the best military advice from the service chiefs as they chart a path through this difficult territory. From history we can be sure that threats will challenge our strengths and seek positions of advantage when and where we least expect them.

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<sup>78</sup> Ibid., 51.

<sup>79</sup> Bond, *British Military Policy between the Two World Wars*, 34.

<sup>80</sup> Murray, "Armored Warfare: The British, French, and German Experiences," 20.

<sup>81</sup> Jim Garamone, "McHugh Details Sequestration Dangers, Talks Army Priorities," *American Forces Press Service*, February 25, 2015, [http://www.army.mil/article/143467/McHugh\\_details\\_sequestration\\_dangers\\_talks\\_Army\\_priorities/?from=RSS](http://www.army.mil/article/143467/McHugh_details_sequestration_dangers_talks_Army_priorities/?from=RSS), (accessed March 9, 2015).

Unpreparedness as a result of complacency, indifference, or deliberate neglect will lead to a hollow force—one which should never be exposed to the test of battle.<sup>82</sup>

Armed with these insights from history, decision makers tasked with shaping the current downsizing process should consider the following measures. First, planners should accept risk in force structure by reducing the number of Brigade Combat Teams (BCT) to a level that still provides for a rapidly deployable and highly ready force capable of the most dangerous war plan contingency. Given current budgetary constraints, maintaining fewer full-strength BCTs is better than having more under-manned or under-equipped formations. Any BCT not allocated or assigned against an enduring or validated requirement should be resourced at the highest readiness level possible. Beyond that, the U.S. Army must ensure each of these BCTs is able to conduct annual combat training center rotations to certify collective training readiness. The U.S. Army should also direct an appropriate number of Division and Corps level headquarters as well as enabler packages (aviation, logistics, and combat support units) be resourced to the same high level of readiness. These measures will ensure that existing units can respond to emerging threats and will also prevent the “hollowing-out” of the force.

Research and development efforts to enhance force modernization are also essential. While decision makers will have to accept risk in the near term by not fielding every BCT with new equipment, modernization efforts must continue to ensure the U.S. Army can maintain its technological edge. Moreover, the defense industries and depots associated with these modernization efforts must not be allowed to atrophy. If they are, history suggests that industry will be incapable of re-kindling efforts in a timely manner to meet future threats. Acquisition executives should place particular emphasis on investing in technologies that “leap ahead” of the next generation of equipment and weapon systems.<sup>83</sup> In short, the U.S. Army should accept some risk by reducing end strength while maintaining a high state of readiness in the resulting force. Simultaneously, leaders should enact policies that sustain modernization efforts and enable rapid production of new technologies in the event of conflict.

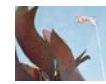
Understrength units, untrained for the complexity of modern combat and equipped with arms best suited for the last war, are conditions that invariably lead to defeat. At the same time, despite this perilous record, Congress will most likely not amply appropriate funds to the Army prior to our next crisis so we will most likely be unable to “afford to have the entire Army fully modernized and fully ready” for every future scenario.<sup>84</sup> In such times, the historical record is equally insightful. Even following the most shocking defeats, the U.S. Army overcame similar challenges with superb leadership. While both the British and U.S. Armies struggled to keep the variables of end strength, readiness, and modernization properly adjusted, the forcing function of fiscal austerity compelled farsighted leaders to invest in leader development and professional education. Leader development is the greatest hedge against uncertainty. This lesson must be embraced by our current generation of leaders since history repeatedly demonstrates that professional development possesses the greatest potential for return on investment. Despite the uncertainty we currently face, our Army can remain the best in the world if we educate and train future generations of leaders to avoid the pitfalls of the past by applying the lessons from the repetitions of history.

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<sup>82</sup> Bond, *British Military Policy between the Two World Wars*, 340.

<sup>83</sup> According to David W. Barno, successful leap ahead technologies can render the next generation of systems obsolete and can become force multipliers in their own right. For additional information see: David W. Barno, et al., *Sustainable Pre-eminence: Reforming the U.S. Military at a Time of Strategic Change* (Washington, DC: Center for a New American Security, May 2012), 18-19.

<sup>84</sup> John S. Brown, “Thoughts on an Expansible Army,” *Army Magazine* 64, no. 4 (April 2014): 63.



# A Strategy for Character Development

John W. Henderson

Undergirding development of the Army Ethic is the notion that good people make great Soldiers. Despite the challenges inherent in any attempt to codify and inculcate an “ethic,” the U.S. Army is, nevertheless, determined to do so. The goal: to create a “shared professional identity” as “trustworthy Army professionals.”<sup>1</sup> In order to achieve this vision, Soldiers and Department of the Army Civilians must both know the Army Ethic and have the character to internalize and enact it. At its very core, the U.S. Army is a “profession built on trust”<sup>2</sup> and the collective exemplification of its ethic by highly competent, committed team members of strong moral character. For these core qualities to effectively permeate the ranks, the Army needs an enduring strategy for character development that is fully integrated into the culture, the institution, and the professional growth of team members at every level. Yet, the Army lacks a deliberate strategy to develop the desired character traits. By relying almost exclusively on leaders to informally mentor, emulate, and engage in self-study,<sup>3</sup> the Army’s laissez-faire approach falls short. Adoption of a three-part proactive strategy for character development proposed herein would enable the Army Ethic to move beyond its foundations and into the professional fabric of the everyday Soldiers on which the country relies. To be most effective, the proposed strategy must be founded on trust, fully integrated into our training and education system, promoted in our units as part of an ethical command climate, and reinforced by institutional regulations and policies.

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*John W. Henderson (M.S. South Dakota School of Mines and Technology) is a Colonel in the United States Army. An earlier version of this article was written while the author was an Army War College Fellow at the Massachusetts Institute of Technology.*

<sup>1</sup> Raymond T. Odierno, *Army Ethic White Paper*, Center for the Army Profession and Ethic, U. S. Army Combined Arms Center, U. S. Army Training and Doctrine Command, (July 2014), 18, <http://cape.army.mil/repository/white-papers/Army-Ethic-White-Paper.pdf> (accessed September 7, 2014).

<sup>2</sup> U.S. Department of the Army, *The Army*, Army Doctrinal Publication (ADP) 1 (Washington, DC: U.S. Department of the Army, September 2012), 2-2, [http://armypubs.army.mil/doctrine/DR\\_pubs/dr\\_a/pdf/adp1.pdf](http://armypubs.army.mil/doctrine/DR_pubs/dr_a/pdf/adp1.pdf) (accessed September 8, 2014).

<sup>3</sup> Brian Michelson, “Character Development of U.S. Army Leaders – The Laissez-Fair Approach,” *Military Review Online*, September-October 2013, 30-39, [http://usacac.army.mil/CAC2/MilitaryReview/Archives/English/MilitaryReview\\_20131031\\_art007.pdf](http://usacac.army.mil/CAC2/MilitaryReview/Archives/English/MilitaryReview_20131031_art007.pdf) (accessed September 15, 2014).

Trust serves as the foundation for character development and is critical to the enduring success of the Profession of Arms.<sup>4</sup> The Nation entrusts the Army with the lives of her sons and daughters and expects it to give the best military advice to elected officials while training and equipping a fighting force capable of winning the Nation's wars. Team members place high levels of trust in each other for their personal safety, in their leaders to make wise and fair decisions, and in the competence and commitment of their subordinates to get the mission done. The stakes are high; those who show their willingness to serve by volunteering are not necessarily morally qualified for military service immediately upon entry. Just like other competency-based education, character development takes time, effort, and exemplary leadership.<sup>5</sup> The individual choice of every team member to be trustworthy and to internalize the Army ethic, therefore, serves as the essential building block for long-term professional success, enduring wide-spread National trust, and ultimately the success of the all-volunteer force.

From this simple concept, the primary challenge is to determine ways to best develop Army team members who internalize character traits and ethical decision making skills. For centuries, philosophers, military leaders, corporate executives, and psychologists have examined and debated the fundamental quality of character development, asking such questions as: Can character traits can be taught? How much can an adult's character be influenced or changed?<sup>6</sup> Today, many experts in both business ethics and developmental psychology agree that character development can continue through adulthood as individuals gain experience, intuition, and maturity.<sup>7</sup> Many who behave unethically, however, do so with full awareness of the problematic nature of their actions.<sup>8</sup> The real measure of character, then, is not simply knowing right from wrong, but having the courage and self-discipline to consistently choose to act morally. Online training and mandatory classes cannot, therefore, be reasonably expected to genuinely develop this absolutely essential skill for those in the Profession of Arms.<sup>9</sup> Instead, character traits must be internalized through life experience, emersion within an ethical climate, and belonging to an organization which systemically and systematically holds its members accountable for behaving in accordance with their professional ethic.<sup>10</sup>

The first task, then, is to integrate character development more effectively into Army training and developmental programs. The Army should give team members the opportunity to work through ethical challenges in the course of an already well-established training and education system where individuals can experience first-hand the consequences of their ethical decisions in a coached environment. Ethical dilemmas, scripted events, and case studies can easily be incorporated into

<sup>4</sup> U.S. Department of the Army, *The Army*, 2-2.

<sup>5</sup> Gordon Sullivan, "Association of the United States Army, Institute of Land Warfare Contemporary Military Forum #1: Living the Army Ethic," October 13, 2014, <http://www.dvidshub.net/video/366103/contemporary-military-forum-1-living-army-ethic#.VFJG9F0yUk>, (accessed October 16, 2014).

<sup>6</sup> Aristotle, *The Nicomachean Ethics*, trans. by David Ross (Oxford, UK: Oxford University Press, 1980), Book II, vii, 23.

<sup>7</sup> Thomas Piper, Mary Gentile, and Sharon Daloz Parks, *Can Ethics Be Taught? Perspectives, Challenges and Approaches at the Harvard Business School* (Boston: Harvard Business School, 2007), 13-15.

<sup>8</sup> Edmund D. Pellegrino, "Character, Virtue, and Self-Interest in the Ethics of the Professions," *Journal of Contemporary Health and Policy Online* 5, no. 53 (1989): 56, <http://heinonline.org/HOL/LandingPage?handle=hein.journals/jchlp5&div=8&id=&page=> (accessed October 1, 2014).

<sup>9</sup> Dorothy Leonard and Walter Swap, "Deep Smarts," *Harvard Business Review*, May 2009, 88.

<sup>10</sup> Ting Zhang et al., "Morality Rebooted; Exploring Simple Fixes to Our Moral Bugs," *Harvard Business School Unpublished Working Papers 14-105 Online*, April 2014, 4, <http://ssrn.com/abstract=2427259> (accessed September 15, 2014).

nearly every training application—from professional development sessions, to unit-level exercises, training center rotations, and schools at every level.<sup>11</sup> The Army need not implement a new system, change how it trains, or roll out yet another campaign. The Army simply needs to put the same level of emphasis on developing character traits as it does on other competence-related tasks and to integrate both character and competence training into as many events as practical. Current training models should be adjusted to meet required objectives for each specific training audience from privates to civilians to senior officers. By continuing to “train as it fights,” the Army can develop team members who possess the skills to successfully identify and overcome ethical challenges when and where they actually occur: during a myriad of mission-critical tasks. Training that avoids perfunctory, ineffective teaching of stand-alone classes on ethics policies and Army Values, will increase mission success by providing proactive and relevant experiential training scenarios that facilitate behavior consistent with the performance and internalization of the Army Ethic.<sup>12</sup>

The second task is to create an ethical command climate throughout the Army. Leaders must create an ethical work environment for the teams that they lead. Just as Soldiers act with courage in combat for their peers because of the unbreakable bonds that form between strong teams in great units, so too will they act with *moral courage* in units with a climate of trust and discipline. The role that unit climate plays in facilitating an ethical environment for moral character development cannot be overstated. Leaders who rigorously enforce standards, show respect and loyalty to their teammates, and serve as moral exemplars are indispensable to the profession and the development of the Army Ethic as the standard.<sup>13</sup>

Commanders and other leaders committed to the professional Army ethic promote a positive environment. If leaders show loyalty to their Soldiers, the Army, and the nation, they earn the loyalty of their Soldiers. If leaders consider their Soldiers' needs and care for their well-being, and if they demonstrate genuine concern, these leaders build a positive command climate.<sup>14</sup>

The perception of command climate for any given unit is largely a function of the immediate supervisor who is similarly influenced by her/his supervisor throughout the hierarchical chain of command. Because a large percentage of Soldiers and civilians eventually serve in a supervisory capacity themselves, leader selection must be predicated on demonstrated commitment to the principles of the Army Ethic. Leader emulation works both ways: toxic leaders tend to produce more toxic leaders who then pass these traits to the ones they lead; great leaders tend to produce great leaders who in-turn do the same. The most effective means of growing leaders who know how to create this ethical environment, then, is to facilitate their growth through the ranks in a climate of trust and discipline so they know unequivocally what right looks and acts like. The most effective units have a climate in which team members at every level engage with self-discipline, strive to do right, and demonstrate the personal courage to push their teammates to do the same. Individual integrity, energized by an ethical and supportive team climate, is the glue that forms the unbreakable bond between teammates, translates to unit cohesion and esprit, builds a climate of trust, respect,

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<sup>11</sup> Joe Doty and Walter Sowden, “Competency vs. Character? It must be both!” *Military Review Online*, November-December, 74-75, <http://www.dtic.mil/dtic/tr/fulltext/u2/a532524.pdf> (accessed September 7, 2014).

<sup>12</sup> *Ibid.*, 76.

<sup>13</sup> U.S. Department of the Army, *The Army Profession*, Army Doctrinal Reference Publication (ADRP) 1 (Washington, DC: U.S. Department of the Army, June 2013), A-1, [http://armypubs.army.mil/doctrine/DR\\_pubs/dr\\_a/pdf/adrp1.pdf](http://armypubs.army.mil/doctrine/DR_pubs/dr_a/pdf/adrp1.pdf) (accessed September 8, 2014).

<sup>14</sup> U.S. Department of the Army, *Army Command Policy*, Army Regulation 600-20 (Washington, DC: Department of the Army, 2012), 2.



and candor, and ultimately translates to an overall Army culture of military expertise, honorable service, and stewardship worthy of the Nation's trust.

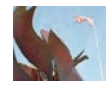
The third task is to structure institutional policies, regulations, selection boards, and entry requirements to protect the Army's long-term investment in promoting a culture of competence, character, and commitment. Initiatives like 360-evaluations and mandatory comments on character in evaluations are an excellent start, but the Army must also formalize ethical competency as a prerequisite for recruits, specific unit/team participation, and advancement to leadership positions. Army leaders must also continue to be given the disciplinary tools necessary to deal effectively with unethical behavior such that their commitment to the Army Ethic through disciplinary action serves as yet another source of unit trust and cohesion. Designing the Army's institutional systems to empower leaders, mitigate constant turnover, and influence behavior to ensure consistency with the Army Ethic shows a codified and enduring willingness to police the profession, safeguard a culture of strong character, and therefore earn enduring National trust.

In the end, a character development program need not be difficult. The primary challenge is to implement policy and procedural changes by overcoming the bureaucratic tendency to make difficult that which should come naturally to a profession founded on the belief in the necessity of sacrifice for the greater good. Hiring contractors, ruminating over metrics, funding road shows and training teams, and running them through the DOTMLPF<sup>15</sup> meat grinder would be a mistake. Like all effective strategies, implementation should be uncomplicated and deliberate, codified in policies, regulations, and training strategies, and periodically reviewed as the Army continues to build a body of knowledge in this area. Mission success will be achieved by simply, but firmly according the moral development of Army team members the requisite level of priority, time, and creativity to ensure that we "train as we fight." Defining measurable success in this area may be a challenge, but success can be inferred when character training is discussed in training briefings, professional development sessions, and after action reviews; when leaders are held accountable for promoting an ethical command climate; and when ethical behaviors are measured in evaluations and selections. These will demonstrate that character development has risen above the level of a "mandatory class" to become a foundational component of the overall moral and professional development of the Army team. At that point, the U.S. Army will have become a truly moral exemplar for other services, government agencies, foreign militaries, industry, and the Nation. With so much at stake, how can we afford to fail?

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<sup>15</sup> "DOTMLPF" stands for Doctrine, Organization, Training, Materiel, Leadership & Education, Personnel, and Facilities. According to the Army Capabilities Integration Center website, "DOTMLPF is a problem-solving construct for assessing current capabilities and managing change. Change is achieved through a continuous cycle of adaptive innovation, experimentation, and experience. Change deliberately executed across DOTMLPF elements enables the Army to improve its capabilities to provide dominant land power to the joint force." Army Capabilities Integration Center, "About ARCIC," <http://www.arcic.army.mil/AboutARCIC/dotmlpf.aspx> (accessed October 12, 2014).





# Manning v. Carter: Implications for Transgender Policy

Wendy Daknis

On June 30, 2016, U.S. Secretary of Defense Ashton Carter announced that he was “ending the ban on transgender Americans in the United States military.”<sup>1</sup> This landmark decision, announced in the wake of the massacre at an Orlando LGBT nightclub, was preceded by a year-long study to evaluate the implications and practical implementation of such a policy. The shift in policy is palpable: In less than a decade, the U.S. military has gone from the world of “Don’t ask, don’t tell” to one in which LGBT soldiers are both allowed to serve openly and covered for medical expenses related to their gender identity. One catalyst for this change comes from an unlikely source: inside the U.S. Disciplinary Barracks (USDB) at Fort Leavenworth.

On September 23, 2014, an incarcerated Chelsea Elizabeth Manning sued then Secretary of Defense Chuck Hagel, other government officials, and the United States Department of Defense (DoD) seeking medical treatment for her gender dysphoria.<sup>2</sup> Alleging that her Constitutional rights were violated when the USDB failed to provide proper medical care for her well-documented medical condition,<sup>3</sup> Manning’s lawsuit helped set the stage for reconsideration of gender-identity medical

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Wendy Daknis (*J.D. Marshall-Wythe School of Law, College of William and Mary*) is a Colonel in the United States Army. An earlier version of this article was written while the author was an Army War College Fellow at the U.S. Department of Justice.

<sup>1</sup> Ashton Carter, “Department of Defense Press Briefing by Secretary Carter on Transgendered Service Policies in the Pentagon Briefing Room,” June 30, 2016, <http://www.defense.gov/News/News-Transcripts/Transcript-View/Article/822347/departement-of-defense-press-briefing-by-secretary-carter-on-transgender-service>.

<sup>2</sup> Complaint for Declaratory and Injunctive Relief, *Manning v. Hagel*, Case 1:14-cv-01609 (D.D.C. Sept. 23, 2014), <https://www.aclu.org/sites/default/files/assets/dcd-04504867824.pdf>.

“Gender dysphoria” refers to a clinical diagnosis introduced in the American Psychiatric Association’s (APA’s) Diagnostic and Statistical Manual of Mental Disorders, Fifth ed. (2013) (DSM-5), which applies to individuals whose gender identity differs from their assigned sex, causing clinically significant distress or impairment. American Psychiatric Association, *Gender Dysphoria*, (Arlington, VA: American Psychiatric Association), <http://www.dsm5.org/Documents/Gender%20Dysphoria%20Fact%20Sheet.pdf>. (accessed October 31, 2014) “Gender identity” is an internal sense of being male, female, or something else; whereas, “gender expression” is an external display of gender through clothing, hairstyle, body, and other characteristics. American Psychological Association, *Answers to your Questions about Transgender People, Gender Identity, and Gender Expression*, <http://www.apa.org/topics/lgbt/transgender.pdf>. (accessed October 28, 2014) “Assigned sex” is based on objective, biological criteria at birth, to include internal and external anatomy. *Ibid.*

<sup>3</sup> Complaint for Declaratory and Injunctive Relief, *supra* note 1, at 2.

care for inmates and may assist in developing standards of care for non-incarcerated transgender service members.

## Background

Bradley Manning joined the Army as an intelligence analyst in 2007<sup>4</sup> and gained notoriety through his unauthorized disclosure of classified documents.<sup>5</sup> After an investigation and the referral of charges, on August 21, 2013, he was sentenced by a General Court Martial to confinement for 35 years.<sup>6</sup>

Behind the scenes, he struggled with his gender identity. After a lifetime of feeling different, he recognized by 2009 that he was transgender.<sup>7</sup> While deployed to Iraq in May 2010, he was officially diagnosed with gender identity disorder (GID) by an Army psychologist.<sup>8</sup> Between May 2010 and August 2013, Manning was again diagnosed multiple times by different doctors with GID.<sup>9</sup> This diagnosis was disclosed at his trial<sup>10</sup> and as he was transferred to the USDB at Fort Leavenworth,<sup>11</sup> Manning released a statement through his lawyer to NBC's "The Today Show," announcing that he considered himself female and that he wanted to be referred to as Chelsea Manning or "she" from that day forward.<sup>12</sup> She also indicated a desire to promptly begin hormone therapy.<sup>13</sup>

From the day she arrived at the USDB, Manning began requesting evaluation and treatment for gender dysphoria.<sup>14</sup> In October 2013, she was diagnosed once again with gender dysphoria;<sup>15</sup> however, she had already been informed that treatment would be limited by USDB and Army policy

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<sup>4</sup> Declaration of Chelsea E. Manning at 2, Manning v. Hagel, Case 1:14-cv-01609-CKK (D.D.C. Sept. 23, 2014), <http://big.assets.huffingtonpost.com/Manning-declaration.pdf>.

<sup>5</sup> Bill Mears, "Chelsea Manning Sues to Get Transgender Medical Treatment," *CNN*, September 24, 2014, <http://www.cnn.com/2014/09/23/justice/chelsea-manning-lawsuit/>.

<sup>6</sup> Complaint for Declaratory and Injunctive Relief, *supra* note 1, at 8.

<sup>7</sup> *Ibid.*

<sup>8</sup> *Ibid.*, 4.

"Gender identity disorder" (GID) refers to a diagnosis in the previous edition of the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders (DSM-IV), which was replaced by gender dysphoria in the most current edition. American Psychiatric Association, *Gender Dysphoria*, "Gender identity disorder is characterized by a strong and persistent cross-gender identification and a persistent discomfort with one's sex or sense of inappropriateness in the gender role of that sex, causing clinically significant distress or impairment in social, occupational, or other important areas of functioning." World Professional Association for Transgender Health, *Standards of Care for the Health of Transsexual, Transgender, and Gender- Nonconforming People*, Version 7, 2012, 96, [http://admin.associationonline.com/uploaded\\_files/140/files/Standards%20of%20Care,%20V7%20Full%20Book.pdf](http://admin.associationonline.com/uploaded_files/140/files/Standards%20of%20Care,%20V7%20Full%20Book.pdf).

<sup>9</sup> Declaration of Chelsea E. Manning, *supra* note 4, at 4.

<sup>10</sup> Lou Chibbaro Jr., "Will Manning Case Harm Effort to Lift Trans Military Ban?," *Washington Blade*, August 22, 2013, <http://www.washingtonblade.com/2013/08/22/will-chelsea-manning-bradley-harm-effort-to-lift-trans-military-ban-transgender-lgbt-news-army-wikileaks/>.

<sup>11</sup> Declaration of Chelsea E. Manning, *supra* note 4, at 4.

<sup>12</sup> Scott Stump, "Bradley Manning: I Want to Live as a Woman," *Today News*, August 22, 2013, <http://www.today.com/news/bradley-manning-i-want-live-woman-6C10974915>; "I am Chelsea": Read Manning's full statement," *Today News*, August 22, 2103, <http://www.today.com/news/i-am-chelsea-read-mannings-full-statement-6C10974052>.

<sup>13</sup> *Ibid.*

<sup>14</sup> Declaration of Chelsea E. Manning, *supra* note 4, at 4.

<sup>15</sup> *Ibid.*, 6. Given the updates to the DSM, a diagnosis of gender dysphoria from the DSM-5 would be consistent with a diagnosis of gender identity disorder from the DSM-IV.

to psychotherapy and anti-depressant and anti-anxiety medication.<sup>16</sup> Manning continued to request treatment, to include not only psychotherapy, but also permission to begin real-life experiences,<sup>17</sup> which refers to her ability to express her gender externally.<sup>18</sup> By July 2014, she was receiving some level of psychotherapy<sup>19</sup> and had been permitted the real-life experience of wearing female undergarments issued by the USDB.<sup>20</sup> Manning contends that this partial treatment is insufficient and in September 2014, sued seeking further treatment for her gender dysphoria, to include hormone replacement therapy.<sup>21</sup>

### State of the Law

Medical treatment of inmates is protected by the U.S. Constitution. Specifically, the Supreme Court has held that “deliberate indifference to serious medical needs of prisoners” violates the Eighth Amendment and its protection against cruel and unusual punishment.<sup>22</sup> The court reasoned that prisoners have no ability to seek outside medical treatment, as their liberty has been deprived, and that no valid penological purpose exists in allowing a prisoner to suffer unnecessarily.<sup>23</sup>

Many federal courts have specifically addressed gender dysphoria or its predecessor, GID,<sup>24</sup> and have determined that the condition constitutes a serious medical condition for purposes of the Eighth Amendment.<sup>25</sup> Generally speaking, the courts seem to have accepted that an individual with untreated gender dysphoria faces an increased risk of undue physical and emotional suffering, and may even attempt self-castration or suicide if the condition persists.<sup>26</sup> Importantly, the United States District Court for the District of Columbia (D.D.C.), where Manning filed her suit, is one of these courts.<sup>27</sup>

Not only have most courts determined that gender dysphoria is a serious medical condition, several have found that blanket denials of treatment to transgender inmates constitute deliberate indifference under the Supreme Court standard.<sup>28</sup> The D.D.C. similarly determined that transgender

<sup>16</sup> *Ibid.*, 5.

<sup>17</sup> *Ibid.*, 7.

<sup>18</sup> Real-life experiences are expressed in the Standards of Care as “changes in gender expression and role.” World Professional Association for Transgender Health, *Standards of Care*, 9.

<sup>19</sup> It is unclear if her therapist is qualified to treat gender dysphoria. See Declaration of Chase B. Strangio at Exhibit C, Manning v. Hagel, Case 1:14-cv-01609-CKK (D.D.C. Sept. 23, 2014), <http://cryptome.org/2014/09/manning-002.pdf> (providing a statement from Manning’s treating psychologist that she does “not have the expertise to develop a treatment plan or provide treatment for individuals with [gender dysphoria].”).

<sup>20</sup> *Ibid.*, Exhibit H.

<sup>21</sup> Complaint for Declaratory and Injunctive Relief, *supra* note 1, at 17.

<sup>22</sup> *Estelle v. Gamble*, 429 U.S. 97, 103 (1976).

<sup>23</sup> *Ibid.*

<sup>24</sup> Of the federal circuit courts, only the 3rd, 5th, DC, and Federal Circuits have remained silent.

<sup>25</sup> See *Kosilek v. Spencer*, 740 F.3d 733 (1st Cir. 2014), *withdrawn* by *Kosilek v. Spencer*, 2014 U.S. App. LEXIS 2660 (1st Cir. Feb. 12, 2014); *Cuoco v. Mortisugu*, 22 F.3d 99 (2nd Cir. 2000); *De’Lonta v. Johnson*, 708 F.3d 520 (4th Cir. 2013); *Phillips v. Michigan Dept. of Corrections*, 731 F. Supp. 792 (W.D.Mich. 1990), *aff’d*, 932 F.2d 969 (6th Cir. 1991); *Fields v. Smith*, 653 F.3d 550 (7th Cir. 2011); *White v. Farrier*, 849 F.2d 322 (8th Cir. 1988), *Allard v. Gomez*, 9 Fed. Appx. 793 (9th Cir. 2001); *Qz’etax v. Ortiz*, 170 Fed. Appx. 551 (10th Cir. 2006); *Kothmann v. Rosario*, 558 Fed. Appx. 907 (11th Cir. 2014).

<sup>26</sup> See World Professional Association for Transgender Health, *Standards of Care*, at 67.

<sup>27</sup> See *Farmer v. Hawk*, 991 F. Supp. 19 (D.D.C. 1998), *reversed in part, on other grounds*, 163 F.3d 610 (D.C. Cir. 1998).

<sup>28</sup> See *Fields*, 653 F.3d at 557; *Meriwether v. Faulkner*, 821 F.2d 408, 414 (7th Cir. 1987).

inmates are entitled to “some type of medical treatment.”<sup>29</sup> Although the courts have uniformly treated each case individually and refused to rule that all transgender inmates are entitled to any particular type of treatment,<sup>30</sup> it is clear that after individual evaluation, a transgender inmate will be entitled to some level of treatment for gender dysphoria.

### Treatment Options

Since 1979, the World Professional Association for Transgendered Health (WPATH) has published Standards of Care for GID that represent the “professional consensus about the psychiatric, psychological, medical and surgical management of GID.”<sup>31</sup> The WPATH treatment options range from psychotherapy to real-life experiences to hormone replacement therapy to sex reassignment surgeries.<sup>32</sup> In laying out these standards, WPATH recognizes that not all transgender individuals would benefit from the same treatment.<sup>33</sup>

Prior to her lawsuit, treatment options for Manning were extremely limited. Until Ashton Carter’s landmark announcement, the DoD actively maintained a long-standing policy of denying entry to transgender applicants<sup>34</sup> and permitted the services to separate members who were diagnosed with GID.<sup>35</sup> Consequently, most DoD medical professionals have little experience with treating transgender individuals. Prior to June 30, 2016, regulations covering payment of medical care within the military had specifically excluded any treatment for gender dysphoria, including psychotherapy, hormone therapy, and sex reassignment surgeries.<sup>36</sup> Finally, Manning’s opportunities for real-life experiences within the USDB are few.<sup>37</sup> At present, she is permitted to wear “female undergarments,” and “prescribed cosmetics in her daily life.”<sup>38</sup> She is not, however, allowed to follow the grooming standards for female inmates at other facilities related to the length of her hair, an issue Manning has addressed in the most recent amendment to her complaint.<sup>39</sup> Although the USDB has already begun to provide treatment for Manning (including psychotherapy, speech therapy, and cross-sex hormone therapy), her recent suicide attempt would suggest that these

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<sup>29</sup> Black v. Kendig, 2003 WL 1477018 \*4 (D.D.C. March 18, 2003)

<sup>30</sup> Ibid., 16.

<sup>31</sup> World Professional Association for Transgender Health, *WPATH Clarification on Medical Necessity of Treatment, Sex Reassignment, and Insurance Coverage for Transgender and Transsexual People Worldwide*, [http://www.wpath.org/site\\_page.cfm?pk\\_association\\_webpage\\_menu=1352&pk\\_association\\_webpage=3947](http://www.wpath.org/site_page.cfm?pk_association_webpage_menu=1352&pk_association_webpage=3947). (accessed October 24, 2014).

<sup>32</sup> World Professional Association for Transgender Health, *Standards of Care*, at 9-10.

<sup>33</sup> Ibid., 2.

<sup>34</sup> U.S. Department of Defense, *Medical Standards for Appointment, Enlistment, or Induction in the Military Services*, Department of Defense Instruction 6130.03 (Washington, DC: U.S. Department of Defense, April 28, 2010 Incorporating Change 1, September 13, 2011), 25, 27, 48.

<sup>35</sup> Gale S. Pollock and Shannon Minter, “Report of the Planning Commission on Transgender Military Service,” *The Palm Center*, August 2014, 9, <http://www.palmcenter.org/files/Report%20of%20Planning%20Commission%20on%20Transgender%20Military%20Service.pdf>.

<sup>36</sup> Civilian Health and Medical Program of the Uniformed Services, Basic Program Benefits, 32 C.F.R. § 199.4 (2013).

<sup>37</sup> The USDB is a male-only facility.

<sup>38</sup> Amended Complaint for Declaratory and Injunctive Relief, Manning v. Carter, Case 1:14-cv-01609 (D.D.C. Oct. 5, 2015), <https://www.aclu.org/legal-document/manning-v-carter-amended-complaint>.

<sup>39</sup> Ibid.

measures may not be adequate.<sup>40</sup> Due to Manning's unique circumstances, even obtaining adequate psychotherapy has been a challenge. Dr. Galloway, Manning's treating psychologist, indicated in October 2013 that she did not possess the expertise required to treat gender dysphoria,<sup>41</sup> nor to create a treatment plan for Manning.<sup>42</sup>

Of course, none of these accommodations is limited to Chelsea Manning. The DoD must also be prepared to treat other potential inmates diagnosed with gender dysphoria; as such, there must be an ongoing system in place. Manning's case also illustrates some of the difficulties the DoD will encounter should it simply attempt to add transgenderism to the ranks and stir. To competently offer medically necessary treatment requires expert care providers trained specifically to care for both the minds and the bodies of transgender service members. This will require ensuring that the DoD maintains sufficient numbers of mental health experts and physicians qualified to deal with gender dysphoria, hormone therapy, and other psychological and physical conditions that may affect service members and inmates alike. These experts must be obtained via new DoD permanent hires, transgender-specific training of current DoD employees, and/or contract hires of appropriate non-DoD mental health experts and physicians.<sup>43</sup> The Manning case also illustrates both the importance and difficulty of maintaining safety and discipline for transgender service members—especially those who are incarcerated. Maintaining Manning's safety and discipline within the USDB while allowing her to show her gender externally through real-life experiences is a challenge to say the least. Although Manning has not specifically requested sex reassignment surgery, if her care provider determined that was necessary, DoD would also have to ensure that it had surgeons qualified to perform these procedures.<sup>44</sup> This, too, will be an issue for the Department of Defense as it embraces full inclusion of transgender service members.

## Conclusion

Rather than limit its time and resources to simply addressing medical care for transgender inmates, DoD should take what it has learned from this case and also apply it on a broader scale. As society works to integrate transgender individuals, the military's emerging policy on transgender service members and their healthcare will no doubt be forced to undergo many iterations. Much of the needed research, including the medical requirements of transgender service members, seems to have begun in response to the suit brought by Chelsea Elizabeth Manning—a woman imprisoned in a man's body imprisoned in a maximum security military prison: for men. Although her case continues to be fought in the courts, and resolution is, as yet unclear, the significance of *Manning v. Carter* goes well beyond the treatment of one individual; it has shaped the transgender terrain which all in the Department of Defense now share as we work to “ensure that the mission is carried out by the best qualified and the most capable service members, regardless of gender . . .”<sup>45</sup> and gender identity.

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<sup>40</sup>Krishnadev Calamur, “Chelsea Manning's Suicide Attempt,” *The Atlantic*, July 12, 2016, <http://www.theatlantic.com/news/archive/2016/07/chelsea-manning/490901>.

<sup>41</sup> Declaration of Chase B. Strangio, *supra* note 18, at Exhibit C.

<sup>42</sup> *Ibid.*

<sup>43</sup> World Professional Association for Transgender Health, *Standards of Care*, at 22.

<sup>44</sup> *Ibid.*, 62.

<sup>45</sup> Leon E. Panetta, *Statement on Women in Service*, Secretary of Defense Speech delivered in the Pentagon Press Briefing Room, January 24, 2013, <http://www.defense.gov/Speeches/Speech.aspx?SpeechID=1746>.

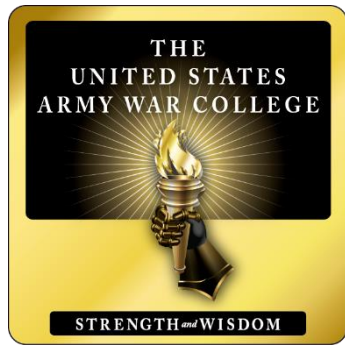
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Student Publications



**STRENGTH** *and* **WISDOM**



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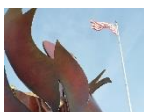
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Flag flying over the Strength and Wisdom statue, a gift from the class of 2014, capturing the mission, spirit, and history of Carlisle Barracks (photo by Laura A. Wackwitz, Ph.D.).

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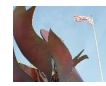
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# Using the Rule of Law to Combat the Islamic State

Stephen E. Schemenauer

*As the most lethal and well-funded terrorist group in the world, the Islamic State represents an unprecedented threat to international peace and security. Yet, the international community's current efforts to combat the group are largely disjointed, ineffective, counter-productive, and costly. Current efforts also emphasize the role of force over the rule of law, draw international criticism and fuel the flames of Islamic jihad. This has led many in the international community to call for a more comprehensive strategy that includes prosecutorial efforts as an integral component of the solution. Unfortunately, the international criminal justice system suffers from an institutional gap that allows the Islamic State's members to operate with impunity. This article recommends that the United Nations Security Council establish an Office of the Chief International Prosecutor for the Islamic State (UNOCIPIS) to fill that gap and provide the international community with a better legal tool for combating the Islamic State's worldwide criminal network.*

Keywords: *International Criminal Court, Criminal Tribunals, ISIS, Terrorism, UN Security Council*

[The Islamic State's] violent extremist ideology, its terrorist acts, its continued gross systematic and widespread attacks directed against civilians, abuses of human rights and violations of international humanitarian law, . . . its eradication of cultural heritage and trafficking of cultural property, . . . its recruitment and training of foreign terrorist fighters whose threat affects all regions and Member States, . . . constitutes a global and unprecedented threat to international peace and security[.]

—Statement in United Nations (UN) Resolution 2249<sup>1</sup>

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*Stephen E. Schemenauer (J.D. Hamline University School of Law) is a Colonel in the United States Army. An earlier version of this article, written under the direction of Dr. Paul C. Jussel while the author was an Army War College Fellow at Tufts University, earned a prestigious Military Order of the World Wars Writing Award for the USAWC Class of 2016.*

<sup>1</sup> United Nations, "Security Council 'Unequivocally' Condemns ISIL Terrorist Attacks, Unanimously Adopting Text That Determines Extremist Group Poses 'Unprecedented' Threat," November 20, 2015, <http://www.un.org/press/en/2015/sc12132.doc.htm> (calling for Member States to "take all necessary measures, in compliance with international law, . . . to redouble and coordinate their efforts to prevent and suppress terrorist acts committed specifically by Isil . . . and to eradicate the safe haven they have established in Iraq and Syria.").

Notwithstanding the UN's pronouncement that the Islamic State<sup>2</sup> is the greatest threat to global peace and security, the international community's efforts to destroy the group are disjointed, ineffective, counter-productive, and costly.<sup>3</sup> Developing a more comprehensive strategy that includes prosecutorial efforts to combat the Islamic State is imperative, but will require structural and procedural change.<sup>4</sup> The mechanisms typically relied upon to dispense international criminal justice are ill-equipped to handle the current threat, resulting in an institutional gap that must be filled. Meanwhile, the Islamic State continues to develop its network, build its resources, and conduct attacks with increasing frequency and lethality worldwide, and the death toll continues to mount.<sup>5</sup>

This article begins by examining the Islamic State's current status and the international community's ongoing efforts to combat the group. It then analyzes various deficiencies of the

<sup>2</sup> Although known by many names, the label "Islamic State" is used throughout this essay. See Elizabeth Jensen, "Islamic State, ISIS, ISIL or Daesh?" *National Public Radio Ombudsman*, November 23, 2015, <http://www.npr.org/sections/ombudsman/2015/11/18/456507131/islamic-state-isis-isil-or-daesh>.

<sup>3</sup> Indeed, the international community has been criticized for failing to unite to combat terrorism and other forms of injustice throughout the world. See generally, Parliamentary Assembly of the Council of Europe, *2001 Ordinary Session, Official Report of Debates*, vol. IV (Strasbourg, France: Council of Europe Publishing, 2002), 972-983. (cataloguing criticisms of the international justice system and international calls for increased cooperation and development of a framework to combat terrorism). Some argue that this lack of unity is due to the inability to precisely define "terrorism," which "undermines attempts to generate international cooperation against terrorism and can lead to unilateral and (even if unwittingly) counterproductive strategies." See Anthony Richards, "Frameworks for Conceptualizing Terrorism," *Studies in Conflict & Terrorism* 37, no. 3 (February 2014): 213-236; See also Alex P. Schmid, ed., *Handbook of Terrorism Research* (London: Routledge, 2011), 86-87. (noting that "[w]hile there are many national and regional definitions, there is no universal legal definition approved by the General Assembly of the United Nations (the one proposed by the Security Council in Res. 1566 (2004) is non-binding, lacking legal authority in international law)"). This definitional issue is largely a difference without a distinction. See Alex, P. Schmid "Frameworks for Conceptualising Terrorism," *Terrorism and Political Violence* 16, no. 2 (Summer 2004): 197-198. (noting that there is no widespread international consensus on what crimes are considered terrorist acts, and that the "conceptualisation of crime varies considerably across time and cultural space," as laws and morality vary). Terrorist acts are criminal acts, and most, if not all, of the Islamic State's activities constitute multiple violations of various national and international laws. See *Ibid*; See also United Nations, "Security Council 'Unequivocally' Condemns ISIL Terrorist Attacks." (reaffirming that "any acts of terrorism are criminal and unjustifiable regardless of their motivations, whenever and by whomsoever committed[.]"). The international community must view the Islamic State as a worldwide criminal network, allowing the development of a more comprehensive strategy that includes a legal component. See Assaf Moghadam, Ronit Berger, and Polina Beliakova, "Say Terrorist, Think Insurgent: Labeling and Analyzing Contemporary Terrorist Actors," *Perspectives on Terrorism* 8, no. 5 (October 2014): 11-14. (arguing that by viewing a threat as terrorist in nature, a government limits its responses to law enforcement and military efforts; by broadening its viewpoint, it can develop more flexible and sustainable options).

<sup>4</sup> See, e.g., Salma El Shahed, "Prosecuting ISIS Poses Challenge to International Justice," *Al Arabiya News*, August 28, 2014, <http://english.alarabiya.net/en/perspective/analysis/2014/08/28/Prosecution-of-ISIS-poses-challenge-to-international-justice.html> (noting that an anonymous UN official recommended establishing a separate international tribunal to overcome the political issues associated with ICC prosecution); Julian Borger, "Call for Special Tribunal to Investigate War Crimes and Mass Atrocities in Syria," *The Guardian*, March 17, 2015, <http://www.theguardian.com/world/2015/mar/17/call-for-special-tribunal-to-investigate-war-crimes-and-mass-atrocities-in-syria> (noting the UN Commission of Inquiry's call for referral of the Syrian conflict to the ICC); Mark Kersten, "The ICC and ISIS: Be Careful What You Wish For," *Justice in Conflict*, June 11, 2015, <http://justiceinconflict.org/2015/06/11/the-icc-and-isis-be-careful-what-you-wish-for/> (insisting that an ICC investigation of ISIS was warranted and that the Court was the best venue for bringing ISIS combatants to justice); John A. Bellinger III, "Make ISIS' Leaders Face Justice," *New York Times Online*, April 2, 2015, [http://www.nytimes.com/2015/04/03/opinion/make-isis-leaders-face-justice.html?\\_r=1](http://www.nytimes.com/2015/04/03/opinion/make-isis-leaders-face-justice.html?_r=1) (declaring its support for a UN Security Council referral of the Islamic State to the ICC); United States Commission on International Religious Freedom, "USCIRF Statement on the Designation of Victims of Genocide, Persecution, and Crimes Against Humanity in Syria and Iraq," December 7, 2015, <http://www.uscifr.gov/news-room/press-releases/uscifr-statement-the-designation-victims-genocide-persecution-and-crimes> (recommending that the ICC investigate and prosecute Islamic State members in Iraq and Syria); Luigi Prosperi, "Prosecuting ISIS Under International Law: Pros and Cons of Existing International Justice Mechanisms," [http://www.academia.edu/12258595/Prosecuting\\_ISIS\\_Under\\_International\\_Law\\_Pros\\_And\\_Cons\\_Of\\_Existing\\_International\\_Justice\\_Mechanisms](http://www.academia.edu/12258595/Prosecuting_ISIS_Under_International_Law_Pros_And_Cons_Of_Existing_International_Justice_Mechanisms) (noting that the former Chief Prosecutor of the UN-backed criminal tribunals proposed the establishment of an *ad hoc* tribunal); Beth Van Schaak, "Options for Accountability in Syria," *Just Security*, May 22, 2014, <https://www.justsecurity.org/10736/options-accountability-syria/> (calling for an *ad hoc* tribunal for the Syrian situation).

<sup>5</sup> Indeed, some predict the Islamic State will "double-down" in 2016 with "increased attacks in Russia, Europe, Turkey and possibly Lebanon and Syria." Daniel Benjamin and Steven Simon, "The Global Terror Threat in 2016: A Forecast," *CTC Sentinel* 9, no. 1 (January 2016): 2, <https://www.ctc.usma.edu/posts/the-global-terror-threat-in-2016-a-forecast>.

institutions that typically investigate and prosecute crimes in the international justice system; namely, the International Criminal Court (ICC) and independent or *ad hoc* criminal tribunals (ICTs). Finally, a proposal is offered for establishing a United Nations Office of the Chief International Prosecutor for the Islamic State (UNOCIPIIS), which would fill the existing gap in the international criminal justice system and provide the international community with a capacity-building tool that would enable UN Member States to effectively investigate and prosecute members of the Islamic State's worldwide criminal network.<sup>6</sup>

## The Islamic State: Public Enemy #1

The United Nations' condemnation of the Islamic State as an "unprecedented threat to international peace and security" is not mere rhetoric. Indeed, the group is led by religious zealots bent on ridding the world of apostates and unbelievers, establishing a worldwide caliphate, and inciting a global apocalyptic war using any means necessary.<sup>7</sup> These goals are, without question, antithetical to every nation's sovereignty and continued existence. With a net worth of over \$2,000,000,000, the Islamic State funds its reign of terror through a host of criminal activities, including smuggling stolen oil, looting banks, imposing taxes, kidnapping, protection rackets, selling stolen artifacts, extortion, exploitation of natural resources, and controlling crops. As a result, the Islamic State is the most "financially endowed terrorist organization in history."<sup>8</sup> Although geographically limited to Iraq, Syria, and Libya, the Islamic State's influence and operational capabilities extend well beyond its territorial base.<sup>9</sup> For example, groups in Algeria, Afghanistan, Bangladesh, Cameroon, Chad, Egypt, Indonesia, Libya, Niger, Nigeria, Pakistan, the Philippines, and Yemen actively cooperated with, or have sworn allegiance to the Islamic State.<sup>10</sup>

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<sup>6</sup> UNOCIPIIS, like military action, is not a panacea; rather, it should be considered an integral part of a broader and more comprehensive strategy to defeat the Islamic State.

<sup>7</sup> Cole Bunzel, "From Paper State to Caliphate: The Ideology of the Islamic State," *The Brookings Project on U.S. Relations with the Islamic World* 19 (March 2015): 10, <http://www.brookings.edu/~media/research/files/papers/2015/03/ideology-of-islamic-state-bunzel/the-ideology-of-the-islamic-state.pdf> (noting that Abu Bakr al-Baghdadi defined "offensive jihad" as "going after the apostate unbelievers by attacking [them] in their home territory, in order to make God's word most high and until there is no persecution."); Karen Yourish, Derek Watkins, and Tom Giratikanon, "Recent Attacks Demonstrate Islamic State's Ability to Both Inspire and Coordinate Terror," *New York Times Online*, January 14, 2016, [http://www.nytimes.com/interactive/2015/06/17/world/middleeast/map-isis-attacks-around-the-world.html?\\_r=0](http://www.nytimes.com/interactive/2015/06/17/world/middleeast/map-isis-attacks-around-the-world.html?_r=0) (stating that one of the Islamic State's goals is to expand the organization and use affiliates to "create chaos in the wider world" and "incite a global apocalyptic war").

<sup>8</sup> Jose Pagliery, "Inside the \$2 Billion ISIS War Machine," *CNN Money*, December 11, 2015, <http://money.cnn.com/2015/12/06/news/isis-funding/index.html> (noting that the Islamic State: makes \$500,000,000 per year from hijacked oil wells and refineries, and more than \$360,000,000 a year in taxes; collected \$20,000,000 to \$45,000,000 from kidnappings in 2014; and stole \$500,000,000 to \$1,000,000,000 from banks in its new territories); See also CNN World, "ISIS Fast Facts," January 28, 2016, <http://www.cnn.com/2014/08/08/world/isis-fast-facts/> (discussing the Islamic State's strategy for revenue); Zachary Laub, "The Islamic State," *Council on Foreign Relations*, March 3, 2016, <http://www.cfr.org/iraq/islamic-state/p14811> (noting that the Islamic State nets an estimated \$1,000,000 to \$3,000,000 per day in oil sales and \$8,000,000 per month in extortion); See also Charles Lister, *Profiling the Islamic State* (Washington, DC: Brookings Institution, 2014), 2, 4-5, [http://www.brookings.edu/~media/Research/Files/Reports/2014/11/profiling%20islamic%20state%20lister/en\\_web\\_lister.pdf](http://www.brookings.edu/~media/Research/Files/Reports/2014/11/profiling%20islamic%20state%20lister/en_web_lister.pdf) (noting that the Islamic State was earning approximately \$2,000,000 per day and had a net worth of close to \$2,000,000,000 by September 2014, making it the "wealthiest terrorist organization in the world").

<sup>9</sup> Laub, "The Islamic State"; See also Lisa Curtis et al., *Combatting the ISIS Foreign Fighter Pipeline: A Global Approach*, The Heritage Foundation Special Report on Terrorism (Washington, DC: Heritage Foundation, January, 2016), <http://www.heritage.org/research/reports/2016/01/combating-the-isis-foreign-fighter-pipeline-a-global-approach> (noting that the Islamic State has "established a presence in at least 19 countries").

<sup>10</sup> Laub, "The Islamic State" (noting that various militant groups have sworn allegiance to the Islamic State); See also Curtis et al., *Combatting the ISIS Foreign Fighter Pipeline: A Global Approach*. (describing the Islamic State's global presence).

Organizationally, the Islamic State is estimated to have anywhere from 9,000 to 200,000 local members, more than 30,000 foreign fighters from over 100 different countries,<sup>11</sup> and reportedly recruits 1,000 new fighters every month.<sup>12</sup> The possibility that radicalized foreign fighters will return to their home countries and carry out attacks, expands the Islamic State's geographic reach exponentially.<sup>13</sup> Operationally, the Islamic State projects worldwide influence,<sup>14</sup> spread via a litany of attempted and successful attacks in at least 35 countries, including: 12 separate events in the United States, numerous attacks in Paris, the downing of a Russian passenger jet over the Sinai Peninsula, and suicide bombings in Beirut.<sup>15</sup> The Islamic State's brutality transcends the bounds of human decency and constitutes some of the most egregious crimes ever known, including crimes against humanity, war crimes, ethnic cleansing, and genocide.<sup>16</sup> According to the *Global Terrorism Index*, the Islamic State was responsible for 6,073 terrorist-related deaths and at least 20,000 "battlefield deaths" in 2014, making it the most lethal and destructive terrorist group in the world.<sup>17</sup> This finding is corroborated by a recent United Nations report that over 24,000 civilians were killed or injured in Iraq alone in 2014, with most of the carnage due to the Islamic State.<sup>18</sup> In addition to these terrorist and battlefield related casualties, the Islamic State has harmed or killed thousands more by public executions (drowning, burning, beheading, and crucifixion), abductions, kidnappings, and other

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<sup>11</sup> David Gartenstein-Ross, "How Many Fighters Does the Islamic State Really Have?" *War on the Rocks*, February 9, 2015, <http://warontherocks.com/2015/02/how-many-fighters-does-the-islamic-state-really-have/?singlepage=1> (noting a range of estimates provided by the Central Intelligence Agency, the Syrian Observatory for Human Rights, the Russian General Staff, Baghdad-based security expert Hisham al-Hashimi, and Kurdish Chief of Staff Fuad Hussein); Curtis et al., *Combatting the ISIS Foreign Fighter Pipeline: A Global Approach*. (noting that a 2015 National Counterterrorism Center report found that there were more than 20,000 foreign fighters in Syria emanating from over 90 countries, 32 of which accounted for 100 foreign fighters or more); Institute for Economics and Peace, *Global Terrorism Index 2015* (New York: Institute for Economics and Peace, 2015), 45-48, <http://economicsandpeace.org/wp-content/uploads/2015/11/Global-Terrorism-Index-2015.pdf> (stating that "[o]verall estimates from UN and government reports indicate that nearly 30,000 foreign individuals have travelled to Iraq and Syria from roughly 100 countries."); Chas Danner, "Report: ISIS Has Recruited as Many as 30,000 Foreigners in the Past Year," *Daily Intelligencer*, September 27, 2015, <http://nymag.com/daily/intelligencer/2015/09/#>.

<sup>12</sup> Danner, "Report: ISIS Has Recruited as Many as 30,000 Foreigners in the Past Year."

<sup>13</sup> Laub, "The Islamic State"; See also Brian Michael Jenkins, *Stray Dogs and Virtual Armies, Radicalization and Recruitment to Jihadist Terrorism in the United States Since 9/11* (Santa Monica, CA: Rand Corporation, 2011), 12. (noting that the return of foreign fighters who received terrorist training and experience abroad is one of the United States' greatest concerns and citing the case of Faisal Shazad's attempt to bomb Times Square in 2010 as an example).

<sup>14</sup> See Laub, "The Islamic State." (noting that the Islamic State's ambitions "have no geographic limits," and that a series of attacks in 2015 "highlighted [the group's] ability to strike beyond its territorial base."); See, e.g., Lisa Lundquist, "The Islamic State's Global Reach," *Threat Matrix*, blog entry posted September 5, 2014, [http://www.longwarjournal.org/archives/2014/09/the\\_islamic\\_state\\_and\\_the\\_sham.php](http://www.longwarjournal.org/archives/2014/09/the_islamic_state_and_the_sham.php) (cataloging known or suspected Islamic State activity in 33 countries outside Iraq and Syria since 2013); Yourish et al., "Recent Attacks Demonstrate Islamic State's Ability to Both Inspire and Coordinate Terror." (charting attacks linked to, or inspired by, the Islamic State in 2015); Stephen Collinson, "Obama Unyielding on ISIS as Criticism Mounts after Paris Attacks," *CNN Politics*, November 17, 2015, <http://www.cnn.com/2015/11/16/politics/obama-isis-strategy-paris-attacks/> (noting that President Obama's critics "believe ISIS has morphed from a regional threat into a ravenous extremist group now spreading its tentacles through Libya, Egypt, Pakistan, Afghanistan and elsewhere and . . . is pulling off mass-casualty attacks on Western cities").

<sup>15</sup> Laub, "The Islamic State."

<sup>16</sup> Office of the Prosecutor, "Statement of the Prosecutor of the International Criminal Court, Fatou Bensouda, on the Alleged Crimes Committed by ISIS," August 4, 2015, [https://www.icc-cpi.int/en\\_menus/icc/press%20and%20media/press%20releases/Pages/otp-stat-08-04-2015-1.aspx](https://www.icc-cpi.int/en_menus/icc/press%20and%20media/press%20releases/Pages/otp-stat-08-04-2015-1.aspx).

<sup>17</sup> Institute for Economics and Peace, *Global Terrorism Index 2015*, 38-42. (noting that "battlefield deaths" are distinct from terrorist related deaths as the former include military and civilian casualties; the latter only civilian casualties).

<sup>18</sup> United Nations Assistance Mission for Iraq (UNAMI) and the Office of the United Nations High Commissioner for Human Rights (OHCHR), *Report on the Protection of Civilians in the Armed Conflict in Iraq* (Baghdad, Iraq: UNHCR/OHCHR, January 5, 2016), i-ii, <http://www.ohchr.org/Documents/Countries/IQ/UNAMIRreport1May31October2015.pdf>.



heinous acts.<sup>19</sup> The group is also reportedly destroying holy sites, stealing valuable antiquities, and holding 3,500 people as slaves who are subject to rape, sodomy, and forced labor.<sup>20</sup> Despite the UN's designation of the Islamic State as public enemy number one and its call for Member States to "take all necessary measures" to combat the group,<sup>21</sup> the international community continues to struggle.

## Current Efforts are Ineffective

Efforts to eradicate the Islamic State have fallen short, merely disrupting or containing the group in some respects.<sup>22</sup> The UN has yet to take any concerted action, having been blocked in large part by political infighting between the Security Council's permanent members (P5) over the situation in Syria.<sup>23</sup> Similarly, the United States' attempt to develop an international coalition to "degrade, and ultimately destroy" the Islamic State has failed to garner broad international support.<sup>24</sup> To date, the Obama administration has only assembled a coalition of 65 countries out of 193 UN Member States (representing 33% of the UN's total membership), and some questions remain as to whether the majority of these members are truly committed to the fight.<sup>25</sup> More importantly, however, the U.S.-led international coalition's "grand strategy" continues to emphasize military power through air strikes, support to ground forces, and counterterrorism efforts.<sup>26</sup> A prime example

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<sup>19</sup> CNN World, "ISIS Fast Facts"; See also Institute for Economics and Peace, *Global Terrorism Index 2015*, 20. (noting that the Islamic State kidnapped 101 people in 2014, targeting private citizens 44% of the time, police 25%, and journalists 15%).

<sup>20</sup> CNN World, "ISIS Fast Facts."

<sup>21</sup> Supra note 1; See also David Osborne, "Isis: United Nations Security Council Resolution Planned by World Powers to Declare War against Group in Iraq and Syria," *Independent*, November 19, 2015, <http://www.independent.co.uk/news/world/politics/isis-world-powers-plan-united-nations-security-council-resolution-to-declare-war-against-group-in-a6741181.html> (describing the UN's resolution as a declaration of war designed to "eradicate" jihadists in Iraq and Syria").

<sup>22</sup> See supra notes 8, 12, and 17 (stating that despite the international community's best efforts, the Islamic State continues to be the most lethal and well-funded terrorist organization in the world, with access to a steady flow of fighters); See also Nick Paton Walsh, "The Inconvenient Truth: There's No Easy Military Answer to War on ISIS," *CNN Opinion*, November 18, 2015, <http://www.cnn.com/2015/11/17/opinions/isis-no-military-answer-paton-walsh/index.html> (arguing that there is no "simple military solution to Syria"); David Welna, "After a Year Of Bombing ISIS, U.S. Campaign Shows Just Limited Gains," *NPR*, August 7, 2015, <http://www.npr.org/sections/parallels/2015/08/07/430151358/after-a-year-of-bombing-isis-u-s-campaign-shows-just-limited-gains> (noting the limited effectiveness of the U.S. bombing campaign).

<sup>23</sup> United Nations, "Security Council 'Unequivocally' Condemns ISIL Terrorist Attacks"; See also Amanda Barrow, "Summary of UN Efforts in Syria," *Women's International League for Peace and Freedom*, <http://www.peacewomen.org/en/news/article/summary-un-efforts-syria> (bemoaning the UN's efforts and calling for more decisive action, including imposing an arms embargo, implementing targeted sanctions against Syrian leaders, and referring the situation to the ICC); The "P5": China, France, the Russian Federation, the UK, and the U.S. United Nations Security Council, "Current Members," <http://www.un.org/en/sc/members/>.

<sup>24</sup> President Barack Obama, "Statement by the President on ISIL," September 10, 2014, <https://www.whitehouse.gov/the-press-office/2014/09/10/statement-president-isil-1> (outlining the administration's "comprehensive and sustained counterterrorism strategy" to "degrade" and "ultimately destroy" the Islamic State).

<sup>25</sup> United Nations, "Member States of the United Nations," <http://www.un.org/en/members/> (noting that there are 193 members of the United Nations); See, e.g., Peter Baker, "A Coalition in Which Some Do More Than Others to Fight ISIS," *New York Times Online*, November 29, 2015, [http://www.nytimes.com/2015/11/30/us/politics/a-coalition-in-which-some-do-more-than-others-to-fight-isis.html?\\_r=0](http://www.nytimes.com/2015/11/30/us/politics/a-coalition-in-which-some-do-more-than-others-to-fight-isis.html?_r=0) (quoting President Obama's former State Department Counterterrorism Coordinator, Daniel Benjamin, who said "I don't know why the White House has put as much emphasis on the coalition as it has, because it's been fairly transparent for a long time that the overwhelming majority of those nations have sent in their \$25 contributions and not done much more."); U.S. Department of Defense, "Operation Inherent Resolve, Targeted Operations Against ISIL Terrorists," [http://www.defense.gov/News/Special-Reports/0814\\_Inherent-Resolve](http://www.defense.gov/News/Special-Reports/0814_Inherent-Resolve) (noting that the U.S. conducted 8,076 of the 10,545 total coalition air strikes in Iraq and Syria, or nearly 77% of the total missions).

<sup>26</sup> David Hudson, "President Obama: 'We Will Degrade and Ultimately Destroy ISIL,'" *The White House*, blog entry posted September 10, 2014, <https://www.whitehouse.gov/blog/2014/09/10/president-obama-we-will-degrade-and-ultimately-destroy-isil> (outlining the coalition's four-point strategy: a systematic campaign of airstrikes, increased support to ground forces, drawing on counterterrorism capabilities, and providing humanitarian assistance to displaced civilians); See also Blaise Misztal and Jessica Michek, "An Overview of ISIS Threat and U.S. Response," September 25, 2014, <http://bipartisanpolicy.org/blog/overview-isis-threat-and-us-response/> (providing an overview of the American strategy);



is Operation Inherent Resolve, which has resulted in over 10,545 coalition air strikes against Islamic State targets in Iraq and Syria (7,061 Iraq/3,484 Syria), damaging or destroying 21,501 targets.<sup>27</sup> The total operating cost has exceeded \$6,200,000,000 in less than two years, equating to an average daily cost of \$11,500,000 and a per target cost of \$288,358.<sup>28</sup> Noticeably absent in this “grand strategy” are legal efforts to investigate and prosecute Islamic State members for criminal activity, which many believe would be a “great victory for the international justice.”<sup>29</sup> This is surprising because the Obama administration has noted, time and again, how effective prosecutions have been in combating terrorism in the post-9/11 years. It also begs the question as to why the U.S. and the international community have not incorporated this effective counterterrorism tool into their fight against the Islamic State.<sup>30</sup>

In addition to joint efforts to combat the Islamic State, many countries have adopted unilateral approaches that have impeded cooperation and fostered ineffective and counter-productive strategies that exalt the role of force over the rule of law, or disregard the latter completely. U.S. drone strikes in Yemen and Pakistan, and indefinite detention without charge or trial of prisoners at Guantanamo Bay, for example, have elicited international condemnation, provoked the Islamic community, and provided a “propaganda windfall” for the Islamic State.<sup>31</sup> Thus, despite impressive

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Laub, “The Islamic State.” (noting that the U.S. has deployed nearly 3,000 uniformed personnel in Iraq, armed the peshmerga, and led airstrikes against Islamic State forces).

<sup>27</sup> U.S. Department of Defense, “Operation Inherent Resolve, Targeted Operations against ISIL Terrorists.”

<sup>28</sup> *Ibid.*

<sup>29</sup> Kersten, “The ICC and ISIS: Be Careful What You Wish For.” (noting that prosecuting the Islamic State’s members would be a “great victory” as opposed to “venturing into additional and legally questionable military forays or expanding an already nefarious drone programme.”); See also Former Chief Prosecutor for the International Criminal Court Luis Moreno-Ocampo, interview by author, Cambridge, MA, January 18, 2016. (noting that a more comprehensive strategy, including a legal component, is necessary to combat the Islamic State’s worldwide criminal network).

<sup>30</sup> See, e.g., President Barack Obama, “Remarks at National Defense University,” public speech, National Defense University, Fort McNair, Washington, DC, May 23, 2013, <https://www.gpo.gov/fdsys/pkg/DCPD-201300361/pdf/DCPD-201300361.pdf> (highlighting the “scores” of successful prosecutions in Article III courts, including Umar Farouk Abdulmutallab, Faisal Shahzad, and Richard Reid); The White House Office of the Press Secretary, “Remarks of John O. Brennan, ‘Strengthening our Security by Adhering to our Values and Laws’,” September 16, 2011, <https://www.whitehouse.gov/the-press-office/2011/09/16/remarks-john-o-brennan-strengthening-our-security-adhering-our-values-an> (Assistant to the President for Homeland Security and Counterterrorism stating that “Article III courts are not only our single most effective tool for prosecuting, convicting, and sentencing suspected terrorists—they are a proven tool for gathering intelligence and preventing attacks. For these reasons, credible experts from across the political spectrum continue to demand that our Article III courts remain an unrestrained tool in our counterterrorism toolbox[,] . . . and “a wholesale refusal to utilize our federal courts—would undermine our values and security.”); United States Department of Justice, “Attorney General Eric Holder Speaks at Northwestern University School of Law,” March 5, 2012, <https://www.justice.gov/opa/speech/attorney-general-eric-holder-speaks-northwestern-university-school-law> (noting the administration’s pride in Department of Justice’s efforts to work with “colleagues across the national security community . . . to prosecute suspected terrorists, and to identify and implement legal tools necessary to keep the American people safe.”).

<sup>31</sup> See, e.g., Steve Coll, “The Unblinking Stare,” *The New Yorker Online*, November 24, 2014, <http://www.newyorker.com/magazine/2014/11/24/unblinking-stare> (discussing the negative ramifications of U.S. drone strikes); Owen Bowcott, “Drone Strikes Threaten 50 years of International Law, says UN Rapporteur,” *The Guardian*, June 21, 2012, <http://www.theguardian.com/world/2012/jun/21/drone-strikes-international-law-un> (noting that the UN Special Rapporteur on extrajudicial killings and summary or arbitrary executions stated that the United States’ use of drones to carry out targeted killings challenges the international legal system and encourages other states to “flout long-established human rights standards”); Common Dreams, “Time to End the ‘Conspiracy of Silence Over Drone Attacks’: UN Investigator,” June 21, 2012, <http://www.commondreams.org/news/2012/06/21/time-end-conspiracy-silence-over-drone-attacks-un-investigator> (noting Pakistan’s UN Ambassador’s call for legal action to halt the United States’ “totally counterproductive [drone] attacks”); UC Davis Center for the Studies of Human Rights in the Americas, “Calls for the Closure of Guantanamo,” *Hemispheric Institute on the Americas*, <http://humanrights.ucdavis.edu/projects/the-guantanamo-testimonials-project/calls-for-the-closure-of-guantanamo> (collecting testimonials from the international community condemning operations at Guantanamo Bay and calling for its closure); Cassandra Vinograd and Mushtaq Yusufzai, “ISIS and Guantanamo Bay: Chain of Command Casts Spotlight on Re-engagement,” *NBC News*, February 11, 2015, <http://www.nbcnews.com/storyline/isis-terror/isis-guantanamo-bay-chain-command-casts-spotlight-re-engagement-n304241> (noting that the Islamic State “has seized on the propaganda value of Guantanamo Bay,” using the imagery of captives in orange jumpsuits in their

and costly, displays of military might, the Islamic State continues to be the most lethal and well-funded terrorist group in the world.<sup>32</sup> A change of strategy is needed.<sup>33</sup> The international criminal justice system's current framework must become a major element of that strategy.

## Issues with the Current Legal Framework

A growing number of voices have urged the international community to use the ICC or ICTs to investigate and prosecute the mass atrocities and human rights violations committed by the Islamic State in Syria and Iraq.<sup>34</sup> Unfortunately, these mechanisms suffer from a host of procedural, substantive, and institutional flaws that render them incapable of investigating and prosecuting those who identify with the Islamic State for their crimes.<sup>35</sup>

### The International Criminal Court

The ICC was established by the Rome Treaty in 2002 and was the first permanent international criminal court designed to “help end impunity for the perpetrators of the most serious crimes of concern to the international community,” including war crimes, genocide, and crimes against humanity.<sup>36</sup> The Court does not have jurisdiction over terrorist acts unless those acts fall within one of the categories of crimes identified.<sup>37</sup> The ICC's jurisdiction is restricted to only prosecuting crimes if they were committed on the territory of a State Party (territorial jurisdiction) or by one of its

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propaganda videos and quoting Wells Dixon as saying “. . . Guantanamo serves as a propaganda windfall for ISIS.”); President Barack Obama, “Remarks by President Obama and Prime Minister Trudeau of Canada After Bilateral Meeting,” public speech, Bilateral Meeting at the Philippine International Convention Center, Manila, Philippines, November 19, 2015, <https://www.whitehouse.gov/the-press-office/2015/11/19/remarks-president-obama-and-prime-minister-trudeau-canada-after> (stating that “Guantanamo has been an enormous recruitment tool for organizations like ISIL[,]” and “[i]t’s part of how [the Islamic State] rationalize[s] and justify[ies] [its] demented, sick perpetration of violence on innocent people.”). The cost to operate the Guantanamo Bay detention facility for fiscal year 2015 was approximately \$445,000,000. U.S. Department of Defense, *Plan for Closing the Guantanamo Bay Detention Facility* (Washington, DC: U.S. Department of Defense, February 23, 2016), 7, [http://www.defense.gov/Portals/1/Documents/pubs/GTMO\\_Closure\\_Plan\\_0216.pdf](http://www.defense.gov/Portals/1/Documents/pubs/GTMO_Closure_Plan_0216.pdf).

<sup>32</sup> See supra notes 8 and 17 (the Islamic State is the most well-funded and lethal terrorist organization in the world).

<sup>33</sup> Supra note 4 (describing some of the international community's calls for prosecution of the Islamic State).

<sup>34</sup> Ibid.

<sup>35</sup> The international criminal justice system suffers from three primary issues: lack of (1) universal support due in large part to sovereignty concerns; (2) an international enforcement mechanism; and (3) procedural, substantive, and systemic reliability in the primary institutions for prosecuting crimes (the ICC and independent or *ad hoc* tribunals). See, e.g., Council on Foreign Relations, “The Global Human Rights Regime,” June 19, 2013, <http://www.cfr.org/human-rights/global-human-rights-regime/p27450> (noting that: western countries “resist international rights cooperation from a concern that it might harm business, infringe on autonomy, or limit freedom of speech; “[n]egligence of international obligations is difficult to penalize;” many nations are incapable of protecting rights within their borders; and “[t]he utility of accountability measures, such as sanctions or force, . . .” is debatable); Kyle T. Jones, “The Many Troubles of the ICC,” *The National Interest*, December 6, 2012, <http://nationalinterest.org/commentary/the-many-troubles-the-icc-7822> (outlining general issues associated with the expense, delay, and inefficiencies of the international criminal justice system).

<sup>36</sup> International Criminal Court, “About the Court,” [https://www.icc-cpi.int/en\\_menus/icc/about%20the%20court/Pages/about%20the%20court.aspx](https://www.icc-cpi.int/en_menus/icc/about%20the%20court/Pages/about%20the%20court.aspx). For a complete listing of all 124 States Parties, see International Criminal Court, “The States Parties to the Rome Statute,” [https://www.icc-cpi.int/en\\_menus/asp/states%20parties/Pages/the%20states%20parties%20to%20the%20rome%20statute.aspx](https://www.icc-cpi.int/en_menus/asp/states%20parties/Pages/the%20states%20parties%20to%20the%20rome%20statute.aspx). Ironically, the ICC and ICTs are often criticized for creating an “impunity gap,” not eliminating it. The gap is created when an international court or tribunal only prosecutes high-level leaders for the most serious crimes, ignoring lower-level perpetrators who commit “lesser” crimes, thus failing to bring justice to a large number of victims. See International Center for Transitional Justice, “Criminal Justice,” <https://www.ictj.org/our-work/transitional-justice-issues/criminal-justice>.

<sup>37</sup> International Criminal Court, “Frequently Asked Questions,” [https://www.icc-cpi.int/en\\_menus/icc/about%20the%20court/frequently%20asked%20questions/Pages/16.aspx](https://www.icc-cpi.int/en_menus/icc/about%20the%20court/frequently%20asked%20questions/Pages/16.aspx). The Court will also have jurisdiction over the crime of aggression in 2017, once all of the Rome Statute Review Conference conditions are fulfilled. International Criminal Court, “The ICC at a Glance,” <https://www.icc-cpi.int/iccdocs/PIDS/publications/ICCAAtAGlanceEng.pdf>.

nationals (personal jurisdiction).<sup>38</sup> These conditions do not apply, however, if the UN Security Council refers a situation to the Chief Prosecutor or if a State accepts the Court's jurisdiction by declaration.<sup>39</sup> As a court of last resort, the ICC is intended to complement, not replace, national criminal justice systems.<sup>40</sup> Based on this principle of complementarity, the ICC will not act if a case is being investigated or prosecuted by a country unless the national proceedings are disingenuous.<sup>41</sup> "In addition, the ICC only tries those accused of the gravest crimes."<sup>42</sup>

The ICC's Chief Prosecutor can initiate an investigation or prosecution in one of three ways: (1) by a State Party referral of a situation; (2) by UN Security Council request; or (3) on its own initiative (*proprio motu*) if the Prosecutor receives reliable information, but only after receiving authorization from the Pre-Trial Chamber.<sup>43</sup> Seated at The Hague in the Netherlands, the ICC is independent of the UN and relies on States Parties' contributions and voluntary donations to fund operations.<sup>44</sup> The requested ICC's budget for 2016 was €153,320,000 (\$168,644,334), of which €43,700,000 (\$48,888,938) was for the Office of the Prosecutor (OTP).<sup>45</sup> To date, there have been 23 cases in 10 situations brought before the ICC.<sup>46</sup> Recent efforts to have the ICC open a preliminary examination into allegations of widespread atrocities committed by the Islamic State in Syria and Iraq, however,

<sup>38</sup> International Criminal Court, "The ICC at a Glance."

<sup>39</sup> *Ibid.*

<sup>40</sup> *Ibid.* The principle of complementarity "recognizes that States have the first responsibility and right to prosecute international crimes." International Criminal Court, *Informal Expert Paper: The Principle of Complementarity in Practice* (The Hague, The Netherlands: International Criminal Court, 2003), 3, <https://www.icc-cpi.int/NR/rdonlyres/20BB4494-70F9-4698-8E30-907F631453ED/281984/complementarity.pdf>. In contrast, a "primacy regime creates a hierarchy in which domestic jurisdictions retain the ability to prosecute perpetrators, but which preserves an 'inherent supremacy' for the international tribunal." Jennifer Trahan, "Is Complementarity the Right Approach for the International Criminal Court's Crime of Aggression? Considering the Problem of 'Overzealous' National Prosecutions," *Cornell International Law Journal* 45 (2012): 574. For example, the relationship between the national courts and the International Criminal Tribunal for the Former Yugoslavia (ICTY) is one of "primacy," meaning the latter trumped national court proceedings and had the first option to prosecute. *Ibid.*, 571, 573. The Security Council created the ICTY by resolution to overcome concerns that it lacked time and ability to negotiate a multilateral treaty. *Ibid.*, 573-574. Chapter VII of the UN Charter gave the Security Council "preeminent authority to take measures to restore 'international peace and security'." *Ibid.* (noting that Chapter VII "enables the tribunal to issue directly binding international legal orders and requests to States, irrespective of their consent.").

<sup>41</sup> *Ibid.*; International Criminal Court, "ICC at a Glance," [https://www.icc-cpi.int/en\\_menus/icc/about%20the%20court/icc%20at%20a%20glance/Pages/icc%20at%20a%20glance.aspx](https://www.icc-cpi.int/en_menus/icc/about%20the%20court/icc%20at%20a%20glance/Pages/icc%20at%20a%20glance.aspx). For example, a proceeding could be deemed disingenuous if it was commenced solely to shield the accused from criminal responsibility.

<sup>42</sup> *Ibid.* The Rome Statute does not define "gravity." However, the Chief Prosecutor has assessed the gravity of a situation by considering: the scale, severity and systematicity of the crime; the manner in which it was committed; and the impact of the crime on victims. Susana SaCouto and Katherine A. Cleary, "The Gravity Threshold of the International Criminal Court," *American Journal of International Law* 23, no. 5 (2008): 808-810. The practical effect of the gravity requirement is that many offenders go unprosecuted because their crimes do not meet the threshold, thus creating an impunity gap. See *supra* note 36 (noting the intent of the ICC).

<sup>43</sup> International Criminal Court, "The ICC at a Glance."

<sup>44</sup> International Criminal Court, "About the Court."

<sup>45</sup> International Criminal Court, "Assembly of States Parties Report on the Committee on Budget and Finance on the Work of its Twenty-Fifth Session," November 9, 2015, 11, [https://www.icc-cpi.int/iccdocs/asp\\_docs/ASP14/ICC-ASP-14-15-ENG.pdf](https://www.icc-cpi.int/iccdocs/asp_docs/ASP14/ICC-ASP-14-15-ENG.pdf) (noting that this represented an increase of €4,100,000 (\$4,586,834) or 10.4% over the 2015 budget); See also European Parliament, "ICC Requests 17% Increase for Growing Workload," September 18, 2015, 1, [http://www.europarl.europa.eu/meetdocs/2014\\_2019/documents/droi/dv/502\\_analysisiccbudget\\_/502\\_analysisiccbudget\\_en.pdf](http://www.europarl.europa.eu/meetdocs/2014_2019/documents/droi/dv/502_analysisiccbudget_/502_analysisiccbudget_en.pdf) (noting that States Parties' annual contributions are based on gross national income). The States Parties' assessed contributions for 2015 ranged from \$5,173 for Vanuatu to \$144,418,577 for Japan. International Criminal Court, "Assembly of States Parties Report on the Committee on Budget and Finance on the Work of its Twenty-Fifth Session," 29-30.

<sup>46</sup> *Ibid.*; International Criminal Court, "Situations and Cases," [https://www.icc-cpi.int/en\\_menus/icc/situations%20and%20cases/Pages/situations%20and%20cases.aspx](https://www.icc-cpi.int/en_menus/icc/situations%20and%20cases/Pages/situations%20and%20cases.aspx). To date, four State Parties have referred situations occurring on their territories to the ICC, including Mali, Uganda, the Democratic Republic of the Congo, and the Central African Republic. In addition, the Security Council has referred the situations in Sudan and Libya, neither of which are parties to the Rome Statute. Finally, the Pre-Trial Chamber has authorized the Prosecutor to open investigations *proprio motu* into the situations in Kenya, the Ivory Coast, and Georgia.

have been rejected by the ICC's Chief Prosecutor, Fatou Bensouda.<sup>47</sup> Bensouda found that while the atrocities allegedly committed by the Islamic State “undoubtedly” constituted grave war crimes and crimes against humanity that “threaten[ed] the peace, security and well-being of the region, and the world[,]” she did not have the jurisdictional basis to even open a preliminary investigation. Moreover, because Syria and Iraq are not parties to the Rome Statute, the ICC lacked territorial jurisdiction and would only have limited personal jurisdiction over foreign fighters who were States Parties' nationals, which effectively precluded prosecution of those most responsible for mass crimes.<sup>48</sup>

Given these issues, the ICC could only gain jurisdiction if Iraq and/or Syria acquiesced to it, or if the UN Security Council referred the situation to the Court.<sup>49</sup> The former is highly improbable because, by acquiescing to the ICC's jurisdiction, the governments of Iraq and Syria would potentially be opening themselves to investigation and prosecution for their own alleged crimes.<sup>50</sup> Similarly, the latter is highly improbable given the geo-political dynamics associated with the Security Council. The U.S. and Russia are both permanent members of the Security Council with veto power over any ICC referrals.<sup>51</sup> They are also conducting military operations in Iraq and/or Syria and would likely be concerned that the Court's scrutiny could potentially expose their troops to prosecution. Both would likely veto a referral unless it included an exclusion of jurisdiction clause, which would prohibit the Court from prosecuting U.S. or Russian nationals.<sup>52</sup> The Syrian situation is additionally problematic because the Russians are extremely wary of U.S. efforts to effectuate a regime change, as evidenced by the recent failed attempt to draft a resolution referring the Syrian situation to the ICC.<sup>53</sup>

Beyond these jurisdictional issues, some question whether the Islamic State, as an organization, can even constitute a “situation” under the Rome Statute.<sup>54</sup> A “situation” has consistently been defined by temporal, territorial and personal parameters. In this case, the Islamic State lacks

<sup>47</sup> Office of the Prosecutor, “Statement of the Prosecutor of the International Criminal Court, Fatou Bensouda, on the Alleged Crimes Committed by ISIS.”

<sup>48</sup> *Ibid.* (noting that the Islamic State “is a military and political organisation primarily led by nationals of Iraq and Syria[,]” thus precluding the ICC from investigating and prosecuting those most responsible within the leadership of the organization due to a lack of personal jurisdiction).

<sup>49</sup> See *supra* note 39 (explaining the exceptions to the ICC's jurisdictional limitations).

<sup>50</sup> El Shahed, “Prosecuting ISIS Poses Challenge to International Justice.” (noting that “[b]y recognizing and accepting the jurisdiction of the ICC, states allow the ICC Prosecutor to investigate for all crimes against humanity and war crimes potentially committed on the territory of the state, by any actor, during a specified time period[.]”). In both cases, the governments of Iraq and Syria have allegedly engaged in crimes that would fall under the ICC's subject matter jurisdiction. See, e.g., Stephanie Nebhay, “UN: ICC Should Prosecute ISIS Fighters for War Crimes,” *Haaretz*, March 19, 2015, <http://www.haaretz.com/middle-east-news/1.647771> (noting that “Iraqi government forces and affiliated militias ‘may have committed some war crimes’ while battling the insurgency”); Amnesty International, *Death Everywhere’ – War Crimes and Human Rights Abuses in Aleppo, Syria* (London: Amnesty International, Ltd, May 5, 2015), 6, <https://www.amnesty.org/en/documents/mde24/1370/2015/en/> (reporting that the Syrian government has subjected Syrian civilians to war crimes and crimes against humanity).

<sup>51</sup> #globalJUSTICE, “Veto of Justice for Syria Highlights Need for Security Council Reform,” *Coalition for the ICC*, May 28, 2014, <https://cicglobaljustice.wordpress.com/2014/05/28/veto-of-justice-for-syria-highlights-need-for-security-council-reform/> (noting that “one of the permanent five members—the US, Russia, the United Kingdom, France and China—can prevent an otherwise united [Security] Council from acting.”).

<sup>52</sup> See Anna Marie Brennan, “Prosecuting ISIL before the International Criminal Court: Challenges and Obstacles,” *American Society of International Law* 19, no. 21 (September 17, 2015): <https://www.asil.org/insights/volume/19/issue/21/prosecuting-isil-international-criminal-court-challenges-and-obstacles>.

<sup>53</sup> United Nations, “Referral of Syria to International Criminal Court Fails as Negative Votes Prevent Security Council from Adopting Draft Resolution,” May 22, 2014, <http://www.un.org/press/en/2014/sc11407.doc.htm> (noting that Russia's Vitaly Churkin said “the draft resolution proposed by ‘Western colleagues’ did not include a list of terrorist organizations, such as the Islamic Front, which led one to wonder whether there was an attempt to change the regime by force.”).

<sup>54</sup> Carsten, “Why the ICC Should be Cautious to Use the Islamic State to Get Out of Africa: Part I,” *European Journal of International Law*, blog entry posted December 3, 2014, <http://www.ejiltalk.org/why-the-icc-should-be-cautious-to-use-the-islamic-state-to-get-out-of-africa-part-1/> (questioning whether the Islamic State, as an organization, could be a target for prosecution given it lacks statehood); see also El Shahed, “Prosecuting ISIS Poses Challenge to International Justice.” (noting the lack of clarity over the Islamic State's “international legal personality”).



elements of statehood under international law, notwithstanding various UN resolutions calling for prosecution of the group,<sup>55</sup> or the Islamic State's claim to a caliphate and "effective control" over territory in Iraq and Syria.<sup>56</sup> In fact, the ICC has already rejected a group-based definition for the referral of the Lord's Resistance Army, interpreting it more broadly as a referral of the situation in Uganda. Presumably, the ICC would similarly reject a group-based referral for the Islamic State, unless the "situation" was defined more broadly and tied to an "objective or territorial nexus."<sup>57</sup>

In addition to the geographic, jurisdictional, and situational limitations, the ICC also suffers from substantive issues that impede its ability to prosecute the Islamic State. For starters, its subject matter jurisdiction is generally limited to violent personal or property crimes covered by one of three categories: crimes against humanity, war crimes, and genocide.<sup>58</sup> This means that the ICC could not prosecute "lesser" or inchoate crimes that do not fit within these three categories.<sup>59</sup> For example, financial crimes would be excluded, notwithstanding the critical nature of money to the Islamic State's global operations. Similarly, the ICC would not be able to prosecute those who conspire with, aid or abet, Islamic State members who commit crimes, including financiers, recruiters, and logisticians. Even if all crimes could somehow be shoe-horned into one of the three categories, many "lesser" crimes would remain outside of the ICC's reach because they would not satisfy the scale, systematicity, or gravity requirements.<sup>60</sup>

Even assuming that the ICC could overcome the technical issues preventing the Court from opening an investigation and prosecuting the Islamic State, the sheer volume of cases and geographic scope of the group's crimes would impose a significant financial burden on the Court and present an overwhelming enforcement challenge. Based on a number of reports, the ICC would potentially be faced with investigating and prosecuting anywhere from 5,000-13,000 offenders in Iraq and Syria alone, and many additional crimes committed in other parts of the world.<sup>61</sup> Despite having a staff of more than 700 people, 34 judges, and an annual operating budget of over \$166,000,000, the ICC does not have the capacity to deal with this volume of crime, as evidenced by the ICC's current record

<sup>55</sup> Ibid; See, e.g., United Nations, "Security Council Resolution 2178," September 24, 2014, 4, [http://www.un.org/en/sc/ctc/docs/2015/SCR%202178\\_2014\\_EN.pdf](http://www.un.org/en/sc/ctc/docs/2015/SCR%202178_2014_EN.pdf) (calling for prosecution of terrorist groups including the Islamic State); United Nations, "Security Council Resolution 2170," August 15, 2014, 1-5, [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/RES/2170\(2014\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2170(2014)) (deploring and condemning the Islamic State); United Nations General Assembly, "Human Rights Council Resolution S-22/1, The Human Rights Situation in Iraq in the Light of Abuses Committed by the So-called Islamic State in Iraq and the Levant and Associated Groups," September 1, 2014, 1-3.

<sup>56</sup> Carsten, "Why the ICC Should be Cautious to Use the Islamic State to Get Out of Africa: Part I." (stating that territory conquered by the Islamic State remains part of sovereign land belonging to Syria and Iraq, and that the Islamic State's "claims over population and representation remain contested" because "they are grounded in the forcible submission" of the local inhabitants).

<sup>57</sup> Ibid.

<sup>58</sup> See supra note 36 (noting the Rome Statute's three broad categories of crimes); The Full Text of the Rome Statute is available at [https://www.icc-cpi.int/nr/rdonlyres/ea9aef7-5752-4f84-be94-0a655eb30e16/o/rome\\_statute\\_english.pdf](https://www.icc-cpi.int/nr/rdonlyres/ea9aef7-5752-4f84-be94-0a655eb30e16/o/rome_statute_english.pdf).

<sup>59</sup> Ibid. An inchoate offense is "[a] step toward the commission of another crime, the step in itself being serious enough to merit punishment." Bryan A. Garner, *Black's Law Dictionary*, 10th ed. (St. Paul, MN: Thomson West, 2014), 1, 250. Some examples include attempt, conspiracy, and solicitation.

<sup>60</sup> See supra notes 36 and 59 (noting the absence of "lesser" crimes in the Rome Statute and providing examples of inchoate crimes); See also supra note 42 (discussing the ICC's gravity, scale, and systematicity requirements).

<sup>61</sup> See, e.g., Yazda and Free Yazidi Foundation, "ISIL: Nationals of ICC States Parties Committing Genocide and Other Crimes Against the Yazidis," September 2015, 1-49, <http://www.yazda.org/wp-content/uploads/2015/09/RED-ISIL-committing-genocide-against-the-Yazidis.pdf> (hereinafter, "Yazda Report") (reporting a litany of potential crimes committed by over 5,000 to 7,500 foreign fighters in Iraq alone); United Nations, "Security Council Unanimously Adopts Resolution Condemning Violent Extremism, Underscoring Need to Prevent Travel, Support for Foreign Terrorist Fighters," September 24, 2014, <http://www.un.org/press/en/2014/sc11580.doc.htm> (noting that the UN is tracking more than 13,000 foreign fighters from more than 80 Member States who have joined the Islamic State); See also supra notes 11-12 (describing various reports of the number of foreign fighters in Syria and Iraq).

of 2 convictions over a 14-year period at a cost of over \$1,000,000,000.<sup>62</sup> Moreover, the lack of an enforcement mechanism would impede the ICC's ability to prosecute the Islamic State, particularly given the volume of cases worldwide. Without an associated police force or other enforcement arm, the ICC is wholly dependent on States Parties to enforce the ICC's indictments and otherwise support its work.<sup>63</sup> This has already proven problematic in a number of the ICC's cases, where states and inter-governmental organizations have been unwilling to enforce the ICC's actions against a small number of individuals.<sup>64</sup> It would only be exacerbated by the sheer number of Islamic State cases.

### International Criminal Tribunals

A number of proponents have argued for ICTs to overcome the procedural and substantive issues precluding the ICC from prosecuting the Islamic State's members.<sup>65</sup> These types of tribunals, however, suffer from many of the same deficiencies as the ICC. ICTs require an enormous amount of political will and resources from the international community. Consequently, they take too long, are financially burdensome, and have a limited impact.<sup>66</sup> For example, the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) have been criticized for failing to foster national reconciliation or to provide peace, security, or justice to victims and offenders.<sup>67</sup> Operating for over 23 years, these tribunals have accomplished little justice at great cost to the international community. In the ICTY's case, there were 161 indictments resulting in 80 convictions, 18 acquittals, 13 referrals to national courts, and 12 ongoing proceedings (four trials and eight appeals).<sup>68</sup> This equates to an estimated total cost of over \$1,598,500,000, or \$19,981,250 per conviction.<sup>69</sup> In comparison, the ICTR indicted 93 individuals, concluded proceedings for 85 accused, convicted 62 individuals and referred 13 people to other

<sup>62</sup> David Davenport, "International Criminal Court: 12 Years, \$1 Billion, 2 Convictions," *Forbes*, March 12, 2014, <http://www.forbes.com/sites/daviddavenport/2014/03/12/international-criminal-court-12-years-1-billion-2-convictions-2/#127e19176440>. This equates to a per conviction price of \$500,000,000.

<sup>63</sup> Maryam Jamshidi, "The Enforcement Gap: How the International Criminal Court Failed in Darfur," *Aljazeera*, March 25, 2013, <http://www.aljazeera.com/indepth/opinion/2013/03/201332562714599159.html>.

<sup>64</sup> See, e.g., *Ibid.* (noting the difficulties associated with enforcing 6 indictments and 1 arrest warrant in the Darfur situation); International Criminal Court, "Situations and Cases." (noting that of the 5 arrest warrants issued in the Uganda situation, 1 offender surrendered to authorities, 2 died, and 2 remain at large, including Joseph Kony, the Commander-in-Chief of the Lord's Resistance Army).

<sup>65</sup> Notwithstanding these deficiencies, the ICC is currently the international community's best and only option to prosecute the Islamic State's members. While those prosecutions would be limited, they, nevertheless, would have more impact than the international community's current, do-nothing approach. See *supra* note 4 (describing calls for ICTs to prosecute the Islamic State).

<sup>66</sup> See El Shahed, "Prosecuting ISIS Poses Challenge to International Justice." (stating that "such courts can last for more than 20 years and consume millions if not billions of dollars").

<sup>67</sup> Lilian A. Barria and Steven D. Roper, "How Effective are International Criminal Tribunals? An Analysis of the ICTY and ICTR," *The International Journal of Human Rights* 9, no. 3 (September 2005): 363, <http://stevendroper.com/ICTY.pdf>.

<sup>68</sup> United Nations International Criminal Tribunal for the Former Yugoslavia, "Key Figures of the Cases," December 2, 2015, <http://www.icty.org/sid/24>.

<sup>69</sup> This is a conservative estimate using the ICTY's annual operating costs for its first decade extrapolated over 23 years. See David Akerson, "The Comparative Cost of Justice at the ICC," *The View From Above*, March 26, 2012, <http://djilp.org/1877/the-comparative-cost-of-justice-at-the-icc/> (calculating that the ICTY and ICTR spent \$695,000,000 and \$1,000,000,000, respectively, in their first decade of operations). This equates to an annual operating cost of \$69,500,000 for the ICTY and \$100,000,000 for the ICTR. See *Ibid.*; See also United Nations International Criminal Tribunal for the Former Yugoslavia, "The Cost of Justice," <http://www.icty.org/en/about/tribunal/the-cost-of-justice> (noting that "[a]s of February 2015, the ICTY employed 569 staff members representing 69 nationalities" and had an annual budget of \$179,998,600).

jurisdictions.<sup>70</sup> This equates to an estimated total cost of \$2,200,000,000, or \$35,483,871 per conviction.<sup>71</sup>

The estimated cost to establish a limited criminal tribunal to prosecute the Islamic State in Syria and Iraq would be hundreds of billions of dollars and take more than 20 years; a finding that comports with the ICTY's and ICTR's historical examples.<sup>72</sup> Applying the combined average cost to convict for the ICTY and ICTR (\$27,732,560.50) to the potential number of foreign fighters in Iraq and Syria alone, the total cost to conduct an Islamic State tribunal would range from \$138,662,802,500 to \$360,523,286,500. Clearly, this limited approach is not economically feasible, especially since it fails to account for thousands of potential offenders in other countries.<sup>73</sup> Making matters worse, international criminal tribunals like the ICTY and ICTR have often been perceived as dispensing "victors' justice," which would only provide additional fodder for the Islamic State's propaganda machine and potentially provoke an escalation of atrocities.<sup>74</sup>

Finally, the ICTY and the ICTR were extremely limited in terms of time, space and scope due to the targeted threat.<sup>75</sup> That would not be the case with the Islamic State, where the sheer volume, range, type, and transnational nature of the crimes and offenders would tax a tribunal.<sup>76</sup> Indeed, the number of potential indictments would be in the thousands, even if only limited to one or two geographic regions.<sup>77</sup> Thus, the ICTY and ICTR's ability to indict only 254 people over 23 years demonstrates how limited a criminal tribunal would be if faced with the high volume of cases and offenders that the Islamic State would likely present.<sup>78</sup>

### **A Global Game Changer: UNOCIPIS**

The international criminal justice system's current mechanisms are simply incapable of handling the complexity and enormity of the issues posed by the Islamic State. The UN Security Council, therefore, should take immediate steps to establish an independent, international body to fill that institutional gap, operate within Member States' legal frameworks, and enable the effective investigation and prosecution of members of the Islamic State's worldwide criminal network.

Although somewhat novel, the concept of uniting international legal efforts to tackle a transnational threat is not without precedent. For example, at the International Maritime Office's (IMO) prompting, the UN Security Council acted under Chapter VII of the UN Charter to adopt a

<sup>70</sup> United Nations Mechanism for International Criminal Tribunals, Legacy Website of the International Criminal Tribunal for Rwanda, "Key Figures and Cases," <http://unictr.unmict.org/en/cases/key-figures-cases>.

<sup>71</sup> See supra note 70 (noting that the ICTR spent approximately \$1,000,000,000 in its first decade of operations, or \$100,000,000 per year). Extrapolating this over the ICTR's 22 years of operations, the tribunal's total operating costs exceeded \$2,200,000,000.

<sup>72</sup> El Shahed, "Prosecuting ISIS Poses Challenge to International Justice." (noting that an Islamic State tribunal could last for more than 20 years and cost "millions, if not billions of dollars"); see also supra notes 69-72 (describing the ICTY's and ICTR's time span and costs).

<sup>73</sup> See supra notes 11, 13, 61, 70, and 72 (noting the existence of foreign fighters from over 100 countries and calculating the total costs for a combined tribunal based on the ICTY's and ICTR's average per conviction cost).

<sup>74</sup> See Prospero, "Prosecuting ISIS Under International Law: Pros and Cons of Existing International Justice Mechanisms."

<sup>75</sup> International Criminal Court, "About the Court." (noting that following the Cold War, the ICTY and ICTR were "established to try crimes committed only within a specific time-frame and during a specific conflict . . .").

<sup>76</sup> See supra notes 9-20 (describing the Islamic State as a transnational network whose voluminous crimes transcend geographic boundaries).

<sup>77</sup> Supra note 61 (estimating 5,000-13,000 foreign fighters in Iraq and Syria alone). To be truly effective, an Islamic State tribunal would have to be able to investigate and prosecute crimes throughout the world. Limiting it to one or two geographic regions would have a minimal impact on the group's global network.

<sup>78</sup> Supra notes 69 and 71 (tallying the total number of indictments and prosecutions for the ICTY and ICTR).

series of conventions and resolutions to combat international piracy.<sup>79</sup> These conventions and resolutions called on all nations to cooperate with investigations and prosecutions of pirates, emphasizing the importance of collaborating to deter piracy and bring them to justice.<sup>80</sup> This international regime effectively conferred universal jurisdiction on all states to suppress piracy along the Somali coast and prosecute pirates across territorial boundaries.<sup>81</sup>

Similarly, the European Union (EU) has proposed establishing an independent and decentralized body called the European Public Prosecutor's Office (EPPO), charged with investigating and prosecuting EU fraud and financial crimes across Member States' borders.<sup>82</sup> This proposal arose out of the EU Member States' inability to investigate and prosecute financial crimes transnationally, particularly where EU bodies like Europol and Eurojust lacked the mandate to conduct such investigations.<sup>83</sup> By "combining European and national law enforcement efforts in a unified, seamless and efficient approach," the EU could protect its financial interests and fill an "institutional gap" with an office having exclusive and EU-wide jurisdiction to deal with crimes falling within its purview.<sup>84</sup> The EU believes the EPPO would add value by: developing a "genuine European prosecution policy;" establishing a "uniform, consistent and systematic approach while linking in with the Member States' judicial systems;" enabling the "investigation and prosecution of all EU fraud cases;" and providing a "stronger deterrence and prevention effect."<sup>85</sup> The EPPO would be led by a chief prosecutor and investigations will be carried out by delegated prosecutors in each Member State who would also function as national prosecutors.<sup>86</sup> When acting on behalf of the EPPO, however, the delegated prosecutors would be fully independent from the Member State's prosecutorial bodies.<sup>87</sup> The EPPO's investigative powers would be "based on and integrated into the national law systems of the Member States[,] and its investigations "would be subject to judicial review by the national courts."<sup>88</sup>

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<sup>79</sup> James Kraska and Brian Wilson, "Combatting Piracy in International Waters," *World Policy*, blog entry posted February 23, 2011, <http://www.worldpolicy.org/blog/2011/02/23/combatting-piracy-international-waters>. The IMO has 167 Member States and is the UN's special agency for dealing with maritime matters. In 2005, the IMO urged nations to "take legislative, judicial, and law enforcement action to receive and prosecute or extradite pirates arrested by warships or other government vessels. . . ."

<sup>80</sup> *Ibid.*

<sup>81</sup> *Ibid.*; See also United Nations, "Security Council Renews Measures to Combat Piracy, Armed Robbery off Somali Coast, Unanimously Adopting Resolution 2246 (2015)," November 10, 2015, <http://www.un.org/press/en/2015/sci2113.doc.htm> (stating that "the [Security] Council stressed the need for the international community to take a comprehensive response to prevent and suppress piracy and tackle its underlying causes."); Donald R. Rothwell, "Maritime Piracy and International Law," *Crimes of War*, <http://www.crimesofwar.org/commentary/maritime-piracy-and-international-law/> (noting how the UN's conventions and resolutions deter and suppress piracy).

<sup>82</sup> European Commission, "European Public Prosecutor's Office," [http://ec.europa.eu/justice/criminal/judicial-cooperation/public-prosecutor/index\\_en.htm](http://ec.europa.eu/justice/criminal/judicial-cooperation/public-prosecutor/index_en.htm). Article 86 of the Lisbon Treaty provides the legal basis for the proposal and outlines the office's various competencies and procedures. EUR-Lex, "Proposal for a COUNCIL REGULATION on the Establishment of the European Public Prosecutor's Office," <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52013PC0534>. To read the complete text of Article 86, see The Lisbon Treaty, "Article 86," <http://www.lisbon-treaty.org/wcm/the-lisbon-treaty/treaty-on-the-functioning-of-the-european-union-and-comments/part-3-union-policies-and-internal-actions/title-v-area-of-freedom-security-and-justice/chapter-4-judicial-cooperation-in-criminal-matters/354-article-86.html>.

<sup>83</sup> European Commission, "European Public Prosecutor's Office." Europol is the EU's law enforcement agency. Europol, "About Us," <https://www.europol.europa.eu/content/page/about-us>. Eurojust is the EU's judicial cooperation unit, tasked with improving the cooperation and coordination of EU Member States' investigations and prosecutions. Eurojust, "Mission and Tasks," <http://www.eurojust.europa.eu/about/background/Pages/mission-tasks.aspx>.

<sup>84</sup> European Commission, "European Public Prosecutor's Office."

<sup>85</sup> *Ibid.*

<sup>86</sup> *Ibid.* Each Member State will determine the exact number of delegated prosecutors, but the minimum is one.

<sup>87</sup> *Ibid.*

<sup>88</sup> *Ibid.*



Perhaps the best example of an independent, international body created to investigate and prosecute crimes is the *Comision Internacional Contra la Impunidad en Guatemala*, or the CICIG.<sup>89</sup> The CICIG was established by Agreement Between the United Nations and the State of Guatemala on the Establishment of an International Commission against Impunity in Guatemala, which sets forth the CICIG's operating guidelines.<sup>90</sup> The CICIG has similar attributes to an international prosecutor. Its scope, however, is much more limited, operating under Guatemalan law, in accord with Guatemalan criminal procedure in Guatemalan courts.<sup>91</sup> The CICIG's purpose is to help Guatemala's Public Prosecutor's Office, National Civil Police, and other State institutions investigate and prosecute crimes committed by members of illegal security forces and clandestine security structures (collectively, Illegal Groups) within the country.<sup>92</sup>

The CICIG's mandate consists of three objectives: determining the existence and structure of Illegal Groups committing crimes affecting the human rights of Guatemala's citizenry, including their

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<sup>89</sup> CICIG, "Mandate, Agreement to Establish CICIG," <http://www.cicig.org/index.php?page=mandate>.

<sup>90</sup> See generally, CICIG, "Agreement Between the United Nations and the State of Guatemala on the Establishment of an International Commission Against Impunity in Guatemala (CICIG)," December 12, 2006, 1-21, [http://www.cicig.org/uploads/documents/mandato/acuerdo\\_creacion\\_cicig.pdf#page=12](http://www.cicig.org/uploads/documents/mandato/acuerdo_creacion_cicig.pdf#page=12). The Commission's powers include the following:

- (a) Collect, evaluate and classify information provided by any person, official or private entity, non-governmental organization, international organization and the authorities of other States;
- (b) Promote criminal prosecutions by filing criminal complaints with the relevant authorities. The Commission may also, in accordance with this Agreement and the Code of Criminal Procedure, join a criminal proceeding as a private prosecutor (*querellante adhesivo*) with respect to all cases within its jurisdiction;
- (c) Provide technical advice to the relevant State institutions in the investigation and criminal prosecution of crimes committed by presumed members of illegal security groups and clandestine security organizations and advise State bodies in the implementation of such administrative proceedings as may be required against state officials allegedly involved in such organizations;
- (d) Report to the relevant administrative authorities the names of civil servants who in the exercise of their duties have allegedly committed administrative offences so that the proper administrative proceedings may be initiated, especially those civil servants or public employees accused of interfering with the Commission's exercise of its functions or powers, without prejudice to any criminal proceedings that may be instituted through the Office of the Public Prosecutor;
- (e) Act as an interested third party in the administrative disciplinary proceedings referred to above;
- (f) Enter into and implement cooperation agreements with the Office of the Public Prosecutor, the Supreme Court, the Office of the Human Rights Ombudsman, the National Civilian Police and any other State institutions for the purposes of carrying out its mandate;
- (g) Guarantee confidentiality to those who assist the Commission in discharging its functions under this article, whether as witnesses, victims, experts or collaborators;
- (h) Request, under the terms of its mandate, statements, documents, reports and cooperation in general from any official or administrative authority of the State and any decentralized autonomous or semi-autonomous State entity, and such officials or authorities are obligated to comply with such request without delay;
- (i) Request the Office of the Public Prosecutor and the Government to adopt measures necessary to ensure the safety of witnesses, victims and all those who assist in its investigations, offer its good offices and advice to the relevant State authorities with respect to the adoption of such measures, and monitor their implementation;
- (j) Request and supervise an investigation team made up of national and foreign professionals of proven competence and moral integrity, as well as such administrative staff as is required to accomplish its tasks;
- (k) Take all such measures it may deem necessary for the discharge of its mandate, subject to and in accordance with the provisions of the Guatemalan Constitution; and
- (l) Publish general and thematic reports on its activities and the result thereof, including recommendations pursuant to its mandate[.]

<sup>91</sup> CICIG, "About CICIG," <http://www.cicig.org/index.php?page=about>.

<sup>92</sup> CICIG, "Mandate, Agreement to Establish CICIG."

links to Guatemalan officials, operating modalities, and funding sources; assisting Guatemala in disbanding Illegal Groups and “promot[ing] the investigation, criminal prosecution and punishment of the crimes committed by the[ir] members;” and making public policy recommendations to “eradicate and prevent the re-emergence of” Illegal Groups.<sup>93</sup> To accomplish these goals, the CICIG works in conjunction with Guatemalan legal authorities and, at times, also acts as a complementary prosecutor for certain complex cases. In doing so, the CICIG strengthens Guatemala’s legal institutions and its entire justice system.<sup>94</sup>

Collectively, the UN’s anti-piracy initiative, the EPPO, and the CICIG demonstrate that the international community can unite to combat national and transnational threats, promote accountability, and strengthen the rule of law. More importantly, facets of these three programs could be adapted and incorporated into a model program for UNOCIPIIS, providing the framework necessary to fill the existing institutional gap in the international criminal justice system.

### Proposed Model for UNOCIPIIS

The proposal advanced here draws upon the UN’s anti-piracy efforts, the EPPO, and the CICIG to build a general framework for UNOCIPIIS, leaving the UN Security Council and the first Chief International Prosecutor to determine the office’s finer details.<sup>95</sup> The proposal is organized into six key areas: (1) authority, (2) structure, (3) mission, (4) powers, (5) applicable laws, rules, and procedures, and (6) funding.

#### *Authority*

The Security Council should create UNOCIPIIS by resolution and thereby avoid a prolonged treaty process that would likely fail in gaining unanimous consent.<sup>96</sup> This would also ensure that the relationship between UNOCIPIIS and the national authorities is based on primacy, avoiding sovereignty concerns and the ICC’s complementarity issues, and allowing the Security Council to enforce UNOCIPIIS’s actions and compel Member States’ compliance.<sup>97</sup> Finally, passing a resolution would put teeth in the UN’s condemnation of the Islamic State, overcome the lack of unity and cooperation that plagues the international community’s current efforts, enhance legitimacy, and strip the Islamic State of propaganda recruitment fodder.<sup>98</sup>

#### *Structure*<sup>99</sup>

UNOCIPIIS should be independent of the United Nations, and its operations should be decentralized.<sup>100</sup> This would allow the office to better operate within the confines of Member States’

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<sup>93</sup> Ibid.

<sup>94</sup> Ibid.

<sup>95</sup> The model proposed, for example, does not address the intricate details related to staffing, case management, or other ancillary details required to create the office and carry out its mandate.

<sup>96</sup> See supra notes 36 and 40 (noting that the Rome Treaty lacks unanimity and describing the Security Council’s rationale for creating the ICTY by resolution).

<sup>97</sup> Supra notes 35, 40-42, and 63-65 (discussing primacy and the issues of sovereignty, complementarity, and enforceability).

<sup>98</sup> Supra notes 1, 3, 22-25, and 31 (discussing the international community’s condemnation of the Islamic State, the lack of action and disunity of its fight against the group, and the impact of unilateral operations).

<sup>99</sup> The office’s composition and organizational structure should be determined by the Chief International Prosecutor after the office has been established.

<sup>100</sup> See supra notes 83 and 87-89 (describing the EPPO’s decentralized structure).

law enforcement and judicial frameworks and ensure its success.<sup>101</sup> The Security Council could structure UNOCIPIS in one of two ways, adopting either the EPPO's or the CICIG's approach. This decision would hinge on funding constraints and which of the competing structures was better suited to deal with the Islamic State. For example, the Security Council could follow the EPPO's model, appointing a Chief International Prosecutor (CIP) and requiring each Member State to appoint at least one Chief National Prosecutor (CNP).<sup>102</sup> Or, alternatively, the Security Council could follow the CICIG's model, appointing just a CIP and allowing him or her to work directly with national authorities.<sup>103</sup> The latter would be less intrusive and more economical, as it would require less staffing and oversight and avoid the extreme costs and bureaucratic bloat associated with the ICC and ICTs.<sup>104</sup> The former may be more effective because the CNPs would presumably be more vested in UNOCIPIS and could facilitate a closer working relationship with national authorities.<sup>105</sup>

Practically speaking, UNOCIPIS would strive to support Member States' efforts, taking the lead only where requested or required due to a national authorities' inability or unwillingness to investigate and prosecute alleged perpetrators.<sup>106</sup> This approach would recognize UNOCIPIS's primacy over national authorities without heightening concerns over a lack of sovereignty or perceived intrusion into internal affairs. Finally, UNOCIPIS and the national authorities would divide their efforts accordingly. UNOCIPIS would take a more strategic approach, focusing on developing the cross-border connections of the Islamic State's entire criminal network. Conversely, national authorities would take a more tactical approach, focusing on the crimes committed within their jurisdictions.<sup>107</sup> This dual-focused, and more holistic, approach would facilitate development of the entire network, enhancing the international community's ability to defeat the Islamic State.<sup>108</sup>

### *Mission*

UNOCIPIS's mission would be to support, strengthen, and assist the international community's global efforts to dismantle the Islamic State's worldwide criminal network by combining international and national law enforcement efforts to investigate and prosecute members of the Islamic State for their crimes.<sup>109</sup> UNOCIPIS would accomplish its mission by collaborating and cooperating with international and national law enforcement agencies and judiciaries throughout the world to: investigate the Islamic State's entire criminal network and determine its structure (leadership, recruitment, training, etc.), forms of operation, sources of financing and logistical support, and any other relevant information; and prosecute members of the Islamic State for their crimes *sua sponte* or in conjunction with members of the international community.<sup>110</sup>

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<sup>101</sup> See supra notes 85-89, 92-93, and 95 (discussing how the EPPO and the CICIG operate independently from the UN, but within the national structures of the Member States).

<sup>102</sup> See supra notes 87-89 (describing the EPPO's structure).

<sup>103</sup> See supra notes 90-92 (describing the CICIG's structure and listing its powers).

<sup>104</sup> See supra notes 69-72 (discussing the ICC's and ICTY's staffing and budgeting issues).

<sup>105</sup> See supra note 86 (listing the EPPO's advantages).

<sup>106</sup> See supra notes 40-41, 87-89, 92-93, and 95 (explaining the doctrine of primacy; noting how the EPPO and the CICIG operate within, and complementary to, the national systems; describing how the CICIG's prosecutors can play a complementary role in complex cases; and noting the capacity-building effect of the CICIG).

<sup>107</sup> See supra notes 87-89 and 92-93 (explaining how EPPO's and CICIG's prosecutors work with national authorities).

<sup>108</sup> See supra notes 84-85 (noting limitations on EU organizations to investigate and prosecute cross-border crimes).

<sup>109</sup> See supra notes 83-85 and 93-95 (discussing the EPPO's and CICIG's missions).

<sup>110</sup> Supra notes 94-95 (outlining the CICIG's goals).

### *Powers*

To discharge its mandate, and in accordance with the Member States' criminal laws and procedures, UNOCIPIS should:

- i. Advise and assist Member States' institutions with investigations and criminal prosecutions;<sup>111</sup>
- ii. Join in and/or initiate criminal investigations and proceedings;<sup>112</sup>
- iii. Enter into, and implement, cooperation agreements with Member State institutions, including, but not limited to, the CNPs or national authorities, Member States' courts, and national law enforcement authorities;<sup>113</sup>
- iv. Enter into, and implement, cooperation agreements with International Organizations including, but not limited to, INTERPOL, Europol, Eurojust, or any other organization that could facilitate UNOCIPIS's investigations or prosecutions;<sup>114</sup>
- v. Require the cooperation of International Organizations and Member State officials and institutions;<sup>115</sup>
- vi. Request and supervise an administrative, investigative, and legal staff, as required to accomplish its tasks;<sup>116</sup>
- vii. Take all measures necessary for the discharge of its mandate, subject to, and in accordance with, Member States' laws, rules and procedures (e.g., gather evidence, issue subpoenas and warrants, etc.);<sup>117</sup> and
- viii. Publish annual reports to the UN Security Council on its activities and results.<sup>118</sup>

Although not all-encompassing, these expectations and authorities would allow UNOCIPIS to carry out its mandate within the respective Member States' legal frameworks. If additional powers should be necessary, the UN Security Council and CIP could adjust accordingly.

### *Applicable Laws, Rules and Procedures*

UNOCIPIS would operate within Member States' law enforcement and judicial frameworks, abiding by their criminal laws, rules, and procedures to conduct investigations and prosecutions.<sup>119</sup> UNOCIPIS's actions would also be subject to judicial review by a national court of competent jurisdiction.<sup>120</sup> This would make the office more efficient and effective while providing legal safeguards for suspected and accused persons. It would also avoid the various technical issues presented by the ICC's temporal, jurisdictional, situational, and subject matter limitations.<sup>121</sup> Finally, it would side-step the ICC's gravity and systematicity requirements, providing a broader and more

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<sup>111</sup> Supra note 91 (noting similar powers of the CICIG pursuant to Article 3(1)(c)).

<sup>112</sup> Supra note 91 (noting similar powers of the CICIG pursuant to Article 3(1)(b)).

<sup>113</sup> Supra note 91 (noting similar powers of the CICIG pursuant to Article 3(1)(f)).

<sup>114</sup> Ibid.

<sup>115</sup> Supra note 91 (noting similar powers of the CICIG pursuant to Article 3(1)(h)).

<sup>116</sup> Supra note 91 (noting similar powers of the CICIG pursuant to Article 3(1)(j)).

<sup>117</sup> Supra note 91 (noting similar powers of the CICIG pursuant to Article 3(1)(k)).

<sup>118</sup> Supra note 91 (noting similar powers of the CICIG pursuant to Article 3(1)(l)).

<sup>119</sup> See supra notes 87-89, 92-93 (discussing the ways in which the EPPO and the CICIG operate in accordance with Member States' laws, rules, and procedures).

<sup>120</sup> See supra note 89 (noting that the EPPO's investigations are subject to review by courts of competent jurisdiction).

<sup>121</sup> See supra notes 49-60 (discussing the ICC's technical limitations).

flexible prosecutorial platform that would allow UNOCIPIIS to fill the “impunity gap” by prosecuting all offenders for all crimes, including lesser and inchoate crimes.<sup>122</sup>

### *Funding*

Like the ICC, UNOCIPIIS would be principally funded by Member State contributions based on a pro rata share of their gross national income, but additional funds could come from voluntary government contributions, international organizations, individuals, corporations, or other entities.<sup>123</sup> Where UNOCIPIIS takes a lead role, the Member State would be responsible for all costs and expenses incident to the investigation and prosecution, in addition to that nation’s annual contribution.

Compared to the ICC and ICTs, and the ongoing military operations to combat the Islamic State, UNOCIPIIS is a veritable bargain. Assuming the Security Council would decide to use the CICIG structure over the EPPO structure (appointing a CIP without CNPs in each Member State), this model could likely operate on 10% of the OTP’s 2016 budget, or \$4,880,000.<sup>124</sup> To put this in perspective, UNOCIPIIS’s total annual budget would be approximately: 42% less than a single day of airstrikes (\$11,500,000) and 0.001% of Operation Inherent Resolve’s annual operating cost (\$4,197,500,000); 0.011% of Guantanamo Bay’s annual operating cost (\$445,000,000); 0.029% of the ICC’s 2016 requested budget (\$168,644,334); 0.07% of the ICTY’s annual operating cost (\$69,500,000); and 0.05% of the ICTR’s annual operating cost (\$100,000,000).<sup>125</sup> Assuming all 193 UN Member States contributed equal shares, that would represent an annual contribution of \$36,269.43 per country – a fraction of what many of the Rome Treaty States Parties contribute annually to the ICC.<sup>126</sup> To be fair, the exact amount of Member States’ annual contributions should be based on a pro-rata share of the budgeted goal and each Member State’s gross national income.

Crafting a general framework for UNOCIPIIS invites thoughtful consideration with regard to how the proposed model might work. What follows is an illustrative, hypothetical example that demonstrates the advantages that UNOCIPIIS would afford over the ICC approach.

### A Comparison of UNOCIPIIS to the ICC

A simple hypothetical model, loosely based off the San Bernardino terrorist attack, can assist in illustrating how UNOCIPIIS could overcome the ICC’s deficiencies.<sup>127</sup> The scenario:

*On December 2, 2015, two shooters entered a U.S. government building in San Bernardino, California, killing 14 people and wounding 22 others. The U.S.-born shooters had a South Sudanese-based accomplice who provided funding and logistical support for the attack. The funds were transferred from an Islamic State account in Indonesia to the United States through multiple banks in Yemen, Lebanon, and Malaysia. All three participants were recruited and radicalized by*

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<sup>122</sup> See supra notes 42 and 58-60 (discussing the impunity gap and the need to prosecute all offenders and all crimes, not just high level leaders who commit the gravest crimes).

<sup>123</sup> Supra notes 44-45 (explaining that the ICC is predominantly funded by States Parties’ yearly contributions based on their gross income).

<sup>124</sup> See supra notes 87, 92-93 and 95 (noting that the CICIG’s structure has significantly fewer personnel than the EPPO which provides for a chief prosecutor and delegated prosecutors in each member state).

<sup>125</sup> See supra notes 27-28, 31, 45, 70 and 72 (displaying annual budgets and operating costs for the associated entities).

<sup>126</sup> Supra note 45 (reflecting a 2015 assessed contribution range for States Parties of \$5,173 for Vanuatu to \$144,418,577 for Japan).

<sup>127</sup> This hypothetical is loosely based on the terrorist attack in San Bernardino, CA on December 2, 2015. Details have been changed to highlight the panoply of issues faced by the ICC—the only international institution currently capable of conducting limited investigations and prosecutions of the Islamic State, particularly since no ICTs have been established.

*Islamic State operatives in Pakistan. The shooters also received weapons and explosives training at an Islamic State training camp located in Iraq. To date, there have been no referrals of the “situation” by a State Party, the UN Security Council has not referred the matter, and no reliable information has been provided allowing the Pre-Trial Chamber to authorize the Chief Prosecutor to exercise her proprio motu powers.*

Given this hypothetical scenario, it would be incredibly problematic, if not impossible, for the ICC to prosecute any of these offenders. The UNOCIPIIS, however, could investigate and prosecute any or all of them.

1. Threshold Issues. Without a referral by a State Party or the Security Council, and lacking any reliable information to exercise *proprio motu* powers, the OTP would not be able to investigate or prosecute the various offenders.<sup>128</sup> It is also highly unlikely that this scenario would even be considered a “situation” falling within the ICC’s purview.<sup>129</sup> The UNOCIPIIS, however, would not be subject to these constraints because power would derive from a Security Council resolution and not the Rome Treaty.

2. Personal and Territorial Jurisdictional. Even assuming, *arguendo*, that the ICC could overcome the threshold issues and open an investigation, it would not be able to proceed because of the Rome Treaty’s jurisdictional limitations.<sup>130</sup> The offenders are all non-State Party citizens, and the crimes were all committed on non-State Party territory.<sup>131</sup> Therefore, the ICC lacks personal and territorial jurisdiction, and the Court could not proceed without a declaration by the implicated countries acceding to the ICC’s jurisdiction or a referral by the Security Council.<sup>132</sup> In contrast, UNOCIPIIS would not be bound by jurisdictional restrictions because it would operate within the Member States’ legal and judicial frameworks, including their laws, rules and procedures. If the Member States had jurisdiction, UNOCIPIIS would have jurisdiction.

3. Subject Matter Jurisdiction. The hypothetical also raises issues regarding the impunity gap created by the ICC’s subject matter jurisdiction. While the murders arguably fall within the category of crimes against humanity, the ICC would not have subject matter jurisdiction over the lesser and inchoate crimes that are reflected in the scenario, including conspiracy, aiding and abetting, and a host of financial crimes.<sup>133</sup> Consequently, many of the offenders could escape justice.<sup>134</sup> UNOCIPIIS, however, would not be bound by the Rome Treaty’s categorical limitations and it could fill the impunity gap by prosecuting any of the crimes found in the applicable Member State’s criminal code.

4. Admissibility. Admissibility issues pose yet another problem for the ICC in this hypothetical, both from a gravity and complementarity perspective. It is doubtful that the deaths of 14 and wounding of 22 in an isolated incident like this would meet the ICC’s scale or systematicity requirements necessary to satisfy the gravity threshold.<sup>135</sup> UNOCIPIIS, however, is not bound by the Rome Treaty’s gravity requirements and would be able to proceed. It is equally unlikely, given the nature of the Islamic State threat, that any of the countries implicated in the hypothetical would not, or could not, investigate and prosecute the perpetrators. Consequently, the ICC would be precluded

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<sup>128</sup> Supra note 43 (discussing the three ways in which the ICC can open an investigation or prosecution).

<sup>129</sup> Supra notes 54-57 (explaining the problems associated with group-based definitions).

<sup>130</sup> Supra notes 47-48 (explaining that the ICC rejected the Islamic State referral due to jurisdictional issues).

<sup>131</sup> See supra note 37 (referring to a complete listing of States Parties to the Rome Treaty).

<sup>132</sup> Supra notes 38-39 (discussing the ICC’s jurisdictional limitations and explaining how the ICC can overcome them via a State Party declaration or Security Council referral).

<sup>133</sup> Supra notes 58-60 (discussing the ICC’s impunity gap created by lesser and inchoate crimes).

<sup>134</sup> Supra notes 42 and 58-60 (defining the “impunity gap”).

<sup>135</sup> Supra note 42 (explaining the ICC’s gravity requirements).

from participating in those cases. UNOCIPIIS, on the other hand, would be able to complement the ongoing cases and, if necessary, take the lead.<sup>136</sup>

5. Additional Advantages. UNOCIPIIS has several additional advantages over the ICC in this scenario. First, UNOCIPIIS could act as a central and coordinating element for the multiple investigations and prosecutions being conducted throughout the various Member States. The CIP could act as a liaison between the various CNPs or national authorities and facilitate communication and information sharing to support each Member State's case.<sup>137</sup> Second, UNOCIPIIS could focus on developing the connections of the broader network, while the national authorities focus on prosecuting the crimes committed within their jurisdiction.<sup>138</sup> Finally, UNOCIPIIS could take a lead role if one or more of the Member States lacked the ability or willingness to investigate the crimes and prosecute the perpetrators, thus having a capacity-building effect and ensuring that justice is served.<sup>139</sup>

This hypothetical scenario underscores the litany of issues facing the ICC, which is currently the international community's best option to prosecute the Islamic State's members (notwithstanding its reluctance to do so).<sup>140</sup> The scenario also illustrates how UNOCIPIIS could overcome shortfalls and serve as a flexible and effective weapon to with which to combat the Islamic State's worldwide criminal network.

## Conclusion

While the international community remains united in its recognition that the Islamic State represents an "unprecedented threat to international peace and security," its current efforts to combat the group remain largely disjointed, ineffective, and costly for two reasons. First, the international community lacks a holistic strategy that combines all instruments of international power and the net result is an over-reliance on military force. While military force is clearly necessary, force alone cannot dismantle the Islamic State's worldwide criminal network. Consequently, the international community must broaden its strategy to include the missing legal component. The second issue plaguing the international community's efforts to deal with the Islamic State is the lack legal mechanisms with which to effectively investigate and prosecute the Islamic State's members for their crimes. The ICC and ICTs are simply ill-equipped and inadequate to handle the unique challenges and the net result is that the international legal community sits idly by while horrific crimes continue and escalate with near impunity.

UNOCIPIIS could help resolve both shortcomings by adding a critically needed legal component to the current strategy and filling the institutional gap that is preventing the international community from dispensing justice. UNOCIPIIS has the potential to become an economically viable and incredibly powerful weapon with which to combat the Islamic State's worldwide criminal network.

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<sup>136</sup> *Supra* notes 40-41 (discussing the concepts of complementarity and primacy).

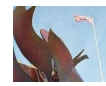
<sup>137</sup> See *supra* notes 107-111 (outlining UNOCIPIIS's support role).

<sup>138</sup> See *supra* notes 87-89, 91-93, and 108-109 (differentiating the prosecutors' roles in the various organizations and discussing the CIP's broader focus).

<sup>139</sup> *Supra* notes 95, 103-111, and 112 (describing UNOCIPIIS's capacity-building qualities).

<sup>140</sup> *Supra* note 47 (reflecting that the ICC rejected a recent referral for the Islamic State).





# Hellenic National Security: The Turkish Challenge

Michail Ploumis

*This paper examines the National Security Strategy of Greece in an era of a persistent economic crisis. The military balance of power between Greece and Turkey and regional military powers in the Eastern Mediterranean is deteriorating. The defense budget for Greece in the coming decade is projected and the corresponding implications with regard to how reductions in military spending will impact the Hellenic National Defense Forces' (HNDF) capabilities are discussed. Recommendations for needed revisions to the National Security Strategy and military strategies in an increasingly complex and potentially hostile neighborhood are proffered.*

Keywords: *Hellenic Armed Forces, Greek National Security Strategy, Greece, Cyprus, Turkey*

Si vis pacem, para bellum. (If you want peace, prepare for war.)

—Publius Flavius Vegetius Renatus<sup>1</sup>

Greece is in the midst of a multiyear economic crisis that, since 2009, has curtailed governmental spending including national defense. At the same time, the Middle East is undergoing a series of noteworthy changes due to ongoing-armed conflicts. In the Balkans, ethnic tensions and the growing presence of radical Islamic groups impact the region. Meanwhile, the Turkish Armed Forces continue to violate Greek airspace and territorial waters in the Aegean Sea and to unlawfully occupy the northern region of the Republic of Cyprus. In this volatile environment, Greece must maintain capable armed forces to counter symmetric and asymmetric threats to Greek national security, especially those coming from, or through its neighbor, Turkey. Turkey's power, combined with its effort to advance its national interest in the region at Greece's expense, raises a deep concern for, if not fear, of Turkish military aggression for the Greek people. At the same time, reduced Greek defense budgets undermine the Hellenic National Defense Forces (HNDF) capabilities. In August 2015, Greece agreed with the European Union (EU) to further reduce its military spending in

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*Michail Ploumis (M.S.S. United States Army War College) is a Colonel in the Hellenic Army. An earlier version of this article, written under the direction of Colonel Thomas J. Moffatt, earned a prestigious Army War College Foundation Award for Outstanding Strategy Research Paper for the USAWC Class of 2016.*

<sup>1</sup> The adage is from Book 3, of Latin author Publius Flavius Vegetius Renatus.

accordance with the new economic recovery program. This fiscal reality requires changes, and the establishment of revised, budget-driven strategies to meet contemporary challenges.

This article addresses the necessity for revised Hellenic *national security* and *military* strategies in the era of economic crisis.<sup>2</sup> It examines the military power of Greece by analyzing past and current defense spending, briefly introduces the military powers in the Eastern Mediterranean, and projects a view for HNDP's future capabilities. The essay forecasts future Greek-Turkish relations and asymmetric threats for the period of 2016-2026 by studying the Greek-Turkish relations through levels of analysis and creating a scenario-based projection. This forecast identifies Greece and Turkey potentially as "Friends," "Partners," "Opponents," or "Enemies." Finally, in the changed fiscal environment, recommendations for a revised national security and military strategy are suggested to include the reprogramming of resources and concepts, to address symmetric and asymmetric security threats, while protecting Greek national security interests.<sup>3</sup>

### Greek Military Power in the Eastern Mediterranean

Since 2010, Greece has been receiving financial support from the European Union (EU) and the International Monetary Fund (IMF) to cope with its fiscal challenges.<sup>4</sup> In August 2015, Greece agreed to a new program from the EU, which paved the way for new loans of up to €89 billion (bn.) during the 2015 – 2018 timeframe. Amongst other provisions, Greece must "reduce permanently [of what they were at that time] the expenditure ceiling for military spending by €100 million in 2015 and by €400 million in 2016 with a targeted set of actions, including a reduction in headcount and procurement."<sup>5</sup> During the 2009-2014 period (2009 is considered the base year of the Greek

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<sup>2</sup> The term *National Security* herein refers to the safeguarding of the Greek "people, territory, and way of life." For more see, Amos A. Jordan et al., "National Security Policy: What It Is and How Americans Have Approached It," in *American National Security*, 6th ed. (Baltimore: Johns Hopkins University Press, 2009), 3-5. The *National Security Strategy* is defined as "the art and science of developing, applying and coordinating the instruments of national power (diplomatic, economic, military, and informational) to achieve objectives that contribute to national security." The *National Military Strategy* is defined as the "art and science of distributing and applying military power to attain national objectives in peace and war." For more see, H. Richard Yarger, "Towards a Theory of Strategy: Art Lykke and the Army War College Strategy Model," in *The U.S. Army War College Guide to National Security Issues, Volume I: Theory of War and Strategy*, 4<sup>th</sup> ed., ed. J. Boone Bartholomees, Jr. (Carlisle Barracks, PA: U.S. Army War College, July 2010), 45-52.

<sup>3</sup> The national security interests are: *Survival* (it represents "the very essence of the actor's existence — the protection of its citizens and their institutions from attack by enemies, both foreign and domestic. It addresses an imminent threat of attack and is an interest that cannot be compromised." These kind of interests usually demand from individuals even to die in pursuing them). *Vital* ("exist when an issue is so important to an actor's well-being that its leadership can compromise only up to a certain point. Beyond that point, compromise is no longer possible because the potential harm to the actor would no longer be tolerable." These kind of interests usually demand from individuals even to kill in pursuing them). *Important* (significant but not crucial to the actor's well-being. Damage to them could cause serious concern and harm to the actor's interests, and even though the result may be somewhat painful, would much more likely be resolved with compromise and negotiation, rather than confrontation." These kind of interests usually demand certain investments and commitments in pursuing them). And *Peripheral* (they "involve neither a threat to the actor's security nor to the well-being of its populace"). According to the above categorization Greek security interests in relation to Turkey involve: *Survival*: prevent, deter, and reduce the threat of Turkish aggression against Greece and Cyprus (including military aggression); *Vital*: establish and protect interests, resulting from the application of the U.N. Convention of the Law of the Sea (UNCLOS) in the Aegean Sea and the Eastern Mediterranean, upon the provisions of International Law (the only compromise); *Important*: prevent Turkey from negatively influencing Greece's neighboring countries and the Muslim minority in Greece; *Peripheral*: promoting the economic interests of Greek citizens in Turkey. See, Alan G. Stolberg, "Crafting National Interests in the 21st Century," in *The U.S. Army War College Guide to National Security Issues, Vol. II: National Security Policy and Strategy*, 5th ed., ed. J. Boone Bartholomees (Carlisle Barracks, PA: U.S. Army War College, 2012), 13-25.

<sup>4</sup> European Commission, "Financial Assistance to Greece," May 2, 2010, [http://ec.europa.eu/economy\\_finance/assistance\\_eu\\_ms/greek\\_loan\\_facility/index\\_en.htm](http://ec.europa.eu/economy_finance/assistance_eu_ms/greek_loan_facility/index_en.htm); European Commission, "Second Adjustment Program for Greece," March 14, 2012, [http://ec.europa.eu/economy\\_finance/assistance\\_eu\\_ms/greek\\_loan\\_facility/index\\_en.htm](http://ec.europa.eu/economy_finance/assistance_eu_ms/greek_loan_facility/index_en.htm).

<sup>5</sup> European Commission, *Memorandum of Understanding between the European Commission Acting on Behalf of the European Stability Mechanism and the Hellenic Republic and the Bank of Greece* (Brussels, Belgium: European

economic and fiscal crisis), the Government of Greece cut total defense expenditures by half due to fiscal austerity.<sup>6</sup> In particular, military and civilian personnel defense expenditures decreased by €1.51 bn. from 2009 to 2014, or by 56.23% in nominal terms (not adjusted for inflation). Military procurement and research and development (R&D) outlays decreased from a high point of €2.17 bn. in 2009 to €0.53 bn. in 2014 or by 75.58%. Infrastructure and operation and maintenance (O&M) expenditures remained relatively the same averaging € 0.62 bn. per year in 2012-2014, with a corresponding annual average of € 0.57 bn. in 2008-2014.

Greek defense expenditures declined at a higher rate than the corresponding rate for the Greek GDP output. During the 2009-2014 period, the Greek GDP declined from € 237.4 bn. to € 179.1 bn.<sup>7</sup> This represents an annual compound rate of decline of 5.48%.<sup>8</sup> During the same time-period, however, Greek defense spending declined from € 6.318 bn. to € 3.188 bn., or at a compound annual rate of negative 12.79%. Thus, Greek defense expenditures did not maintain a proportional pace with the overall GDP but, rather, decreased at a rate that was 2.33x higher than the corresponding GDP annual decline. Despite this reduction, the total defense spending still remained at a level above 2% of the GDP (honoring country's commitment to NATO) because the GDP also declined during the same period albeit at a lower rate.<sup>9</sup>

Since 2009, Greece has not announced its intention to acquire any major defense equipment.<sup>10</sup> This trend reflects that for the period 2009-2015, the country only awarded contracts to upgrade current systems and to acquire spare parts for existing equipment. The reduction of procurement programs, as well as the implementation of the EU legislation on arms acquisition which eliminated domestic protective measures, negatively affected the Hellenic defense industry.<sup>11</sup> The decrease of domestic defense industrial base activities puts HNDP sustainment at risk, while it reduces confidence for domestic self-sufficiency in arms, munitions, and consumables production.<sup>12</sup>

This analysis indicates that after 2009 Greece significantly reduced its military expenditures. While in the Eastern Mediterranean, Egypt, Israel, and Turkey increased theirs.<sup>13</sup> Meanwhile, Turkey

Commission, August 19, 2015), 7,

[http://ec.europa.eu/economy\\_finance/assistance\\_eu\\_ms/greek\\_loan\\_facility/pdf/01\\_mou\\_20150811\\_en.pdf](http://ec.europa.eu/economy_finance/assistance_eu_ms/greek_loan_facility/pdf/01_mou_20150811_en.pdf).

<sup>6</sup> Source: HMOD. Released to the author by, AD/F.400/3/126980/S.260/January 30 2015/HMOD/GDOSY/DOI/YPEP.

<sup>7</sup> The World Bank, "Data: Greece," October 2015, <http://data.worldbank.org/country/greece>.

<sup>8</sup> This is calculated on the basis of Future Value = Present Value \* (1 + rate)<sup>n</sup> where n is the number of years. Thus, € 179.2 bn. [2014 GDP] = € 237.4 bn. [2009 GDP] \* (1 - 0.0548)<sup>5</sup>.

<sup>9</sup> For example see Jeans Stoltenberg, NATO Secretary General, "Keynote Address," public speech, NATO Parliamentary Assembly, The Hague, The Netherlands, November 24, 2014, [http://www.nato.int/cps/en/natohq/opinions\\_115098.htm?selectedLocale=en](http://www.nato.int/cps/en/natohq/opinions_115098.htm?selectedLocale=en).

<sup>10</sup> HIS Jane's Aerospace, Defence & Security, "Greece: Procurement," 2016, <https://janes-ih-com.usawc.idm.oclc.org/Janes/Display/1301878>.

<sup>11</sup> With the legislation n. 3978/2011, Greece has implemented directive 2009/81/EC on arms acquisition and trade without making provisions for protecting its essential interests of its security which are connected with the production of war material. According to Article 346 of Treaty on the Functioning of the European Union (TFEU), EU member-states can introduce protective measures for their industry to support their essential interests. For directive 2009/81/EC see, EUR-Lex, "Directive 2009/81/EC," July 13, 2009, <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32009L0081>; For the TFEU see, EUR-Lex, "Consolidated Version of the Treaty on the Functioning of the European Union," December 13, 2007, <http://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:12012E/TXT>.

<sup>12</sup> Jurgen Brauer, "Arms Industries, Arms Trade, and Developing Countries," in *Handbook of Defense Economics*, Vol. 2, ed. Todd Sandler and Keith Hartley (Amsterdam, The Netherlands: North-Holland, Elsevier 2007), 982.

<sup>13</sup> According to the Stockholm International Peace Research Institute (SIPRI) countries made expenditures in Current \$U.S. billion (bn.), in 2007 and 2014 (year samples), as follows: EGY: 3.30, 4.96, GRC: 8.53, 5.31, ISR: 11.9, 15.9, TUR: 15.9, 22.61, and U.S: 556.9-609.9 (for comparison reasons). For more see, SIPRI, "Military Expenditure Database," [http://www.sipri.org/research/armaments/milex/milex\\_database/milex\\_database](http://www.sipri.org/research/armaments/milex/milex_database/milex_database); "Turkey Approves New Defense Projects Worth \$5.9 Billion: PM," *Hurriyet Daily News*, March 9, 2016, <http://www.defense-aerospace.com/article-view/release/172042/turkey-approves-new-defense-projects-worth-%245.9-billion.html>.

maintains the largest military forces in the region with about 462M followed by Egypt (359M), Israel (176M) and Greece (148M).<sup>14</sup> Furthermore, both Israel and Turkey possess significant defense industrial bases that sustain their armed forces and increase security confidence. Today, Israel itself ranks high as an exporter of sophisticated defense items to other countries, often in competition with U.S.-based defense industries.<sup>15</sup> Turkey's exports of defense articles are on the rise as well, which also indicates the strength of its defense related industrial base.<sup>16</sup>

Taking into consideration the Greek economic situation, this inquiry assumes for Greece that for the period of 2016-2019, it will reduce its military spending further due to financial obligations. For the period from 2019 to 2026, military spending may increase slightly following the anticipated gradual improvement of the Greek economy.<sup>17</sup> Based on these assumptions, dismissing random events, and focusing on routine patterns, an attempt to project the Greek defense budget for the period of 2016-2019 yields the following most likely results:

a. The Hellenic defense budget will be between € 2.5 bn. and €2.8 bn. per year, and may drop under 2% of the country's GDP for the period of 2016 to 2019.

b. The number of the active uniformed personnel will continue to decrease.

c. The expenditures for infrastructure, operations and maintenance will decrease and stabilize approximately in the range of € 0.3 - € 0.4 bn. on an annual basis.

d. New procurement programs and R&D awards will be limited to spare parts and limited upgrades of existing weapons systems. Such programs will reach at most € 0.5 bn. per year.

e. In the medium-term, the HNDF will have aging equipment with higher maintenance issues and lack cutting-edge military technology.

f. The reduced budget will negatively affect the morale of the military personnel because of equipment readiness, training and assignments further away from home.

g. The Hellenic defense industrial base, lacking adequate domestic funding, will shrink, which in turn will entail risks for the HNDF reliance on domestically produced military equipment, munitions, and consumables.

### Scenario-Based Forecasting for Greek-Turkish Relations 2016-2026

While Greek defense expenditures decrease, the security threats around Greece will likely increase. Although Greece and Turkey are both members of NATO, historical and current experience indicates that Greek security concerns will not diminish any time soon. To examine these issues, this analysis entails a scenario-based forecasting for the period of 2016 to 2026 in an effort to predict how Greek-Turkish relations may unfold. This forecast is anchored to a prime issue impacting future outcomes in Greek-Turkish relations: Turkey's preponderance of military power and its ability to apply revisionist policies at the expense of Greek national security interests.<sup>18</sup> The lack of military

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<sup>14</sup> For more about countries service strength, see, HIS Jane's Aerospace, Defence & Security, "Dashboards: Country," 2015, <https://janes-ihs-com.usawc.idm.oclc.org/janes/home>.

<sup>15</sup> Federal Research Division, U.S. Library of Congress, *Israel: A Country Study*, 3<sup>rd</sup> ed., ed. Hellen Chapin Metz (Washington, DC: Federal Research Division, U.S. Library of Congress, 1990), 313-323.

<sup>16</sup> Stockholm International Peace Research Institute, "The SIPRI Top 100 Arms-Producing and Military Companies in the World (excluding China) 2014," <http://www.sipri.org/research/armaments/production/recent-trends-in-arms-industry>.

<sup>17</sup> National Intelligence Council, "Executive Summary," in *Global Trends 2030: Alternative Worlds* (Washington, DC: National Intelligence Agency, December 2012), vi, <http://www.dni.gov/index.php/about/organization/global-trends-2030>.

<sup>18</sup> For the military balance between Greece and Turkey for the year 2015 see, The International Institute for Strategic Studies, *The Military Balance: The Annual Assessment of Global Military Capabilities and Defense Economics 2015*, ed. James Hackett (London: Routledge, February 11, 2015), 100-103, 144-147.

balance between the two countries increases Greek concerns because it “creates a clear temptation to aggression” that can easily escalate.<sup>19</sup> Examining Greek-Turkish relations through a levels of analysis framework reveals factors likely to affect Turkey’s decision to use military power.<sup>20</sup>

### Greece and Turkey: Individual and State Level of Analysis

Greece is an EU member and a mature democracy with successive democratic governments since 1974. Turkey seems to seek equilibrium, balancing between different ideologies and governance patterns from its birth. In 1923, Mustafa Kemal (Atatürk) abolished the last Islamic Caliphate, established a Turkish secular republic, and eliminated Islam as the state religion.<sup>21</sup> Since its founding, Turkey has demonstrated a major commitment to secularism but it has also undergone many popular movements driven in good measure by Islamic political activism.<sup>22</sup>

Until 2002, the military played a primary role in Turkey’s political life. In 1960, 1971 and 1980, the military actively intervened in politics to safeguard Turkey from threats deemed dangerous to the state.<sup>23</sup> Since Turkey’s establishment, Islamism and the Kurdistan Workers’ Party have challenged domestic stability and national security.<sup>24</sup> Islamism as a mix of religious beliefs and ideology constituting a complex question for Turkish national identity.<sup>25</sup> Since 2002, the Islamist Justice and Development Party (AKP) under the leadership of now President Recep Tayyip Erdoğan, and Prime Minister Ahmet Davutoğlu have consistently won the election. Until 2015, AKP’s leadership established moderate Islamist governments with risk-averse foreign policies. As Prime Minister, Erdoğan implemented numerous political and economic reforms aimed at affiliating with the EU.<sup>26</sup> Turkish membership in the EU, however, remains, at best, as still under consideration primarily due concerns that Turkey’s legislation “in the area of rule of law, freedom of expression and freedom of assembly ran against EU standards.”<sup>27</sup> In praising Turkish reforms in 2010, the U.S. President Obama characterized Turkey as “a great Islamic democracy.”<sup>28</sup>

<sup>19</sup> Alastair Buchan, *War in Modern Society: An Introduction* (London: Harper Colophon Books, 1968), 7, quoted in Geoffrey Blainey, “Power, Culprits and Arms,” in *Conflict after the Cold War: Arguments on Causes of War and Peace*, ed. Richard K. Betts 2<sup>nd</sup> ed. (Boston: Pearson, 2013), 122.

<sup>20</sup> The *individual* level of analysis focuses on who is making decisions inside a state. The *state* level of analysis focuses on domestic politics and society and the dynamics of state’s government. The *system* level of analysis focuses on international system. Predictions about a state’s behavior often involve interplay between two or more level of analysis. For more see, Joseph S. Nye, Jr. and David A. Welch, *Understanding Global Conflict and Cooperation: An Introduction to Theory and History*, 9<sup>th</sup> ed. (Boston: Pearson, 2013), 52-59.

<sup>21</sup> Paul M. Pitman, III and Eric Hooglund, “Introduction,” in *Turkey: A Country Study*, 5<sup>th</sup> ed., ed. Hellen Chapin Metz (Washington, DC: Federal Research Division, U.S. Library of Congress, 1996), xxv-xxxix.

<sup>22</sup> R. Craig Nation, “Greece, Turkey, Cyprus,” in *War in the Balkans, 1991-2002* (Carlisle Barracks, PA: U.S. Army War College, August 2003, 297-298), <http://www.strategicstudiesinstitute.army.mil/pdffiles/00117.pdf>.

<sup>23</sup> Ellen Lust, “Institutions and Governance,” and Mine Eder “Turkey,” in *The Middle East*, 13<sup>th</sup> ed., ed. Ellen Lust (Washington, DC: Congressional Quarterly Press, 2013), 134-135, 830-865.

<sup>24</sup> In October 8, 1997, the U.S. Secretary of State designated the Kurdistan Workers Party (PKK) (Kongra-Gel) as one of the foreign terrorist organization. This designation plays a critical role in U.S. fight against terrorism. For more see, U.S. Department of State, “Diplomacy in Action: Foreign Terrorist Organizations,” <http://www.state.gov/j/ct/rls/other/des/123085.htm>.

<sup>25</sup> The term Islamism sees Islam as not only a religion but as providing a comprehensive political system and code and usually wishes to see Shari’ah (or Islamic law) implemented throughout society. For more see, Larry Goodson, “The Middle East: Enduring Realities and Breathtaking Changes,” *Strategos* 1, no. 1 (Spring 2008): 65.

<sup>26</sup> Erdal Tanas Karagöl, “The Turkish Economy during the Justice and Development Party Decade,” *Insight Turkey* 15, no. 4 (Fall 2013): 115-129.

<sup>27</sup> European Commission, *Commission Staff Working Document: Turkey 2015* (Brussels, Belgium: European Commission, November 10, 2015), 4-7, [http://ec.europa.eu/enlargement/pdf/key\\_documents/2015/20151110\\_report\\_turkey.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2015/20151110_report_turkey.pdf).

<sup>28</sup> Burak Bekdil, “A Great Islamic Democracy,” *Hurriyet Daily News*, December 11, 2013, <http://www.hurriyetdailynews.com/a-great-islamic-democracy.aspx?pageID=449&nID=59345&NewsCatID=398>;



Since 2015, AKP has formed governments amid allegations over increasing state authoritarianism (e.g., reduced press freedoms) and Islamism.<sup>29</sup> These governments have introduced a riskier foreign policy compared to the period prior to 2015. Turkey's Prime Minister, and former Minister of Foreign Affairs, Davutoğlu has described the religious-secular separation of Turkey's "domestic political culture" as "polarizing" and not conducive for his envisioned broader regional role that Turkey must exercise in the world.<sup>30</sup> Under his direction, Turkish foreign policy has become increasingly adventurous with religious overtones, e.g., alignment with Saudi Arabia in the regional clash of Sunni and Shiite interests. Although the AKP elected governments have asserted control over the Turkish military command structure, the latter still plays a major role in the formulation of foreign policy and national security.

The current political leadership of the Turkish government and the AKP are engaged in a dangerous and destabilizing "groupthink" foreign policy that entails risks for Turkey's traditional national security interests.<sup>31</sup> In the short-term, these policies may risk a military engagement in Syria.<sup>32</sup> The policy that this political group delivers regarding Greece is consistent with Davutoğlu's theoretical premise, which does not permit the continuous exercise of Greek sovereignty over the Aegean Sea an area that he considers to be Turkey's "vital space."<sup>33</sup> This goal, coupled with extensive Turkish armament programs presents a serious threat for Greek national security interests. Thus, the evolution of Turkey's identity and internal decision making processes remains a concern not only for Greece and Cyprus, but for the U.S. and NATO as well.

#### State-System Level of Analysis: Greece-Turkey Bilateral Relations

Since the Zürich and London Agreements of 1959, Greece has been one of the guarantor powers, together with Turkey and the United Kingdom, for the independence of the Republic of Cyprus.

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However, "Early on, Obama saw Recep Tayyip Erdoğan, the president of Turkey, as the sort of moderate Muslim leader who would bridge the divide between East and West—but Obama now [2016] considers him a failure and an authoritarian." For more see, Jeffrey Goldeberg, "The Obama Doctrine," *The Atlantic*, April 2016, <http://www.theatlantic.com/magazine/archive/2016/04/the-obama-doctrine/471525/>.

<sup>29</sup> "Special Report, Turkey: Erdogan's New Sultanate," *The Economist* 418, no. 8975 (February 6-12, 2016): 5, 7-8; David Gardner, "Authoritarian Erdogan Sets an Unappealing Precedent," *Financial Times* (USA Edition), April 3, 2014; Safak Timur and Tim Arango, "Turkey Seizes Newspaper, Zaman, as Press Crackdown Continues," *The New York Times Online*, March 4, 2016, <http://www.nytimes.com/2016/03/05/world/middleeast/recep-tayyip-erdogan-government-seizes-zaman-newspaper.html?ref=world&r=0>.

<sup>30</sup> Ahmet Davutoğlu, *The Strategic Depth: The International Position of Turkey*, ed. Neoklis Sarris, trans. Nikolaos Raptopoulos (Küre Yayinlari, Turkey: Poiotita Editions, 2001), 677. Professor Davutoglu was foreign policy adviser to the elected Turkish AKP governments of Tayipp Erdogan. Professor Davutoglu became Foreign Minister of Turkey in 2009 and later attained the Turkish premiership under the AKP banner.

<sup>31</sup> The term "groupthink" refers "to a mode of thinking that people engage in when they are deeply involved in a cohesive group, when the members' striving for unanimity override their motivation to realistically appraise alternative courses of action . . . where the group is insulated from outside advice, where an aggressive or opinionated leader prevents meaningful debate, where most members of the group think alike." The distinction between risk aversion and risk acceptance suggests that "individuals will be risk averse when dealing with gains, but they will be risk accepting or seeking when dealing with losses." "You have become risk acceptant because you are operating in a domain of losses." For more see, David P. Houghton, "Homo Sociologicus," and "Homo Psychologicus," in the *The Decision Point* (New York: Oxford University Press, 2013), 43-61, 81.

<sup>32</sup> The Turkish armed forces command structure has publicly distanced itself from the Turkish AKP government pronouncements about a military intervention in Syria in the absence of an appropriate UNSC resolution to that effect. Liz Sly, "Turkey's Increasingly Desperate Predicament Poses Real Dangers," *The Washington Post Online*, February 20, 2016, [https://washingtonpost.com/world/middle\\_east/turkeys-increasingly-desperate-predicament-poses-real-dangers/2016/02/20/a3374030-d593-11e5-a65b-587e721fb231\\_story.html](https://washingtonpost.com/world/middle_east/turkeys-increasingly-desperate-predicament-poses-real-dangers/2016/02/20/a3374030-d593-11e5-a65b-587e721fb231_story.html).

<sup>33</sup> Davutoğlu, *Strategic Depth*, 267-273. UNCLOS permits the innocent passage of Turkish Navy warships through Greek territorial waters and merchant shipping can freely transit the Greek EEZ to and from Turkey. Thus, Davutoglu's premise about Turkey's alleged "isolation" because of Greek sovereignty in the Aegean Sea is unfounded. Similar unfounded theories of "vital space" have led to major military conflicts, e.g., Nazi Germany and the commencement of WWII.

Under this agreement, Greece maintains the Hellenic Forces of Cyprus on the island.<sup>34</sup> In 1974, Turkey militarily invaded Cyprus claiming to act as one of the guarantors to protect the Turkish Cypriot population and since then has illegally occupied approximately 37% of its territory.<sup>35</sup>

In a similar way, after the discovery and exploitation of undersea oil deposits in the seas surrounding the Greek island of Thasos (Northern Aegean Sea) in 1973, Turkey has consistently challenged Greek territorial sovereignty.<sup>36</sup> Turkey has also challenged Greece's internationally recognized responsibilities in the Aegean Archipelago waters and air space as defined by the International Civil Aviation Organization (ICAO), and the International Maritime Organization (IMO). Also in the 1970s, Turkey created the "Aegean Army" command in Izmir, which presents a major threat to Greek territorial integrity.<sup>37</sup> The geographic disposition and periodic maneuvers of its formations, which includes numerous landing craft and airborne assault helicopters, are clearly targeted for offensive operations against the Greek islands in the Aegean, as no other Turkish neighbors, except Cyprus, are more susceptible to amphibious assault. Such actions intimate that Turkey may one day undertake limited or full scale offensive military operations against the nearby islands of Greece in the Aegean Sea and/or conduct a conventional attack across the Evros River (international border) into Western Thrace by the armored Turkish 1<sup>st</sup> Army which has modern river assault/crossing and bridge laying equipment at its disposal. The potential for this "land-grab" is also apparent in that the most modern weapons systems of the Turkish Army are deployed at the Greek-Turkish frontiers and *not* along Turkish borders with other countries.

In 1995, Turkey formally declared that the potential expansion of Greek territorial waters from 6 to 12 nautical miles in the Aegean Sea, permitted under international law, would amount to a *casus belli*. The discovery of confirmed and exploitable undersea natural gas deposits within the Exclusive Economic Zones (EEZs) of Cyprus, Israel, Lebanon, and Egypt complicate the security challenges in the Eastern Mediterranean.<sup>38</sup> Turkey appears, for example, to lack undersea energy resources within its own EEZ. Since the delimitation of the Cyprus EEZ, Turkey has engaged in challenging provocations and has already moved to challenge the boundaries of the Greek EEZ in the Aegean Sea and the Eastern Mediterranean.<sup>39</sup> Greece, Cyprus, Egypt and Israel have responded with multilateral

<sup>34</sup> For more about the Hellenic Force of Cyprus, see Hellenic Army General Staff, "Brief History of Hellenic Force of Cyprus," (in Greek), June 14, 2012, [http://www.army.gr/default.php?pname=SYNTOMO\\_ISTORIKO&la=1](http://www.army.gr/default.php?pname=SYNTOMO_ISTORIKO&la=1).

<sup>35</sup> The unlawful 1974 Turkish military invasion of Cyprus and occupation of Cypriot territory have violated numerous UN Security Council Resolutions including but not limited to Nos. 353, 354, 355, 358, 360, 365, 375 (1974), 541 (1983), 774 and 789 (1992). Van Coufoudakis, *International Aggression and Violations of Human Rights: The Case of Turkey in Cyprus* (Minneapolis: University of Minnesota, 2008), 1-2, n. 4; Eugene T. Rossides, "American Foreign Policy Regarding Cyprus and the Rule of Law," in *The United States & Cyprus: Double Standards and the Rule of Law*, eds. Eugene T. Rossides and Van Coufoudakis (Washington, DC: American Hellenic Institute Foundation, 2002), 41. The European Court of Human Rights (ECHR) has issued a number of binding decisions affirming that the unlawful Turkish military invasion and occupation have violated the basic human rights of the Cypriots. *Case of Cyprus v. Turkey* (Application No. 25781/94) (ECHR, May 10, 2001), <http://hudoc.echr.coe.int/HUDOC2DOC2/HEJUD/200105/cyprus%20v.%20-%2025781jv.gc%2010052001e.doc>; *Case of Loizidou v. Turkey* (Application No. 15318/89) (ECHR, December 18, 1996). Finally, Turkey has violated the U.S. Foreign Assistance Act of 1961 and the U.S. Foreign Military Sales Act by using U.S.-supplied weapons for defensive purposes to invade the sovereign Republic of Cyprus. For more see, Rossides, "American Foreign Policy," 34-35, 39-40.

<sup>36</sup> Theodore Columbus and Thanos Dokos, "Assessing the Turkish Threat," in *Greece: A Country Study*, 4<sup>th</sup> edition, ed. Glenn E. Curtis (Washington, DC: Federal Research Division, U.S. Library of Congress, 1994), 279-282.

<sup>37</sup> For detailed geographic disposition, force structure, equipment, etc., of the Turkish Armed Forces, and especially of the Aegean Army and the 1<sup>st</sup> Army, see HIS, Aerospace, Defence & Security, "Turkey>Army," December 8, 2015, <https://janes-ihs-com.usawc.idm.oclc.org/Janes/Display/1303429>.

<sup>38</sup> Ioannis Tzanetakakis, *Exclusive Economic Zones in the Eastern Mediterranean: Risks of Conflict*, Strategy Research Project (Carlisle Barracks, PA: U.S. Army War College, April 2014).

<sup>39</sup> Eric R Eissler and Gözde Arasil, "Maritime Boundary Delimitation in the Eastern Mediterranean," *The RUSI Journal* 159, no. 2 (April/May 2014): 74-80.

negotiations and EEZ delimitation agreements.<sup>40</sup> The friction over the EEZs and the actual or potential undersea energy resources that they contain could result in active military confrontations between Greece and Turkey.<sup>41</sup> Hellenic Navy warships have intervened multiple times when Turkish Navy warships attempted to interfere with lawful undersea seismic energy exploration within the Greek EEZ.<sup>42</sup> Under Turkey's revisionist policies and claims, a number of crises arose in the Aegean Sea where armed conflict was narrowly averted (August 1976, March 1987, and February 1996). Routine Turkish violations of Greek air space often lead to mock dogfights between armed aircraft of the Hellenic Air Force (HAF) and the Turkish Air Force (THK). These encounters have resulted in the loss of aircraft and crews for both sides (e.g., the May 2006 collision between a THK F-16 fighter with an intercepting HAF F-16).

To resolve Turkish claims in the Aegean Archipelago, Greece proposed bringing these matters before the International Court of Justice in The Hague. Turkey has not ruled out this approach but neither has it consented to participate in this process.<sup>43</sup> Since 1999, Greek-Turkish relations continue to be based on "earthquake rapprochement" following the earthquakes that hit both countries.<sup>44</sup> Meanwhile, the Republic of Cyprus and the Turkish-Cypriot community are continuing negotiations for the re-unification of the island, and the Turkish armed forces continue to violate Hellenic air space and territorial waters in the Aegean Sea.<sup>45</sup>

### System Level of Analysis: Greece and Turkey in the Regional System

In the Caucasus, Turkey—under Russia's "close observation"—has been a long-time soft-power actor through its close relations with Azerbaijan, Uzbekistan, Turkmenistan, Kazakhstan, and Kyrgyzstan—countries with ethnic groups of Turkic origin.<sup>46</sup> Conversely, Greece maintains a strong relationship with Armenia and recognizes the 1915 Armenian Genocide by the Ottoman Turks.<sup>47</sup>

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<sup>40</sup> Cyprus has already signed delimitation agreements with Egypt, Israel, and Lebanon. In the 1<sup>st</sup> trilateral summit in Cairo, on November 8, 2014, Cyprus, Greece and Egypt recognized "that the discovery of important hydrocarbon reserves in the Eastern Mediterranean can serve as a catalyst for regional cooperation." They "stress that this cooperation would be better served through the adherence with the countries of the region to well established principles of international law." In this respect, they "emphasize the universal character of the UN Convention of the Law of the Sea (UNCLOS)," and decided to proceed with negotiations on the delimitation of maritime zones, where it is not yet done." For more see, State Information Service Egypt, "Egypt-Greece-Cyprus, Trilateral Summit, Cairo Declaration," November 9, 2014, <http://www.sis.gov.eg/En/Templates/Articles/tmpArticleNews.aspx?ArtID=83738#.Vj9bu7cvfIU>; Hellenic Republic Ministry of Foreign Affairs, "Cyprus- Egypt-Greece, 2<sup>nd</sup> Trilateral Summit, Nicosia Declaration," April 29, 2015, <http://www.mfa.gr/en/current-affairs/news-announcements/cyprusegyptgreece-2nd-trilateral-summit-nicosia-declaration-29-april-2015.html>.

<sup>41</sup> Ioannis N. Grigoriadis, "Energy Discoveries in the Eastern Mediterranean: Conflict or Cooperation?" *Middle East Policy* XXI, no. 3 (Fall 2014): 124-131.

<sup>42</sup> Nation, "Greece, Turkey, Cyprus," in *War in the Balkans*, 285.

<sup>43</sup> Republic of Turkey, Ministry of Foreign Affairs, "Questions," October 24, 2015, <http://www.mfa.gov.tr/questions.en.mfa>.

<sup>44</sup> James Ker-Lindsay, "Turkey and Greece: What Future for Rapprochement?" in *Debating Security in Turkey: Challenges and Changes in the Twenty-First Century*, ed. Ebru Canan-Sokullu (Lanham, UK: Lexington Books, 2013), 237-248.

<sup>45</sup> In 2015, violations and infringements were as follows: Turkish Air Force Violations of Hellenic Airspace: 1,779, Over flights of Hellenic Territory: 36, Turkish Armed Violating Formations: 133, Engagements with HAF Interception Fighters: 80, Infringement of Athens F.I.R: 826, Violations of Hellenic Territorial Waters: 175. For more see, Hellenic National Defence General Staff, "Violations," 2016, <http://www.geetha.mil.gr/en/violations-en.html>; United Nations, Good Offices Mission, "Statement Delivers by Special Adviser of the Secretary General on Cyprus, Espen Bart Eide, on October 12, 2015," [http://www.uncyprustalks.org/nqcontent.cfm?a\\_id=6792](http://www.uncyprustalks.org/nqcontent.cfm?a_id=6792).

<sup>46</sup> Burcu Gultekin-Punsmann, "Turkish-Russian Rapprochement and the Security Dialogue in the Black Sea-south Caucasus Region," in *Debating Security in Turkey*, 173-185; Tartter, "National Security: External Security Concerns," in *Turkey: A Country Study*, 312-313.

<sup>47</sup> Hellenic Republic, Ministry of Foreign Affairs, "Armenia," January 30, 2016, <http://www.mfa.gr/en/blog/greece-bilateral-relations/armenia/>. Despite the efforts of U.S. diplomacy, Turkey maintains closed borders with Armenia; See also,



In the Balkans, Turkey has demonstrated a “keen interest” in Bosnia and Herzegovina, in the Former Yugoslav Republic of Macedonia (FYROM), in Albania, and in the region of Kosovo where there are Muslim inhabitants.<sup>48</sup> The Turkish government directorate of religious affairs, for example, has instituted an extensive program of mosque and school building in Balkan countries.<sup>49</sup> In Bulgaria, the existing minority of ethnic Turks has affected that country’s relations with Turkey, while Greece has suffered from the unwarranted Turkish consular involvement in Greek affairs in Western Thrace where a Muslim minority exists. The Ottoman past provides Turkey with the unfounded but “patronizing” excuse to declare itself the “protector” of all Muslims in the Balkans and to regularly attempt to influence the domestic affairs of other countries. Turkish Prime Minister Davutoğlu described in his strategic vision of Turkey’s foreign policy as aligned with the Muslim populations in the Balkans who constitute “Ottoman remnants” thereby “connect[ing] their fate with the regional power and gravity of Turkey.”<sup>50</sup> He also considers Turkey’s influence in the region as essential to the preservation of “regional balances.”<sup>51</sup> Turkey’s leverage in the Balkans, combined with ongoing regional instability, creates the impression that a regional “Turkish network” is being established and that creates fears of isolation in Greece and Bulgaria.<sup>52</sup>

In the Middle East, following the “Arab Spring,” Turkey adopted a non-traditional and much riskier policy with respect to regional development. In combination with its stance in the Balkans and the theoretical premise of “vital space” of Prime Minister Davutoğlu in his “Strategic Depth” treatise, Turkey may be aspiring to become a *regional hegemon*. In a radical departure from past risk-averse practices, Turkey has become *actively involved* in the crisis and armed conflict in neighboring Syria. Since 2014, the Turkish AKP government and its National Intelligence Organization (Millî İstihbarat Teşkilatı, MİT) appear to have been actively involved in permitting the transit of extremist Islamist fighters and military equipment into Syria.<sup>53</sup> At the same time, the Turkish economy has benefitted from the illicit import of oil from areas controlled by the Islamic State (ISIS) in Syria and Iraq.<sup>54</sup> On November 24, 2015, the Turkish Air Force shot down a Russian Air Force Sukhoi Su-24M strike aircraft near the Turkish-Syrian border, an incident that led to the deterioration of Turkish-Russian relations, signaled Turkish self-confidence, and reflected an adventurous policy in the region.<sup>55</sup>

The adoption of a new riskier policy in Syria is opposed to Davutoğlu’s theoretical premise of a regional geostrategic balance in the Middle East based on the triangular relationship between

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Republic of Turkey, Ministry of Foreign Affairs, “QA-8: Regarding the Statement of the Greek Prime Minister Mr. Aleksis Tipras, and President Mr. Prokopis Pavlopoulos on the Occasion of the Visit of the President of Armenia Mr. Serzh Sarkisian, Referring to Historical Event During the Disintegration of the Ottoman Empire and Containing Allegations against Turkey and the Turkish Identity,” [http://www.mfa.gov.tr/qa\\_8\\_-17-march-2016\\_-statement-of-the-spokesperson.en.mfa](http://www.mfa.gov.tr/qa_8_-17-march-2016_-statement-of-the-spokesperson.en.mfa).

<sup>48</sup> Jean R. Tarter, “National Security: The Balkans,” in *Turkey: A Country Study*, 317-318.

<sup>49</sup> “Turkey’s Religious Diplomacy: Mosques Objectives – Turkey is Sponsoring Islam Abroad to Extend its Prestige and Power,” *The Economist* 418, no. 8973 (January 23, 2016): 46.

<sup>50</sup> Davutoğlu, *The Strategic Depth*, 477.

<sup>51</sup> *Ibid.*, 485.

<sup>52</sup> Columbus and Dokos, “Assessing the Turkish Threat,” in *Greece: A Country Study*, 282.

<sup>53</sup> Adam Entous and Joe Parkinson, “Turkey’s Spymaster Plots Own Course on Syria,” *The Wall Street Journal*, October 10, 2014, A1, A14.

<sup>54</sup> Aaron Stein, *Turkey’s New Foreign Policy: Davutoğlu, the AKP and the Pursuit of Regional Order*, Royal United Services Institute for Defense and Security Studies (RUSI) Whitehall Paper Series no. 83 (Abingdon, UK: Routledge Journals, 2014), 83-86; Matthew Rosenberg, Nicholas Kulich, and Steven Lee Myers, “Predatory Islamic State Wrings Money From Those It Rules,” *The New York Times Online*, November 29, 2015, <http://www.nytimes.com/2015/11/30/world/middleeast/predatory-islamic-state-wrings-money-from>.

<sup>55</sup> Neil MacFarquhar, “Russia and Turkey Hurl Insults as Feud Deepens,” *The New York Times Online*, December 3, 2015, <http://www.nytimes.com/2015/12/04/world/europe/putin-russia-turkey.html?ref=europe&r=0>.

Turkey, Egypt and Iran.<sup>56</sup> This risky independent policy has set Turkey at odds with the American public regarding U.S. foreign policy and national security interests in the region.<sup>57</sup> Turkish foreign policy setbacks in the Middle East coupled with domestic and regional issues (e.g., political and socioeconomic instability, the Kurdish security issue in Southeast Turkey), could redirect Turkey's attention and military toward Greece.<sup>58</sup> Such actions are not unprecedented and have negative implications for the national security interests of Greece, Cyprus, and other neighboring countries.

Beyond the military threat, the large refugee flows from the Middle East's war zones have imposed tremendous stress on the financially constrained Greek domestic security forces. These refugee flows initially move into Turkey and then, through Turkish human traffickers, they frequently land on Greek islands in the Aegean, and subsequently transit through Greece to Central Europe where they seek permanent asylum.<sup>59</sup> At present, Central European countries have been receiving the bulk of the refugees, while the EU is struggling to manage the migrant crisis through cooperation with Turkey.<sup>60</sup> It is rather peculiar that Syrian refugees who have crossed into Turkey since 2011 did not start arriving in massive numbers onto Greek shores until 2015-2016.<sup>61</sup> Turkey's refusal or inability to effectively deal with the refugee flows, despite the entreaties of the EU, continues to pose an asymmetric threat to Greek national security.<sup>62</sup>

This threat may become more intense if European countries refuse to accept additional refugees in the near-term.<sup>63</sup> Should this occur, Greece could consider the possibility of hosting not only those

<sup>56</sup> Davutoğlu, *The Strategic Depth*, 531-534. Following the January 2015 breakdown in relations between Saudi Arabia and Iran after the execution of Saudi Shiite cleric Al Nimr, Turkey unequivocally sided with the positions of Saudi Arabia, despite the significant economic relationship between Turkey and Iran with an annual trade of approximately \$15-\$16 billion. Iran is also a clear supporter of the Syrian regime of Bashar Assad while both Saudi Arabia and Turkey support its overthrow. Furthermore, after the military overthrow of the elected government of President Mohamed Morsi in Egypt in July 2013 (Muslim Brotherhood – Freedom and Justice Party), the AKP Turkish government has considerably distanced itself from the new regime of Egyptian President Abdel Fattah Al Sisi (ex-Minister of Defense under Morsi). For more see, Stein, *Turkey's New Foreign Policy*, 92; Similarly, Turkey and Qatar have played a destabilizing role in Libya through their support to extremist Islamist factions based in Tripoli, while Egypt and the United Arab Emirates supporting a more moderate faction in Tobruk. This adversarial gaming derailed UN attempts to unify fragmented administrations and their armed followers into a single Libyan governing entity. For more see, Yaroslav Trofimov, "West Ponders Another Libya Intervention: As Islamic State Gains Ground, Europe and the U.S. Prepare for Military Action," *The Wall Street Journal Online*, February 4, 2016, <http://www.wsj.com/articles/west-ponders-another-libya-intervention-1454606312>.

<sup>57</sup> Behlül Özkan, "The West Must Stop Giving Turkey a Free Pass," *The New York Times Online*, February 2, 2016, <http://www.nytimes.com/2016/02/03/opinion/the-west-must-stop-giving-turkey-a-free-pass.html?ref=world>; Matthew Weaver, "Turkey: Chomsky Hits Back at Erdoğan, Accusing Him of Double Standards on Terrorism," *The Guardian*, January 14, 2016, <http://www.theguardian.com/us-news/2016/jan/14/chomsky-hits-back-erdogan-double-standards-terrorism-bomb-istanbul>.

<sup>58</sup> "Turkey's War on the Kurds: Futile Repression – Turkey's President Must Give up Trying to Crush the Kurds. Instead, He Should Reopen Peace Talks," and "Turkey and the Kurds: Widening the Conflict – A Campaign against the PKK Turns the Country's South-East into a War Zone," *The Economist* 418, no. 8973 (January 23, 2016): 10, 45-46.

<sup>59</sup> For statistics on immigration, see, Hellenic Police, "Statistical Data: Statistical Data on Illegal Immigration," 2015, [http://www.astynomia.gr/index.php?option=ozo\\_content&perform=view&id=24727&Itemid=73&lang=EN](http://www.astynomia.gr/index.php?option=ozo_content&perform=view&id=24727&Itemid=73&lang=EN).

<sup>60</sup> Jean-Claude Juncker, "Managing the Refugee Crisis-President Juncker's Presentation to the European Council of 17-18 March 2016," March 18, 2016, [http://ec.europa.eu/priorities/sites/beta-political/files/migration-state-play-17-march-final-presentation\\_en.pdf](http://ec.europa.eu/priorities/sites/beta-political/files/migration-state-play-17-march-final-presentation_en.pdf).

<sup>61</sup> Under the doctrine of the past Turkish Prime Minister Turgut Ozal, Greece could easily be overwhelmed by "a few millions illegal immigrants from Turkey." For more see, John M. Nomikos, *Illegal Immigration and Organized Crime in Greece* (Athens, Greece: Research Institute for European and American Studies, August 2010), 11, citing Theodoros Katsavenas, "Nobody is Worrying," in *To Paron* (Greece: August 3, 2009); "By the end of 2011, at least 40,000 Syrians had perished and 3,000 Syrians a day were fleeing the country." For more see, Agnieszka Paczynska, "The Economics of the Middle East," in *Understanding the Contemporary Middle East*, ed. Jillian Schwedler, 4th ed. (Boulder: Lynne Rienner, 2013), 250.

<sup>62</sup> James Kanter and Andrew Higgins, "E.U. Offers Turkey 3 Billion Euros to Stem Migrant Flow," *New York Times Online*, November 29, 2015, <http://www.nytimes.com/2015/11/30/world/europe/eu-offers-turkey-3-billion-euros-to-stem-migrant-flow.html?ref=europe&r=0>.

<sup>63</sup> On February 21, 2015, the Former Yugoslav Republic of Macedonia (FYROM) in collaboration with Austria, clamped down on migrant flows that originate in Turkey and try to cross the Greek-FYROM borders on their way to Western

refugees already in Greece, but the influx of others in exchange for long-term “help with its debt and budgets.”<sup>64</sup> The existence of radical groups within the refugee population and the additional government expenditures required would place multiple challenges on the Hellenic government. Such an outcome could create asymmetric threats inside Greece and increase the need for the HNDF to support civil authorities. Meanwhile, Greece, on national security grounds, rejected recent EU proposals to execute combined maritime patrols together with Turkey to control these refugee flows.<sup>65</sup> Greece welcomed the presence of a combined NATO naval task force to assist Greece and Turkey, to include the EU’s border control agency, FRONTEX, in an ostensible and rather unclear attempt to manage these refugee flows in the Aegean Sea.<sup>66</sup>

### System Level of Analysis: Greece and Turkey in the Global System

Greece and Turkey are allies in NATO and both maintain close relations with the U.S. In the event of Turkish aggression against Greece, NATO will not guarantee its containment in advance. The North Atlantic Treaty does not secure an automatic response by the allies in the event of an attack, “the allies are only pledged to consult as a group by Article 5 prior to determining the necessary response.”<sup>67</sup> This time lapse from hostile action to allied response is the same challenge that the Baltic countries face with NATO with regard to concerns over a resurgent Russia.<sup>68</sup>

NATO’s reaction to a potential Greek-Turkish crisis or a large military confrontation, however, is an ostensible and rather unclear effort to frame the environment—as happened during the Turkish invasion of Cyprus in 1974, and the Imia crisis in 1996.<sup>69</sup> Because both Greece and Turkey are allies in the same collective security organization, NATO would not necessarily defend one over the other. Thus, in actions such as a Turkish attempt to grab an island in the Aegean Sea or to threats of a large war (e.g., in case of a lawful expansion of Greek territorial waters, or the delimitation of its EEZ), NATO is expected to intervene for quick termination. The alliance would like to encourage both countries to compromise, accommodate or appease the other so that “unity” is preserved along NATO’s Southern flank.<sup>70</sup> Like the West’s reaction to Crimea, no action will be taken to “undo” such

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Europe. This has created a refugee crisis within Greek territory. For more see, “Refugees in Greece—No Way Out,” *The Economist* 418, no. 8978 (February 27, 2016): 43-44.

<sup>64</sup> “Leaders: How to Manage the Migrant Crisis,” *The Economist* 418, no. 8975 (February 6-12, 2016): 9-10.

<sup>65</sup> “Greek Foreign Minister Says No to Joint Patrols in Aegean,” *Greece, Greek Reporter*, October 15, 2015, <http://greece.greekreporter.com/2015/10/15/greek-foreign-minister-says-no-to-joint-patrols-in-aegean/#sthash.cShT2LVE.dpuf>.

<sup>66</sup> The operational execution of this NATO mission has been delayed because of Turkish objections for the task force’s operation in the sea space between the Greek Dodecanese islands and the Turkish coastline. When it started until today, has not brought tangible results. Thus, the migrant ferrying activities of Turkish human traffickers have continued unabated. For more, see, Vasilis Nedos, “Tipras’s [Greek Prime Minister] Protestation to NATO about Aegean Sea,” *H Kathimerini*, March 23, 2016, (in Greek), <http://www.kathimerini.gr/854112/article/epikairothta/politikh/diamartyria-tsipra-sto-nato-gia-to-aigaio>; North Atlantic Treaty Organization, “NATO Secretary General Welcomes Expansion of NATO Deployment in the Aegean Sea,” March 6, 2016, [http://www.nato.int/cps/en/natohq/news\\_128833.htm](http://www.nato.int/cps/en/natohq/news_128833.htm); North Atlantic Treaty Organization, “NATO Ships in the Aegean Participate in Efforts to Cut Lines of Illegal Trafficking and Migration,” *NATO YouTube Channel*, March 4, 2016, video file, <https://www.youtube.com/watch?v=rSxzgbVe7lE>; North Atlantic Treaty Organization, “NATO Defense Ministers Agree on NATO Support to Assist with the Refugee and Migrant Crisis,” February 11, 2016, [http://www.nato.int/cps/en/natohq/news\\_127981.htm](http://www.nato.int/cps/en/natohq/news_127981.htm).

<sup>67</sup> Todd Sandler and Keith Hartley, *The Political Economy of NATO: Past, Present, and Into the 21<sup>st</sup> Century* (Cambridge, UK: Cambridge University Press, 1999), 25-26.

<sup>68</sup> David A. Shlapak and Michael W. Johnson, *Reinforcing Deterrence on NATO’s Eastern Flank: Wargaming the Defense of the Baltics* (Santa Monica, CA: RAND Corporation, January/February 2016), 10, [http://www.rand.org/pubs/research\\_reports/RR1253.html](http://www.rand.org/pubs/research_reports/RR1253.html).

<sup>69</sup> Nation, “Greece, Turkey, Cyprus,” in *War in Balkans*, 294, 303.

<sup>70</sup> For accommodation, appeasement, and compromise in negotiations see, Charles W. Freeman Jr., “Diplomatic Maneuver,” in *Arts of Power: Statecraft and Diplomacy* (Washington, DC: U.S. Institute of Peace Press, 1997), 77-79, 100-

a *fait accompli*. The same response is expected from the EU, of which Greece and Cyprus are members, because the established EU Common Foreign and Security Policy (EU CFSP) necessitates consensus among 28 sovereign countries to make decisions upon such issues.<sup>71</sup> Thus, neither organization provides security guarantees to Greece in the event of a military confrontation in any form with Turkey. They only provide a forum for discussion of actual or potential aggression and possibly manage peaceful resolution of disputes with unclear results.<sup>72</sup>

United States foreign policy, and that of NATO and the EU cannot reasonably utilize “double standards” in regional matters, i.e., criticizing the Russian annexation of Crimea while accepting the unlawful 42-year long Turkish occupation of Cypriot territory and continuous Turkish aggression in the Aegean as “routine” and a historic *fait accompli*.<sup>73</sup> Similarly, the United States cannot invoke principles of international law embodied in the United Nations Convention of the Law of the Sea (UNCLOS) in matters pertaining to the South China Sea, but not apply the same principles in the Aegean Sea and the Eastern Mediterranean.<sup>74</sup> Both history and the practice of double standards provide ample evidence that Turkish aggression against Greece may not result in any substantial response from the international community beyond efforts to force a cessation of hostilities.

### Alternative Scenarios for Greek-Turkish Relations

Based on the levels of analysis, this article develops scenarios for Greek-Turkish relations for the 2016-2026 period and elaborates with “signposts” and “wild cards.”<sup>75</sup> While signposts indicate that the considered scenarios are likely to happen, the wild cards describe events that if they happen will dramatically change the conventional outcome of the contemplated scenarios. In this scenario-based forecasting, Greece remains a mature democracy and member of the EU, but continues to suffer from ongoing economic crisis and a decline in conventional military capability. Turkey remains a military power but struggles over regional instability and non-democratic, authoritarian practices. In this context, the analyses considers the possibilities that for the next decade Greece and Turkey will become “Friends,” “Partners,” “Opponents,” or “Enemies.” Two operant wild cards may violate the forecasting assumptions.

The first wildcard is the establishment of an independent or highly autonomous Kurdish entity within northwest Syria and its actual or potential expansion into Turkish territory, through *coercive violence* and *terror*.<sup>76</sup> If this were to happen, it would create dire consequences in Greek-Turkish

103; As regard the U.S. way of making diplomacy (as U.S. drives NATO) in general, “it does not matter whether the other party to the negotiations is a twentieth-century communist state or an eighteenth-or nineteenth-century European state. In either case, the fruits of diplomacy have been looked on with suspicion.” For more, see, Glen P. Hasted, “The Global Context,” in *American Foreign Policy: Past, Present, and Future*, 10<sup>th</sup> ed. (Lanham, MD: Rowman & Littlefield, 2014), 72.

<sup>71</sup> Derek E. Mix, *The European Union: Foreign and Security Policy* (Washington, DC: U.S. Library of Congress, Congressional Research Service, April 8, 2013), 8.

<sup>72</sup> Jurgen Brauer, “Survey and Review of the Defense Economics Literature on Greece and Turkey,” *Defence and Peace Economics* 13, no. 2 (2002): 103.

<sup>73</sup> “The second consequence [of the American National Style] is the existence of a double standard in judging the behavior of states.” For more, see, Hasted, “The Global Context,” in *American Foreign Policy*, 71.

<sup>74</sup> Barack Obama, *National Security Strategy* (Washington, DC: The White House, February 2015), 13, [https://www.whitehouse.gov/sites/default/files/docs/2015\\_national\\_security\\_strategy.pdf](https://www.whitehouse.gov/sites/default/files/docs/2015_national_security_strategy.pdf); Ronald O’ Rourke, *Maritime Territorial and Exclusive Economic Zone (EEZ) Disputes Involving China: Issues for Congress* (Washington, DC: U.S. Library of Congress, Congressional Research Service, December 22, 2015), 29.

<sup>75</sup> Scenario-based forecasting is one method of forecasting potential possibilities that can inform the action and/or impact the discretion of organizations. For more see, R. Craig Bullis and Thomas P. Galvin, *Scenario-Based Forecasting: A Primer*, Faculty Working Paper (Carlisle Barracks, PA: U.S. Army War College, June 2015).

<sup>76</sup> Thomas C. Schelling, “The Diplomacy of Violence,” in *Arms and Influence* (New Haven, CT: Yale University Press, 1966), 1-34.

relations because history has shown that whenever a state, especially Turkey, suffered a major geostrategic setback but retained the bulk of its military capabilities, it sought to rebalance its interests elsewhere.<sup>77</sup> The devastating Greek military defeat in the 1920-1922 Asia Minor War by the post-WW I Turkish forces under Mustafa *Kemal (Atatürk)* remains fresh in the minds of Greeks even after 94 years. The second wild card would be a Russian-Turkish low-grade regional conflict that may include open hostilities and limited war. Such an event would have wider geostrategic implications due to Turkey's NATO membership, its control of the strategic Bosphorus-Dardanelles choke-point, and Russia's desire for a permanent military presence in the Middle East.<sup>78</sup>



Figure. Scenario-Based Forecasting for Greek-Turkish Relations 2016-2026

*“Friends.”* In this scenario, Turkey's internal Kurdish separatism has ceased. The Turkish occupation forces have withdrawn from the re-unified island of Cyprus. Turkey has transformed into a *mature democracy*. The Turkish claims over the Aegean Sea have been resolved on the basis of applicable provisions of International Law. In general, the Eastern Mediterranean enjoys peace, economic development and prosperity. Signposts that indicate the strong likelihood of the “Friends” scenario would be an announcement that Turkish claims will be resolved on the basis of International Law, or that Greece and Cyprus unconditionally support Turkey's accession into the EU.

*“Partners.”* In this scenario, Turkey continues to be a great, moderate *Islamic democracy* in an unstable region. Turkey's claims against Greece have not yet been resolved. The two countries have come together on less significance level issues due to international encouragement to address regional problems stemming from instability. Turkey has increased investments in Greece because of the existing opportunities resulting from the Greek economic recession and Greece has wider access to Turkish markets. The Republic of Cyprus enjoys continued negotiations for the re-unification of the island with increased prospects for a viable agreement. Turkey initiates efforts to decreased friction in the Aegean Sea. Signposts for this scenario would be the execution of combined operations (e.g. between the Hellenic and Turkish Coast Guards) in the Aegean Sea to address

<sup>77</sup> The Middle East region possesses characteristics of a complex adaptive system (CAS) because state and non-state actors are forming a unified whole through regular interaction and interdependence, and the existing problems are linked to one another. Based on this assumption, a Turkish strategic defeat in the East would create dire consequences in the West (i.e., Greece, Bulgaria) because the system would seek equilibrium. For more about CAS see, Malcolm Gladwell, “The Mosquito Killer,” *New Yorker*, July 2, 2001, 42–51.

<sup>78</sup> Jonathan Altman, “Russian A2/AD [Antiaccess/Area-Denial] in the Eastern Mediterranean: A Growing Risk,” *Naval War College Review* 69, no. 1 (Winter 2016): 72-73.



asymmetric threats (e.g., refugee flows and migration into EU member states), or the execution of combined search and rescue (SAR) operations in the Eastern Mediterranean.

“*Opponents.*” In this scenario, Turkish governance has become *authoritarian* in an unstable region. The island of Cyprus either has remained divided with the Turkish military occupation forces in place or has been re-united under an agreement resulting from ongoing negotiations. Turkey has increased its claims against Greek sovereign territory, especially over the undersea energy resources in the Aegean Sea and the Eastern Mediterranean. Signposts for this scenario would be increased Turkish armed forces violations of Greek territory; Turkish covert operations in the Greek region of Western Thrace intended to influence the local Muslim minority; and continuous Turkish challenges of the Republic of Cyprus’ rights, if the Cyprus crisis has not been resolved.

“*Enemies.*” In this scenario, Greece and Turkey are embroiled in *open military conflict (war)*.<sup>79</sup> Military conflict between the two countries may occur in two forms. First, as a limited war of choice for Turkey in its effort to revise the Greek-Turkish borders and gain access to and control over the undersea energy resources in the Aegean Sea and the Eastern Mediterranean at Greece’s expense. Second, as a larger war between the two countries by accident or by intentional “accident” in the service of Turkish goals.<sup>80</sup> Such an event could escalate because of deteriorating Greek-Turkish relations and a serious incident in the Greek sea or air space of the Aegean Sea. Signposts for this scenario would be an increase in Turkish demands and military activities in the Aegean Sea and the Eastern Mediterranean. Concurrently, Turkey would demand that Greece grant “special territorial autonomy rights” to local Muslim minorities in the Greek territories of Western Thrace and in certain Greek islands in the Dodecanese.

The current state of Greek-Turkish relations fits in the “opponents” scenario. Turkish policy toward Greece and Cyprus includes elements of “*coercive gradualism.*” “Coercive gradualism” takes place when an “aggressor” state advances its interests against another state through the use of “threats and intimidation” and through a gradual “step-by-step process.”<sup>81</sup> For example, Turkish direct challenges to and violations of Greek sovereignty have not ceased, but have been coupled with the asymmetric threat posed by the large flows of refugee that end up on Greek shores.

The most desirable, “best-case” scenario for Greek-Turkish relations would be for Turkey to become a liberal democratic state and cooperate with Greece to promote economic development and prosperity under the “Friends” scenario.<sup>82</sup> For Turkey to become an open liberal democracy may well require a period of time that extends well beyond 2026. History suggest, however, that the likelihood that Greece and Turkey will become “Friends” in the next decade is minimal. Although a partnership

<sup>79</sup> “War is socially sanctioned violence to achieve a political purpose. War can result from the failure of states to resolve their disputes by diplomatic means.” For more see, U.S. Joint Chiefs of Staff, *Doctrine for the Armed Forces of the United States*, Joint Publication 1 (Washington, DC: US Joint Chiefs of Staff, March 25, 2013), I-2 - I-4, [http://www.dtic.mil/doctrine/new\\_pubs/jp1.pdf](http://www.dtic.mil/doctrine/new_pubs/jp1.pdf).

<sup>80</sup> For a real accident above on the Aegean Sea see, Kenneth Mackenzie, *Greece and Turkey: Disarray on NATO’s Southern Flag* (London: The Institute for the Study of Conflict, 1983), 8; For an “intentional accident” see the 2003 “Balyoz” (“Sledgehammer”) Turkish military conspiracy for destabilizing the elected moderate AKP, that was based on the pretext of an aerial combat incident with aircraft of the HAF, and a Turkish land invasion of Greek sovereign territory in Western Thrace. For more see, “236 Acquitted in Balyoz Coup Case,” *Hurriet Daily News*, March 31, 2015, <http://www.hurriyetdailynews.com/236-acquitted-in-balyoz-coup-case.aspx?pageID=238&nid=80408>. The incident of the Russian aircraft shot down by THK F-16s, at the Syrian borders on November 24, 2015, proves the unpredictability of Turkey and demonstrates the possibility of such events over the Aegean Sea.

<sup>81</sup> William G. Pierce, Douglas G. Douds, and Michael A. Marra, “Countering Gray-Zone Wars: Understanding Coercive Gradualism,” *Parameters* 45, no. 3 (Autumn 2015): 51-61, [http://www.strategicstudiesinstitute.army.mil/pubs/parameters/issues/Autumn\\_2015/8\\_Pierce.pdf](http://www.strategicstudiesinstitute.army.mil/pubs/parameters/issues/Autumn_2015/8_Pierce.pdf).

<sup>82</sup> Francis Fukuyama, *The End of History and the Last Man* (New York: Free Press, 2006), 43-51, 262-264.

would be more likely, becoming “partners” does not guarantee the preservation of peace in long-term because it does not resolve the existing and continuing Turkish claims.

More likely are the remaining options that Greece and Turkey will become either “Opponents” or “Enemies” in the near term due both to historic events and numerous military incidents in the comparatively recent times.<sup>83</sup> Furthermore, the presence of energy resources in the Eastern Mediterranean, the changing geopolitical situation, and Turkey’s irredentist policies and unpredictability, complicate Greek-Turkish relations. While the Greek national goal should be to move from the “opponents” towards the “Friends” scenario, the recommendation is that Greek security planners and strategists ought to assess Turkey as an “Enemy” and revise the nation’s strategies with regard to the prospect and risks associated with war. Usually a mutual respect exists between equals and “as the world goes, [right] is only in question between equals in power, while the strong do what they can and the weak suffer what they must.”<sup>84</sup> Conventional deterrence has been and continues to be the first line of defense. However, other measures including bilateral and multilateral security arrangements remain an open and in some respects an appealing alternative.<sup>85</sup>

### **A Revised National Security Strategy for Greece**

In recommending a revised national security strategy, *Greece must primarily rely on itself* to counter regional security challenges.<sup>86</sup> “[T]he sinews of war are not gold, but good soldiers,” which for Greece means “that the quest for security must necessarily translate itself” into a requirement for maintaining capable armed forces and a credible deterrence.<sup>87</sup> As “a power might be overrunning with gold and still defend itself very badly,” Greece needs to engage its military and diplomatic efforts to counter contemporary and future symmetric and asymmetric threats with the following prioritization during an era of economic austerity.<sup>88</sup>

#### **The Military First**

The military instrument’s overall goal should be to deter or defeat any Turkish aggression in violation of international law as well as to counter any asymmetric threats.<sup>89</sup> Based on these

<sup>83</sup> Nation, “Greece, Turkey, Cyprus, Brother Enemies,” in *War in the Balkans*, 279.

<sup>84</sup> Robert B. Strassler, ed., *The Landmark Thucydides: A Comprehensive Guide to the Peloponnesian War* (New York: The Free Press, 1996), 352.

<sup>85</sup> The risky and unstable Turkish foreign policy in the Middle East provides corresponding opportunities for Greek national security interests. For more see, Pierce, Douds, and Marra, “Countering Gray-Zone Wars,” 57-58; See also in Greek, Vasilios Markezinis, *H Ellada ton Criseion: Prosopiko Dokimio (Greece of Crises: A Personal Statement)* (Athens, Greece: Livanis, 2011), 389-391.

<sup>86</sup> This is a “self-help system. State must rely on themselves to accomplish their foreign policy goals. To do otherwise runs the risk of manipulation or betrayal at the hands of another state.” For more, see, Hasted, “The Global Context,” in *American Foreign Policy*, 35-36. The U.S. President Barack Obama security policy supports “the self-help system.” “Part of his mission as president, Obama explained, is to spur other countries to take action for themselves, rather than wait for the U.S. to lead.” For more see, Goldeberg, “The Obama Doctrine.”

<sup>87</sup> Niccolò Machiavelli, “Money is Not the Sinews of War, although it Is Generally so Considered,” in *Conflict After the Cold War*, 297-299; Arnold Wolfers, “National Security as an Ambiguous Symbol,” *Political Science Quarterly* 67, no. 4 (December 1952): 490.

<sup>88</sup> Baron De Jomini, “Article XIII: Military Institutions,” in *The Art of War*, trans. Capt. G.H. Mendell and Lieut. W.P. Craighill (Radford VA: Wilder, 2008), 37.

<sup>89</sup> Deterrence by both (threat of) denial (the act of dissuading an enemy by convincing him that he cannot successfully achieve the aim he seeks), and punishment (the act of dissuading an enemy to refrain from an action by promising a punishing use of force should he engage in the action). Defeat in the use of military power to physically defeat an enemy. For more see, John F. Troxell, “Military Power and the Use of Force,” in *U.S. Army War College Guide to National Security Policy and Strategy*, 2<sup>nd</sup> ed. ed. J. Boone Bartholomees, Jr. (Carlisle Barracks, PA: U.S. Army War College, June 2006), 217-240, <http://www.strategicstudiesinstitute.army.mil/pdf/PUB708.pdf>; Deterrence by threat of denial can mainly be



objectives, the HNDF should be consolidated and re-organized by managing optimizing tradeoffs amongst combat readiness, force structure, and modernization, as follows:

*Combat Readiness.* This refers to the assessment of the HNDF capabilities to provide sufficiently trained and ready combat forces to successfully deter and defeat multiple forms of Turkish military aggression, e.g., from a localized crisis in the Aegean to a full scale war. To do so, Greece should develop even smaller, combined arms formations from the existing force capable of exercising mission command.<sup>90</sup> The transition to small well-trained forces would be a cost-effective solution and would create flexible and efficient units for rapid respond to evolving crises. The establishment of combined armor and mechanized infantry units in a unified base structure can lead to the immediate closure of 8-12 unnecessary military camps that are costly to man and maintain.<sup>91</sup> Adopting the concept of mission command would facilitate operations, improve command and control in the diverse, remote Greek theaters of operations, as well as enabling effective operations should communications failures (e.g., jamming, cyberattack) occur in theatre. Small unit and joint service initiatives and preventive measures *timely* exercised *within* the rules of engagement will help minimize the prospect that a localized crisis will escalate (e.g., avoiding a repetition of the 1996 Imia crisis) while presenting multiple dilemmas for enemy forces.

*Transformed Force Structure.* The HNDF should transform and adapt their structure to remain capable while less expensive and more economical. To do so, the country should impose manpower economies, disband units that do not affect combat readiness, and create a system that can mobilize society to be ready for war should it come. The long border with Turkey and the geographical disposition of the Turkish Armed Forces requires Greece to maintain its existing combat posture in Western Thrace and the Aegean Sea. Reducing the number of professional military personnel and increasing the number of conscripts in a balanced fashion could assist with manpower economies.<sup>92</sup>

On the other hand, Greece should disband unnecessary units (e.g., support units and/or services unnecessary to war fighting) and further enhance force structure by re-organizing its society for a potential war with Turkey. As Clausewitz recounted, after the French Revolution:

[T]he people became a participant in war; instead of governments and armies as heretofore, the full weight of the nation was thrown into the balance . . . nothing now

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achieved by making; allies; the coveted piece of territory harder to take; adversary's coveted object harder to keep; economic development. For more see, A. Wess Mitchell, "The Revisionist: The Case for Deterrence by Denial," *The American Interest*, August 12, 2015, <http://www.the-american-interest.com/2015/08/12/the-case-for-deterrence-by-denial/>.

<sup>90</sup> In the exercise of the mission command subordinates, having assumed appropriate delegation of authority and responsibility, plan and conduct individual warfighting missions and tasks based upon their understanding of the local situation without being under the direct and superior commanders' command and control but within the overall strategic and/or operational theater intent. For more see, Eitan Shamir, *Transforming Command: The Pursuit of Mission Command in the U.S., British, and Israeli Armies* (Stanford, CA: Stanford University Press, 2011); The U.S Department of the Army defines mission command as, "Mission Command is the exercise of authority and direction by the commander using mission orders to enable disciplined initiative, within the commander's intent to empower agile and adaptive leaders in the conduct of unified operations." For more see U.S. Department of the Army, *Mission Command*, Army Doctrine Publication (ADP) 6-0 (Washington, DC: U.S. Department of the Army, May 2012, Includes Change 2, March 12, 2014), 1, [http://armypubs.army.mil/doctrine/DR\\_pubs/dr\\_a/pdf/adp6\\_o.pdf](http://armypubs.army.mil/doctrine/DR_pubs/dr_a/pdf/adp6_o.pdf).

<sup>91</sup> Greece has 12 infantry and armor brigades. Establishing infantry and armor in the unified bases during peacetime would lead to the immediate closure of 8-12 bases. For the Hellenic Defense Budget and force structure see, JANE'S, Aerospace, Defence & Security, "World Armies: Greece," <https://janes-ihs-com.usawc.idm.oclc.org/CustomPages/Janes/DisplayPage.aspx?DocType=Reference&ItemId=+++1319231&Pubabbrev=JWAR>.

<sup>92</sup> The average annual budget for professional manpower members is \$23,317 (constant 2015 USD). Reducing the professional personnel by 1,000 members the savings will be \$23,317,000 per year. It is estimated that professionals are 50,000-70,000. To counterbalance the decrease of professionals the conscripts should be in service at least 12 months instead of 9 months that they are today. The budget for conscripts is lower than professional military personnel. For more about the Greek defense budget, see, *Ibid*.

impeded the vigor with which war could be waged, and consequently the opponents of France faced the utmost peril.<sup>93</sup>

In 1998, Greece introduced the “all peoples’ defense,” (i.e., Law 2641/1998), a local mobilization system for non-active or reserve military personnel, to participate in the national defense. This system should be re-organized due to lessons learned from recent wars, especially from the 2006 Israeli-Hezbollah War in Lebanon. In that war, small Hezbollah formations (e.g., village fighters and permanent Hezbollah military members) successfully executed decentralized defensive operations against ground units of the Israeli Defense Forces (IDF) that enjoyed complete command of the air, considerable fire support, and C4I capabilities.<sup>94</sup>

*Modernization.* Greece should direct some of the savings from the enhanced combat readiness and the transformed structure to gradually modernize its Army with assistance from the domestic defense industrial base. To increase funds, Greece should utilize the property of its National Defense Fund (e.g., real estate, etc.) and seek voluntary contributions earmarked for defense from supporters both at home and abroad.<sup>95</sup> The government could promote and appropriately manage private initiatives reminding people that in ancient Greece most public infrastructure improvements were built with the *liturgy*, a voluntary contribution from the rich to the city-state of Athens.<sup>96</sup> The HMOD should develop a cost effective acquisition culture and regularly review the acquisition programs and processes by prioritizing aviation and aerospace capabilities. Under this strategy, new defense system acquisitions would be limited to upgrades and limited procurement of used ones.

To modernize the Army and upgrade existing systems, the HNDF should maximize engagement with the domestic defense industrial base. Greece should support industry initiatives to identify new markets abroad, participate in multinational defense programs, and/or engage in the production of dual-use items while keeping manufacturing lines open, remaining in the market, and supporting the HNDF sustainment.<sup>97</sup> Greece should also revise its policies in accordance with European legislation to protect certain domestic arms production. Not *all* Greek military procurement of equipment, munitions, and consumables needs to be unquestionably subjected to the EU’s “open bidding” rules; domestic co-production arrangements or repairs should be actively pursued with all foreign manufacturers. The creation of a unified procurement service that awards contracts for the HNDF as well as for the National Police, National Fire Service Corps, and Coast Guard, could provide economies of appropriate scale and scope.

## Diplomacy Supported by Information

Diplomacy goals should be to preserve peace in the region and resolve Turkish claims through the application of International Law. Sufficient intelligence, information, and cyber operations should support diplomacy efforts. Diplomacy should primarily focus on:

<sup>93</sup> Carl Von Clausewitz, “Book Eight: Scale of the Military Objective and of the Effort to be Made,” in *On War*, eds. and trans. Michael Howard and Peter Paret (Princeton, NJ: Princeton University Press, 1976), 591-592.

<sup>94</sup> Anthony H. Cordesman, George Sullivan, and William D. Sullivan, *Lessons of the 2006 Israeli-Hezbollah War* (Washington, DC: Center for Strategic and International Studies, 2007), 80-84.

<sup>95</sup> The National Defense Fund is the owner of 0.19% of the total Greek land surface area. For more, see, <http://www.ndf.gr/en.html>.

<sup>96</sup> Acquisition of the “Averof” battle cruiser, the mainstay of the Royal Hellenic Navy during the 1912-1913 Balkan Wars, was achieved through a liturgy. The warship bears the name of its donor. For more, see, <http://www.averof.mil.gr/>. A number of private donors have come forward with monetary donations that cover the acquisitions of small patrol boats and assault craft utilized by Hellenic Army and Hellenic Navy special operations forces.

<sup>97</sup> Thanos Dokos and Christos Kollias, *Greek Defense Spending in Times of Crisis: The Urgent Need for Defence Reform*, ELLAMEP Thesis (Athens, Greece: ELIAMEP, March 2013), [http://www.eliamep.gr/wp-content/uploads/2013/03/ELIAMEP-Thesis-1-2013\\_Th.Dokos-Ch.Kollias1.pdf](http://www.eliamep.gr/wp-content/uploads/2013/03/ELIAMEP-Thesis-1-2013_Th.Dokos-Ch.Kollias1.pdf).

*Bilateral Greece-Turkey Diplomacy.* Greece's objective should be the continuation of rapprochement with Turkey to adjust relations by mutual agreement or to bring Turkish claims before the International Court of Justice. Greece, in coordination with Cyprus, should support Turkey's EU accession if Turkey formally recognizes the Cyprus Republic, plans to withdraw its occupation forces from the island, and respects the principle of good neighborly relations.

*Greece-NATO-EU CFSP Diplomacy.* Greece, with advanced modern weapons, should strengthen its participation in NATO and the EU CFSP. Greece, honoring its commitment to NATO, and despite its financial constraints, continued to allocate "more than two percent" of its GDP to defense in 2015 in sharp contrast to other NATO allies with much stronger economies.<sup>98</sup> Greece should be actively engaged in the international arena and continue to join in multilateral peace operations and humanitarian missions under U.N., NATO or EU auspices. Greece's strong presence in these organizations would establish mutual trust, elevate Greek credibility, and create an environment for stronger support for Greek positions. Greece should also support EU initiatives aiming to create a European Army under CFSP.<sup>99</sup> A European Army that can intervene, even as a "tripwire" force, would be useful in deterring external aggression against any EU member state.

*Greece-U.S. Diplomacy.* Since WW II, Greece and the United States have maintained very good relations and the HNDP benefitted from major U.S. military grant programs until the 1980s.<sup>100</sup> Greece still takes advantage of the U.S. Excess Defense Articles (EDA) program. In 1976, certain indications demonstrated that the U.S. provided Greece informal assurances that, "if the Turks should attack [Greece], the U.S. would not stand idly by."<sup>101</sup> Until 2009, Greece maintained a robust modernization program for the HNDP with some of the most advanced F-16s and Long Bow Apaches added to the inventory. This ability no longer exists, however, and Greece cannot afford an arms race with Turkey. Common Greek and U.S. interests in the Eastern Mediterranean, in view of the instability in the Middle East, necessitate enhanced U.S. security assistance and cooperation programs with the HNDP. The U.S. military utilizes the Hellenic base for the 6<sup>th</sup> Fleet and U.S. Air Force, in Souda Bay, Crete, which is an important military base with anchorages and the longest runways in the Eastern Mediterranean (e.g., Libya's operations in 2011). Greece also maintains good relations with Israel, the Arab world, and Iran which highlights the importance of its location.<sup>102</sup> On this basis, Greece should seek closer assistance and military cooperation with the U.S. and work to balance Turkey's role in U.S. foreign policies in the region.<sup>103</sup>

*Greece-Russia/China Diplomacy.* Although Greece is a member of NATO and the EU, this does not prevent the pursuit of appropriate Greek initiatives with powers who impact developments in the Balkans and the Eastern Mediterranean such as Russia and China. Greek-Russian relations go back

<sup>98</sup> "Well, [countries spend more than 2% in defense] it is the United States, the United Kingdom, Estonia, Poland and Greece. They are the five nations spending more than two percent." For more, see, Jens Stoltenberg, "Remarks by NATO Secretary General Jens Stoltenberg at the European Parliament Committee on Foreign Affairs and its Subcommittee on Security and Defence," February 23, 2016, [http://www.nato.int/cps/en/natohq/opinions\\_128311.htm?selectedLocale=en](http://www.nato.int/cps/en/natohq/opinions_128311.htm?selectedLocale=en).

<sup>99</sup> *President Schulz: We Need a Common Foreign and Security Policy* (Washington, DC: HT Media Ltd, March 15, 2015), <http://search.proquest.com/docview/1663424126?accountid=4444>.

<sup>100</sup> George P. Bozikas, *U.S. Security Assistance and Regional Balance of Power: Greece and Turkey, A Case Study*, Strategy Research Project (Carlisle Barracks, PA: U.S. Army War College, April 1998), 25-45.

<sup>101</sup> This assurance (not a binding U.S. commitment) is said to be given by Henry Kissinger, then U.S. Secretary of State in 1976. For more see, Mackenzie, *Disarray on NATO's Southern Flank*, 10-11.

<sup>102</sup> Thanos Dokos, "Letter from Athens," *Carnegie Europe: Strategic Europe*, blog entry posted May 8, 2015, [http://carnegieeurope.eu/strategieurope/?fa=60024&mkt\\_tok=3RkMMJWWfF9wsRojuqXJZKXonjHpfsX66OUtXqag38431UFwdcjKPMjrtYcJSsVoaPyQAgobGp5I5FEIQ7XYTLB2t60MWA%3D%3D](http://carnegieeurope.eu/strategieurope/?fa=60024&mkt_tok=3RkMMJWWfF9wsRojuqXJZKXonjHpfsX66OUtXqag38431UFwdcjKPMjrtYcJSsVoaPyQAgobGp5I5FEIQ7XYTLB2t60MWA%3D%3D).

<sup>103</sup> "In 2009, Turkey paid lobbying firms, including those Livingston and former congressmen and presidential candidate . . . , almost 1.7 million to work on its behalf." For more see, Glenn P. Hastedt, "Society," and "Congress," in *American Foreign Policy*, 122-29, 127.

to the 19<sup>th</sup> Century, when Russia assisted Greece in its War of Independence against the Ottoman Turkish Empire in the 1820s. In the 1870s, when Russia initiated the concept of *Panslavism* (e.g., a Russian sphere of influence in Europe encompassing all the Slavs), Greece “stopped looking to Russia” for support and became more aligned with western powers in protecting its security interests.<sup>104</sup> Russia has historically been actively involved in the affairs of the Middle East and the Eastern Mediterranean.<sup>105</sup> Russian national security interests in these regions currently encompass both Cyprus (primarily economic and commercial), and Syria. Russia’s military presence and the friction with Turkey act as countervailing factors for the Turkish aims of geopolitical revisionism.<sup>106</sup> Thus, Greece must also maintain an open avenue for diplomacy with Russia.

A similar approach is warranted for Greek-Chinese relations. China is a major investor in the partially privatized commercial harbor of Piraeus, and uses its container facilities for the movement of imported products into the rest of Europe. This containerized cargo provides an economic boost to Greece by using the Greek railroad network to transport goods out of country. It also reflects a large Chinese interest in using Greece to ensure the efficient flow of commerce in the region. Thus, diplomacy with China can provide an additional avenue for airing Greek national security issues and regional concerns, especially with regard to the transfer of missile technology for development of Turkish long-range rockets and theater ballistic missiles (e.g., Yildirim TBM), which is well-known and somewhat worrisome for Greek defense planners.<sup>107</sup>

*Regional Diplomacy.* Greece needs to establish agreements concerned with managing crises associated with the necessity to protect their EEZs with non-NATO countries, such as Israel, Egypt, and Cyprus. Cyprus and Egypt have already engaged in trilateral summits to cooperate in exploiting undersea hydrocarbon reserves in the region.<sup>108</sup> Such initiatives should continue to produce tangible results and be expanded to include other countries such as Lebanon. Since 2008, the military cooperation between the HNDP and the IDF has increased through joint exercises that often involve U.S. and other NATO military units.<sup>109</sup> With NATO members, such as Italy, Bulgaria and Albania,

<sup>104</sup> “The *Gentleman’s Magazine* claimed that Panslavism convinced Greece to stop looking to Russia, with whom they had opposing views of liberty, for support, since they feared absorption into a Russian-dominated Slavic state. As a result, Greek nationality has now become thoroughly distinguished from Greek Christianity.” For more see Eric Edmund Kleist, “European or Oriental? British Perceptions of Russia in the Nineteenth Century,” 2003, 279-280, <http://search.proquest.com/docview/305333213?accountid=4444>, citing Arthur Arnold, “The Claims of Greece,” *Gentleman’s Magazine* 246 (July 1879): 707-708.

<sup>105</sup> Eleni Mahaira-Odoni, “Government and Politics: Foreign Policy, Russia,” in *Greece: a Country Study*, 264.

<sup>106</sup> Reference to Cyprus crisis in 1963-1964, Letter of U.S. President Lyndon Johnson to Turkish Prime Minister Ismet Inonu – non-NATO involvement in the event of Turkish invasion of Cyprus and Soviet intervention opposing such invasion. For more see, Bozikas, *U.S. Security Assistance and Regional Balance of Power: Greece and Turkey*, 18.

<sup>107</sup> HIS, Aerospace, Defence & Security, “Turkey>Strategic Weapons System: Ballistic Missiles, Project J,” *Jane’s Sentinel*, December 8, 2015, <https://janes-ihc-com.usawc.idm.oclc.org/Janes/Display/1303302>.

<sup>108</sup> In the 1<sup>st</sup> trilateral summit in Cairo, on November 8, 2014, Cyprus, Greece, and Egypt recognized “that the discovery of important hydrocarbon reserves in the Eastern Mediterranean can serve as a catalyst for regional cooperation.” They “stress that this cooperation would be better served through the adherence with the countries of the region to well established principles of international law.” In this respect, they “emphasize the universal character of the UN Convention of the Law of the Sea (UNCLOS), and decide to proceed expeditiously with our negotiations on the delimitation of our maritime zones, where it is not yet done.” For more see, State Information Service Egypt, “Egypt-Greece-Cyprus, Trilateral Summit, Cairo Declaration,” November 9, 2014, <http://www.sis.gov.eg/En/Templates/Articles/tmpArticleNews.aspx?ArtID=83738#.Vj9bu7cvfIU>; Hellenic Republic Ministry of Foreign Affairs, “Cyprus- Egypt-Greece, 2<sup>nd</sup> Trilateral Summit, Nicosia Declaration,” April 29, 2015, <http://www.mfa.gr/en/current-affairs/news-announcements/cyprusegyptgreece-2nd-trilateral-summit-nicosia-declaration-29-april-2015.html>.

<sup>109</sup> Greece and Israel have participated in various exercises together or with other countries during the last decade. For more see, “Israel Holds Naval Drill with U.S and Greece,” *The Jerusalem Post*, May 7, 2015, <http://www.jpost.com/Israel-News/Israel-holds-naval-drill-with-US-Greece-402343>; “Israel Participates in Joint Exercise in Greece Against Iran’s S-300 Missiles,” *JP Updates*, May 19, 2015, <http://jpupdates.com/2015/05/19/israel-participates-in-joint-air-exercise-in-greece->

defense agreements can be initiated in accord with NATO's *smart defense policy* to share and pool manpower and/or use of costly military equipment for mutual benefit.<sup>110</sup>

The recommendations for a revised national security strategy balances military strength with diplomacy. The Greek government should work hard to re-organize the HNDF and stress to NATO allies and the U.S. officials the strategic importance of Greece in the geopolitical region.<sup>111</sup> A relative balance of military power between Greece and Turkey is consistent with the interests of NATO and the U.S. in an era where Turkey could become an unreliable, authoritarian, and possibly unstable partner posing risks to NATO's Southern Flank. Until Greece has full NATO and U.S. support, it should revise its military strategy.

## Conclusion

Since 1974, Greece has established a defensive military strategy with an operational and tactical posture against Turkey based on a balance of power mentality. This strategy is no longer sufficient. To shape the future operational environment, Greece must revise its military strategy and maintain flexible "defensive-offensive methods based on high mobility that carries the power of quick riposte," by exploiting the elements of movement and surprise." By simultaneously enacting the above national security strategy recommendations and applying a mixture of theories of war<sup>112</sup> advanced by Clausewitz, Jomini, Corbett, and Sun Tzu, Greece can begin to realize its current national security goals without jeopardizing its long term future during an era of fiscal austerity. These theorists illuminate the potential of employing various means to maintain national sovereignty and cultivate a stronger, more robust regional presence. Discussed here are four areas of particular import to Greece in the near term: landpower, naval warfare, national security strategy, and force morale.

### Landpower

Clausewitz maintains that defense is a stronger form of fighting than attack. His suggestion "to begin defensively and end by attacking," can help in forming theater strategies for protecting the territorial integrity of both the Greek land borders and the Aegean islands.<sup>113</sup> Equally useful is Jomini's endorsement of the concepts of total social mobilization for war, of dislocating the enemy, and the freedom of military commanders to wage war in accord with scientific principles.<sup>114</sup> Greece needs to embrace these concepts in order to effectively re-organize its land force structure by focusing on smaller mobile or armored units and Special Forces units with enhanced firepower, as well as mobilizing its society for a potential war.<sup>115</sup> In this context, Greece should maintain its alignment of land forces to the East in order to cope with the Turkish symmetric threat and keep smaller, mobile units on the frontiers with Albania and FYROM for coping with potential asymmetric threats.

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[against-irans-s-300-missiles/](#); "Greek Participation in US-Israel Military Drill Meant as a Message to Turkey," *Israel Hayom*, April 1, 2012, [http://www.israelhayom.com/site/newsletter\\_article.php?id=3775](http://www.israelhayom.com/site/newsletter_article.php?id=3775).

<sup>110</sup> Keith Hartley, "The Economics of Smart Defense," *Connections: The Quarterly Journal* 12, no. 3 (Summer 2013): 1-7.

<sup>111</sup> For the importance of Greece today see, David Lerman and Nicole Gaouette, "Admiral James Stavridis Interview: Greek Debt Crisis Risks NATO Withdrawal, New Refugee Surge," *Bloomberg Business*, June 29, 2015, <http://www.bloomberg.com/news/articles/2015-06-30/greek-debt-crisis-risks-nato-withdrawal-new-surge-of-refugees>.

<sup>112</sup> Basil H. Liddell Hart, "Grand Strategy," in *Strategy: The Classical Book on Military Strategy*, 2nd ed. (New York: Penguin, 1991), 323-324, 355.

<sup>113</sup> Clausewitz, "Book Six: Defense," in *On War*, 357-501.

<sup>114</sup> John Shy, "Jomini" in *Makers of Modern Strategy from Machiavelli to the Nuclear Age*, ed. Peter Paret (Princeton, NJ: Princeton University Press, 1986), 154-155, 161.

<sup>115</sup> Jomini, "Article VIII: National Wars," in *The Art of War*, 19-24.



## Naval Warfare

Corbett's theory of naval warfare provides a framework for the Hellenic Navy to counter challenges in the Aegean Sea and the Eastern Mediterranean. Following Corbett's logic, the Hellenic Navy should exercise control of passages and the sea lines of communication, and hold command of the sea by, if warranted, counterattacks.<sup>116</sup> In order to deter Turkish efforts to occupy an island, Greek naval power will maintain control in the comparatively narrow spaces of the Aegean Sea, intercept and destroy amphibious forces, protect sea lines of communication, deploy decisive military power from the mainland shores to islands against air mobile or amphibious assault, and protect Greek EEZ interests.<sup>117</sup> Fiscal austerity effects the procurement and the deployment of larger Navy warships (e.g., missile guided frigates), although such warships remain valuable for surface and anti-air warfare tasks). The adoption of new military technologies (e.g., UAVs) in combination with littoral combat ships equipped with precision guided munitions (PGMs), submarines, and unconventional tactics can provide appropriate capabilities.<sup>118</sup> The civil-maritime industries in Greece can assist with building, expanding and repairing these particular capabilities. Such assets, by exploiting the coastal topography under a coordinated joint plan, can expose the enemy's surface fleet to unacceptable losses, safeguard Greek maritime space, and secure the country's interests in the Eastern Mediterranean.

## National Security Strategy

Sun Tzu's theory of war provides the best perspective as Greece seeks to develop a strong, forward-looking, reality-based national security strategy. Sun Tzu provides a framework for developing a revamped, comprehensive military strategy that can address symmetric and asymmetric threats in a complex geopolitical environment. Sun Tzu focused on the preeminence of *intelligence* about the enemy and *self-knowledge* about your own objectives and capabilities.<sup>119</sup> The undeclared Greek-Turkish conflict exemplifies Sun Tzu's theory: although the two countries have not directly engaged in actual military hostilities—except in very limited circumstances (e.g., Cyprus 1974)—the instrument of military power of both nation-states has been positioned and used to achieve political ends. Sun Tzu's emphasis on the use of deception, surprise, intelligence, and maneuver to achieve strategic and operational objectives with little or no fighting, combined with his ideas about attacking portions of the enemy with the whole available force, make his theory particularly salient to Greek security planners and national security experts. The implementation of Sun Tzu's theory at the operational level will require a renewed emphasis on the concept of *joint* planning and operations among all branches of the HNDF.<sup>120</sup>

## Force Morale

Clausewitz's theory on the military's moral elements provides a foundation for increasing morale among uniformed personnel. Welfare (e.g., pay, housing, and recreation), discipline, and

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<sup>116</sup> Julian S. Corbett, *Principles of Maritime Strategy* (Mineola, NY: Dover, 2004), 167-168.

<sup>117</sup> Coloumbis and Dokos, "National Security Doctrine," in *Greece: A Country Study*, 285-287.

<sup>118</sup> Geoffrey Till, *Seapower: A Guide for the Twenty-First Century*, 2<sup>nd</sup> ed. (New York: Routledge, 2009), 71-74.

<sup>119</sup> Sun Tzu, "III: Offensive Strategy," in *The Art of War*, trans. Samuel Griffith (London: Oxford University Press, 1971), 84.

<sup>120</sup> William T. Johnsen, *Re-Examining the Roles of Landpower in the 21<sup>st</sup> Century and Their Implications* (Carlisle Barracks, PA: U.S. Army War College, Strategic Studies Institute, November 2014), 8-16.

training are the factors most affecting military morale.<sup>121</sup> The series of cuts in welfare and training, due to economic austerity, has potential effects on the military's confidence and pride, in their leaders, and in their teams. This must be changed although improvements must be cost effective. Clausewitz stated that the principal moral elements are the skill of the commander; the experience and courage of the troops; and their patriotic spirit.<sup>122</sup> Military leadership must select capable unit commanders who can lead by example and trust their subordinates through efficient mission command. In an effort to provide sufficient training, the leadership should introduce realistic training by appropriately combining the use of technology (e.g., use of simulators) and real life missions training (e.g., the Hellenic Navy's regular patrolling in the Aegean Sea can be combined with Special Forces training). Governmental leadership should also communicate trust to the military to instill the self-confidence and increased patriotic spirit needed if they are to continue giving their best, even when they have to endure the worst as Greek national sovereignty is at stake.<sup>123</sup>

The theories of war advanced by Sun Tzu, Clausewitz, Jomini, and Corbett, if applied appropriately, and combined with the recommendations herein will effectively contribute to a revised Hellenic Military Strategy. Because of Greece's unique geo-socio-historic position, Greece has "survived the relentless sands of time only through the use of stratagems."<sup>124</sup> Sun Tzu's Theory of War, therefore, is the most readily applicable. In these troubling times of fiscal austerity and human migration, should neighboring countries further threaten the sovereignty of Greece, it will take more than one Trojan Horse to end the conflict. Absent unwavering commitment from across the pond, a Greek embrace of contemporary stratagems in the style of Sun Tzu may well be the best hope Greece has to protect its citizenry and national security interests.

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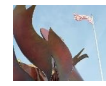
<sup>121</sup> J. G. Shillington, "Morale," *The RUSI Journal* 156, no. 2 (April/May 2011): 96-98, <http://dx.doi.org/10.1080/03071847.2011.576482>.

<sup>122</sup> Clausewitz, "The Principal Moral Elements," in *On War*, 186.

<sup>123</sup> Lewis Sorley, *Thunderbolt: General Creighton Abrams and the Army of His Time* (New York: Simon and Schuster, 1992), 350-368.

<sup>124</sup> Dimitris Liantinis, "This is Missolonghi!" in *Gemma*, trans. Yiannis Tsapras, ed. Nikolitsa Georgopoulou-Liantini (Amazon, 2013), 127.





# Justified Physical Response to Cyber Attacks

Joseph W. Smotherman

*If attacks in cyberspace are assaults of one state against another, then the framework of Just War theory should still apply. Michael Walzer's Legalist Paradigm provides a rationale for determining the circumstances under which an armed response to a cyber-attack is morally permissible. While some parts of Just War theory directly apply to responses to Cyber Attacks, the others do not. Walzer describes Just Cause in terms of the natural rights of the citizens of a state. When a cyber-attack interrupts the ability of those citizens to make a life together or the "safe space" they create, then a physical response to a cyber-attack could be justified. This essay examines the relationship between Walzer's Legalist Paradigm and justifications for physical response to cyber-attacks.*

Keywords: *Cyberspace Operations, Just War Theory, Just Cause*

As the character of warfare evolves, new technology continues to push the limits of acceptability. The consequences of warfare in the cyber world do not fit neatly into society's paradigm of right versus wrong and what is just. Despite the old adage, not all is fair in war. In the rapidly developing world of cyberspace, each action will push the boundaries of propriety. Questions that previously had easy answers are no longer black and white: When Saddam Hussein's Iraqi Army pushed across the border of Kuwait on August 2, 1990, there was no doubt that his aggression was a cause for war, but today, if one country were to use attacks in cyberspace to cripple the infrastructure of another, the decision to retaliate is not so clear. All states should reserve the right to respond to a cyber-attack with force as a deterrent, and the United States has stated that it will consider physical responses to cyber-attacks. Deputy Defense Secretary William Lynn said "The United States reserves the right, under the laws of armed conflict, to respond to serious cyberattacks with a proportional and justified military response at the time and place of its choosing."<sup>1</sup> If a nation (not just the United States) must decide when to respond to a cyber-attack with physical force, then an appropriate framework must be established for recognizing cyber-attacks as armed attacks. If cyber-attacks are assaults by one state on another then the Just War framework should still apply, and as a more contemporary

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Joseph W. Smotherman (M.S.S. United States Army War College) is a Commander in the United States Navy. An earlier version of this article, written under the direction of Chaplain (Colonel) John Kallerson, earned a prestigious Army War College Foundation Daniel M. Lewin Cyber-Terrorism Technology Writing Award for the USAWC Class of 2016.

<sup>1</sup> Tom Gjelten, "Pentagon Strategy Prepares for War in Cyberspace," NPR, July 15, 2011, <http://www.npr.org/2011/07/15/137928048/u-s-military-unveils-cyberspace-strategy>.

conception of Just War, Michael Walzer's basic premise of the Legalist Paradigm provides a clearer lens for determining when an armed response is morally permissible. In terms of political sovereignty and territorial integrity, cyber-attacks can be a form of aggression and, therefore, just cause for war.

Attacks using cyber warfare have been examined from the perspective of the Law of Armed Conflict, and legal guidelines have been established. In spite of this, when a cyber-attack occurs, the leadership of the victimized country must decide when a physical response is justified.<sup>2</sup> This article explores when that is the case. The first section describes the cyber domain and makes the distinction between operations in the cyber domain and cyber-attacks. Following the discussion of the cyber domain, it briefly reviews classic Just War Theory (JWT) and examines the application of JWT to cyber-attacks through the lens of Michael Walzer's Legalist Paradigm and theory of aggression.<sup>3</sup> The discussion of JWT theory begins with the aspects of JWT that are straightforward, regardless of the nature of the attack and continues with an analysis of just cause—the lynchpin of the last three criteria. After a determination of just cause, the final three criteria of JWT are evaluated in the context of whether or not the cause for retribution is sufficient.

### Operations in Cyberspace

“Cyber” is a new aspect of the modern battlefield. Its evolution and arrival follows the Clausewitzian construct of the nature and character of war: The use of cyberspace in war is a new tool and method of fighting (the “character of war”) with the end of forcing an enemy to bend to the attackers will (the “nature of war”).<sup>4</sup> Because of the futuristic aspect of “cyberwar,” it becomes a phrase that is used in parlor discussions without specificity and is often shortened to just “cyber.”<sup>5</sup> For the sake of clarity, all definitions employed herein are adapted from Department of Defense Joint Publications. The first and most basic definition is that of cyberspace. Cyberspace is “A *global domain* within the information environment consisting of the interdependent networks of information technology infrastructures and resident data, including the Internet, telecommunications networks, computer systems, and embedded processors and controllers. [Emphasis added]”<sup>6</sup> The highlight of this definition is that cyberspace is a domain: “a sphere of knowledge, influence, or activity.”<sup>7</sup> Cyberspace becomes a location, albeit virtual, on par with the maritime, land, air, and space domains. Operations conducted in cyberspace are “employment of cyberspace capabilities where the primary purpose is to achieve objectives in or through cyberspace. Cyberspace operations (COs) are composed of the military, intelligence, and ordinary business operations of DOD in and through cyberspace.”<sup>8</sup> In short, cyber operations are any activities that take place in cyberspace, whether day-to-day activities or attacks. Cyber Operations can assume many forms. They can take the form of Information Operations (IO), or they can be full-fledged

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<sup>2</sup> Paul Nakasone, “Cyber Domain,” in *Theater Strategy and Campaigning* (Carlisle Barracks, PA: U.S. Army War College, 2015).

<sup>3</sup> Michael Walzer, *Just and Unjust Wars*, 5<sup>th</sup> ed. (New York: Basic Books, 2015).

<sup>4</sup> U.S. Army Maneuver Center of Excellence, “Maneuver Leaders Self Study Program: Nature and Character of War and Warfare,” <http://www.benning.army.mil/mssp/Nature%20and%20Character/>.

<sup>5</sup> Joint Publication 1-02, Figure B-3 identifies “cyber” as one of the most commonly misused terms in joint warfare. U.S. Joint Chiefs of Staff, *Department of Defense Dictionary of Military and Associated Terms*, Joint Publication 1-02 (Washington, DC: U.S. Joint Chiefs of Staff, November 8, 2010), B5.

<sup>6</sup> U.S. Joint Chiefs of Staff, *Cyberspace Operations*, Joint Publication 3-12 (Washington, DC: U.S. Joint Chiefs of Staff, February 5, 2013), GL4.

<sup>7</sup> Interestingly, DoD Joint Publications use the term “domain” regularly but never define it. This definition, from the Merriam-Webster online dictionary, applies to most, if not all, uses of “domain” in the Joint Publications.

<sup>8</sup> U.S. Joint Chiefs of Staff, *Cyberspace Operations*, II-1.

cyberspace attacks. In the past, all CO were considered subsets of IO, but have recently been separated as a unique form of warfare.

Separating cyberspace attacks from other operations conducted in cyberspace is a useful analytic tool.<sup>9</sup> Cyberspace attacks are those operations in cyberspace “that create various direct denial effects in cyberspace (i.e., degradation, disruption, or destruction) and manipulation that leads to denial that is hidden or that manifests in the physical domains.”<sup>10</sup> If the actions taken in cyberspace are not intended to deny or manipulate an adversary or enemy’s capability, then they are not attacks. Another definition, offered by the *Tallinn Manual*,<sup>11</sup> describes the application of international law to attacks in cyberspace.<sup>12</sup> The *Tallinn Manual* defines an attack as “a cyber operation, whether offensive or defensive, that is reasonably expected to cause injury or death to persons or damage or destruction to objects.”<sup>13</sup> The data stolen from defense contractors Boeing and Lockheed-Martin by Chinese hackers, for example, would not qualify as an attack due to the intent to acquire information rather than deny or manipulate U.S. systems.<sup>14</sup> A physical operation with the same effects would simply be espionage: treated as a criminal enterprise rather than a use of force.

Because of the relatively low entry cost to the cyber domain, it is accessible to many different actors, which contrasts with the assumption of classic JWT that war is an activity between established states.<sup>15</sup> In the modern world, although non-state actors may take part in war-like activity, warfare in its classic sense is still the providence of states, as evidenced by the United States quandary in dealing with fighters captured in the Global War on Terrorism. They do not represent any state and are therefore not subject to any of the moral or legal protections of warfare. In any case, a physical, armed response to non-state actors is still an act of war against the state in which they reside and any physical response to cyber-attacks must be considered in the same fashion. An analogy with the war in Afghanistan holds: the United States entered into war with the ruling Taliban because of their relationship with al Qaeda. If a non-state actor (or actors) performs an act of terrorism or a cyber-attack, any response against that actor in their location becomes an act against that state. Additionally, it could be expected that two states previously in a state of war would not have any moral quandary when deciding to respond to any attack with force. Because of this, examining responses to cyber-attacks through the lens of non-warring states provides clarity as a starting point, but extrapolation from state on state attacks to non-state actors become more closely aligned with recent principles developed in the Global War on Terrorism. New problems sometimes do not require new principles as much as they require an examination of the basics.

As a working definition, the *Tallinn Manual* is most restrictive, but it also leaves open the possibility of an adversary “working around the edges” by using temporary effects. The U.S. Department of Defense Joint Doctrine on Cyber Operations, Joint Publication (JP) 3-12 definition considers both intent (denial or manipulation) and permanent or temporary effects that may remain

<sup>9</sup> Kyle Genaro Phillips, “Unpacking Cyberwar: The Sufficiency of the Law of Armed Conflict in the Cyber Domain,” *Joint Force Quarterly* 70 (3<sup>rd</sup> Quarter 2013): 72-73.

<sup>10</sup> U.S. Joint Chiefs of Staff, *Cyberspace Operations*, II-5.

<sup>11</sup> Published by NATO’s Cooperative Cyber Defence Centre of Excellence.

<sup>12</sup> Michael N. Schmitt, ed., *Tallinn Manual on the International Law Applicable to Cyber Warfare* (Cambridge, UK: Cambridge University Press, 2013), 1.

<sup>13</sup> *Ibid.*, 106.

<sup>14</sup> “Su Bin, Chinese Man Accused by FBI of Hacking, in Custody in B.C.,” *CBC News*, July 12, 2014, <http://www.cbc.ca/news/canada/british-columbia/su-bin-chinese-man-accused-by-fbi-of-hacking-in-custody-in-b-c-1.2705169>.

<sup>15</sup> While the writings of Saints Augustine and Thomas Aquinas became Classic JWT predating the Westphalian conception of states, they treated war as an activity between princes. Such wars were more personality driven, but the analogy between pre-Westphalian princes and States, generally speaking, applies across the ages.

hidden or exist in the physical realm. Consequently, the JP 3-12 definition is more complete and allows for both deontological and teleological consideration of an attack.<sup>16</sup> Unfortunately, neither the *Tallinn Manual* (as an examination of international law) nor U.S. military joint doctrine affords adequate instruction for cyber-attacks that do not have physical effects but leave the leadership and populace of a country with the sense that a strong response is required.

## Just War Theory

The basis for international law surrounding the conduct of war began with the philosophical Just War Tradition that traces its roots to Aristotle, Cicero, and more popularly, Augustine.<sup>17</sup> Over the course of time, this tradition has been considered from three perspectives: *Jus ad bellum*, *jus in bello*, and *jus post bellum*. These phrases persist in both Just War tradition and in international law and each have specific conditions.<sup>18</sup> For this analysis, *jus ad bellum* (conditions for going to war) is the most salient.

The beginnings of a coherent Just War Theory were articulated by Saint Thomas Aquinas in *Summa Theologica*. He addresses what are generally considered to be the conditions necessary for a war to be “just:”

1. War must be declared by a nation state (*legitimate authority*).
2. There must be a *just cause* for which the war is being fought.
3. The intent of fighting must be morally worthy as well (*right intention*)

Later scholars added other criteria.

4. War must be a *last resort*.
5. There must be a *reasonable likelihood of success*.
6. The cost of fighting a war must be proportional to the wrong redressed (*proportionality of ends*).
7. Any war must not only be just in its cause, but also fought with *just means (jus in bello)*.<sup>19</sup>

The *jus in bello* criterion is sometimes separated from the broader *jus ad bellum*. *Jus in bello* applies to the individual soldier fighting the war, but it also applies to those directing the war in a larger sense. For the purposes of cyber-attacks, any actions must conform to *jus in bello* criteria as a whole, even though *jus in bello* is beyond the scope of this analysis.

Many of these criteria apply to attacks in cyberspace in much the same fashion they do to physical attacks (legitimate authority, right intention, probability of success), but others (just cause, last resort, proportionality of ends, and just means) are more difficult to shape because of evidence of an attack. In a world of physical warfare, the effects left behind by any act of aggression are easily identifiable. In a cyber-attack, the only evidence may be the destruction of information, or financial impact, or in some cases critical infrastructure that continues to malfunction with deleterious effects. While the first three criteria of Just War Theory (legitimate authority, right intention and probability of success) are essential, they change very little for responses to a cyber-attack. A state, rather than individuals acting alone, must respond in a fashion aligned with moral ends and be likely to achieve them.

<sup>16</sup> U.S. Joint Chiefs of Staff, *Cyberspace Operations*, II-5.

<sup>17</sup> Stanford Encyclopedia of Philosophy, “War,” July 28, 2005, <http://plato.stanford.edu/archives/fall2008/entries/war/>.

<sup>18</sup> Ibid.

<sup>19</sup> George R. Lucas, Jr. and Rick Rubel, eds., *Ethics for the Military Professional: The Moral Foundations of Leadership*, 4th ed. (Boston: Pearson Learning Solutions, 2011), 232-233.

The question of legitimate authority is easily applied, even to attacks waged in cyberspace. Since war is an activity, an armed conflict, between political entities it requires that those engaging in such activities represent such an entity.<sup>20</sup> The most common is the state, but an insurgency can represent populations as well. The pre-Westphalian world of Saint Thomas Aquinas did not recognize states as we know them; war was waged by and between princes. These princes controlled territory and were political rulers, and today this concept has evolved into the modern states. Modern day war remains an activity between those states. A state (and since only a state may wage war) that desires the moral and legal protections of *jus ad bellum* must be a recognizable (if not recognized) political entity. Otherwise, any response is simply a criminal activity to be dealt with internally.<sup>21</sup>

Right Intention is an issue that applies to responses to cyber-attacks in the same manner as traditional, physical uses of force. The intent of any response to a cyber-attack must be morally just. While this requirement follows from just cause, one state must act with an intent that—if motivated during any other form of warfare—would still pass the test. The ways, or manners, of response become less important.

As with any type of attack, one must be able to expect a reasonable chance of success. Whatever the espoused cause and desired ends of a response, there must be some chance that it may be successful, and must be related to proportionality of ends. While this criterion does not demand certainty of success, the degree of surety of a desired outcome must exist to the same degree as an attack for any other form of aggression.

#### The Central Problem: Just Cause

While the previous demands of Just War Theory change little for attacks in cyberspace, the others are less clearly defined. Just cause, last resort, and proportionality of ends are all more difficult to apply when dealing with attacks in cyberspace. One of the most prominent political philosophers currently considering contemporary issues in Just War Theory is Michael Walzer.<sup>22</sup> Walzer attempts to refine the Just War Theory for modern times. His most profound contribution is a definition of “just cause” in terms of the natural rights that man binds together in states to protect: rights such as life, liberty, and property. According to Walzer, war is justified when those natural rights are threatened.

In the cyber domain, the most problematic of the classic Just War Theory criteria for waging war is “just cause.” Early Just War Theorists such as Augustine of Hippo approached the warfare from the pacifist beginnings of the Christian Church, where killing was prohibited, but war became a necessary evil in order to govern the empire as Christianity spread.<sup>23</sup> This is considered the most important of the criteria, and a foundation for every other criteria. This often is broken down into two separate categories of “wrongs received:” self-defense and punishment for a grievous, uncorrected wrongdoing.<sup>24</sup>

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<sup>20</sup> R. Craig Nation, “History, Theory, War, and Strategy,” lecture, U.S. Army War College, Carlisle Barracks, September 9, 2015, cited with permission.

<sup>21</sup> For clarity and simplicity, any political entity will be referred to as a “state.” In the complex world of asymmetric warfare, many groups claim to be legitimate governments, but they are rarely attacked from outside (and when they are, the outside agents are typically asked to intervene by the ruling government, such as Russia’s involvement in the 2015 Syrian Civil War), making civil wars or insurgencies internal questions. See Stanford Encyclopedia of Philosophy, “War.”

<sup>22</sup> Institute for Advanced Study, “Michael Walzer,” <https://www.ias.edu/people/faculty-and-emeriti/walzer>.

<sup>23</sup> Lucas and Rubel, *Ethics for the Military Professional*, 232.

<sup>24</sup> Stanford Encyclopedia of Philosophy, “War.”

The first of these, self-defense, is viewed as the *only* just cause for war in international law in which a state may take unilateral action.<sup>25</sup> This right of self-defense applies not just to a country protecting itself, but also includes collective self-defense: the defense of other states.<sup>26</sup> Philosophers have long attempted to define the bounds of self-defense, and when applying “self-defense” to cyber-attacks, it becomes even more difficult. How does one determine self-defense when there are no invading armies? Can a war waged against a state that does not cross into another’s territory be considered self-defense? These questions become more critical in an age of expeditionary warfare. The United States, for example, has not fought a foreign nation on her shores since the Mexican American War in the 1840s, but the United States has fought in wars that were considered “just.” As an example, the beginning of the current conflict in Afghanistan is generally considered a just cause, but the government of Afghanistan did not invade the United States in the traditional sense. That government, on the other hand, offered aid and protection to those who attacked the U.S.

The second traditional cause for just war is the punishment of a state for some wrongdoing. The framework for punishment as just cause has always been problematic. Very little has been agreed upon, either in customary or international law, or even the basic premise behind what this punishment is intended to accomplish.<sup>27</sup> Walzer describes it simply as the international analogue to punishment for domestic crime: to prevent future aggression.<sup>28</sup>

Unfortunately, cyber-attacks do not fit nicely into either of these categories. Even if a cyber-attack has the same effects as an armed attack (perhaps an attack commands infrastructure to destroy itself, thereby causing the deaths of a large number of people), declaring it to be an attack that requires defense is difficult if there is no realistic threat of continued action that an armed physical response would interrupt. Walzer links his specific theory to traditional Just War Theory, saying “there is no reason why it can’t work”<sup>29</sup> in current times and explains that his is an attempt to describe the new character of war as it relates to Just War Theory. His question (and answer): “Do the same rules apply [to asymmetric war]?<sup>30</sup> I want to say that they do, but that requires an argument.”<sup>31</sup>

Walzer’s argument is centered on what he refers to as the “Legalist Paradigm.” The basis for this argument is that just cause for war is the maintenance of law and order in the international realm. In Walzer’s world, the *only* crime that a state may commit is termed “aggression.”<sup>32</sup> He compares it to domestic crimes, and lists a range of different categories among individuals, but when a violation of international rights occurs there is no other name for it than simply “aggression.” The comparison of violations on an individual level and an international one is what Walzer terms the “Domestic Analogy.”<sup>33</sup> This analogy leads to the *Legalist Paradigm* and has six propositions.

<sup>25</sup> Jeff McMahan, “Just Cause for War,” *Ethics & International Affairs* 19, no. 3 (Fall 2005): 1, [http://www.philosophy.rutgers.edu/joomlatools-files/docman-files/Just\\_Cause\\_for\\_War.pdf](http://www.philosophy.rutgers.edu/joomlatools-files/docman-files/Just_Cause_for_War.pdf).

<sup>26</sup> U.N. Charter, chapter 7, art 51. Chapter seven of the U.N. Charter allows for warfare in the case of international agreement through the UN, but absent an international agreement, self-defense is the only permissible cause for war. The First Gulf War in 1991 is an excellent demonstration of collective self-defense: Iraq invaded neighboring Kuwait, and the expulsion of Saddam Hussein’s forces was sanctioned by the United Nations Security Council and led by the United States.

<sup>27</sup> Michael Walzer, *Just and Unjust Wars*, 5th ed. (New York: Basic Books, 2015), 62.

<sup>28</sup> *Ibid.*, 63.

<sup>29</sup> *Ibid.*, xiv.

<sup>30</sup> Walzer specifically refers to “armies and insurgents” as modern war, but it seems fair to extrapolate his commentary to all forms of asymmetric warfare.

<sup>31</sup> Walzer, *Just and Unjust Wars*, xiv.

<sup>32</sup> *Ibid.*, 51.

<sup>33</sup> *Ibid.*, 58.



1. There exists an international society of independent states.
2. The international society has a law that establishes the rights of its members—above all, the rights of the territorial integrity and political sovereignty.
3. Any use of force or imminent use of force by one state against the political sovereignty or territorial integrity of another constitutes aggression and is a criminal act.
4. Aggression justifies two kinds of violent response: a war of self-defense by the victim and a war of law enforcement by the victim and any other member of international society.
5. Nothing but aggression can justify war.
6. Once the aggressor state has been militarily repulsed, it can also be punished.<sup>34</sup>

Since states are the collectivization of the rights of their citizens, then a state must have a claim to natural rights, a concept drawn from John Locke's writings on the nature of government. The two primary forms of these natural rights for a state are territorial integrity and political sovereignty. Any threat to either of the conditions is a threat to the state and constitutes aggression: the only just cause for war. When viewed from the perspective of territorial integrity and political sovereignty, then cyber-attacks can be aggression and just cause for war.

According to Walzer, since the members of the international order are states, and the only crime a state may commit against another state is aggression, therefore, that is "the name we give to the crime of war."<sup>35</sup> While aggression may be fighting, whether in a warring or other sense, the key to identifying aggression is that it interrupts the peace. "Peace" in this sense is not a world without fighting, but "peace with rights, a condition of liberty and security that can exist only in the absence of aggression."<sup>36</sup> The crux of Walzer's theory of aggression is that people band together to form states, and these states represent the collective natural rights of its citizens: "the duties and rights of states are nothing more than the duties and rights of the men who compose them."<sup>37</sup> These duties and rights are the natural rights Americans are familiar with from Locke's natural rights of man: life, liberty, and property (possessions).<sup>38</sup> Walzer declares threats to these rights as simply "aggression." Life and liberty in their collective form are political sovereignty and the collective property is territorial integrity. The political sovereignty is a long established contract: rather than a "transfer" of rights, the state protects the common lives of its citizens, which gives the state a moral standing to exist. If the state will not protect its citizens, then it loses that moral standing.<sup>39</sup> In addition to protecting political sovereignty, the state must also guard its territorial integrity. While protecting territorial integrity is not the same as ownership, Walzer compares it to the individual's right of property even in a home that she does not own. She must have some place safe from intrusion, and the existence of a state provides that space.<sup>40</sup>

As cyber technology continues to integrate with every aspect of daily lives, the likelihood of two adversaries using cyber operations to wage a war against each other grows. This is especially true if

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<sup>34</sup> Ibid., 61-63.

<sup>35</sup> Ibid., 58, 51.

<sup>36</sup> Ibid., 51.

<sup>37</sup> John Westlake, *Collected Papers*, ed. L. Oppenheim (Cambridge, England: 1914), 78, quoted in Walzer, *Just and Unjust Wars*, 53.

<sup>38</sup> John Locke, *The Works of John Locke: A New Edition*, ed. Rod Hay (London, England: McMaster University Archive of the History of Economic Thought, 1823), 107.

<sup>39</sup> Walzer, *Just and Unjust Wars*, 54.

<sup>40</sup> Ibid., 55.



one side has a distinct military disadvantage but desires a first strike or feels that a preemptive strike is justified.<sup>41</sup> Some legal writings, most notably the *Tallinn Manual*, consider only the physical effects of a cyber-operation: if the effects are comparable to a non-cyber-attack, then it may be considered an armed attack.<sup>42</sup> While this is an excellent starting point for identifying aggression, very few cyber-attacks will “look like” a physical armed attack in their results. A bomb leaves a large crater, while a cyber-attack may leave all equipment in place but in a non-working status. Evaluating these attacks from Walzer’s Legalist Paradigm and determining if an attack violates the natural rights of a state in the form of political sovereignty and territorial integrity, its “life, liberty, and property,” will help clarify whether these cyber-attacks that may not leave a “smoking hole” constitute aggression.

Many cyber-attacks are attacks on the political sovereignty of a state. The right of a people to be free from foreign “control and coercion”<sup>43</sup> is the keystone of political sovereignty. In a conventional war ideal, this would seem to mean physical occupation or perhaps even an assassination of a leader by a foreign nation, although if “assassination tends to become the norm of political affairs--indeed, civil politics would thus crumble into barbaric plots and conspiracies (as did Rome in its last centuries) in a race to gain power and mastery over others rather than to forge justifiable sovereignty.”<sup>44</sup> In the world of cyberspace, attacks may take many forms with the intent of coercing and controlling the targeted group with behavior change. In the extreme, a cyber-attack could be used to install a government favorable to an adversary. This is a circumstance to which a liberal democracy would be especially vulnerable. In other cases, this could take the form of an attack to terrorize a population in the way it institutes or enforces laws.

Recently, a foreign entity tried to use cyber operations to coerce a corporation not to market a product it had created. In November 2014, the computer network at Sony Entertainment Pictures was penetrated by hackers. These hackers, calling themselves the “Guardians of Peace” demanded that Sony stop the release of *The Interview*, a comedy critical of North Korean leader Kim Jong Un. If Sony released the film, then the Guardians of Peace would publicize documents and emails embarrassing to Sony officials and employees. The FBI attributed the attack to the North Korean government and confirmed that it was in response to the film.<sup>45</sup> While this example is directed at a private sector company, government officials—especially elected officials—could be just as, if not more, vulnerable to such embarrassing revelations.

Consider the 2007 Estonian Distributed Denial of Service where online systems in Estonia were rendered useless in a cyber-attack.<sup>46</sup> This attack was a response to political action to move a memorial to Russian soldiers from World War II. While the attack was never fully attributed to anyone

<sup>41</sup> Many Just War theorists (although not all) consider a preemptive strike justifiable, although both sides will likely disagree in any specific case. Arguing that a cyber attack is a justified as a preemptive move is difficult unless it *directly* prevents some form of aggression.

<sup>42</sup> Schmitt, *Tallinn Manual*, 45.

<sup>43</sup> Walzer, *Just and Unjust Wars*, 89.

<sup>44</sup> Alexander Moseley, “Just War,” <http://www.iep.utm.edu/justwar/>.

<sup>45</sup> Oliver Laughland, “FBI Director Stand by Claim that North Korea was Source of Sony Cyber-Attack,” *The Guardian Online*, January 7, 2015, <http://www.theguardian.com/world/2015/jan/07/fbi-director-north-korea-source-sony-cyber-attack-james-comey>.

<sup>46</sup> Beal defines a Distributed Denial of Service as follows: “DDoS is a type of DOS attack where multiple compromised systems are used to target a single system causing a Denial of Service (DoS) attack. Victims of a DDoS attack consist of both the end targeted system and all systems maliciously used and controlled by the hacker in the distributed attack. According to . . . eSecurityPlanet, in a DDoS attack, the incoming traffic flooding the victim originates from many different sources – potentially hundreds of thousands or more. This effectively makes it impossible to stop the attack simply by blocking a single IP address; plus, it is very difficult to distinguish legitimate user traffic from attack traffic when spread across so many points of origin.” See Vangie Beal, “DDoS Attack – Distributed Denial of Service,” [http://www.webopedia.com/TERM/D/DDoS\\_attack.html](http://www.webopedia.com/TERM/D/DDoS_attack.html).

specifically (it originated in Russia, but it was not clear if the attack was the act of individuals or sponsored by the Russian government), it was a clear attempt to coerce the Estonian government and people to change their intended action by outside individuals, a clear assault on the internal political sovereignty of Estonia.<sup>47</sup>

Regardless of whether or not Russia actually perpetrated the cyber incursion on the U.S. Democratic National Committee in an attempt to influence the 2016 Presidential election, the event clearly demonstrates the need to prepare for similar eventualities.<sup>48</sup> Cyber-attacks may be used to indirectly influence (most likely) or directly alter the internal workings of a state. As technology inserts itself as a vehicle for the democratic process, an ill intended actor could use technology to influence the political process through direct means. It would be conceivable that a cyber-attack could actually change the outcome of an election with an aggressor installing a government favorable to itself. In the 2016 election, caucus chairs in both Iowa and Nevada reported results using a specially designed Microsoft smartphone application.<sup>49</sup> Imagine the chaos that would follow if a vote count was changed. The faith in decisions for a nation would be shaken severely, especially in a democracy that relies on the consent of the people to follow the rule of law rather than being ruled by an authoritarian government. Any of these examples, in the proper circumstances, could represent an attack on the political sovereignty of a state and therefore, aggression against them.

The clearest form of aggression is a violation of territorial integrity. While the prototypical ideal of a violation of territorial integrity would be an invasion with great armies crossing borders, it is not simply about the possession of land. Territorial integrity is a function of national existence: the “coming together of a people that establishes the integrity of a territory.”<sup>50</sup> In the earlier analogy about a house being robbed, territorial integrity is about the safe space a nation creates for itself. When a cyber-attack occurs, it threatens that safe space. Just as in our own homes we assume we are safe from intrusion, we should be able to assume that activities that occur within our state will be allowed to continue. If that safe space is violated, then the method used to perform the intrusion is of less concern than the intrusion happening in the first place.

In remarks to the United States Cyber Command Interagency Legal Conference, Harold Hongju Koh referenced

[c]ommonly cited examples of cyber activity that would constitute a use of force include, for example, (1) operations that trigger a nuclear plant meltdown, (2) operations that open a dam above a populated area causing destruction, or (3) operations that disable air traffic control resulting in airplane crashes.<sup>51</sup>

While Mr. Koh was discussing these attack in a legal sense, he chose examples that are clear uses of force, but do not involve a direct violation of territorial integrity in the sense of foreign invaders. On the other hand, they are still violating Walzer’s “safe space” concept. As one begins to explore less

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<sup>47</sup> Joywang, “The 2007 Estonian Cyberattacks: New Frontiers in International Conflict,” *On Cyber War-Freshman Seminar 43Z-Internet Law*, blog entry posted December 21, 2012, <https://blogs.harvard.edu/cyberwar43z/2012/12/21/estonia-ddos-attackrussian-nationalism/>.

<sup>48</sup> Amanda Taub, “D.N.C. Hack Raises a Frightening Question: What is Next?” *New York Times*, July 29, 2016, <http://www.nytimes.com/2016/07/30/world/europe/dnc-hack-russia.html>

<sup>49</sup> Emily Cadei, “Iowa Caucuses Go High Tech,” *Newsweek Online*, January 8, 2016, <http://www.newsweek.com/iowa-caucuses-go-high-tech-412958>; Mario Trujillo, “Nevada GOP to Report Caucus Results With Smartphones,” *The Hill Online*, February 22, 2016, <http://thehill.com/policy/technology/270257-nevada-gop-to-report-caucus-results-with-phone-and-pictures>.

<sup>50</sup> Walzer, *Just and Unjust Wars*, 57.

<sup>51</sup> Harold Hongju Koh, “International Law in Cyberspace,” *Harvard International Law Journal* 54 (December 2012): 4, <http://www.harvardilj.org/wp-content/uploads/2012/12/Koh-Speech-to-Publish1.pdf>.

clear examples in terms of violence, the domestic analogy becomes more important. Nations should be able to expect that property, equipment or possessions are not in jeopardy<sup>52</sup> when fairly acquired and safe within a state's territory.

A recent example of a cyber-attack destroying property is the Stuxnet virus: a cyber operation against Iranian nuclear enrichment centrifuges. The virus consisted of malware that replicated itself on computers and media with which it came in contact. The virus was limited in duration and number of times it would replicate, and it searched for a specific combination of software on the infected computer in order to target the specific controllers for the Iranian centrifuges. When the conditions were met, the virus caused the centrifuges to spin out of control, thereby destroying them and the uranium they were enriching. Ryan Jenkins describes this not as an invasion of physical space, but rather an invasion of Iran's *cyber territory*.<sup>53</sup> While this may be confusing at first glance, it follows the idea of the safe space: digital infrastructure is the cyber territory that should be regarded in the same fashion as physical territory. The expectation is that property (whether the individual's property or the state's) should be safe within these territories, much as Walzer's analogy of territorial integrity is the collective right of a home's resident to not expect her possession to be in jeopardy. Jenkins also compares this destruction to a special warfare-style raid on the facility.<sup>54</sup> The circumstance that the territory was invaded by electronic instructions on a computer rather than individuals with weapons is less important than the safe space that was violated.

### Proportionality of Ends and Last Resort

As one state violates the sovereignty of another and the victim of aggression considers a response, the "good" of the response must be compared to the "wrong" inflicted. Positive outcomes must be considered in terms of the overall effect: not simply from the perspective of the state pursuing the action.<sup>55</sup> In other words, a state may not wage war for any triviality. While this concept holds for responding to cyber-attacks, the difficulty lies in applying the ideals directly. If an attack is simply a nuisance: a Denial of Service attack that makes the internet run slowly, it is hardly proportional to opt for war simply because life is made difficult. The problem of proportionality is ever present, but cyber exacerbates the concern. Decisions to go to war are clearer when counting bodies, but become less so when deciding if it permissible to destroy infrastructure, causing suffering, or killing people simply because electronic data was manipulated on a computer. Responses are less clear when results look like a physical attack, but no loss of life happens: a power supply is taken down, the banking or financial institutions are destroyed, the water supply is polluted, or aircraft are grounded because they cannot be controlled safely. All of these are effects of attacks that could happen with a physical attack or by using electronic means. In any of these cases the means of the attack is less important than the effect on a population: attacks in cyberspace must be framed in terms of their effects, rather than the means used. Additionally, since the proportionality clause is concerned with ends desired compared to evils present, the actors must consider the degree to which cyber-attacks are ongoing and if any retaliation would stop attacks. Furthermore, will retaliation prevent future attacks? While concerned about proportionality regarding the short term effects of a response, one must also consider the long term effects. Will an immediate response lead to a larger war?

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<sup>52</sup> The assumption is that there is not a declared state of war. If a declared state of war exists, then the use of violence is legal and to be expected.

<sup>53</sup> Ryan Jenkins, "Is Stuxnet Physical? Does It Matter?" *Journal of Military Ethics* 12, no. 1 (2013): 72.

<sup>54</sup> Ibid.

<sup>55</sup> Stanford Encyclopedia of Philosophy, "War."

The means of response may change how any response is perceived. If one state is considering a physical response to any attack, then this decision to wage war must not be taken lightly. While the ends must be proportional, war should also not be the first choice: an essential *jus ad bellum* condition is that war must be a last resort. If killing in war is abhorrent, one must ensure that no other appropriate response exists. In many modern conflicts, the parties involved are at tensions for some time prior to any actual conflict. Orend describes the simplest definition: “when it seems the last practical and reasonable shot at effectively resisting aggression.”<sup>56</sup> Orend’s conception is direct, but it leaves much to the judgment of the actors with very little guidance. Walzer discusses the idea of last resort in the context of preemptive attacks, but he gives a clear framework that aligns nicely with the Legalist Paradigm and, by extension, just cause. “States may use military force in the face of threats of war, whenever the failure to do so would seriously risk their territorial integrity or political independence.”<sup>57</sup> While Walzer’s definition still requires some degree of reasoned judgment, it outlines parameters: if action is not taken, would an actor commit aggression, or continue to commit it in the case of ongoing attacks?

From the perspective of the cyber domain, if an attack is ongoing, and the only way to stop that attack is through a physical response as opposed to cyber defense, then it becomes an acceptable case of last resort, an emerging act of aggression that cannot be stopped otherwise. On the other hand, in the absence of continuing aggression in the cyber domain, the decision is more challenging. Would failure to act leave political sovereignty or the safety of cyber territory under threat in a reasonable horizon? If the answer is no, then any response is unlikely to pass the test of last resort.

## **Conclusion**

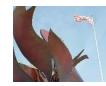
For a leader who is responsible for the collective rights of their population, a decision to initiate an act of war, especially one that changes the character of a conflict from a cyber-war to a physical one, cannot be taken lightly. Leaders must decide when it is both moral and legal to respond physically to a virtual attack. A slight change in the perspective will clarify matters. Walzer’s logic and reasoning clarifies the ideas of territorial integrity and political sovereignty resulting in a more tangible approach. When the cyber domain is viewed as cyber territory, and the effects are considered in relation to their effects on Walzer’s description of a state’s “safe space” (territorial integrity) or ability to govern itself (political sovereignty), a leader can articulate when it is appropriate to attack another nation after being victimized in the cyber domain.

As technology continues to advance, the ability of aggressors, whether nation states or individuals, to attack other nations with nothing but electronic means will continue to increase. The effects of such attacks will have more and more profound consequences to the victims, even in the absence of death and destruction. Nations will need to continue to determine how best to respond to such attacks. The most elemental question in future world of cyber-attacks will be whether or not these attacks are an affront to political sovereignty and/or territorial integrity. If the determination of “just cause” is affirmative, then an option to use physical force could justifiably be on the table. Fulfilling these two criteria does not alleviate the responsibility for adherence to the rest of Just War Theory, rather they present a most useful perspective for analyzing an appropriate response.

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<sup>56</sup> Ibid.

<sup>57</sup> Walzer, *Just and Unjust Wars*, 84.



# Terminating Conflict with the Islamic State

Benjamin R. Jonsson

The Islamic State continues to cede territory in Syria and Iraq. Exploring effective means of ending—without inadvertently prolonging—the conflict is critical to minimizing the threat to U.S. interests over the long term. That the Islamic State would simply disappear in response to coalition efforts is very unlikely: Al Qaida in Iraq was nearly eradicated by the end of 2009, but it later grew into the virulent Islamic State. The United States must now anticipate how the demise of the Islamic State’s caliphate in Syria and Iraq will cause the organization to adapt and survive.

As the conditions on the ground in Syria and Iraq shift in favor of non-Islamic State factions, American strategy must shift as well. In order to minimize the extent to which the Islamic State continues to threaten U.S. interests, the United States must co-opt Islamic State fighters, thereby draining some of the organization’s strength. A viable U.S. strategy should include three elements: creating entry points into the political process for Islamic State militants, maintaining military pressure on the Islamic State, and undermining the appeal of the Islamic State’s narrative.

## **Bringing Islamic State Members into the Political Process**

Excluding the Islamic State from the Vienna process helped world powers achieve some notable outcomes: agreement on the broad framework for a political transition in Syria and the implementation of a partial ceasefire. It, also, however, communicated to Islamic State militants that they had no options regarding a future in Syria—and, by extension, Iraq—other than to continue fighting for the survival of the organization. Though it may seem counterintuitive to consider incorporating Islamic State militants into the political process, transforming the relationship with these adversaries is critical to minimizing their enduring threat to Syria and to the rest of the world.

Policy discussions about ways to effectively deal with adversaries flow out of core theoretical paradigms, statements of “the basic assumptions, concepts, and propositions employed by a school of analysis.”<sup>1</sup> In international relations, paradigms help not only to explain observations, but also to

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*Benjamin R. Jonsson (M.S.S. United States Army War College) is a Lieutenant Colonel in the United States Air Force. An earlier version of this article, completed under the direction of Dr. Christopher H. Hamner, earned Third Place in the 2016 Chairman of the Joint Chiefs of Staff National Defense and Military Strategy Essay Competition hosted by National Defense University Press.*

<sup>1</sup> Joseph S. Nye, Jr. and David A. Welch, *Understanding Global Conflict and Cooperation*, 8<sup>th</sup> ed. (New York: Longman, 2011), 55.

analyze emerging puzzles. In 2012, for example, the Obama administration quietly endorsed negotiations with the Taliban as a means to hasten the end of the U.S. war in Afghanistan.<sup>2</sup> Working with an adversary in this fashion may seem somewhat counterintuitive, but the decision was drawn from within the realist paradigm in which neither permanent friends nor permanent enemies exist, only permanent interests. Thus, if ongoing negotiations with the Taliban help to protect U.S. interests at the lowest possible cost, the bargaining is beneficial.<sup>3</sup> Similarly, if allowing Islamic State militants to participate in the political process minimizes their threat to U.S. interests and preserves U.S. power, then it makes sense to do so.

Although such reasoning may, at first, seem diametrically opposed to perspectives from outside the realist paradigm, some unexpected compatibility exists. Those operating from a primarily liberal paradigm, for example, might bristle at the idea of cooperating with Islamic State militants whose values and goals are antithetical to international norms. But even liberalists would agree that engagement, generally speaking, can help to moderate behavior. Those from the constructivist paradigm would likely agree, believing that any umbrage with allowing Islamic State militants into the political processes is socially-constructed, and that attitudes about who should be “in” and who should be “out” can be shifted.<sup>4</sup> History demonstrates the wisdom of this position: The Oslo Accords and the Northern Ireland peace process are poignant examples of how national attitudes shifted on both sides and overtime negotiations became acceptable.<sup>5</sup>

U.S. administrations have reflected different paradigms in dealing with insurgents and terrorist groups. Ronald Reagan’s famous statement during a 1980 Presidential debate with Jimmy Carter that “there will be no negotiations with terrorists of any kind” became U.S. policy.<sup>6</sup> In the succeeding decades, however, U.S. administrations (including Reagan’s) have had both open and secret dealings with terrorist organizations at the discretion and direction of the President.<sup>7</sup>

Providing entry points into the political process for the Islamic State need not put them on equal footing with Syrian opposition groups in negotiating Syria’s political transition. But offering Islamic State militants a voice in Syria’s future has the potential to fragment the Islamic State itself. Militants join the Islamic State for a variety of reasons; their reasons for leaving the organization may vary widely, too.<sup>8</sup> The Vienna process should outline criteria through which Islamic State militants can be a part of Syria’s future, including accepting the political process and joining the ceasefire. This opening could encourage tribes and other groups that have joined the Islamic State to break off, thus undermining the size and strength of the organization, particularly as it comes under increasing military pressure.

<sup>2</sup> Glenn P. Hastedt, *American Foreign Policy* (Lanham, MD: Rowman & Littlefield, 2015), 263.

<sup>3</sup> Nye and Welch, *Understanding Global Conflict*, 56.

<sup>4</sup> David Dessler and John Owen, “Constructivism and the Problem of Explanation: A Review Article,” *Perspective on Politics*, no. 3 (September 2005): [http://www.academia.edu/5131253/Constructivism\\_and\\_the\\_Problem\\_of\\_Explanation\\_A\\_Review\\_Article](http://www.academia.edu/5131253/Constructivism_and_the_Problem_of_Explanation_A_Review_Article).

<sup>5</sup> Eamonn O’Kane, “Anglo-Irish Relations and the Northern Ireland Peace Process: From Exclusion to Inclusion,” *Contemporary British History* 18 (Spring 2004): [http://homepage.univie.ac.at/herbert.preiss/files/OKane\\_Anglo-Irish\\_relation\\_and\\_the\\_peace\\_process.pdf](http://homepage.univie.ac.at/herbert.preiss/files/OKane_Anglo-Irish_relation_and_the_peace_process.pdf).

<sup>6</sup> Fredrick Ellison and Janine Di Giovanni, “Dear ISIS, We Need to Talk,” *Newsweek Online*, July 3, 2015, <http://www.newsweek.com/dear-isis-we-need-talk-349806>.

<sup>7</sup> *Ibid.*

<sup>8</sup> Patrick Tucker, “Here’s Why People Join ISIS,” *Defense One*, December 8, 2015, <http://www.govexec.com/defense/2015/12/heres-why-people-join-isis/124300/?oref=d-dontmiss>.

## Continued Military Pressure

The coalition military effort should continue to pressure the Islamic State, and the Islamic State must recognize that violence is the only alternative to political settlement. While the history of successful negotiations with insurgents is mixed, war-weariness and mutually hurting stalemates have often preceded negotiations.<sup>9</sup> Military force should be used to drive militants toward settlement. But military force without a political alternative will lead to a protracted conflict. Regardless of the paradigm that guides the policy discussions, terminating the conflict with the Islamic State will require identifying conditions that describe the desired future environment. How the Islamic State, or what remains of it, responds to those conditions will be a key feature of the new security situation in Syria.

If Islamic State militants see their struggle as purely existential, without any safety in disarmament or prospect for amnesty, then fighting to the death becomes the optimal strategy. Following the loss of territory, surviving fighters will go underground (more likely for those recruited locally) or move to other nations (more likely for foreign fighters). In either case, Islamic State militants will continue to kill their opponents and destabilize communities where they operate. Successful military pressure on the Islamic State that reduces its control over territory could thus drive some militants toward political settlement, *if* the door is open. Continued military pressure will help undermine the Islamic States' core appeal to Sunni Muslims in Syria and Iraq.

## Undermining the Islamic State's Appeal

Two key themes of the Islamic State's narrative and appeal are its military strength and the success of the caliphate—ideas that appear prominently in the Islamic State's social media outreach.<sup>10</sup> The United States needs to challenge both themes by employing its own information campaign. Local forces, when supported by U.S. special operations teams and airstrikes, can erode the Islamic State's narrative of military strength and the success of its caliphate when coupled with an enhanced American information campaign. Tweets with links to pictorial reports and videos *in Arabic* that highlight Islamic State losses could serve as a powerful information weapon when propagated through hashtags and retweets by Arab media. While the United States has been engaged in counter-messaging efforts on social media, it has produced very little of this type of content, even after Islamic State losses of Ash Shaddadi and Palmyra. Pictorial and video reports that highlight these losses in Arabic could be developed by State Department's new Center for Global Engagement and their planned third-party network of experts.<sup>11</sup> The United States should expect the Islamic State to persist in actions and policies that portray an image of military strength, even if it has to fabricate actual military successes—something it has already done.<sup>12</sup> Undermining the Islamic State's military strength narrative would help damage its credibility with the local population and simultaneously reduce the appeal for militants to remain with the Islamic State, further eroding its momentum.

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<sup>9</sup> Colin Clarke and Christopher Paul, *From Stalemate to Settlement* (Santa Monica, CA: RAND Corporation, 2014), [http://www.rand.org/content/dam/rand/pubs/research\\_reports/RR400/RR469/RAND\\_RR469.pdf](http://www.rand.org/content/dam/rand/pubs/research_reports/RR400/RR469/RAND_RR469.pdf).

<sup>10</sup> Ben Jonsson, "Islamic State 2016 and America's Underperformance on the Twitter Battlefield," *The Strategy Bridge*, March 8, 2016, <http://www.thestrategybridge.com/the-bridge/2016/3/8/islamic-state-2016-and-americas-underperformance-on-the-twitter-battlefield>.

<sup>11</sup> U.S. Department of State, "A New Center for Global Engagement," January 8, 2016, <http://www.state.gov/r/pa/prs/ps/2016/01/251066.htm>; Kimberly Dozier, "Anti-ISIS-Propaganda Czar's Ninja War Plan: We Were Never Here," *The Daily Beast*, March 15, 2016, <http://www.thedailybeast.com/articles/2016/03/15/obama-s-new-anti-isis-czar-wants-to-use-algorithms-to-target-jihadis.html>.

<sup>12</sup> Jonsson, "Islamic State 2016 and America's Underperformance on the Twitter Battlefield."



Efforts to undermine the Islamic State's appeal should also target gaps in their social contract. Highlighting abuses of power by the Islamic State as they struggle to make payroll and replace fighters, and showing the disparities in living conditions between foreign fighters and locals, would weaken the Islamic State's narrative of successful governance.<sup>13</sup> The approach should help expand the efforts of Syrian activists, producing Arabic interviews with fleeing refugees and defectors. The United Arab Emirates and the U.S.-supported Sawab Center have produced video reports that could serve as a model for this type of content.<sup>14</sup> The effort should also employ metadata software to better tailor and target its message content. Though no panacea exists for reversing the Islamic State's powerful appeal, these efforts would weaken the Islamic State's portrayal of strength via social media and success in ways that have yet to be fully exploited.

## Conclusion

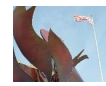
Isolating Islamic State militants from the political process will almost certainly guarantee a protracted insurgency in Syria and drive the Islamic State to increase its operations in other under-governed spaces around the globe. Failing to consider how Islamic States militants could be incorporated into a political transition is a mistake. As foreign ministers shuttle between their capitals and Vienna, they must consider criteria that will allow interested parties, including adversaries to participate in Syria's future, even as military pressure and enhanced counter-messaging efforts decrease the appeal of joining and continuing to fight for the Islamic State. As former Israeli Foreign Minister Moshe Dayan once observed, "If you want to make peace, you don't talk to your friends. You talk to your enemies."<sup>15</sup> Allowances for former adversaries will help enable future peace.

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<sup>13</sup> Mara Revkin, "ISIS' Social Contract," *Foreign Affairs Online*, January 10, 2016, <https://www.foreignaffairs.com/articles/syria/2016-01-10/isis-social-contract>.

<sup>14</sup> Sawab: United Against Extremism, Twitter post, <https://twitter.com/sawabcenter?lang=en>.

<sup>15</sup> State of Israel Ministry of Foreign Affairs, "Interview with Foreign Minister Dayan in *Newsweek*- 17 October 1977," October 17, 1977, <http://www.mfa.gov.il/mfa/foreignpolicy/mfadocuments/yearbook3/pages/58%20interview%20with%20foreign%20minister%20dayan%20in%20newswe.aspx>.



# Russia's Information Operations Themes: NATO under Attack

Geoffrey W. Wright

The deployment of U.S. and other Allied forces to the Baltic States and Poland since Russia's 2014 annexation of Crimea sparked a sharp Russian international informational response.<sup>1</sup> By actively seeking to shape opinion throughout Europe and the United States, state-owned media outlets such as "Sputnik News" and "Russia Today" (or "RT") are an integral component of the Russian Federation's larger plan: to use media and information technologies as a means of fracturing the NATO alliance and weakening belief in NATO's utility. Russia views NATO as a primary threat and specifically identified NATO as such in its 2014 National Military Doctrine.<sup>2</sup> To combat Russia's attempts to subvert the alliance, U.S. leaders must understand Russian integration campaigns and information themes especially as they relate to and impact the Army Operating Concept vision of regionally-engaged Army forces "shaping security environments and preventing conflict" in Europe.<sup>3</sup>

Russian-state owned media use two main information operations themes. The first, portrays U.S. and NATO activity as provocative, damaging to Russia's legitimate security interests, and dangerous for European states. The second, depicts Western activity as ineffective, damaging to Eastern European Allies, and largely reflective of the Allies' self-interests. This essay briefly examines Russian information operations, demonstrates how these themes have been developed in Russian state-owned international media outlets, and identifies the impact of these efforts and offers recommendations for U.S. officials.

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*Geoffrey W. Wright (M.A. Harvard University) is a Lieutenant Colonel in the United States Army. An earlier version of this article, was written under the direction of Professor Philip M. Evans while the author was an Army War College Fellow at Tufts University.*

<sup>1</sup> Operation Atlantic Resolve commenced in April 2014 with the deployment of units of the 173<sup>rd</sup> Airborne Brigade from Italy to Poland, Lithuania, Latvia, and Estonia. Since then, U.S. Army Europe has maintained a consistent presence of U.S. Army units training with East European counterparts. In addition, other service components based in Europe have worked with EUCOM to boost rotational presence and exercises in the region, and expanded activities to Central and Southeast European Allies. "OAR" is not a NATO operation, but operates within the spirit of NATO assurance measures.

<sup>2</sup> Olga Oliker, "Russia's New Military Doctrine: Same as the Old Doctrine, Mostly," *The RAND Blog*, blog entry posted January 15, 2015, <http://www.rand.org/blog/2015/01/russias-new-military-doctrine-same-as-the-old-doctrine.html>.

<sup>3</sup> U.S. Army Training and Doctrine Command, *The U.S. Army Operating Concept*, TRADOC Pamphlet 525-3-1 (Fort Monroe, VA: U.S. Army Training and Doctrine Command, October 31, 2014), 17.

## The Russian Federation View

Both military and civilian policy thinkers in Russia have emphasized the critical importance of information operations (or “information warfare” in the Russian military parlance) at the strategic and operational levels. This focus on the importance of “informational-psychological aspects”<sup>4</sup> to meet Russian strategic goals, builds on the longstanding Russian tradition of using deception, propaganda, and covert action as means for achieving the desired political ends.<sup>5</sup>

The perceived importance of political-military utility of Russian information operations/warfare is demonstrated in the 2010 Russian Military Doctrine which cited information warfare as a tool “to achieve political objectives without the utilization of military force” and to “shape a favorable response from the world community.”<sup>6</sup> General Valery Gerasimov, Chief of the General Staff, stated “the information space opens wide asymmetrical possibilities for reducing the fighting potential of the enemy” by “influencing state structures and the population.”<sup>7</sup> This military understanding of “information as a weapon” has become part of the “mainstream discourse” of peacetime Russian political life—both for the defense of the State and for achieving state purposes abroad.<sup>8</sup> That those state-purposes are currently targeting NATO makes dissecting Russia's information operations themes imperative.

## Russian Themes in Eastern Europe

The first theme used by Russian Federation international media outlets argues that U.S.-led Allied military activity puts European security at risk by threatening Russia. This theme attempts to divide the U.S. from its Western European Allies by blaming the U.S. for a disproportionate response to events in Ukraine. Kremlin sources deny official Russian involvement in eastern Ukraine but state that NATO “military activity [so] close to Russia's borders has had a destabilizing effect on relations across the continent.”<sup>9</sup> Media coverage highlights Western military activity in the Baltics—including modernization and procurement by regional Allied states themselves<sup>10</sup>—as regularly occurring in close proximity to the Russian border, near St. Petersburg, for example. Such reporting contributes to a broader narrative of NATO “encirclement” of the Russian state.<sup>11</sup> In addition, the Russian media emphasis on menacing terminology like “build-up” and “war games,” effectively transforms and

<sup>4</sup> Timothy L. Thomas, “The Russian View of Information War,” in *The Russian Armed Forces at the Dawn of the Millennium*, ed. Michael H. Crutcher (Carlisle Barracks, PA: U.S. Army War College, February 2000), <http://fmso.leavenworth.army.mil/documents/Russianvuiw.htm>.

<sup>5</sup> Merle Maigre, *Nothing New in Hybrid Warfare: The Estonian Experience and Recommendations for NATO* (Washington, DC: German Marshall Fund of the United States, February 12, 2015), <http://www.gmfus.org/publications/nothing-new-hybrid-warfare-estonian-experience-and-recommendations-nato>.

<sup>6</sup> President of the Russian Federation, *Military Doctrine of the Russian Federation* (Moscow, Russia: The Kremlin, February 5, 2010), [http://carnegieendowment.org/files/2010russia\\_military\\_doctrine.pdf](http://carnegieendowment.org/files/2010russia_military_doctrine.pdf).

<sup>7</sup> Valery Gerasimov, “The Value of Science in Prediction,” 2013 in Mark Galeotti, “The Gerasimov Doctrine and Russian Non-Linear War,” *In Moscow's Shadow Blog*, blog entry posted July 6, 2014, <https://inmoscowsshadows.wordpress.com/2014/07/06/the-gerasimov-doctrine-and-russian-non-linear-war>.

<sup>8</sup> Peter Pomerantsev and Michael Weiss, “The Menace of Unreality: How the Kremlin Weaponizes Information, Culture, and Money,” *The Interpreter Magazine*, November 2014, 13, [http://www.interpretermag.com/wp-content/uploads/2014/11/The\\_Menace\\_of\\_Unreality\\_Final.pdf](http://www.interpretermag.com/wp-content/uploads/2014/11/The_Menace_of_Unreality_Final.pdf).

<sup>9</sup> “NATO Ramps Up War Games with ‘Baltic Piranha’ War Games in Lithuania,” *Sputnik News*, October 2, 2015, <http://sputniknews.com/europe/20151002/1027912390/nato-baltic-piranha-military-exercises-lithuania.html>.

<sup>10</sup> “Russia Believes Expansion of Estonia's Amari Air Base to be Provocative,” *Sputnik News*, October 20, 2015, <http://sputniknews.com/europe/20151020/1028812189/estonia-airbase-nato-russia.html>.

<sup>11</sup> See, for example, “Net of U.S. Military Bases Encircles the Globe Threatening Security,” *Sputnik News*, September 17, 2015, <http://sputniknews.com/military/20150917/1027123901.html>.

elevates for media audiences the modest size of U.S. and NATO units into a threat located on Russia's borders.

NATO—not Russia—then, is depicted as responsible for forcing Russia's military activity and modernization in the region. In the Russian view, this modernization is portrayed as merely a response to U.S. action. A Russian Foreign Ministry spokesperson described NATO's activity in Eastern Europe as “undoubtedly an attempt to provoke Russia into taking counter-measures.”<sup>12</sup> The repositioning of a battalion-sized unit of U.S. armored vehicles in the Baltics appears in Russian international media as “most aggressive step from the Pentagon and NATO since the Cold War” leaving Russia with no other option than to build up the necessary “might and means” to secure western Russian locations.<sup>13</sup>

Lastly, Russian statements accuse the United States of taking self-interested actions to maintain its own leading position in Europe and doing so at the expense of other NATO Allies. President Putin stated in an interview with an Italian newspaper that the United States does not want a Russian “rapprochement” with Europe, as such an event would deprive the U.S. of the “external enemy” it needs to maintain primacy.<sup>14</sup> A series of European and American figures in Russian international media argue that economic sanctions against Russia damage European interests far more than American.<sup>15</sup> In all such instances, the Russian goal is to disrupt the unity between the U.S. and its Western and Central European Allies.

In a second theme, state-controlled Russian media tries to demonstrate to East European audiences that U.S. and NATO efforts are largely if not purely driven by self-interest. This theme asserts that the Baltic States are suffering because U.S.-led “hysteria” forces the relatively poor Baltic States to spend money on U.S. made weaponry and other expensive security enhancements.<sup>16</sup> This effort to justify NATO's existence relies on creating a false perception of danger and leaves the residents of the Baltic States with nothing but ruined economies and low-wage jobs.<sup>17</sup> A journalist from the state-funded RIA news services speculated that NATO's “protection” plan would eventually force the Baltic States to accept more refugees from outside Europe, a highly controversial political topic within European states.

Russian media also attempts to undermine the credibility of regional Western military by describing training and exercise activity as halfhearted, incompetent, or insufficient. Sputnik News has tried to demonstrate that U.S. Stryker vehicles are “outgunned” by Russian equipment.<sup>18</sup> Russian journalists regularly accuse the U.S. and other NATO Allies of sending poorly maintained or outdated equipment to support their “self-centered national interests” in the Baltic States.<sup>19</sup> Russian media

<sup>12</sup> “NATO Military Buildup Near Russian Borders ‘Provocative’-Source,” *Sputnik News*, June 25, 2015, <http://sputniknews.com/europe/20150625/1023846705.html>.

<sup>13</sup> “U.S. Deploys Heavy Weaponry to Europe, Russia to Respond Adequately,” *Sputnik News*, June 15, 2015, <http://sputniknews.com/europe/20150615/1023380992.html>.

<sup>14</sup> Quoted in David Klion, “U.S. Prepares to Arm Eastern Europe, But NATO Remains Divided,” *World Politics Review*, June 15, 2015, <http://www.worldpoliticsreview.com/trend-lines/16002/u-s-prepares-to-arm-eastern-europe-but-nato-remains-divided>.

<sup>15</sup> “U.S. Sanctions on Russia Will Have a ‘Deleterious Effect on E.U. States’,” *RT.com*, July 31, 2015, <https://www.rt.com/op-edge/311272-russia-sanctions-us-eu/>.

<sup>16</sup> “Estonia to Spend 40 Million Euro Hosting Additional NATO Forces,” *Sputnik News*, February 19, 2015, <http://sputniknews.com/europe/20150219/1018484081.html>.

<sup>17</sup> “US Attempt to Scare Russia with War Games a ‘Laugh’,” *Sputnik News*, July 23, 2015, <http://sputniknews.com/politics/20150723/1024957323.html>.

<sup>18</sup> “US Stryker Carrier Outgunned by Russian Armored Vehicles,” *Sputnik News*, July 24, 2015, <http://sputniknews.com/us/20150724/1025008576.html>.

<sup>19</sup> “Main NATO Member States Seek Their Interests in the Baltic States, Nothing More,” *Sputnik News*, October 17, 2015, <http://sputniknews.com/europe/20151017/1028675346/us-britain-germany-in-baltics.html>.

also further their carefully constructed narrative by repeating Western press coverage of alleged difficulties in U.S. contingency planning efforts.<sup>20</sup> Russian media, therefore, simultaneously make the case that Eastern European states are being tricked into thinking that: (a) they need NATO protection/intervention, (b) those states are not, in fact, well protected by NATO, and (c) their governments and citizenries are significantly worse-off than they were before NATO intervention and U.S. deployments.

### Moving Forward in the Information Environment

Russia actively exploits differences of opinion and differences of interests among NATO members. Given that Europe itself is divided along a number of political fault lines, this approach has potential for impressive success. A near-decade of challenging economic conditions has given political space and increasing electoral success to a number of political parties and leaders in Central and Western Europe. These parties are skeptical of the value of European unity and even of some of Europe's current nation states. The recent Brexit referendum in which the United Kingdom voted to leave the European Union demonstrates that this discontent has increasingly sharp political teeth.<sup>21</sup> West European public opinion also reflects a great deal of ambivalence about committing national military forces to support a NATO member under attack.<sup>22</sup> Within Eastern Europe, a similar skepticism about the likelihood of West European support rests alongside concern about any development that portends a potentially short commitment of U.S. and Allied forces to the region.<sup>23</sup>

Russia recognizes the political potential of these divisions, which are trumpeted by Russia's international media outlets. Former Supreme Allied Commander General James L. Jones in testimony to Congress cited Russia's support for extremist European political parties as part of Russia's strategy to "sow division" within NATO.<sup>24</sup> Critics accuse Russia of being engaged in an even broader strategy to provide financial support to "euroskeptical" and separatist parties across Central and Western Europe.<sup>25</sup> Even without overt financial support, many of these parties openly support the Russian point of view about Eastern Europe, and Russian international media work carefully to both highlight division while concurrently unearthing news to cause controversy and debate over NATO. Russian information operations are opportunistic and seek to exploit Europe's complex political environment.

Measuring the direct impact of Russian media is difficult,<sup>26</sup> and "countering" Russian information campaigns in democratic states is exceptionally challenging, as many of these matters are properly sovereign national issues. Efforts to resist Russian information operations also opens

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<sup>20</sup> "NATO Unable to Defend Baltics Due to Mooses, Vast Swamplands," *Sputnik News*, September 7, 2015, <http://sputniknews.com/europe/20150907/1026701017/nato-unable-to-defend-baltics.html>.

<sup>21</sup> Brian Wheeler and Alex Hunt, "Brexit: All You Need to Know about the UK Leaving the EU," *BBC News*, September 1, 2016, <http://www.bbc.com/news/uk-politics-32810887>.

<sup>22</sup> Katie Simmons, Bruce Stokes, and Jacob Poushter, "NATO Publics Blame Russia for Ukrainian Crisis but Reluctant to Provide Military Aid," *PewGlobal.org*, June 10, 2015, <http://www.pewglobal.org/2015/06/10/nato-publics-blame-russia-for-ukrainian-crisis-but-reluctant-to-provide-military-aid>.

<sup>23</sup> Jarno Linnell, "Will NATO Defend All Members Equally?" *Breaking Defense*, September 2, 2014, <http://breakingdefense.com/2014/09/will-nato-protect-all-members-equally>.

<sup>24</sup> Ashish Kumar Sen, "A Three-Pronged Strategy to Deal with Putin," *Atlantic Council New Atlanticists Blog*, blog entry posted October 8, 2015, <http://www.atlanticcouncil.org/blogs/new-atlanticist/a-three-pronged-strategy-to-deal-with-putin>.

<sup>25</sup> Leonid Bershidsky, "Putin's European Allies Don't Need His Money," *Bloomberg View*, June 9, 2016, <https://www.bloomberg.com/view/articles/2016-06-09/putin-s-european-allies-don-t-need-his-money>.

<sup>26</sup> Pomerantsev and Weiss, "The Menace of Unreality," 15. However, it is fair to say that measuring the daily audience of RT, as opposed to its availability, is difficult. See also Katie Zavadsky, "Putin's Propaganda TV Lies about Its Popularity," *The Daily Beast*, September 17, 2015, <http://www.thedailybeast.com/articles/2015/09/17/putin-s-propaganda-tv-lies-about-ratings.html>.

NATO to cynical charges that NATO itself supports the dissemination of “propaganda.” The ability of Russian information operations to work in tandem at rapid speed with developments across Europe, however, should prompt U.S. officials to take Russian capabilities seriously. Strategic leaders in the United States should counter Russian information themes while promoting NATO unity in their own interactions with press and public officials.

American officials should underscore that U.S. and Allied military activity in Eastern Europe is a collective response of democratic states in defense of broader transatlantic democratic values, in response to Russia’s illegal annexation of Crimea and intervention in eastern Ukraine. Highlighting the contributions and qualities of Allied host nations and contributing nations will effectively underscore the collective nature of the Allied response. U.S. leaders should not shy away from discussing our military commitments, but rather should highlight the quality, logistical complexity, and duration of U.S. commitment. Lastly, maintaining tight connections to host nation public affairs offices and U.S. Embassy officials and developing crisis communications procedures will allow the distribution of accurate information in a regionally appropriate manner to Allied audiences.

### **Conclusion**

Information operations are a core activity of Russia’s efforts to divide NATO and weaken European and American resolve to protect Eastern European Allies. The current themes will likely guide Russia’s efforts in the near future. Estonian President Toomas Hendrik Ilves believes that Europe is in a “conflict of values” with Russia.<sup>27</sup> American military leadership and presence can serve as a vital bridge to maintaining essential transatlantic relationships in the face of Russian informational efforts to break NATO.

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<sup>27</sup> Quoted in Joerg Forbrig, “Introduction,” in *A Region Disunited? Central European Responses to the Russia-Ukraine Crisis* (Washington, DC: German Marshall Fund of the United States, February 2015), [www.gmfus.org/file/4250/download](http://www.gmfus.org/file/4250/download).

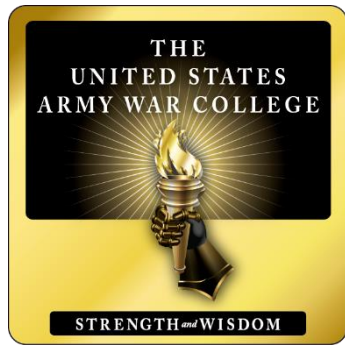
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Student Publications



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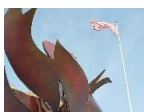
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# Deterrence through Reassurance: Russia in Eastern Europe

Geoffrey William Wright

*The 2014 Russian invasion of Ukraine returned the question of conventional deterrence to the NATO Alliance. Because of geographic challenges to NATO military operations in Eastern Europe, the U.S. and other Allies must develop a regionally-specific deterrence formula that will increase Allied resilience, allow for Allied freedom of movement, and limit Russian freedom of movement. Blending reassurance and deterrence activities will increase regional stability and maximize Allied opportunity to successfully deter both blitzkrieg and limited aim attacks.*

Keywords: *Allied Resistance, Ukraine Invasion, Baltic States, NATO*

Deterrence means that somebody who starts a conflict with you will regret that they did so.

—Dr. Ashton Carter<sup>1</sup>

The return of serious tensions in Eastern Europe has led to significant efforts to deter Russia and reassure Eastern European Allies. Since the Russian invasion of Ukraine in 2014, NATO Allies have engaged in a combination of reassurance measures in the Baltic States and Poland and deterrence activities aimed at improving a credible collective deterrent capability to respond to further aggression.<sup>2</sup> The challenge of deterring “limited aim” attack, however, requires better coordination of security cooperation activities, reassurance measures, and training in Eastern Europe. By working together to improve coordination and response options, NATO allies can more effectively produce a deterrent effect on a potential Russian adversary.

While a Russian conventional attack in the Baltics remains unlikely, the United States and its NATO Allies must develop a discrete, context-appropriate deterrence solution. Such a solution must provide for the possibility of rapid inclusion of Allied forces in combat, demonstration of the ability of NATO to support military operations in the region, and the ability to impose costs and to disrupt Russian freedom of

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Geoffrey W. Wright (M.A. Harvard University) is a Lieutenant Colonel in the United States Army. An earlier version of this article, written while the author was a United States Army War College Fellow at Tufts University earned a prestigious Association of the United States Army Writing Award for the USAWC class of 2016.

<sup>1</sup> Ashton Carter, “Terrorism and American Security,” interview by Charlie Rose, *The Charlie Rose Show*, PBS, February 16, 2016, <http://www.fednews.com/transcript.php?item=565509&op>.

<sup>2</sup> Philip Breedlove, “U.S. European Command Posture Statement 2016,” February 25, 2016, <http://www.eucom.mil/media-library/article/35164/u-s-european-command-posture-statement-2016>.

movement. Conventional deterrence theory focuses on the impact deterrent activities have on the perceptions, decision cycles and intentions of an adversary, positing that:

1. The physical presence and perceived commitment of a defender are essential.
2. Defenders must choose and resource an appropriate and executable means of defending, backed by political will to act.<sup>3</sup>
3. Defenders must leave an impression that offensive action will lead to quick action and high costs.<sup>4 5</sup>
4. Defenders must be aware that potential adversaries have several strategic options from which to choose, and defending against one option is not defending against all.<sup>6</sup>

Although grounded somewhat in Conventional Deterrence Theory, the solution offered in this paper moves beyond the traditional to better tie together deterrence, reassurance, and security cooperation in a defensive orientation that combines forward defense and alternative defense techniques. As Sun Tzu observed, “in War, numbers alone confer no advantage.”<sup>7</sup> A defensive NATO Alliance must find and use the right tools to deter a strong and nearby adversary by synthesizing current and past approaches to deterrence with ongoing reassurance measures.

### Russia’s motivations and strategic options

Russia’s National Security Strategy sees the NATO Alliance as a threat to Russian security.<sup>8</sup> Russian actions in Georgia and Ukraine in recent years have forced Allied leaders to consider the possibility of Russian military action against a NATO Ally.<sup>9</sup> Russia has, and has had, undoubted local military advantages in the Baltic region. The stationing of highly capable conventional forces in the Western Military District and in the Kaliningrad enclave gives Russia military dominance over any Baltic State. Russian Anti-Access/Area Denial (A2/AD) systems in the Baltic region will complicate US and Allied force deployment through temporary denial of regional Allied air and seaports.<sup>10</sup> Lastly, Russia likely would have a decision-making advantage over the relatively slower-moving NATO Alliance and could attempt to use fissures among NATO members to delay or weaken an Alliance response.<sup>11</sup>

The combination of Russian intentions and Russian capabilities makes the possibility of a major Russian military invasion of Eastern Europe impossible to ignore, even if unlikely. Russia could take this step due to miscalculation of NATO resolve or the extremely favorable military conditions as a means of

<sup>3</sup> Alexander George and Richard Smoke, *Deterrence in American Foreign Policy: Theory and Practice*, (New York: Columbia University Press, 1974), 523-24.

<sup>4</sup> *Ibid.*, 528-529.

<sup>5</sup> Edward Rhodes, “Conventional Deterrence,” *Comparative Strategy* 19, no. 3 (2000): 243.

<sup>6</sup> John J. Mearshimer, *Conventional Deterrence* (Ithaca, NY: Cornell University, 1985), 59.

<sup>7</sup> Sun Tzu, *The Art of War*, trans. Samuel B. Griffith, (New York: Oxford UP, 1971), 122.

<sup>8</sup> For analysis of the 2015 Russian Federation National Security Strategy, Roger McDermott, “Russia’s 2015 National Security Strategy,” *Jamestown Foundation Eurasia Daily Monitor*, January 12, 2016, [http://www.jamestown.org/programs/edm/single/?tx\\_ttnews%5Btt\\_news%5D=44978&tx\\_ttnews%5BbackPid%5D=27&cHash=ed5e942d36129a964475c9a462a22660#.Vutpro-cFyo](http://www.jamestown.org/programs/edm/single/?tx_ttnews%5Btt_news%5D=44978&tx_ttnews%5BbackPid%5D=27&cHash=ed5e942d36129a964475c9a462a22660#.Vutpro-cFyo).

<sup>9</sup> The complexity of Russia’s strategic outlook is well-documented and outside the scope of this paper. For examples of analytic work on Russia’s strategic outlook and geopolitical intentions, see for example: James J. Carafano et al., *U.S. Comprehensive Strategy Toward Russia* (Washington, DC: Heritage Foundation, December 9, 2015), 19,

<http://www.heritage.org/research/reports/2015/12/us-comprehensive-strategy-toward-russia>; Steven R. Covington, *Putin’s Choice for Russia* (Cambridge, MA: Belfer Center, August, 2015), 11,

[http://belfercenter.ksg.harvard.edu/publication/25676/putins\\_choice\\_for\\_russia.html](http://belfercenter.ksg.harvard.edu/publication/25676/putins_choice_for_russia.html); Andras Simonyi, “Why the Baltic Sea Region Matters to the United States,” *Transatlantic Relations Blog*, blog entry posted January 28, 2016,

[http://cms.polsci.ku.dk/publikationer/2015/Baltic\\_Sea\\_Security\\_final\\_report\\_in\\_English.pdf](http://cms.polsci.ku.dk/publikationer/2015/Baltic_Sea_Security_final_report_in_English.pdf); Hiski Haukkala and Nicu Popescu, eds., *Russian Futures: Horizon 2025* (Brussels, Belgium: EU Institute of Security Studies, March 2016),

[http://www.iss.europa.eu/uploads/media/Report\\_26\\_Russia\\_Future\\_online..pdf](http://www.iss.europa.eu/uploads/media/Report_26_Russia_Future_online..pdf).

<sup>10</sup> Sydney J. Freedberg, “Russians ‘Closed the Gap’ For A2/AD: Air Force General Gorenc,” *Breaking Defense Blog*, blog entry posted September 14, 2015, <http://breakingdefense.com/2015/09/russians-closed-the-gap-for-a2ad-air-force-gen-gorenc/>.

<sup>11</sup> Kalev Stoicescu and Henrik Praks, *Strengthening the Strategic Balance in the Baltic Sea Area* (Tallinn, Estonia: International Centre for Defence and Security, April 19, 2016),

[http://www.icsd.ee/fileadmin/media/icsd.ee/failid/Kalev\\_Stoicescu\\_Henrik\\_Praks\\_-\\_Strengthening\\_the\\_Strategic\\_Balance\\_in\\_the\\_Baltic\\_Sea\\_Area.pdf](http://www.icsd.ee/fileadmin/media/icsd.ee/failid/Kalev_Stoicescu_Henrik_Praks_-_Strengthening_the_Strategic_Balance_in_the_Baltic_Sea_Area.pdf).



fracturing the NATO Alliance and removing NATO's ability to respond.<sup>12</sup> In a highly visible example of current Western analysis, a 2016 RAND study called the Baltic States "the next most likely targets for attempted Russian coercion." The study concluded through wargaming that a Russian major conventional invasion of the Baltic would lead to occupation of Baltic capitals in about sixty hours.<sup>13</sup>

Other analysis, often from within the Baltic region, however, suggests that a limited aim attack would be more likely. Elbridge Colby and Jonathan Solomon describe Russian strategy as using "salami slicing probes" and other provocations that could justify a limited aim attack.<sup>14</sup> A 2016 unclassified report of the Estonian Foreign Intelligence Service states the most likely, though still remote, Russian conventional scenario in the Baltics would be a limited aim attack. "Moscow believes that it is capable of conducting a limited military operation before any effective response by NATO could be mounted. The goal of such operations would not be to seize the entire territory of Estonia or Latvia, but rather to impose control over some towns or areas close to the border."<sup>15</sup> Russian control over "even a small part of NATO territory would deal a devastating blow to the credibility of the Alliance."<sup>16</sup>

### Reassurance and Deterrence in Eastern Europe

The United States and NATO initially responded to Russian aggression in Ukraine with a series of conventional reassurance<sup>17</sup> measures. Led initially by the U.S. deployment of additional F-15C fighters and infantry companies to Poland and the Baltic States, the U.S. reassurance measures soon fell under the framework of Operation Atlantic Resolve.<sup>18</sup> President Obama's visits to Warsaw and Estonia in mid-2014 reiterated the importance of reassurance as a sign of Alliance resolve. In Warsaw, President Obama proposed a European Reassurance Initiative to support U.S. training in Eastern Europe as well as equipment grants for frontline NATO states, and in Tallinn stated that American reassurance measures would remain in place "as long as necessary."<sup>19</sup>

At the September 2014 Wales Summit, NATO leaders focused on developing "adaptation measures" within its Readiness Action Plan to enhance deterrence through improved rapid reaction capability.<sup>20</sup> Allies agreed to transform the NATO Reaction Force by creating a larger-scale high-readiness unit (later known as the Very High Readiness Joint Task Force (VJTF))<sup>21</sup> as well as installing new NATO "nodes" in Eastern European states to coordinate peacetime training and to receive and integrate follow-on forces.<sup>22</sup>

The Wales Summit did not provide for the permanent stationing of Allied forces in the Baltic States or Poland, and Allies to date have largely focused on enhancing reassurance measures through regular joint

<sup>12</sup> Ibid.

<sup>13</sup> David A. Shlapak and Michael W. Johnson *Reinforcing Deterrence on NATO's Eastern Flank* (Santa Monica, CA: Rand Corporation, February 2016), [http://www.rand.org/content/dam/rand/pubs/research\\_reports/RR1200/RR1253/RAND\\_RR1253.pdf](http://www.rand.org/content/dam/rand/pubs/research_reports/RR1200/RR1253/RAND_RR1253.pdf).

<sup>14</sup> Elbridge Colby and Jonathan Solomon, "Facing Russia: Conventional Defence and Deterrence in Europe," *Survival* 57, no. 6 (December 2015-January 2016): 27-28.

<sup>15</sup> Estonian Information Board, *International Security and Estonia*, (Tallinn, Estonia: Estonian Information Board, 2016), 17, <http://teabemet.ee/pdf/2016-en.pdf>.

<sup>16</sup> Matthew Kroenig, "Getting NATO Ready for a New Cold War," *Survival* 57, no. 1 (February-March 2015): 50.

<sup>17</sup> In general terms, "deterrence" actions affect the perceptions of an adversary while "reassurance" impacts the perceptions of Allies and partners. "Reassurance" is a term with a decades-old NATO lineage that generally means actions taken as a visible sign to demonstrate NATO's commitment to an Ally or Allies. Author thanks Professor Alan Henrikson of the Fletcher School for this point in an email on February 22, 2016.

<sup>18</sup> Author observation. Donald M. Campbell and Michael T. Whitney, "Assurance in Europe: Why Relationships Matter," *Military Review* 94, no. 6 (November-December 2014): 5-10.

<sup>19</sup> Barack Obama, "Remarks by President Obama to the People of Estonia," September 3, 2014, <https://www.whitehouse.gov/the-press-office/2014/09/03/remarks-president-obama-people-estonia>.

<sup>20</sup> North Atlantic Treaty Organization, *Fact Sheet: NATO Readiness Action Plan*, (Brussels, Belgium: North Atlantic Treaty Organization February 2015), [http://www.nato.int/nato\\_static\\_fl2014/assets/pdf/pdf\\_2015\\_02/20150205\\_1502-Factsheet-RAP-en.pdf](http://www.nato.int/nato_static_fl2014/assets/pdf/pdf_2015_02/20150205_1502-Factsheet-RAP-en.pdf).

<sup>21</sup> Ibid.

<sup>22</sup> North Atlantic Treaty Organization, *Fact Sheet: NATO Force Integration Units* (Brussels, Belgium: North Atlantic Treaty Organization, September 2015), [http://www.nato.int/nato\\_static\\_fl2014/assets/pdf/pdf\\_2015\\_09/20150901\\_150901-factsheet-nfiu\\_en.pdf](http://www.nato.int/nato_static_fl2014/assets/pdf/pdf_2015_09/20150901_150901-factsheet-nfiu_en.pdf).

training. NATO Defense Ministers have indicated, without additional detail, that a larger multinational presence will be developed prior to the Warsaw Summit,<sup>23</sup> and European Command (EUCOM) Commander General Philip Breedlove has stated that the command's "focus will shift from assurance to deterrence."<sup>24</sup> But to date the U.S. and Western European Allies have not renounced the NATO-Russia Founding Act<sup>25</sup> and its general principles against permanent stationing of large-scale forces in Eastern Europe and have focused instead on increasing rotational training presence and participation in exercises.<sup>26</sup>

In sum, U.S. and Allied leaders appear to be outlining a force posture for Eastern Europe that uses a more robust in-region training or "reassurance" presence supplemented by an out-of-region rapid reaction "deterrent" force. NATO Deputy Secretary General Alexander Vershbow admitted that NATO "cannot replicate the deterrence posture that existed during the Cold War, even if we wanted to" and called for a "sufficient degree" of forward presence to balance rapid reaction units.<sup>27</sup> General Breedlove described U.S. efforts as "providing a mixture of assurance to our NATO Allies and Partners and activities that deter Russia."<sup>28</sup> U.S. Ambassador to NATO Douglas Lute calls this the "modern approach to deterrence... a much more modest forward presence backed up by much more responsive rapid reaction forces" without the robust forward presence of the Cold War.<sup>29</sup>

Eastern European leaders have expressed dissatisfaction at the division of reassurance and deterrence activities. Baltic military commanders in February, 2015 formally requested that NATO station a Brigade-sized element in the region,<sup>30</sup> and other NATO-state commentators have called for a return to Cold War-era forward presence to deter Russia.<sup>31</sup> Estonian President Toomas Hendrik Ilves publicly stated his concern that Russian forces could make the decision to invade a Baltic State in a number of hours.<sup>32</sup> Latvian Foreign Minister Edgars Rinkevics linked deterrent posture to force size, saying "I think that we still need to develop the way where we have a permanent presence, rotational presence of allied troops that is

<sup>23</sup> Jens Stoltenberg, "Press Conference: NATO Secretary General Jens Stoltenberg following the meeting of the NATO-Georgia Commission at the level of Defence Ministers," public speech, North Atlantic Treaty Organization, February 11, 2016, [http://www.nato.int/cps/en/natohq/opinions\\_127979.htm?selectedLocale=en](http://www.nato.int/cps/en/natohq/opinions_127979.htm?selectedLocale=en).

<sup>24</sup> Agence France Presse, "U.S. General: NATO to Switch Assurance to Deterrence in Eastern Europe," *Defense News*, March 31, 2016, <http://www.defensenews.com/story/defense/2016/03/31/us-general-nato-switch-assurance-deterrence-europe/82495752/>.

<sup>25</sup> The NATO-Russia Founding Act states that the "Alliance will carry out its collective defence and other missions by ensuring the necessary interoperability, integration, and capability for reinforcement rather than by additional permanent stationing of substantial combat forces. Accordingly, it will have to rely on adequate infrastructure commensurate with the above tasks." Whether this act remains in force is not universally agreed upon, particularly given Russia's non-adherence to the Conventional Forces in Europe Treaty. North Atlantic Treaty Organization, *Founding Act on Mutual Relations, Cooperation and Security between NATO and the Russian Federation* (Paris: North Atlantic Treaty Organization, May 27 1997, updated October 12, 2009), [http://www.nato.int/cps/en/natohq/official\\_texts\\_25468.htm](http://www.nato.int/cps/en/natohq/official_texts_25468.htm).

<sup>26</sup> Several Allies, to include the UK and Germany, have announced significant annual training deployments to the Baltic States and Poland. Germany, working with the US and several other Allies, has launched the TACET initiative to coordinate Allied conventional force training in Eastern Europe. For additional information, see UK Ministry of Defense, "Defence Secretary Announces More Support in Baltics and Ukraine," October 8, 2015, <https://www.gov.uk/government/news/defence-secretary-announces-more-support-in-baltics-and-ukraine>; Danish Ministry of Defense, "Denmark Participates in New NATO Initiative," February 18, 2016, <http://usa.um.dk/en/news/newsdisplaypage/?newsID=250CF751-95A5-4AF7-A672-B2D2A5D66DC8>.

<sup>27</sup> North Atlantic Treaty Organization, "21st Century Deterrence: Remarks by Deputy Secretary General Alexander Vershbow," January 15, 2016, [http://www.nato.int/cps/en/natohq/opinions\\_127099.htm](http://www.nato.int/cps/en/natohq/opinions_127099.htm).

<sup>28</sup> Breedlove, "European Command Posture Statement."

<sup>29</sup> Douglas Lute, "February 9, 2016: Ambassador Lute's Pre-Ministerial Press Briefing," February 9, 2016, <https://nato.usmission.gov/february-9-2016-ambassador-lutes-pre-ministerial-press-briefing/>.

<sup>30</sup> Agence France Presse, "Baltic to Ask NATO for Thousands of Troops," *Defense News*, May 14, 2015, <http://www.defensenews.com/story/defense/2015/05/14/baltics-to-ask-nato-for-thousands-of-troops/27304579/>.

<sup>31</sup> For relevant examples, see John Grady, "Expert on NATO Calls for Permanent Alliance Military Presence as Hedge Against Russian Military Action," *NATO Source Blog*, blog entry posted February 17, 2016,

<http://www.atlanticcouncil.org/blogs/natosource/expert-on-nato-calls-for-permanent-alliance-military-presence-in-baltics-as-hedge-against-russia-military-action>; Martin Hurt, "Deployment of Allied Forces in Baltics in Significant Numbers only way to Ensure Deterrence," *News Err*, June 29, 2015, <http://news.err.ee/v/opinion/399ede72-40f2-4fd1-b775-74228b3a1e6d>.

<sup>32</sup> David Blair, "Sitting near a Nuclear Tripwire, Estonia's President Urges NATO to Send Troops to Defend his Country," *The Daily Telegraph*, April 11, 2015, <http://www.telegraph.co.uk/news/worldnews/europe/estonia/11530064/Sitting-near-a-nuclear-tripwire-Estonias-president-urges-Nato-to-send-troops-to-defend-his-country.html>.

sufficient . . . to provide credible deterrence. . . . I think that the current numbers are not enough.”<sup>33</sup> While an expanded ERI budget request, to include a “heel to toe” presence of a U.S. armored brigade in Eastern Europe, has been well-received, it does not provide the long-term defensive presence as in the Cold War.<sup>34</sup>

Even today, debate over force posture in Eastern Europe lies in the shadow of the Cold war, with calls for NATO to return to its “basics” in deterring adversaries from attacking NATO territory as occurred in NATO’s Central Front during the Cold War.<sup>35</sup> In this model, a strong defensive force, backed by a series of exercises, diplomatic messaging, and the nuclear triad, convinced Soviet leaders not to attack the Alliance. An analysis of Forward Defense in light of the limited aim attack challenge, such as the “Hamburg Grab” scenario, however, demonstrates that this model would have significant limitations in the Baltic and that other measures in the border region would be necessary. NATO success in deterring the Soviet Union despite a significant Cold War-era shortfall in self-determined required forces indicates that perhaps factors other than numbers were more significant in establishing credibility.<sup>36</sup>

The NATO Cold War force structure emerged in the 1950s and 1960s due in part to uncertainty as to whether the Soviet Union would resort to a “blitzkrieg” or a limited aim attack. Many senior NATO Commanders argued that NATO should organize strong forward defenses near the border to force the Soviets to “use substantial force to breach the shield” and to “provide a degree of flexibility which removes the need of having to choose between total war and acquiescence.”<sup>37</sup> Others believed that the Soviets lacked a “breakthrough” capability, which would lead the USSR to attempt instead to seize a major border city like Hamburg, offer peace, and break the Alliance by defeating it politically rather than militarily.<sup>38</sup>

Forward Defense had both strengths and limitations within George and Smoke’s framework of conventional deterrence. NATO’s deterrence posture demonstrated a high degree of political and military commitment of the Alliance and the United States in particular to defend frontline Alliance states, to include the reconstitution and support of the West German military. The positioning of U.S. units on the NATO-Warsaw Pact border itself provided a “tripwire” force that would ensure that U.S. units were quickly and unequivocally involved in conventional combat. The time and effort required for the Warsaw Pact to mobilize would in turn trigger indicators to allow the general mobilization, reinforcement, and preparation of NATO, and increase risks to the Soviet Union. Likewise, NATO’s posture of Forward Defense likely had the ability to impose significant costs on a Soviet-led blitzkrieg and limit Soviet freedom of movement. The possibility of nuclear escalation remained a clear possibility for Warsaw Pact leaders, and Warsaw Pact planners had to account for a considerable, if not optimally sized, NATO force in Europe backed by a readiness to reinforce from other parts of Europe or the Continental United States.

Forward Defense had a more mixed record in terms of building appropriate capabilities for defensive operations. West German political considerations, not military expediency, drove much of the debate. West German leaders, noting the considerable proportion of the West German population living near the border, would not countenance any strategy that traded space for time or indicated acceptance of a permanent

<sup>33</sup> Council on Foreign Relations, “Examining Latvia’s Challenges and Opportunities: A Conversation with Edgars Rinkēvičs,” February 24, 2016, [http://www.cfr.org/latvia/examining-latvias-challenges-opportunities/p37564?cid=soc-facebook-in-edgars\\_rinkevics\\_otr-022416](http://www.cfr.org/latvia/examining-latvias-challenges-opportunities/p37564?cid=soc-facebook-in-edgars_rinkevics_otr-022416).

<sup>34</sup> For a thorough analysis of the FY17 European Reassurance Initiative Budget request, see Mark Cancian and Lisa Samp, “The European Reassurance Initiative,” February 9, 2016, <http://csis.org/publication/european-reassurance-initiative>.

<sup>35</sup> See, for example, Luke Coffey and Daniel Kochnis, *NATO Summit 2014: Time for the Alliance to Get Back to Basics* (Washington, DC: Heritage Foundation, August 19, 2014), <http://www.heritage.org/research/reports/2014/08/nato-summit-2014-time-for-the-alliance-to-get-back-to-basics>.

<sup>36</sup> For example, NATO’s assessment of the number of Allied division-equivalents required ranged from 96 in 1952 to 30 in 1954 with no significant change in threat assessment. Even at this lower level, NATO never met its troop requirements in peacetime and would only achieve these goals through a relatively slow wartime reinforcement. See in particular, Sir Hugh Beach “Improving NATO Deterrence,” in *The Conventional Defense of Europe: New Technologies and New Strategies*, ed. Andrew J. Pierre (New York: CFR Press, 1986), 157.

<sup>37</sup> Glenn H. Snyder, *Deterrence and Defense: Toward a Theory of National Security* (Westport, CT: Greenwood Press, 1961), 120.

<sup>38</sup> For a discussion of this topic, see Andrew Krepenivich, *The Last Warrior: Andrew Marshall and the Shaping of Modern American Defense Strategy* (New York: Praeger, 2015), 183.

division of Germany.<sup>39</sup> The loss of operational flexibility and the risk of encirclement to NATO forces forward positioned caused great concern to Allied leaders throughout the Cold War.

The need to reinforce Forward Defense units led to significant known logistical shortfalls. NATO and U.S. planners had challenges finding the resources to logistically support not only NATO's initial defense, but also the arrival of units falling in on prepositioned stocks in Central Europe for integration into NATO's military operations. These stocks of prepositioned military equipment would have presented an attractive target to Warsaw Pact conventional strikes and likely would have represented a large vulnerability. Furthermore, the procedures for Reception, Staging, and Onward Integration in a conflict environment were often speculative.<sup>40</sup> The ability of United States and other Allies to deliver forces by the planned timetable with available sealift and airlift remained in doubt.<sup>41</sup> NATO also struggled to establish a strong standardization program to manage operational logistics for the seven Corps headquarters operating in Germany, each of which had its own supply chain and requirements.<sup>42</sup>

Finally, the Forward Defense model left doubt as to whether NATO forces were organizing around the most dangerous Soviet course of action while ignoring the possibility of limited aim attack. Scholar Philip Lindner noted that some analysts believed what NATO actually needed was the ability to deter a limited aim attack targeting NATO's cohesion with the capacity to "repel probes, restore boundaries, or freeze any conflict quickly and efficiently so that an appropriate political response could be made."<sup>43</sup> Likewise, former UK Deputy Land Forces Chief General Sir Hugh Beach saw a "gap" between NATO's ability to repel (and thus deter) a blitzkrieg and a limited aim attack.<sup>44</sup>

To fill this deterrence gap, some Cold War defense thinkers proposed that West Germany organize around the principles of "alternative defense" organized in the border area to provide a visible capability to impose costs on Soviet and Warsaw Pact attackers. While not fully adopted, many of the principles of alternative defense adapt themselves well to the reality of small conventional force structure, extensive "home guard" structures, and limited Allied presence of Baltic militaries. Early on, many saw alternative defense as a method to reduce the security dilemma by adopting a defensive posture with modern weapons, which in itself would reduce the risk of war in West Germany.<sup>45</sup> Basil Liddell-Hart, believing that "frontier 'bites', quick or gradual" by Soviet forces represented the most likely risk, envisioned a network of "light infantry divisions" made up of conscripts and "Home Guard" forces in the immediate border area, which would fight primarily in their home regions with stores of weapons in the immediate area. Liddell-Hart believed that such forces would relieve the burden on conscript systems to provide large, heavily mechanized forces into the field and would better take advantage of Germany's population centers.<sup>46</sup>

Other concepts, such as that described by German strategist Boleslaw von Bonin, envisioned a large "defensive belt" of anti-tank weapons, anti-tank mines, bunkers, and obstacles within 80 kilometers of the intra-German border. Among many writers, Major-General Jochen Loeser in 1981 proposed a defensive plan for light infantry units near the inter-German border, armed with infantry weapons, and moving in light vehicles.<sup>47</sup> Retired U.S. Army Colonel John C.F. Tillson proposed a "landscaping" program including the reinforcement of natural and artificial obstacles in a defensive zone. The defensive zone would integrate

<sup>39</sup> David Gates, "Area Defense Concepts: The West German Debate," *Survival* 29, no. 4 (September 1987): 308.

<sup>40</sup> William P. Mako, *U.S. Ground Forces and the Defense of Central Europe* (Washington, DC: Brookings Institution 1983), 70; Philip Lindner "Conventional Defense of Central Europe," in *Conventional Deterrence*, ed. James R. Golden et al. (Lexington, MA: Lexington Books, 1984), 117.

<sup>41</sup> Bill Keller, "NATO Chief Finds Conventional Forces Lacking," *New York Times Online*, March 2, 1985, <http://www.nytimes.com/1985/03/02/world/nato-chief-finds-conventional-forces-lacking.html>; For an extended treatment of the military and especially political challenges to mobilization, Richard K. Betts, "Surprise Attack: NATO's Political Vulnerability," *International Security* 5, no. 4 (Spring 1981), 117-149.

<sup>42</sup> Donald Cotter, "Potential Future Roles for Conventional and Nuclear Forces in Defense of Western Europe," in ESECS, *Strengthening Conventional Deterrence in Europe: Prospects for the 1980s* (New York: St. Martin's Press, 1983), 213.

<sup>43</sup> Lindner, "Conventional Defense of Central Europe," 115.

<sup>44</sup> Beach, "On Improving NATO's Strategy," in *The Conventional Defense of Europe: New Technologies and New Strategies*.

<sup>45</sup> Hans Brauch, ed., *Jonathan Dean: Pioneer in Détente in Europe* (New York: Springer, 2014), 75.

<sup>46</sup> Basil Liddell Hart, *Deterrent or Defense: A Fresh Look at the West's Military Position* (New York: Praeger, 1960), 64-65.

<sup>47</sup> Gates, "Area Defense Concepts," 306.



anti-tank and mortar positions with the on-order destruction of key infrastructure and would be linked by a secure land-line telecommunications system. Recalled reserve forces would provide much of the manning, with units potentially tied into the border police as well as multinational forces stationed in Germany.<sup>48</sup>

In theory, an Alternative Defense system could be activated more quickly and at lower cost and better use Germany's terrain and military systems in an integrated manner. There were also significant drawbacks. SACEUR General John Galvin noted that such a stance used as the organizing principle for NATO could be seen as reactive and had no offensive capability to retake lost territory.<sup>49</sup> Alternative Defense offered several advantages to deterrence, however. Notwithstanding West Germany's political considerations, organizing around the border in this manner would greatly improve situational awareness and while demonstrating resilience and the ability to impose costs. The light nature of the forces would have exposed troops to greater risk, but the dispersed nature of the forces and their light vehicles could offer greater freedom of movement under challenging tactical conditions. Finally, a system of obstacles tied in with anti-tank capability would degrade Soviet freedom of movement.

### **Toward a New Conventional Deterrence**

Two interrelated challenges affect establishing a credible deterrent regime in the Baltics. First, the division of Allied activities between out-of-region deterrent units and in-region reassurance activities leads some regional leaders to assume that NATO plans to liberate the Baltics only after a Russian attack, which is not desirable to regional Allied leaders. Second, NATO's activities focus on a high-end blitzkrieg assault but generally ignore the possibility of a limited aim attack that means regional leaders perceive the possibility that NATO could be deterred, perhaps through Russian nuclear threats, from military action necessary to restore the border.

The most common solution currently offered is a significant increase in either "permanently rotating" heavy forces or prepositioned stocks,<sup>50</sup> which succeed in increasing resilience but suffers in terms of appropriateness to the regional situation. A larger NATO force positioned in the region would indeed increase the visibility of NATO forces but also would also expose these forces to the same Cold War-era logistical and operational challenges, significantly impacting Allied freedom of movement. The organization of a "multinational force" at Warsaw may create an ad-hoc unit with below-optimal military cohesion and capability, particularly if the NATO unit is not directly assigned its own combat service support and other enablers. A large-sized force, positioned in the Baltic, would present an imposing defensive capability but would also be logistically vulnerable were Russia able to deny air and sea port access for a time.

Another option, the proposed "preclusive defense," encourages regional efforts to establish a "denial" capability focused on anti-tank and anti-air capabilities.<sup>51</sup> This generally aligns well with Baltic military force structures, light forces backed by limited mechanized forces. The plan could also compliment NATO's current efforts at improving responsiveness through the VJTF. Relying exclusively on such an approach, however, could lead to a perception either that the Baltics would be fighting alone or that Allies could "contribute" to the defense of the Alliance through means other than credible conventional power. In addition, this approach does not offer a solution for integrating "reassurance" forces into a specifically deterrent framework without the costly and risky employment of large-scale forces.

<sup>48</sup> John C.F. Tillson, "The Forward Defense of Europe," *Military Review* (May 1981), 68-70.

<sup>49</sup> Ibid.

<sup>50</sup> For two typical examples, see Kathleen Hicks and Heather Conley, eds., *Evaluating Future U.S. Army Force Posture in Europe: Phase One Report* (Washington, DC: CSIS, February 2016), [http://csis.org/files/publication/160203\\_Hicks\\_ArmyForcePosture\\_Web.pdf](http://csis.org/files/publication/160203_Hicks_ArmyForcePosture_Web.pdf); and German Marshall Fund Advisory Panel, "NATO in a World of Disorder: Making the Alliance Ready for Warsaw," March 17, 2016, <http://www.gmfus.org/publications/nato-world-disorder-making-alliance-ready-warsaw>.

<sup>51</sup> Wess Mitchell and Jakub Grygiel, "A Preclusive Strategy to Defend the NATO Frontier," *The American Interest Online*, December 2, 2014, <http://www.the-american-interest.com/2014/12/02/a-preclusive-strategy-to-defend-the-nato-frontier/>, (2016); Wess Mitchell, "A Bold New Strategy for NATO," *The National Interest*, January 6, 2016; Pauli Jarvenpaa, "Can Estonia Be Defended," *ICDS Blog*, blog entry posted February 22, 2016, [www.icds.ee/blog/article/can-estonia-be-defended-1/](http://www.icds.ee/blog/article/can-estonia-be-defended-1/). The work of these authors is invaluable to better understand the dilemmas of planning for Baltic defense.

## Deterrence through Reassurance

Efforts to create a credible “punishment” force to restore the territorial integrity of NATO Allies should continue. The link between “reassurance” and other security cooperation activities, however, must be strengthened to demonstrate Allied readiness to impose costs on a Russian limited-objective attack. In keeping with the deterrence model, The U.S. and NATO should focus efforts on credibly demonstrating three key deterrent capabilities. First, that frontline Allies have the resilience capacity to identify, assess, and quickly respond to Russian aggression in the border region. Second, that Allies training in the region can quickly transition, with political guidance, to effective multinational combat operations and have freedom of movement within the region to conduct and support combat operations on short notice. Third, that Allies have capability to impose costs on and deny freedom of movement to Russian military forces attempting to invade a Baltic State.<sup>52</sup> NATO’s deterrence formula should focus on countering Russia’s advantages in decision-making speed and demonstrate the risk to Russia that even a limited aim attack could be quickly and credibly met by an Allied conventional response.

### Develop Allied Resilience

Enhance Host Nation and Allied ability to understand and interpret activity in border regions. Given the small size of Baltic populations and militaries, police and border forces are likely to be the first responders in a limited aim attack. Within the limitations of national and European law, connecting host nation border forces with U.S. and Allied commands through exercises and equipment operability will help speed reaction time to border incidents. EUCOM and USAREUR should advocate for additional budgetary authorities to allow direct military assistance for the Baltic border and for forces in support of recognizing and resisting Russian conventional and unconventional activity.<sup>53</sup>

Invest in Unmanned Aerial Vehicle (UAV) procurement and training for Allied nations. Baltic nations have solid knowledge of tactical UAVs from experience in Afghanistan. Investing in Baltic intelligence, surveillance, and reconnaissance capacity through Foreign Military Financing or ERI funding at the Brigade and Battalion level provides frontline Allies additional capacity to locate and attribute Russian Federation military activity quickly.

Continue to involve Baltic States in out-of-area missions. The U.S. and other NATO Allies should continue to encourage East European militaries to deploy to overseas missions. Overseas missions provide a powerful recruiting and retention incentive for the professional force. Opportunities to serve abroad support national resilience by offering the next generation of military leaders the opportunity to participate in and contribute to challenging missions with Allied personnel.

### Establish Allied Freedom of Movement

Understand the Physical and Operational Environment. U.S. and host nation forces, coordinating with U.S. Transportation Command (TRANSCOM), 21<sup>st</sup> Theater Sustainment Command, the USAREUR Mission Command Element (MCE) and other entities, should support Allied Freedom of Movement by building and disseminating awareness of logistical and infrastructure capabilities within the Baltic States and Poland. Long distance movements like the 2015 “Dragoon Ride” also provide exceptional opportunities for improving situational awareness, command and control, and logistical support concepts.<sup>54</sup>

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<sup>52</sup> Nuclear deterrence remains a cornerstone of NATO’s deterrent posture.

<sup>53</sup> U.S. Embassies in the Baltic have partnered with the U.S. State Department to improve border security through the Foreign Military Financing process. Author thanks LTC William McNicol, Chief, Office of Defense Cooperation Estonia, for sharing his views.

<sup>54</sup> The “Dragoon Ride” involved 2<sup>nd</sup> Cavalry Regiment units conducting road marches from the Baltic States to Germany, a model that has been repeated in southeast Europe. U.S. Army MPs have been involved in route reconnaissance of roads in Eastern Europe. Michelle Tan, “New NATO Units Help US Army Move across Europe,” *Defense News*, March 17, 2016, <http://www.defensenews.com/story/defense/show-daily/ausa-global-force/2016/03/17/new-nato-units-help-us-army-move-across-europe/81897446/>.

Prepare Command and Control nodes for initial combat and logistical operations. The establishment of the USAREUR MCE<sup>55</sup> in 2014 provided increased command and control capacity for U.S. forces training in Eastern Europe. In particular, the MCE includes expertise across the warfighting functions not available at the small unit level or within Embassy country teams. In the absence of a Corps or Division headquarters in Europe, the MCE plays a vital role in fusing political direction into operations to counter potential Russian aggression in the Baltic. Further developing its visible capability to transition quickly to combat operations during exercises will establish U.S. commitment and presence during a limited aim attack. Likewise, the establishment of NATO Force Integration Units (NFIU) after the Wales Summit provides additional capacity for coordination of NATO's initial operations in theater. With Allied and host-nation personnel, the NFIU has expertise across warfighting functions and will provide direction to Allied logistical operations as well as situational awareness for Allied warfighting commands. USAREUR has taken steps to include the NFIU in all exercises and deployments.<sup>56</sup> Making the NFIU the focus of NATO's immediate response to potential Russian aggression will also enhance NATO's credibility to act.

Be ready to fight on the first day. The credible possibility of rapid Allied participation is a key component of deterrence. Regardless of the type of units training in the Baltic at any time, senior U.S. elements should work with host nation and NATO officials to establish rapid integration and deployment of rotating U.S. forces with host nation forces when required. Practicing the tactical and logistical subordination of U.S. units to host nation battalions and brigades will further enhance the appearance of readiness to fight when granted appropriate political direction.

Prepare for the temporary denial of key transportation nodes. The 21<sup>st</sup> Theater Sustainment Command is rapidly changing its logistical support procedures in light of the complex nature of military activities in Eastern Europe.<sup>57</sup> Russian forces will have little difficulty identifying and potentially temporarily denying key transportation facilities to U.S. and Allied forces. U.S. forces need to consider how to resupply forces and provide aviation support in a non-standard manner until they are able to restore access to transportation nodes. Demonstrating both the existence and capability of alternative logistical means through regular training and exercise will communicate to the Russians that attempting to deny access to the Baltic States will not be simple.

The U.S. should look to establish alternate airfields using highways and other regional infrastructure.<sup>58</sup> Because the Baltic States are thinly populated, using the existing highway network provides possibilities to support U.S. Air Force and Army Aviation activities. Likewise, the Baltic States have existing former Soviet alternate airfields that could be enhanced to provide longer-duration and higher-capability airfields until main airfields return to service.

Estonia and Latvia have a limited number of commercial ports usable by Allied Forces, but the extensive coastline provides numerous locations suitable for smaller vessel offloads. The length and complexity of the coastline, to include a large number of large and small islands, would make effective monitoring and targeting by Russian forces difficult. Such locations could be used to offload heavy equipment or other classes of supply, which then would be picked up by host nation or other forces and delivered to end users.

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<sup>55</sup> The MCE is currently composed of personnel from the headquarters of the 4<sup>th</sup> Infantry Division, led by a Brigadier General.

<sup>56</sup> As an outstanding example, 1<sup>st</sup> Lieutenant Timothy Jenkins of the 21<sup>st</sup> Theater Support Command has been instrumental in developing common procedures between the NFIUs and U.S. Army Europe. Email from LTC William McNicol, February 22, 2016.

<sup>57</sup> See Duane Gamble, Matthew Redding, and Craig Daniel, "Balancing Sustainment Priorities for a New Security Paradigm in Europe," February 29, 2016, linked from *The Official Homepage of the United States Army*, [http://www.army.mil/article/162200/Balancing\\_sustainment\\_priorities\\_for\\_a\\_new\\_Security\\_paradigm\\_in\\_Europe/](http://www.army.mil/article/162200/Balancing_sustainment_priorities_for_a_new_Security_paradigm_in_Europe/).

<sup>58</sup> During the Cold War, U.S. and Allied forces practiced using the Autobahn network as non-standard airfields. Allied forces identified locations, prepared them for possible operation, rerouted power lines, and established removable road barriers, thus allowing these locations to be converted to airfields within 24 hours. For a visual depiction, see Joris Niewwint "1984: Testing the Autobahn," January 11, 2016, <https://www.warhistoryonline.com/featured/1984-testing-the-autobahn-airfield.html>.



Establish the “NATO Schengen Zone.”<sup>59</sup> USAREUR is working with Allies and partners to streamline border procedures for the entrance of military equipment and personnel for training. While the civil-military basis for these laws is understandable, assuming that wartime operations will be fast and efficient remains an untested assumption. Updating the NATO Status of Forces agreement of 1954 to facilitate rapid force movements within theater would be a tremendous demonstration of Allied preparation to act.

### Deny Russian Freedom of Movement

East European Allies, and the Alliance as a whole, enhance deterrence by demonstrating the institution of appropriate defensive capabilities that will impose costs on Russian offensive activities. Allies should work together, through NATO or through programs like ERI, to improve the ability to hinder Russian military activity in the border region.

### Improve Countermobility in the Border Area

Taking lessons from the Alternative Defense approach, the United States should consider providing funding or support to countermobility activities in the border area to delay or disrupt Russian military operations. This approach offers a low-profile way to increase the cost of a limited-aim or even a blitzkrieg Russian military operation. Frontline Allies could learn from Swiss and South Korean experiences in developing obstacles and demolition plans for key infrastructure.<sup>60</sup> Continue to invest in anti-armor and air-defense capabilities. The Georgia and Ukraine conflicts have highlighted the importance of anti-armor and air defense systems to imposing costs on Russian forces, with anti-tank systems in particular providing a cost-effective capability. Both Estonia and Lithuania have recently invested in U.S.-made Javelin anti-tank missiles, and all three nations use the Carl Gustav recoilless rifle with a regional agreement for ammunition procurement. Encouraging all three states to adopt a common system will better enable regional resupply and interoperability.

## Conclusion

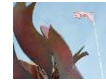
NATO allies must work together to bring about the suggested changes. The NATO defensive model used during the Cold War would be even more difficult to execute in Eastern Europe. NATO and NATO Allies, then, must find the right formula to shape perception, increase coordination, and successfully deter both a limited aim conventional attack and a blitzkrieg attack.<sup>61</sup> To focus solely on one course of action over another (e.g., the most dangerous course of action—a blitzkrieg attack—over more limited attacks) or to consider only the solutions of an earlier time could prove disastrous. Employing a more comprehensive approach to deterrence through reassurance could effectively enhance Allied resilience and responsiveness to a Russian limited territorial incursion and in so doing preserve both regional integrity and the power of the alliance.

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<sup>59</sup> In early 2016, for example, Estonia radically overhauled its border control procedures for entering Allied forces, requiring clearance in no more than seven days. In practice, it passed within hours. “Estonia Eyes a Military Schengen,” *Balkandefense.com*, February 1, 2016, <http://www.balkandefense.com/estonia-eyes-a-military-schengen/>.

<sup>60</sup> Jan Osburg, *Unconventional Options for the Defense of the Baltic States: Learning from the Swiss Approach* (Santa Monica, CA: Rand Corporation, 2016), [http://www.rand.org/content/dam/rand/pubs/perspectives/PE100/PE179/RAND\\_PE179.pdf](http://www.rand.org/content/dam/rand/pubs/perspectives/PE100/PE179/RAND_PE179.pdf).

<sup>61</sup> Ivan Arreguin-Toft, “Why the Weak Win,” *International Security* 26, no. 1 (Summer 2001): 108. Arreguin-Toft notes that small states almost always lose when directly defending against large state direct attacks. Small states gain advantages when they do something different than the attacker.



# Major General Fox Conner: “The Indispensable Man”

Carter L. Price

*As a strategic adviser, Fox Connor was arguably responsible for the development of a President, a Secretary of State, and one of the most prolific military leaders of a century. This essay identifies the attributes that made Fox Connor such an effective advisor and leader. Senior strategic leaders require advisors like Fox Connor to maximize their ability to lead effectively, yet the advisory role is largely ignored in professional military education. Senior Service Colleges, therefore, require nothing less than an embrace of the symbiotic relationship between leader and advisor as they prepare graduates for future responsibilities in either capacity.*

Keywords: Strategic Advisor, Senior Leader, Professional Military Education, Lukaszewski

The moral of this quaint example, is to do just the best that you can, be proud of yourself but remember, there's no indispensable man.

—Saxon White Kessinger <sup>1</sup>

As a strategic advisor, was Fox Conner an indispensable man? In an interview with Stephen Ambrose for his book, *Supreme Commander*, President Eisenhower would say that “Fox Conner was the ablest man I ever knew.” Staggered by this statement, Ambrose responded, “General Eisenhower, you have dealt with Roosevelt, Churchill, Marshall, MacArthur, Stalin and you say that Fox Conner was the ablest man you ever knew. My God!”<sup>2</sup> Retired General of the Armies John J. Pershing remarked, “I could have spared any other man in the A.E.F better than” Fox Conner.<sup>3</sup>

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Carter L. Price (M.S.S. United States Army War College) is a Lieutenant Colonel in the United States Army. An earlier version of this article, written under the direction of Professor Harry A. Tomlin, earned a prestigious General Matthew B. Ridgway Writing Award for the USAWC class of 2016.

<sup>1</sup> Carlo D’Este, *Eisenhower: A Soldier’s Life* (New York: Henry Holt, 2002), 705.

<sup>2</sup> William B. Lee, *Major General Fox Conner, November 2, 1874-October 13, 1951*. [S.l. : s.n., between 2002 and 2008], 3.

<sup>3</sup> Edward M. Coffman, *The War to End All Wars* (New York: Oxford University Press, 1968), 267

Despite praise from arguably the most famous if not most capable military leaders of the 20th Century, Fox Conner remains a mystery to most. Even in his time he was referred to as a “mysterious *grey eminence* in the Army, whose power was indirect and often concealed. Conner wielded immense authority years between the World Wars.”<sup>4</sup> Fox Conner was visionary enough to believe in the importance of tanks as a new weapon that could change the modern battlefield.<sup>5</sup> He deemed this so much that he persuaded Patton to become their champion.<sup>6</sup> Seeing the ineffectiveness of the Army structure in World War I, Conner almost single-handedly set about to restructure the Army division resulting in his recommendations being used word for word in the National Defense Act of 1920.<sup>7</sup> Convinced that the treaty of Versailles would create inevitable conditions for yet another war with Germany, Fox Conner selected, encouraged and developed an impressive group of military leaders to win the war he had predicted.<sup>8</sup> Conner told these future leaders that in “fifteen, twenty, at most thirty years... You must be ready! Make yourself strong and cunning. Don’t waste a moment or overlook a bet. The survival of America and all that it means to humanity will depend on your will and fortitude alone.”<sup>9</sup> In totality, there is likely no other man who more profoundly influenced the outcome of a war in which he never directly participated.

Why was Fox Conner so universally trusted by both senior and junior leaders? How did he so accurately predict future conflicts and so effectively influence others toward their resolution? Why was he so often called upon to solve the most complex problems? Why was he so proficient in recognizing patterns? How was Conner able to see beyond the boundary conditions of his day and foster innovation? Why was he so adept at giving advice? Is there, or has there ever been an, *indispensable man*? This essay seeks to answer these questions by exploring Major General Fox Conner’s personal and professional life to determine what made him such an effective strategic advisor.<sup>10</sup> Instruction at military institutions is rarely directed toward creating effective strategic advisors. Yet, effective strategic advisors are invaluable to effective strategic leadership. Professional military education, therefore, should pursue means of developing the types of advisory competencies exemplified by Fox Connor.

Strategic advisors differ from strategic leaders in that they help make decisions for which they may have no direct responsibility. Strategic advisors may be of any rank or position. In fact, many, if not most, senior strategic leaders regularly advise other senior civilian and military leaders. To be a strategic advisor one must work at the strategic level of the organization, have access to strategic leadership, possess expertise, knowledge and skills in a particular area that is important to the organization, and engage strategically significant matters. In addition, strategic advisors must often collaborate across organizational boundaries toward a unified goal. Fox Conner was an effective strategic advisor and leader. His role in advising some of our nation’s most significant leaders is a model against which strategic advisors can both be formed and measured.

<sup>4</sup> Martin Blumenson, *The Patton Papers and Patton: The Man behind the Legend, 1885–1945* (New York: Morrow, 1985)

<sup>5</sup> Matthew F. Holland, *Eisenhower, Between the Wars, Making of a General and Statesman* (Westport, CT: Praeger, 2001), 99.

<sup>6</sup> Carlo D’Este, *Patton: A Genius for War* (New York: Harper, 1995), 202-204.

<sup>7</sup> Roger J. Spiller, ed. *Dictionary of American Military Biography, Volume 1 (A-G)* (Westport, CT: Greenwood Press, 1984), 200.

<sup>8</sup> Matthew F. Holland, *Eisenhower, Between the Wars, Making of a General and Statesman* (Westport CT: Praeger, 2001), 90.

<sup>9</sup> Alden Hatch, *General Ike: A Biography* (New York: Henry Holt, 1944), 79.

<sup>10</sup> I have omitted ranks for many actors to eliminate confusion. Throughout this period, officer ranks rose and fell based on their position and the issue of the day. During World War I, Conner and Marshall were given temporary ranks that reverted after the war. Patton, Marshall, and Eisenhower were, at the time of their meeting with Conner, significantly junior to him in rank and time in service. Marshall and Patton were contemporaries. Eisenhower was six years junior to both.

## The Life of Fox Conner

On November 2, 1874, Fox Conner was born the first of three children to Robert Henry Conner and Nannie Fox. His father had been a Confederate sharpshooter who, blinded by a bullet wound, later became a teacher in the village of Slate Springs, Mississippi. He grew up in an occupied Mississippi during the reconstruction period following the Civil War. From the war stories he heard from his father, local Mississippians and Federal soldiers, he gained an appreciation for warfare and the military.<sup>11</sup> Both of Conner's parents were instructors in what became known as the Slate Spring Academy while they scratched out an existence through subsistence farming. Although military service was not an esteemed profession in the post-Civil War South, Conner sought and received a political appointment to the United States Military Academy in 1893 from United States Senator Hernando DeSoto.<sup>12</sup> Due to an illness, his entry was delayed a year. He used this extra year wisely and prepared for what he was certain would be a challenging academic environment.<sup>13</sup> No recorded or anecdotal evidence suggests that prior to boarding the train to West Point in 1884, the twenty year old Fox Conner had ever travelled beyond Jackson, Mississippi.<sup>14</sup>

### The Academy Years

Conner was apparently an enthusiastic student while attending the Military Academy. He would often write home to his family, relaying his "works for the week" in great detail.<sup>15</sup> He did not chafe at the rigor and discipline of military life, writing, "I don't care how hard they are on me as it will strengthen me and develop me generally," and "I like it though even better than I had expected."<sup>16</sup> Conner would go on to graduate seventeenth of fifty-nine in his class.<sup>17</sup> Although he had excelled in equitation while at West Point, his class rank coupled with the needs of the Army prevented his desired commission in cavalry. He was commissioned as a second lieutenant of artillery and assigned to Fort Adams, Rhode Island. Denied transfer to Cavalry on four separate occasions, Fox Connor became one of the greatest artillerymen in American military history.<sup>18</sup>

### Early Career

Conner spent his first commissioned year as an artillerymen in Rhode Island, Alabama, and Georgia. On 21 January 1899, he set out for Havana, Cuba for his first foreign tour.<sup>19</sup> While in occupied Cuba, Conner became fluent in Spanish and passed his first examination for promotion. The board noted however, that there was "considerable room for increased technical knowledge of artillery and military engineering."<sup>20</sup> Conner obviously took this evaluation seriously and went about becoming a technically proficient artilleryman during his next assignment in Washington, D.C. where again he passed his promotion examination. During this tour he showed his ability to innovate

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<sup>11</sup> Lee, *Major General Fox Conner*, 4.

<sup>12</sup> Edward Cox, *Grey Eminence, Fox Conner and the Art of Mentorship* (Stillwater, OK: New Forums Press, 2011), 5.

<sup>13</sup> United States Military Academy, *School History of Candidates*, Vol. 1 1880-1899 (West Point, NY: United States Military Academy).

<sup>14</sup> Russ Stayanoff, "Major General Fox Conner: Soldier, Mentor, Enigma: Operations Chief (G-3) of the AEF," <http://www.worldwar1.com/dhc/foxconner.htm>.

<sup>15</sup> Lee, *Major General Fox Conner*, 4.

<sup>16</sup> Theodore Crackel, *West Point: A Bicentennial History* (Lawrence: University Press of Kansas, 2002), 87-88.

<sup>17</sup> Lee, *Major General Fox Conner*, 5.

<sup>18</sup> Spiller, *Dictionary of American Military Biography*, 198.

<sup>19</sup> Brevet-Major-General George W. Cullum, *Biographical Register of US Military Academy*, Supplement, Volume IV (Cambridge, MA: The Riverside Press, 1901), 646.

<sup>20</sup> Spiller, *Dictionary of American Military Biography*, 198.

by designing an improved elevating hand wheel for mortar carriages that was adopted by the Army. This recognized potential landed him an assignment at the War Department and later the company command of the 123rd Coastal Artillery Company at Fort Hamilton, New York.<sup>21</sup>

By 1904, Fox Conner had become such a proficient artilleryman and administrator that he skipped the General Service School and attended the Army Staff College. Considered a shortcoming by Conner and his fellow students, the only available maps for study during his schooling at Leavenworth were of the Franco-German border area around Metz.<sup>22</sup> These maps, and Conner's self-taught fluency in French as well as Spanish, would be of significant benefit to him in the very near future. Conner was assigned to a training unit at Fort Riley following his graduation from Staff College. His proficiency was again noted, resulting in an assignment to the Army General Staff with the Army War College in route.

The Army War College of 1907 taught leadership through map exercises and the general principles of war. Military history played a significant role as it depicted the principles in application rather than in the abstract.<sup>23</sup> It was at the Army War College that Fox Conner gained an appreciation for history and the "causes of triumph and disaster" of strategy.<sup>24</sup> Again, Conner's performance was exemplary. As a result, he was asked to remain as one of five Army officers to teach strategy. Always an enthusiastic and self-motivated learner, Conner used his time to immerse himself in doctrine, tactics and a third foreign language: German.<sup>25</sup> While a student, he also participated with a group of staff officers who examined the United States history of preparedness to conduct war concluding that Congress should take "the reasonable and necessary measures to fulfill the duties imposed on it by the Constitution."<sup>26</sup> This statement, which he penned, became the introductory line in the 1912 proposal for Land Organization of the United States.<sup>27</sup> This early aptitude toward organizing units for combat would become important for Conner's future.

As his assignment came to a close, General Wotherspoon, the head of the War College, recommended him for a one year assignment in France as a liaison officer to a French Artillery Regiment. Conner served in the 22nd Regiment, Field Artillery, French Army. He remained in Paris to teach at the French War College, L'Ecole de Guerre, but his assignment was cut short due to a change in Army regulation requiring officers to spend two of every six years in line units.<sup>28</sup> Between 1914 and 1917 Conner stayed on the move in regiments from Fort Riley, Kansas to Laredo, Texas as well as training and administrative assignments from Fort Sill, Oklahoma to Washington, DC.<sup>29</sup> It would be on one of these train rides to Fort Riley that Conner would meet a newly minted, yet already well known, Lieutenant George S. Patton.<sup>30</sup>

## World War I - American Expeditionary Force

Both Britain and France sent delegations to the United States to consult on the role of American Forces following the United States Declaration of War with Germany on 6 April 1917. Conner was

<sup>21</sup> Ibid.

<sup>22</sup> I. B. Holley, *General M. Palmer, Citizen Soldiers, and the Army of a Democracy* (Westport, CT: Greenwood Press, 1982), 186.

<sup>23</sup> Major E. Swift, *Remarks on the Course of Instruction, Academic Year 1907-1908, Army War College Curricular Archives* (Carlisle Barracks, PA: U.S. Army War College, 1907), 8-14.

<sup>24</sup> Ibid., 5-7.

<sup>25</sup> Spiller, *Dictionary of American Military Biography*, 199.

<sup>26</sup> Ibid.

<sup>27</sup> Ibid.

<sup>28</sup> Virginia Conner, *What Father Forbad* (Philadelphia: Dorrance, 1951), 26-27.

<sup>29</sup> Spiller, *Dictionary of American Military Biography*, 200.

<sup>30</sup> Louise Ligon, "Biographical Sketch of General Fox Conner," *The Monitor-Herald*, March 12, 1936, 2.

selected as the liaison to the French delegation due to his mastery of French as well as his expertise in both French and American artillery. When President Wilson chose General John J. Pershing to lead the American Expeditionary Force, Conner was one of the one hundred and eighty seven officers and enlisted men to accompany him on his initial reconnaissance to France. Conner's boss, the Division Inspector General Andre Brewster, selected Conner as his artillery expert to accompany Pershing.<sup>31</sup> Since Pershing had heard of Fox Connor from his aide George Patton during the American Punitive Expedition in Mexico, he was more than comfortable with the choice. It was also certain that Conner's fluent French would make him an important participant as the staff poured over the after action reports of the French military. While sailing for France, Lieutenant Colonel John M. Palmer, Pershing's Chief of Staff for Operations, became convinced that he needed Fox Connor to serve within the operations section. In a testament to Conner's reputation among his superiors, Palmer knew that Conner was senior and upon his promotion would displace him. Palmer would later say that Conner "soon proved his worth many times over in the Operations Section."<sup>32</sup>

Conner's initial assignment as part of the American Expeditionary Force was to plan for the half-million man army's artillery needs. Since American factories had never produced the required guns, United States forces were required to utilize French cannons. The French cannons were the exact models Conner had mastered while assigned to the 22nd Regiment, Field Artillery, French Army.<sup>33</sup> His next task was to draw up the table for organizations of the Standard American Division as it would fight throughout the war.<sup>34</sup> Following several uneventful yet productive days at sea, Pershing's party landed in Liverpool, England on 8 June 1917. Throughout their time in England as well as after their arrival in France, there was much cause for celebration. While many would think that this celebration time was wasted while allied men were dying in trenches, it bares mention that only one hundred years prior, British forces had burned the American capital to the ground. This time of celebration cemented trust and respect among the allies. Conner would learn that these relationships were integral to forming coalitions.<sup>35</sup> Some twenty-eight years later, the Supreme Allied Commander of Allied Forces would credit Conner for teaching him how to successfully build the coalition that would gain a foothold in France on the beaches at Normandy.

By summer 1917, Fox Connor had been promoted. He replaced Palmer as the Operations Chief of the American Expeditionary Force in France. In this position, Conner sent for George Patton and introduced him to a French tank enthusiast. Upon hearing out the Frenchman, Patton responded in what he termed "euphemistic jargon appropriate for official correspondence," that the "Frenchman was crazy and the Tank not worth a damn."<sup>36</sup>

On 1 September 1917, Colonel Fox Connor traveled with the Headquarters Company Commander, George Patton, to set up the American Expeditionary Force General Headquarters in Chaumont.<sup>37</sup> With more than 61,000 American Forces in France, Pershing was anxious to leave Paris to get closer to the fight. American Forces had swelled to more than 300,000, by 21 March 1918. The 1st American Division was ordered to join the French Army in battle at a place called Cantigny. Despite that by 21 May 1918 most of the German force had displaced, the American success in capturing the small town showed that American forces could execute operations at the division level.

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<sup>31</sup> Joseph W. A. Whitehorne, *The Inspectors General of the United States Army 1903-1939* (Washington, DC: Office of the Inspector General, U.S. Army), 116.

<sup>32</sup> Holley, *General M. Palmer*, 278-279.

<sup>33</sup> Lee, *Major General Fox Connor*, 6.

<sup>34</sup> *Ibid.*, 7.

<sup>35</sup> Cox, *Grey Eminence*, 61.

<sup>36</sup> Blumenson, *The Patton Papers and Patton*, 403.

<sup>37</sup> *Ibid.*, 415.

During these operations, Conner observed and began to groom yet another important figure, Lieutenant Colonel George C. Marshall, the 1st American Division's Operations Officer during operations around Cantigny. Conner observed him throughout, devoting one day a week to mentoring Marshall at the 1st Division Headquarters in Menil-la-Tour. Conner set out to bring him into the American Expeditionary Force's General Headquarters.<sup>38</sup> On 17 July 1918, George C. Marshall reported to Colonel Fox Conner at the General Headquarters in Chaumont.<sup>39</sup>

Conner brought Marshall into the General Headquarters with the intent of launching an offensive through the Lorraine region. Since this had been the historic invasion route into France, Conner believed that an attack at this point could reduce the German salient that had formed at Saint-Mihiel.<sup>40</sup> Conner had become Pershing's chief advisor due to his mastery of French and familiarity with the French countryside. Marshall would essentially fill the role of the Chief of Operations under Conner's tutelage enabling him to spend more time advising the Commander. Conner assigned Marshall, with another more senior officer, to prepare individual competing plans for the offensive in an effort to assess Marshall's capability. After assiduous weeks of planning and revisions, each officer presented his plan to Conner for review. Marshall's was the chosen plan to be executed beginning in September 1918. Against Conner's advice, Pershing named himself Commander of the First Army of the American Expeditionary force. Conner could not convince Pershing that his decision to simultaneously command both the American Expeditionary Force and the First Army with two separate and distinct headquarters was a mistake.<sup>41</sup> To mitigate the risk of this decision, Conner assigned Marshall to the First Army as Pershing's Operations Officer. This move placed Marshall in the key position of implementing the plan which he devised.<sup>42</sup>

On 30 August 1918, following the Second Battle of the Marne, recently awarded Marshal of France, Ferdinand Jean Marie Foch, visited Pershing and unexpectedly suggested that Pershing join the French Army in an attack into the Argonne Region.<sup>43</sup> This change would amount to Pershing fighting the force he spent more than a year building in a piecemeal fashion. Pershing appealed, and the French and American leaders reached a mediated compromise in which the Americans joined forces with the French immediately after the attack on Saint-Mihiel. This compromise amounted to two major operations that the First Army would have to conduct in less than two weeks.<sup>44</sup> Pershing, ever eager to prove the value of U.S. forces, knew that much of the German force had been withdrawn. He launched the assault into Saint-Mihiel on 12 September 1918 with more than half a million Americans organized into twelve divisions.<sup>45</sup> After the overwhelming success in Saint-Mihiel, Marshall executed the monumental task of moving more than 400,000 soldiers and equipment to Meuse-Argonne. The Meuse-Argonne Campaign, which began on 26 September 1918, broke the Germans, rendering the historic city of Sedan within striking distance.<sup>46</sup>

The Germans captured Sedan in 1870 during the Franco-Prussian war. It was such a symbolic objective for the French that Marshal Foch imposed a boundary that would prevent American forces from taking the city. Conner knew that the capture of Sedan appealed to Pershing so he set out to

<sup>38</sup> Forest Pogue, *George C. Marshall: Education of a General* (New York: Viking Press, 1963), 142.

<sup>39</sup> *Ibid.*, 169.

<sup>40</sup> *Ibid.*, 170.

<sup>41</sup> *Ibid.*, 172.

<sup>42</sup> Frank Vandiver, *Blackjack: The Life and Times of John J. Pershing*, Vol. I (College Station: Texas A&M University Press, 1977), 936-939.

<sup>43</sup> Larry H. Addington, *The Patterns of War Since the Eighteenth Century* (Bloomington: Indiana University Press, 1994), 167-68.

<sup>44</sup> Cox, *Grey Eminence*, 72.

<sup>45</sup> *Ibid.*, 73.

<sup>46</sup> Vandiver, *Blackjack*, 984.



give his boss that honor. He dictated a memo to Marshall detailing the order to capture Sedan without Pershing's permission. This memo, known as the Souilly Memo, caused controversy for both Marshall and Conner long after the war. In his order to Marshall, Conner expressed that the Foch's boundaries between American and French forces were not to be considered binding, thus enabling Marshall to maneuver two divisions toward Sedan. The language to disregard boundaries nearly caused the two divisions to attack one another. So great was the confusion that another towering figure, then brigade commander Douglas MacArthur, was detained for a period by members of another American brigade. This incident, would haunt Pershing, Conner and Marshall for years to come, but it also sealed the bond among them.<sup>47</sup>

### Peace and the Inter-War Period

Conner attended the signing of the Versailles Peace Treaty along with Pershing, later confiding to Marshall that the agreement virtually guaranteed that war would soon return to Europe. Pershing, Conner, and Marshall spent significant time together after the treaty attending to the business of redeploying more than two million U.S. soldiers. Knowing that Pershing would be called upon to share his views of the future of American forces, Conner and Marshall set out to assist him. Upon their return to the United States, they sequestered themselves at Conner's family home in New York, finalizing Pershing's testimony on the future organization of the Army.<sup>48</sup> Pershing espoused the views of Conner and Marshall, the two men flanking him at the three daylong hearing.<sup>49</sup>

By 1920, Conner's circle of officers were well placed throughout the Army. Pershing was the Army Chief of Staff with Conner as his chief of staff and Marshall his aide. George Patton had formed an Infantry Tank School at Fort Meade, Maryland.<sup>50</sup> By coincidence, it was in this position that Patton would introduce Conner to his most heralded protégé. In October, Conner and his wife travelled to Fort Meade to visit with the Pattons. Conner was to take command in Panama and mentioned that he needed a capable executive officer. George Patton lived next to a young Major named Dwight David Eisenhower, known to all as "Ike."<sup>51</sup> Eisenhower and Patton had very little in common. Patton, six years Eisenhower's senior, was well known and socially connected. Eisenhower and his wife were folksy and mostly kept to themselves. The Pattons maintained a formal recurring Sunday dinner party. On one occasion, they invited the Eisenhowers to meet the Conners. This dinner proved to be the pivotal moment in Eisenhower's career.<sup>52</sup> At their first meeting Conner did not mention the assignment in Panama but Eisenhower was certainly in need of a change and a mentor. The Eisenhowers had lost their son to scarlet fever and Ike had not been making any friends within the Infantry community as a tank champion. Eisenhower also had significant guilt for not having combat experience in an Army just returned from war. His leadership was not supportive of his departure partly because he was a very successful football coach on Fort Meade. The combined effects of all these factors weighed heavily on the Eisenhowers. Although it would take a year and the personal intervention of Conner and Marshall on his behalf, the Eisenhowers joined the Conners in Panama on 7 January 1922.<sup>53</sup>

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<sup>47</sup> Cox, *Grey Eminence*, 76.

<sup>48</sup> Larry I. Bland and Sharon R. Ritenour, eds., *The Papers of George Catlett Marshall*, 2 Volumes (Baltimore: Johns Hopkins University Press, 1981), 194.

<sup>49</sup> Mark Stoler, *George C. Marshall: Soldier-Statesman of the American Century* (Boston: Twayne, 1989), 46.

<sup>50</sup> Cox, *Grey Eminence*, 81-82.

<sup>51</sup> *Ibid.*, 83.

<sup>52</sup> Dorothy Brandon, *Mamie Doud Eisenhower: A Portrait of a First Lady* (New York: Scribner's, 1954), 112-122.

<sup>53</sup> Lester David and Irene David, *Ike and Mamie: The Story of the General and His Lady* (New York: Putnam, 1981),

Conner took personal interest in Ike. The two spent long hours in what Eisenhower later referred to as "a sort of graduate school in military affairs and humanities, leavened by the comments and discourses of a man who was experienced in his knowledge of men and their conduct".<sup>54</sup> Eisenhower was not an enthusiastic student, nor had he ever been. In his own words he declared "I didn't think of myself as either a scholar whose position would depend on the knowledge he had acquired in school, or as a military figure whose professional career might be seriously affected by his academic or disciplinary record."<sup>55</sup> Conner saw and developed Eisenhower's potential. He relayed his belief that the Versailles Treaty had left war virtually inevitable and determined that Eisenhower would have a significant role. Twenty-four years before Eisenhower would lead allied forces in the Normandy Invasion, Conner went to great detail describing how to build coalitions, and even drilling Eisenhower on cross channel amphibious operations.<sup>56</sup> Conner and Ike forged a lasting bond in Panama that would influence American history. Conner was not about to see all of this development go to waste at the end of Eisenhower's tour in Panama. In response to Eisenhower's less than stellar next assignment, Conner called in several favors to remove Eisenhower from the control of his branch so that he could attend the Command and General Staff College where, in his class of two-hundred and seventy-five, he finished first.<sup>57</sup>

This would not be the only time that Conner would intervene on behalf of his protégés. George Patton, as would happen throughout his career, managed to have himself removed as the G3 in Hawaii as a result of his outspokenness. Conner, who replaced the previous division commander, held significant influence over the division chief of staff who quickly remedied the Patton situation with a glowing evaluation. Personal encounters between Conner, Eisenhower, Marshall, and Patton would become infrequent following Conner's assignment in Hawaii. Each exchanged extensive correspondence throughout the remainder of their lives, but rarely met personally. In one such letter to Eisenhower in 1934, Conner said he would resign if offered the nomination for Chief of Staff of the Army. Later that year, President Roosevelt himself hinted at such an opportunity to which Conner responded, "I wouldn't go to Washington for a damn sight. I'd resign first."<sup>58</sup> Having flatly refused the President, Conner recommended that Roosevelt consider Marlin Craig or George Marshall to succeed MacArthur. The President did so in exactly that order.

Conner and his wife retired quietly to their property in upstate New York in 1938. He and his protégés corresponded on matters both professional and personal for two decades. Marshall became the Chief of Staff of the Army and named Eisenhower as the Supreme Allied Commander. Although the two had only met twice, and only briefly, there is little doubt that Marshall's confidence in Eisenhower was due to his association with Conner. Conner advised Eisenhower by letter to open a second front to relieve the pressure on Russia and regularly received messengers from Washington laden with packages full of maps and plans to review. Conner's emphasis on coalition building as a result of his World War I experiences in France was not lost on Eisenhower. Ike became so obsessive about coalition operations that at one point he relieved an officer who disagreed openly with a British counterpart.<sup>59</sup>

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<sup>54</sup> Bradford G. Chynoweth, *Recollections of His Army Career, 1890-1941* (Carlisle Barracks, PA: U.S. Army Military History Institute, 1967).

<sup>55</sup> Dwight D. Eisenhower, *At Ease, Stories I Tell My Friends* (Garden City, NJ: Doubleday, 1967), 10, 12.

<sup>56</sup> Lee, *Major General Fox Conner*, 16.

<sup>57</sup> *Ibid.*, 18.

<sup>58</sup> *Ibid.*, 22.

<sup>59</sup> *Ibid.*, 23-27.

## Fox Conner - Strategic Advisor

Fox Conner's story can be told based on the writings and comments of very prominent leaders he helped to develop. Conner was self-deprecating, often saying "always take your job seriously, but never yourself".<sup>60</sup> Offered the chance to have a book written about his service with the American Expeditionary Force, Conner did little to trumpet himself. Ultimately, until Edward Cox's book published in 2011, there was no book written about Conner because he actively withheld information that may have been disparaging to his superiors and his protégés.<sup>61</sup> While sailing across the Atlantic Ocean to attend the twentieth anniversary of the invasion of Normandy, President Eisenhower read aloud the following portion of a poem to relate his profound sense of self and his place in history: "The moral of this quaint example, is to do just the best that you can, be proud of yourself but remember, there's no indispensable man."<sup>62</sup> Yet, looking back across a century punctuated by a resurgent, unified, and powerful Europe, the decline of communism, and a world view of war as a coalition endeavor, as a strategic advisor, Fox Conner may well have been an indispensable man.

### The Disciplines of an Effective Strategic Advisor

On the whole, a miniscule percentage of all military officers lead at the strategic level. Moreover, even the most senior strategic leaders are, in actuality, advisors to civilian leaders. In a strictly military context, few codified jobs contain the title of strategic advisor. Since personnel systems do not provide strategic advisors, many commanders and senior leaders have assembled shadow staffs specifically charged with the task of providing advice. Neither Joint nor Army doctrine provide a definition of the role. In fact, neither the word strategic nor advisor appears in the Department of Defense Dictionary.<sup>63</sup> Perhaps, it is the lack of definition or nebulous set of requirements that have caused the military services to neglect addressing the core competencies of a strategic advisor. While there are numerous institutional professional military education opportunities, military schools lack an institutional focus on being an effective strategic advisor. Also lacking is an agreed upon set of disciplines that would be taught if such a course did exist.

In more recent history, notable examples of strategic advisors are available for study. General Colin Powell is often cited as an effective strategic advisor, while General William Westmoreland is often cited by some as ineffective. However, studying these examples with no criteria against which to measure them, is fruitless. The following pages propose a list of disciplines or competencies of effective strategic advisors. To amplify the disciplines, Fox Conner will be evaluated against each of them.

Although focused on personal professional gain, James E. Lukaszewski proposes a set of disciplines applicable to the development of strategic advisors: being trustworthy, being a verbal visionary, developing a [leadership]<sup>64</sup> perspective, thinking strategically, understanding the power of patterns, advising constructively, and showing others how to use advice given.<sup>65</sup>

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<sup>60</sup> Stephen E. Ambrose, *IKE/Abilene to Berlin* (New York: Harper & Row, 1973), 56.

<sup>61</sup> George C. Marshall, *The Papers of George Catlett Marshall: 'The Soldierly Spirit,' December 1800- June 1939 (Volume 1)* (Baltimore: John Hopkins University Press, 1981, letter dated April 25, 1934).

<sup>62</sup> D'Este, *Eisenhower: A Soldier's Life*, 705.

<sup>63</sup> U.S. Department of Defense, *DOD Dictionary of Military and Associated Terms* (Washington, DC: U.S. Department of Defense, November 8, 2010, as amended through October 15, 2015), [http://www.dtic.mil/doctrine/dod\\_dictionary/index.html?zoom\\_query=STrategic+Advisor&zoom\\_sort=0&zoom\\_per\\_page=10&zoom\\_and=1](http://www.dtic.mil/doctrine/dod_dictionary/index.html?zoom_query=STrategic+Advisor&zoom_sort=0&zoom_per_page=10&zoom_and=1).

<sup>64</sup> James E. Lukaszewski, *Why Should the Boss Listen to You?* (San Francisco, CA: Jossey-Bass, 2008). The discipline of "Develop a Management Perspective" is changed by the author to "Develop a Leadership Perspective" in order to have a more understandable and acceptable military meaning.

<sup>65</sup> *Ibid.*, 64.

## Being Trustworthy

Trustworthiness is the most important discipline because it provides a bedrock for the remaining competencies. At the very core of the leader-advisor relationship is his or her belief that the advisor is acting on their behalf. Irrevocable damage to the relationship results if the advisor's motivations are for personal gain rather than to benefit the leader or organization. Advisors build trust through competence in their own field. Strategic leaders are rarely experts in every facet of their broad span of responsibility. They must rely on advisors who are highly experienced in at least one aspect of their area of responsibility. Advisors who exercise good judgment within their area of expertise gain trust and thereby increased access to, and influence on leaders. Strategic advisors at senior executive levels agree that access is vital to being an effective advisor.<sup>66</sup>

Trust is the discipline in which Fox Conner likely cements his place in history as an exceptional strategic advisor. Conner built trust largely because he was remarkably humble. This humility, rooted in a childhood in impoverished and occupied Mississippi, attracted and disarmed his protégés and superiors. Conner never sought personal gain in any of his relationships. He was offered and refused the Army's most coveted position. Even in the twilight of his career he refused to boast about his experiences because he believed that doing so might disparage others. Rather than write a book about his achievements for recognition, Conner routinely spoke at professional forums and chose to influence the Army through coaching and teaching. Pershing, Marshall, Patton, and Eisenhower revered Conner, considered him a friend, and recognized that he placed their welfare above his own.

## Become a Verbal Visionary

No leader ever follows advice they do not hear. Advisors must anticipate the decisions required of a leader and be prepared to provide timely, accurate, and memorable counsel. Because strategic leaders often do not have time for lengthy detailed discussions, their advisors must use short bursts of time to guide their boss toward the best decision. Good advisors communicate through facts, questions, comparisons, recommendations, and options pulled together in a coherent storyline that is easily understood and conveyable to other leaders.<sup>67</sup>

Fox Conner was certainly a verbal visionary. From his meeting of George Patton on a train to Fort Riley, to his interactions with Pershing during the interwar period, Conner delivered succinct counsel tempered by historical fact. The relationship between Pershing and Conner best exemplifies this discipline. Pershing had been hit with tragedy in 1915 when his wife and three daughters were killed in a house fire while he was preparing for expedition into Mexico to capture Pancho Villa. From that point on, he was a terse man with little patience for prolonged and embellished rhetoric.<sup>68</sup> Conner had great empathy for Pershing. Since he understood that Pershing could be short and stern, he tailored his interactions with Pershing into concentrated events. Although their personal relationship grew after their time together in the American Expeditionary Force, Conner's succinct, matter-of-fact style suited Pershing. Much of what Conner said or wrote was used verbatim by Pershing. Conner wrote the National Defense Authorization Act of 1920 for General Pershing. Conner's ability to capture Pershing's attention while communicating effectively was so well developed that the opinions of the two were considered by most as indistinguishable.

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<sup>66</sup> During a staff ride to Washington, DC, several senior government, industry and academic leaders attested that access was crucial to being an effective advisor.

<sup>67</sup> Lukaszewski, *Why Should the Boss Listen to You?* 68.

<sup>68</sup> Vandiver, *Blackjack*, 593-594.

### Develop a Leadership Perspective

Good advisors are advocates for their boss and the organization. If advice cannot be implemented, it has no value. Leaders need advisors who understand their authorities and guide within them. Often advisors mistake the nature of the relationship with their boss and sound off on the ills of the organization. Although the boss may agree, that advisor is placing himself between his boss and the organization. This could ultimately weaken the leadership team environment, diminishing the advisor's role. Advisors need to help their bosses solve problems, not merely highlight them.

The most striking example of Conner's mastery of this discipline was during the Saint-Mihiel, Meuse-Argonne Campaign when Pershing named himself commander over both the American Expeditionary Force and the First Army. Unable to convince Pershing otherwise, Conner mitigated the decision by assigning Marshall as the First Army Operations Officer. Although in this example, his advice was ignored, he remained an advocate for Pershing, keeping Pershing's success and that of the organization paramount. Conner never groused to Pershing about Marshal Foch's ego driven decision to force the sequential conduct of the Saint-Mihiel and Meuse-Argonne Campaigns. Although such complaining would have been welcomed, it would have placed Conner between Foch and Pershing. Rather, Conner sought to ensure success of the mission regardless of his leaders' egos.

### Think Strategically

Strategic thinkers intentionally vary their approaches to important decisions and question every assumption.<sup>69</sup> Strategic advisors use reflective, critical thinking to deconstruct problems and develop solutions to the sub-components, rather than becoming bound by the whole problem.<sup>70</sup> Strategic thinkers are effective advisors because they provide options that are implementable.

Evidence that Conner was a strategic thinker is apparent in his interactions with Eisenhower. Conner had correctly predicted that Eisenhower would be instrumental in the war soon coming to Europe. He developed a personal curriculum for Eisenhower that included education on building and maintaining coalitions and cross-channel amphibious operations. Conner also helped maintain force structure in the Army through the National Defense Authorization Act as well as revising the personnel replacement system that he believed would be ineffective in any coming conflict. His predictions on personnel losses during the Normandy invasion were much more accurate than those who ultimately chose a North African loss model.<sup>71</sup> Conner would lecture at the Army War College more than a dozen times on topics ranging from personnel and logistics to operations. In 1934, President Roosevelt ordered Conner to put down strikes among a number of New England textile factories and to "return violence with violence" if required. Understanding the strategic implications of this order, Conner replied that force would not be necessary. He settled the matter peacefully.

### Be a Window to Tomorrow

Effective strategic advisors understand patterns and avoid applying failed solutions to like problems. Strategic advisors who exercise this discipline look to the past to anticipate and to help develop advice for problems that their bosses have yet to encounter. Where trust is the bedrock of the advisor-leader relationship, this discipline enhances each of the other disciplines.

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<sup>69</sup> Lukaszewski, *Why Should the Boss Listen to You?* 119.

<sup>70</sup> *Ibid.*, 123.

<sup>71</sup> In planning for the invasion of Europe personnel and equipment loss models from the invasion of North Africa. Conner recognized that these models would be inaccurate and set about to influence Eisenhower to rework these systems.

Perhaps Fox Conner's the most remarkable attribute was his near prophetic ability to predict future events. His certainty that there would be another world war within thirty years of the First World War was crucial in the development of three of the most influential leaders of the century. Conner was adept at recognizing patterns and had rightly predicted, not only that there would be war, but also that there would be a need for a cross-channel invasion of the European continent. He also developed specific ideas on how means would be applied during that war. Conner identified the significance of the tank as to any future war. His prediction likely enabled the United States to enter into tank development early enough to make a difference in World War II. He personally witnessed the manner in which World War I was fought and understood that the Germans would develop methods to defeat static defenses in France, later known as blitzkrieg. Conner also used this discipline to predict the loss rates of a cross-channel invasion. This led to the development of a personnel and logistics system to mitigate the predicted losses. In a number of War College lectures, he coached future leaders by using the patterns of his own experience to illustrate his points.

### Advise Constructively and Show the Boss How to Use Your Advice<sup>72</sup>

Effective advisors align their way of thinking and decision making behavior with the leader they are advising. The way in which information is structured is often more important than the information itself. Learning how an audience receives information is vital to advising constructively. These disciplines focus on delivering advice in a way that will not offend. One must advise from a position of humility with a focus on service to the leader and the organization. Success across all the other disciplines will not mitigate failure in these disciplines.

Arguably, Fox Conner advised two of the most difficult military leaders of the twentieth century in John Pershing and George Patton as well as two of the most loyal in George Marshall and Dwight Eisenhower. In each case, Conner delivered his advice in a manner which it would best be received. Notably, of the four, only Eisenhower recognized himself as a Conner protégé. Marshall looked to Pershing who did not have a teacher's temperament and Patton recognized no one as superior enough to be called his mentor.<sup>73</sup> Even with this deleterious mix of personalities, Conner gave sage counsel to each of them. He innately knew how each man would receive his counsel and adjusted his delivery. Perhaps because of his humility and tact, Conner formed relationships that were not only close, but useful to the person he was advising.

Pershing was reliant on Conner to rebuild the Army during the interwar years. Conner formulated many of his opinions on the Army structure during his service in the American Expeditionary Force but only Pershing had the influence sufficient to implement the recommendations. Pershing saw Conner as a loyal, trusted servant and Conner delivered even when his boss went against his advice. Pershing needed Conner and Conner humbly served Pershing. Patton viewed Conner as an older brother. Patton fawned for Conner's attention and sought his constant approval. Like a proud big brother, Conner doted over Patton dismissing many of his shortcomings because he recognized his operational genius. In this relationship, Conner delivered counsel in a way that preserved Patton's self-image. Even though he was very senior to Patton, Conner portrayed himself as a peer.

Marshall viewed Conner as a friend and confidant and maintained the most consistent contact with Conner following World War I. This contact became even more frequent during World War II when Marshall served as the Army Chief of Staff. Marshall regularly confided in Conner in what both men viewed as a peer relationship.

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<sup>72</sup> These two disciplines for this section are combined as the examples from Fox Conner's life illustrate both.

<sup>73</sup> Holland, *Eisenhower, Between the Wars*, 94.

Perhaps Conner's masterpiece relationship was with Dwight Eisenhower. This was a true protégé-mentor relationship. During their time in Panama the two had formed a near pact with one another. Conner agreed to teach and guide, Eisenhower to learn and act. Although their contact was less frequent during World War II, Ike would ask Conner specific questions of operational and strategic importance because both men recognized their roles in relation to one-another. Though Conner's interaction with each of the four was significant, it was the recognition of this mentor-protégé relationship between Conner and Eisenhower that made it so productive.

### The Missing Discipline: Access through Competence

A common thread spanning—but missing from—Lukaszewski's seven disciplines is that strategic advisors gain access through competence. Access to strategic leaders is granted to advisors based on their technical and conceptual competence and their capacity for learning. Fox Conner gained access to his strategic leaders because he was, first and foremost a trusted expert in artillery. His assignments to the French Field Artillery Regiment, the Army Inspector General and eventually the Operations Officer for the American Expeditionary Force were the result of this specific expertise. Conner was an aggressive student of the profession while having a voracious appetite for learning outside of his area of expertise. He anticipated and built expertise in areas he believed would be important. Conner taught himself Spanish, French and German. Although the Army provided the instruction in artillery, his mastery of French rendered him invaluable in preparing Pershing for operations in France. The seed of Conner's influence on history was sewn by this self-study of languages and his professional competence in artillery.

## Conclusion

An emotionally distant General, an arrogant and wealthy lieutenant, a virtually unknown staff officer and a demoralized mid-grade Army major revolutionized the way America fought, rebuilt Europe, and changed the world. In addition to innate talent, Pershing, Patton, Marshall, and Eisenhower, all had one thing in common: they all were recognized, encouraged, developed, and advised by Fox Conner. Each of these great men are now considered pillars in American history. Yet, absent the influence of one man—one strategic advisor—their talent may have gone unrecognized and uncultivated.

Undoubtedly, there are people with talent of this magnitude in military service today. The services should recognize the need to generate strategic advisors with the requisite disciplines. To that end, the service Senior Service Colleges should refocus their missions on developing strategic advisors. At least two formally established elective courses exist at the Senior Service Colleges specifically designed to deliver strategic advisors who can immediately impact the Joint, Interagency, Intergovernmental, and Multinational environment.<sup>74</sup> The throughput is insufficient, however, to meet the demand for effective advisors at the strategic level.

Some may contend that programs such as the Army's Strategist profession, "career field 59," or the Schools of Advanced Military Studies and Advanced Warfare are sufficient. While these programs have certainly filled a planning gap, they have not met the need generated by strategic leaders for competent advisors. Otherwise, the trend for strategic leaders to form advisory groups outside of their organic staffs would not occur so often. Although the strategist profession and these schools provide personnel who have expanded capabilities to plan at the strategic level, they characteristically lack the professional competence in a specific field essential to gaining access to

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<sup>74</sup> These courses are the Advanced Strategic Arts Program and the Basic Strategic Arts Program at the USAWC.

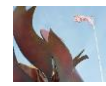


strategic level leadership. The majority of leaders at the executive level will never command beyond Senior Service College. Educating leaders skilled at providing advice is imperative, a shrewd use of dwindling resources, and the surest way to develop a broader talent base.

Fox Conner was an indispensable leader who had instinctive abilities established through a lifetime of uniquely humble service. He was never taught the disciplines discussed herein, yet he exhibited each of them in great measure. Our military and, to some extent, society may have overemphasized competition to command and leading from the top, overlooking the critical role that advisors play. Fox Conner, for example, was not even included on Mississippi's list of significant individuals until 1987, thirty six years after his death.<sup>75</sup> Certainly competitiveness and the drive to lead from the top is advantageous at the tactical and operational levels. Yet, commanding at the strategic level will be unattainable to the vast majority of military professionals. Becoming a strategic advisor—one who develops great leaders as Fox Conner did is a worthy effort with a great and enduring impact.

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<sup>75</sup> Stayanoff, "Major General Fox Conner: Soldier, Mentor, Enigma: Operations Chief (G-3) of the AEF."



# Unaligned: Maneuver Warfare Theory and the Australian Army

Darren D. Huxley

*To successfully engage future military challenges, the Australian Army is in need of realignment to reduce disparities between strategic vision, structural organization, and force preparation. At present, the Australian Army's embrace of Maneuver Theory as an overarching approach is not well supported in practical terms. To implement its vision, the Australian Army should abandon both the concept of an operational level of command in war and its current understanding of tactics, both of which are undermining preparation and inhibiting organizational change. Ultimately, a closer relationship between the strategic and tactical levels of command and a broader, risk-based view of tactics are needed to deliver to national leadership an army aligned with its espoused warfighting philosophy.*

Keywords: *Levels of War, Military Doctrine, Cultural Change*

The Australian Army officially adopted Maneuver Theory as its underpinning war fighting philosophy in the late 1990's and each successive version of the Army's capstone doctrine has supported Maneuver Theory as the official Australian Army approach to war fighting.<sup>1</sup> As a concept for the prosecution of military operations, Maneuver Theory offers the rationale that a more agile force can fight and win against a more numerous adversary. This agility comes from a close understanding of the strategic outcomes being pursued by tactical actions and an opportunistic approach to the inevitable chaos of war. In essence, Maneuver Theory is a high risk concept, but one that offers the promise of disproportionate results if implemented effectively. In this sense it is an attractive military doctrine for a middle power with a small, but highly professional, force.

Two doctrinal approaches of the Australian Army are working against its ability to effectively implement Maneuver Theory, however. The first is the Army's acceptance of a division of the military into conceptual warfighting levels that, within the existing military bureaucracy, distances tactical actions from strategic outcomes. The second is that an opportunistic approach to war is unlikely given the fact that the tenets of Maneuver Theory have failed to replace the deliberate tactics developed by the Army from its experience of warfare in the early twentieth century. Both of these

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Darren D. Huxley (M.S.S. United States Army War College) is a Colonel in the Australian Army. An earlier version of this article, written under the direction of Captain Wade D. Turvold, earned a prestigious Army War College Foundation Award for Outstanding Strategy Research Paper for the USAWC class of 2016.

<sup>1</sup> Australian Army, *The Fundamentals of Land Power*, Land Warfare Doctrine 1-0 (Canberra, Australia: Defence Publishing Service, April 2014), 26.

incongruities are undermining the ability of the Australian Army to prepare its future commanders to implement Maneuver Theory in the complex battlespace of the near future. This, in turn, is placing the national approach to military security at risk. If a dissonance exists between how a military thinks about its actions in war and how it is organized and equipped, the consequences can be significant for the success or failure of a nation's application of military power. If a nation's military doctrine is offensive, opportunistic and reliant on the actions of informed junior leadership then its military must be cognitively and physically aligned to execute that doctrine. This is not the case with the Australian Army. To achieve this alignment, this paper proposes the abandonment of the concept of an operational level of command and the expansion of the Army's understanding of tactics to include the operational art of Maneuver Theory.

### **The Dissonance of the Levels of War**

Since the middle of the twentieth century, historians and military theorists have argued that war can be conceptualized across three inter-related functions; strategy, operations (or campaigns) and tactics.<sup>2</sup> Not surprisingly, most modern militaries fulfill these functions across an organizational paradigm that consists of a strategic, operational and tactical level of command. This has not always been the case, however. For the majority of the history of warfare, only strategy and tactics were recognized as related functions and the execution of both were often combined in one person.<sup>3</sup> The idea of an operational level of command grew out of a need to explain the function of commanders in armies that grew exponentially during the nineteenth century. The growth in complexity of the state system with regard to its domestic governance apparatus, and the distance from the seat of government that a state deployed its military forces, demanded the separation of the functions of strategy and tactics across the head of state, possibly a war minister and a field general. Naturally, each of the functions that had been held centrally by a single entity with a handful of advisors required additional advisors and support mechanisms for the new authorities. This separation of functions and the bureaucracy that entrenched them accelerated during the late nineteenth and early twentieth centuries as industrial and social revolutions altered the relationship of citizens and governments. In addition, the growing size of military forces gave rise to a need for multiple layers of military hierarchy between the civilian controlled war department and the military units undertaking actions in the field. According to some historians, the combination of the increased size of military forces and the separation of the functions between civilians and the military created a "grey zone" between the vision of strategy and the practice of tactics.<sup>4</sup> To comprehend the functions that occurred in this grey zone Anglo-French theorists coined the term "grand tactics," the Germans and Russians used the term "operativ" which settled into English-speaking doctrine as "operational."<sup>5</sup> In each case, these theorists were discussing the relative roles that logistics and movement played in the repertoire of a commanding general who was neither involved in national policy making nor truly involved in actual combat.<sup>6</sup> That this new function had been the traditional description of strategy was acknowledged, but left largely unexplored.<sup>7</sup>

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<sup>2</sup> John Andreas Olsen and Martin van Creveld, *The Evolution of Operational Art* (New York: Oxford University Press, 2011), 9.

<sup>3</sup> Richard Simpkin, *Race to the Swift: Thoughts on Twenty-First Century Warfare* (London: Brassey's Defence Publishers, 1985), 4.

<sup>4</sup> *Ibid.*, 14.

<sup>5</sup> *Ibid.*

<sup>6</sup> Olsen and van Creveld, *The Evolution of Operational Art*, 1.

<sup>7</sup> Hew Strachan *The Direction of War: Contemporary Strategy in Historical Perspective* (Cambridge: Cambridge University Press, 2014), 212.

Traditionally, strategy was defined in relation to its military use as those actions of movement, supply, organization and intelligence undertaken to ensure “defeating the enemy in the most economical and expeditious manner” while tactics was the “the use of military, naval and air forces in actual contact with the enemy.”<sup>8</sup> When combined in the one person, the distinction between strategy and tactics was described in terms of cognitive purpose or planning on the one hand and physical action on the other, however, both involved an aspect of time, space, and resource calculation. Strategy was envisaged in months or years and included significant resources while tactics was seen as the province of hours and days and dealt with limited resources. In this paradigm, strategy was principally about the logistics and administration of war while tactics was almost exclusively about the tricks and techniques of fighting. The concept of campaigns, or operations was merely a means to summarize the objectives of strategy or related tactical actions in a convenient time or territorial (space) framework. The conduct of operations in no way implied a particular military level of command or responsibility. Historians, however, found the idea of an operational level of command a useful tool in describing the grey zone actions of commanding generals who coordinated the efforts of disparate elements of an army in the field, but may not have been present on a battlefield. The epitome of the grey area example became the Supreme Commander role invented by the allies in both World War I and World War II. In time, the operational level of command became synonymous with the control of large formations, however, it also found strong support in the professionalizing militaries of the late twentieth century.

The idea of a niche for professional militaries that theoretically separated them from the politicians played to an enduring concept of independent professionalism that was strongly debated in many militaries in the decades after the Vietnam War.<sup>9</sup> The emerging concepts of professional identity allowed the militaries of various nations to balance the idea of tactical officers—generally junior members of the profession—with strategic officers, or those who had reached the highest levels within the military bureaucracy, and operational officers who commanded at the highest levels in the field. To institutionalize the function of a separate level of command above tactics but below strategy, operational art was coined. Operational art is defined as the ability to skillfully employ “military force to attain strategic goals through the design, organization, sequencing and direction of operations.”<sup>10</sup> In many ways, operational art replaced the nineteenth century view of strategy and appealed to the understanding of the role of a general officer and their staff in the expanded armies of the twentieth century.<sup>11</sup> Operational art quickly became associated with the operational level of command because the command of large formations was undertaken by general officers. It is in this context—the command of large formations—that the operational level becomes less relevant for the Australian Army.

Not until 1988, did the Australian military adopt both the operational level of war and the concept of operational art into its doctrine.<sup>12</sup> Although Army doctrine concedes that “due to the dynamic and interactive nature of war, its practice cannot be divided into discrete levels,”<sup>13</sup> it does agree that military organizations function at three distinct levels: the military strategic, the operational, and the tactical. This separation is based on the concept that the tactical level executes

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<sup>8</sup> Samuel Eliot Morison, *Strategy and Compromise* (Boston: Little Brown and Company, 1958), 4.

<sup>9</sup> Strachan, *The Direction of War*, 213.

<sup>10</sup> Australian Army, *Operations*, Land Warfare Doctrine 3-0 (Canberra, Australia: Defence Publishing Service, December 2014), 3-1.

<sup>11</sup> Strachan, *The Direction of War*, 212.

<sup>12</sup> Australian Defence Force, *Joint Operations, Command and Control of Australian Defence Force Operations* (Canberra, Australia: Australian Government Publishing Service, 1988), 2-4.

<sup>13</sup> Australian Army, *Fundamentals of Land Power*, 11.

military actions, the operational level plans and coordinates the tactical actions across time, and the strategic level designs and translates strategy across all levels and to the government.<sup>14</sup> This functional approach is similar to the original ideas behind the invention of the operational level, but the Australian Army version has taken on a slightly different nuance, developing a fourth tier such that the tactical, operational, and military strategic are supported by an unstated national strategic level. Presumably, the addition of a military strategic level is an unconscious blending of the hierarchical transitions of professional military officers from tactical to strategic leaders rather than a belief that strategy itself has become factionalized. Nevertheless, this confusing amalgam of ideas may be indicative of the fact that, in the case of the Australian Army, the concept of an operational level of command in war is less about the functions of independent commanding generals and more about the organizational realities of a military bureaucracy.

The Australian Army has defined the operational level as the command where military actions are “joint, often coalition, and invariably interagency in nature.”<sup>15</sup> It is assumed that this definition relates to levels of command where traditional single service headquarters, which would have controlled their service specific activity separately in the past, now have integrated components—what is commonly called joint headquarters. These joint headquarters could, however, under contemporary warfighting conditions, occur at any level of command. For example, the Australian Joint Task Force that governed military actions in the Middle East theatre of operations over the last decade was, by definition, an operational level headquarters, but so was the subordinate Combined Task Force in Afghanistan and the superior Joint Operational Command headquarters in Canberra. Each of these headquarters, amounting to over one thousand personnel, provided command and control for “tactical” forces that rarely exceeded two thousand personnel, but each of them was joint, often with embedded coalition partners and included interagency representatives. The only conclusion that can be drawn is that the Australian Army’s definition of the operational level of command is less about the function of planning of operations and campaigns and more about providing a meaningful descriptor for the establishment and control of multiple layers of military bureaucracy. In many ways, the idea of the role of the general officer in the field represents the heart of the problem with the operational level for small militaries like the Australian Army.

The function of commanding generals has always been to coordinate dispersed, but sympathetic military actions. Prior to the Napoleonic era it was difficult for commanding generals to coordinate dispersed forces so most armies fought in dense formations under the direct supervision of their generals. With introduction of the *corps d’armee* system under Napoleon I of France improved staff systems and technology meant commanding generals could control forces without having to physically view their activities.<sup>16</sup> The more forces they sought to control, however, the greater the number of “*corps d’armee*” they were obliged to create. During the twentieth century, the blurring of the levels and functions of the generals and staff across the various armies was reinforced by the ambiguity of the concept of troops “in battle” and those “out of battle”—the traditional distinction for tactics and strategy—that was caused by the eruption of counter-insurgency conflicts after World War II. Nevertheless, describing the functions of an officer in controlling dispersed military forces is ultimately the main idea behind the operational level of command.

The trend to dispersion has been occurring since firepower replaced muscle as the primary tool of combat, however, the accuracy and lethality of modern firepower is accelerating the necessity to

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<sup>14</sup> *Ibid.*, 11-12.

<sup>15</sup> *Ibid.*, 12.

<sup>16</sup> Olsen and van Creveld, *The Evolution of Operational Art*, 3.

transplant the mass militaries of the industrial age with smaller more capable units.<sup>17</sup> Each of these small units must be capable of high levels of independent activity, similar to the *corps d'armee* of Napoleon, given the need to remain dispersed yet integrated into a modern communications network. The key to this independence is the ability of the small force to employ diverse assets to achieve an asymmetric effect on threats within complex military and civil environments—the traditional combined arms concept. This combined arms concept requires advanced communications, experienced leadership and a broad understanding of the nature of the problem. The Australian Army has not been immune to this trend but its understanding of modern combined arms in an inter-agency environment has no doctrinal basis. Arguably, during World War II, the Army rarely dispersed to conduct combined arms activities below the division level given the scarcity of assets, a rudimentary communications network that demanded the centralization of control and a non-commissioned officer corps that, for the most part, was as inexperienced as its enlisted men until the last years of the war. During this war, inter-agency activity was an unheard of concept and only understood in reference to activities in the occupied areas at the war's end. In this environment, the operational level would have been at army or corps command which aligned neatly with the symbology of the Napoleonic battlefield. In Vietnam, where the entire Army focused principally on battalion sized deployments within a brigade administrative setting, the company became the predominant military combined arms orchestrator because of greater dispersion enabled by improved communications and a solid non-commissioned officer corps that had experience ranging from World War II through to Korea and Malaya. Inter-agency activity was conducted during the war, but only at the task force level for specialist functions like intelligence or refugee management advice. Nevertheless, the operational level arguably devolved to the brigade command level for this conflict when the enemy refused to mass on a battlefield at the levels seen in World War II.

Functionally, the platoon is the current combined arms fighting unit of the Australian Army. Platoon commanders in Iraq and Afghanistan have had access to indirect fires, intelligence, logistics, and mobility support not normally associated with this level of combat. They have had independent command post responsibilities, ongoing discrete area of operations, reconnaissance and surveillance capabilities along with logistic issues for patrol bases and supported coalition forces. Just like in Vietnam, the army was faced by a threat that refused to congregate and that had blended itself with the governance structures of the country. Commanders found themselves sharing leadership tasks with a professional non-commissioned officer corps but they also had civilian counterparts working on inter-agency tasks alongside their military missions. These civilians had unprecedented access to their parent organizations and responsible ministers of state back in Australia. The political interface to battle that had been held at three and four star general officer rank during World War II was present in everyday actions of platoon commanders in Afghanistan. In the contemporary environment of Afghanistan, political effects were part of the immediate framework of military action at the lowest level. The operational level headquarters had again devolved, this time to the battalion level, but these headquarters were considered tactical headquarters rather than the focus of functional campaign planning. In this contemporary paradigm, the planning in an inter-agency environment was undertaken in conjunction with the political elites in the national capital rather than devolved to a commanding general in the field. Ultimately, the demands being placed on the “tactical” level of command represent those that would have been familiar to general officers commanding at the “operational” level in previous centuries, yet the Australian Army has persisted with interposing an operational level of command. Although the contemporary experience appears

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<sup>17</sup> Australian Army, *Adaptive Campaigning 2009: Army's Future Land Operating Concept* (Canberra, Australia: Australian Government Publishing Service, September 2009), 17.

unique because of its association with counter-insurgency, it would be hard to argue that the Australian Army or the nation will step-back from this level of strategic and tactical interface. This is not to say that generals no longer have a place as leaders on the battlefield. It merely suggests that headquarters should be established for the efficiency of tactical or strategic effect rather than for the purpose of planning operations. The operational level of command is superfluous in an army that only deploys small military units and denies the tactical level of command full access to the strategic level. This access is a key component of Maneuver Theory and enables a small force to most effectively utilize its limited resources for the greatest strategic outcome. Dispersion should enable the Australian Army to organize and think in terms of a flatter structure for the execution of military operations if it also enhances its understanding of the functions of the tactical level its conception in Maneuver Theory.

### Tactics and Risk

Maneuver Theory initially grew out of the debates surrounding the military conduct of the Great War. Contemporary authors, such as B.H. Liddell Hart and J.F.C Fuller, criticized the tactical approach of the Allied commanders in that war and began to write about how military forces—armies in particular—could be better educated and prepared for future conflict.<sup>18</sup> Their writings were principally concerned with developing ideas around the use of the emerging technologies of aircraft and tanks but they came to represent a view that “the old idea of warfare based on destruction would be replaced by a new military ideal, the imposition of will at the least possible general loss.”<sup>19</sup> A significant, but largely unintended outcome of the debate was the subsequent representation of attrition as the epitome of World War I folly, and of maneuver as the minimal casualty path to victory. Although military theorists understood that the destruction of an enemy force was often the most effective means of lowering a state’s will to resist, the polarization of attrition and maneuver caused by the emotive links with the carnage of World War I provided a convenient and popular method of explaining poor generalship.<sup>20</sup> After the Korean and Vietnam wars, a new generation of military theorists used the binary discussion of attrition and maneuver to explain failure in those wars then expounded the possibilities of maneuver with the enhanced command and control skills that had developed in professionalized militaries.<sup>21</sup> By the 1980s, most modern armies professed a conceptual preference for “maneuver warfare” which was viewed as a systematization of historical best-practice in warfighting that would allow an outnumbered force to overcome a more numerous enemy.<sup>22</sup> This was considered particularly relevant for the NATO forces in Europe during the Cold War but found equal resonance with middle power militaries that, by necessity, had to protect their limited resources in any conflict.

Modern Maneuver Theory regards attrition as only one way of applying military force to the attainment of a politico-economic aim. It contends that true success in war lies in pre-emption or in achieving decisive advantage by surprise rather than material destruction alone.<sup>23</sup> Growing, as it did, out of a desire to maximize the benefits of mobility on the battlefield it was mostly associated with the process of mechanization in armies, however, its use of the word maneuver came to represent

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<sup>18</sup> Brian Holden Reid, “J.F.C. Fuller and B. H. Liddell Hart: A Comparison,” *Military Review* LXX, no. 5 (May 1990): 65.

<sup>19</sup> J.F.C. Fuller, *The Reformation of War* (London: Hutchinson & Company, 1923), 29.

<sup>20</sup> Bevin Alexander, *How Great Generals Win* (New York: Avon Books, 1993), 30.

<sup>21</sup> John Kiszely, “The British Army and Approaches to Warfare since 1945,” in *Military Power: Land Warfare in Theory and Practice* (Portland, OR: Frank Cass & Co. 1997), 192.

<sup>22</sup> Christopher Tuck, “Land Warfare,” in *Understanding Modern Warfare* (Cambridge: Cambridge University Press 2008), 98.

<sup>23</sup> Simpkin, *Race to the Swift*, 23.



agility of thought and action rather than simply mobility. In its mature state, it came to be associated with concepts for rapid, unexpected, and simultaneous actions in both cognitive (usually associated with command and control systems) and physical domains.

Although maneuver theorists have claimed successful examples of Maneuver Theory in action, such as the German *Blitzkrieg* campaigns of World War II, the concept relies on a systemic collapse of the enemy command and control as the key to the protection of vulnerable exploitation forces. If the enemy does not collapse quickly, the exploitation forces can be exposed to the full effect of coordinated enemy action or firepower.<sup>24</sup> History remains replete with examples of military forces that refused to disintegrate in the face of surprise and that had to be dealt with in an attritional manner. Balancing this “risk proposition” has always been the difference between great generals and average commanders. Like many other nations, however, the Australian experience of World War I and II established a strong desire to ensure attritional confrontations favored its forces by a methodical approach to the planning and execution of combat. Arguably, this approach relied heavily on machines (artillery, tanks and planes) rather than manpower because of the continuing resonance of the disastrous casualties of the world wars.<sup>25</sup> This approach also favored doctrine that supported a mechanistic approach to battle which stressed the importance of drills and procedures for the synchronization of firepower.

This “methodical battle” approach to doctrine has combined with the Australian Army’s small unit experience and its employment inside coalition campaigns as key drivers behind its culture.<sup>26</sup> Not surprisingly, the conservative culture is almost completely counter to the bold risk taking culture demanded by Maneuver Theory. Clearly, the consequences of risk are fundamentally different at the various echelons of military command. The downside of risk for a platoon commander can be judged on the consequences for the lives of the soldiers within their immediate vicinity. Army commanders often judge risk in terms of lost material and resources because of their distance from individual lives. However, every officer must judge risk in terms of its benefit to mission accomplishment. How a military commander appreciates the risks they face will, therefore, determine their propensity to apply Maneuver Theory. If the consequences of the risk outweigh the benefits to the objective, then an alternate option will most likely be chosen that better balances the risk. In this regard, the understanding of risk and the education of military officers in the parameters of its acceptance is crucial to their ability to weigh the costs of action in war. This judgment of risk can be understood in a number of ways, however, it is most appropriately viewed through the lens of tactics.

Tactics, the Australian Defense Glossary confirms, is the “ordered arrangement and maneuver of units in relation to each other and the enemy in order to utilize their full potentialities.”<sup>27</sup> This stands in stark contrast to the United States Marine Corps’ definition of tactics which is “the art and science of winning engagements and battles.”<sup>28</sup> The Australian approach is reflective of a mechanistic or methodical approach that was commonplace before the adoption of Maneuver Theory. Clausewitz wrote about tactics only in relation to their use in “the engagement.”<sup>29</sup> Much later, B.H. Liddell Hart also wrote of tactics as “the dispositions for and control of” actual fighting.<sup>30</sup> In this sense both

<sup>24</sup> Ibid., 77.

<sup>25</sup> Stephen Hart, “Montgomery, Morale, Casualty Conservation and 'Colossal Cracks': 21st Army Group's Operational Technique in North-West Europe, 1944-45,” in *Military Power: Land Warfare in Theory and Practice* (Portland, OR: Frank Cass & Co. 1997), 135.

<sup>26</sup> Australian Army, *Fundamentals of Land Power*, 18-19.

<sup>27</sup> *Australian Defense Glossary Home Page*, <http://defence.gov.au>.

<sup>28</sup> U.S. Marine Corps, *Warfighting*, MCDP1 (Quantico, VA: U.S. Marine Corps, June 1997), 30.

<sup>29</sup> Carl von Clausewitz, *On War*, eds. and trans. Michael Howard and Peter Paret (Princeton, NJ: Princeton University Press, 1976), 128.

<sup>30</sup> Basil Liddell Hart, *Strategy* 2<sup>nd</sup> rev. ed. (New York: Praeger Publishers 1967), 321.

theorists reflected the contemporary understanding of tactics as the drills, procedures or regulations used by military organizations to mitigate enemy advantages in battle or improve their own. This was perfectly coherent with a view of strategy as the “use of engagements for the purposes of war.”<sup>31</sup> The distinction between tactics and strategy under this framework was that drill and regulation were necessary for the conduct of war and were most evidenced in tactics, but that they should not “preclude freedom of choice” in how they were applied in changing circumstances.<sup>32</sup> This freedom-of-choice was a way of describing the practices of risk management that are inherent in any tactics decision-making on the battlefield. Despite the growing trend of dispersion and the combined arms responsibilities of junior offers, the understanding of tactics in Australian doctrine does not accord with the idea of this risk management choice.

From the end of World War II tactics instruction in Australia consisted of doctrine—the institutionalized drills, procedures and regulations—for the defense, withdrawal, advance, and attack phases of war in both open and close country settings.<sup>33</sup> The information contained in the doctrine was based on the lessons learned in both world wars and closely followed the paradigms of lines, zones and firepower control that had been the central features of overcoming the stalemate of land battles in World War I. The standardized practices of infantry battle that dominated World War I became even more important in World War II as the control of firepower across the multiple weapon systems of an industrialized battlefield became a major concern given the increasing lethality, yet lack of precision, of munitions. The continuity of this paradigm is strongly reflected in the Army’s current land warfare doctrine for operations which still categorizes tactics into an offensive, defensive, and stability framework.<sup>34</sup> Rather than emphasizing the freedom of choice between categories as one would expect with a Maneuver Theory philosophy, however, each aspect of this framework is almost rigidly associated with procedures or drills that are applicable, generally, at the small unit level for the control of movement and firepower. Arguably, this framework reflects the decline of an understanding of tactics as the application of an artistic discipline and the rise of an understanding of tactics as drills that must be mastered for greater efficiency.

Like sports, the military has a fascination with team drills and for good reason. Drills induce speed, group awareness, and anticipation to ensure the team operates as a single entity. The drills of close combat have been vividly described by Sebastian Junger as:

A series of quick decisions and rather precise actions carried out in concert with ten or twelve other men. In that sense it's much more like football than say, a gang fight. The unit that choreographs their actions best usually wins. That choreography is so powerful that it can overcome enormous tactical deficits.<sup>35</sup>

The Australian Army has a strong track record and preference for Junger's tactical choreography. Team drills allow, in theory, complex activities to be aggregated in larger units. In that sense, the section attack procedure is assumed to have a similar form to the battalion, brigade, or even divisional attack procedure. If excellence at tactical choreography wins at the lowest level, then, logic suggests, it must have equal applicability at all levels of an organization. Clearly, an understanding of the drills associated with combat are a precursor to understanding force protection, and achieving high levels of individual and group skills in close combat improves the chances of survival, but a doubt remains over drills as a substitute for tactical thought. In 1929 B.H. Liddell Hart asserted that:

<sup>31</sup> Clausewitz, *On War*, 128.

<sup>32</sup> *Ibid.*, 152.

<sup>33</sup> *The Royal Military College of Australia Handbook* (Canberra, Australia: Australian Government Publishing Service, January 1977), 33.

<sup>34</sup> Australian Army, *Operations*, 4.4.

<sup>35</sup> Sebastian Junger, *War* (London: Fourth Estate, 2010), 120.

The training of armies is primarily devoted to developing efficiency in the detailed execution of the attack. This concentration on tactical technique tends to obscure the psychological element. It fosters a cult of soundness, rather than of surprise. It breeds commanders who are so intent not to do anything wrong, according to 'the book', that they forget the necessity of making the enemy do something wrong. The result is that their plans have no result. For, in war, it is by compelling mistakes that the scales are most often turned.<sup>36</sup>

In this assessment, Liddell Hart was taking umbrage at the absence of balance between drills and tactics in training, yet the same can be said of the training of officers today. A significant amount of a junior officer's training time in the Australian Army is spent rehearsing drills during field exercises. Similarly, the standard Tactical Exercise without Troops, or map exercise, conducted across the Army is less of a chance to show tactical flair than a laborious exercise in staff duties associated with battle drills. Although staff duties are important as a drill in themselves, the style demanded by the Army bears a striking resemblance to the staff duties of World War II. If, as William Lind has suggested, the process that is tactics includes "the art of selecting from among your techniques those which create that unique approach for the enemy,"<sup>37</sup> then current Army doctrine and instruction is preparing officers in the Australian Army to fight with the same intellectual approach as their grandfathers. This is not to say that the lessons of World War II are wrong, just that they may not be the most effective basis on which to implement Maneuver Theory in the twenty-first century. Ultimately, the Army's understanding of tactics must rest on a framework of the tenets of Maneuver Theory if it is to move beyond its nineteenth century paradigm of movement and fire control.<sup>38</sup> Tactics should be understood as a choice in risk management where drills and procedures are merely the means that must be applied in creative ways to achieve the most positive battlefield effect. In this sense, tactics should be understood more in line with the definition of operational art which involves the orchestration of tactical actions<sup>39</sup> and the older understanding of strategy as defeating the enemy in the most economical and expeditious manner. This enhanced understanding will enable the adoption of a risk-based approach to seizing the opportunities demanded by Maneuver Theory.

### Broad Cultural Change

Despite its adoption of Maneuver Theory, the Australian Army has failed to alter its tactics doctrine and its conservative culture to embrace the type of risk-taking culture demanded by Maneuver Theory. The Army's understanding of combat as a series of firepower and force protection drills is very much in line with a conservative resource protection focus that inhibits an officer's assessment of risk and therefore limits their ability to apply Maneuver Theory to complex situations. The Australian Army's "All Corps Officer Employment Specifications" indicate that the "intellectual component of professional mastery requires that officers correctly interpret the commander's intent and adopt a maneuverist approach in accurately applying that intent to the tactical situation."<sup>40</sup> In order to achieve this, cultural change will have to take place within the Army. To engender change in an organization requires a number of actions that, taken together, reinforce the chances of successful

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<sup>36</sup> Hart, *Strategy*, 349-350

<sup>37</sup> William S Lind, *Maneuver Warfare Handbook* (Boulder: Westview Press, 1985), 12.

<sup>38</sup> In Australian doctrine these are: center of gravity focused; initiative; surprise; main effort; reconnaissance pull; tempo; combined arms teams; and orchestration.

<sup>39</sup> Australian Army, *Adaptive Campaigning 2009*, 40.

<sup>40</sup> Australian Army, *All Corps Officer Employment Specifications* (Canberra, Australia: Australian Government Publishing Service, 2010), 12.

cultural adaptation to the change. To paraphrase key aspects of John Kotter's change process,<sup>41</sup> the sense of urgency and advocacy for Maneuver Theory has been replaced by the complacency of a "job well done" in Iraq and Afghanistan. The Australian land warfare doctrine no longer communicates a change vision by discussing the meaning of Maneuver Theory or its tenets, and no structural change has been associated with the idea of a maneuverist mindset within the Army's organization. But Kotter also indicates that culture derives its power from three sources: the selection and indoctrination of individuals, the daily actions of members of the organization that reinforce the cultural norms, and the unconscious acceptance of the above by everyone in the organization.<sup>42</sup> The Royal Military College of Australia is both the selection and initial indoctrination point for the Army and it is here that the Australian Army has its greatest opportunity to re-start the change process. The first step will be to get ahead of the codification of new doctrine by changing the indoctrination and instruction of new officers from the current conservative tactical approach to a deeper understanding of the tenets of maneuver as the art of tactics rather than the current belief in the sufficiency of the drills of battle. This may need to be followed by a cultural discussion across the Army about the role of the officer and non-commissioned officer in the field, particularly given the increased responsibilities junior officers have as the executive agents for combined arms operations. Potentially, non-commissioned officers may need to assume more responsibility for the drills and procedures of battle while the officers assume more responsibility for the planning and support functions. Finally, doctrine and the practice of decision-making in combat will need to be changed to better represent the realities of the modern battlefield with its high level of civilian oversight and non-combatant participation. These are aspects of warfare that rarely intruded in the tactical decision-making of previous generations but that are now commonplace for battlefield officers of all ranks.

## Conclusion

Military doctrines are important because they reflect the judgments of military officers, and to a lesser but important extent civilian leaders, about what is and is not militarily possible.<sup>43</sup> The adoption of a preferred doctrine for the application of combat power in war has consequences that can be measured both cognitively and physically. On the physical side, the most obvious signs of a particular style of fighting can be seen in the armaments and organization of military forces. The preference for offensive mobile warfare can be seen in the purchase of tanks and aircraft while the preference for a defensive doctrine can be seen in the purchase of missiles and mines. The effect of a particular doctrine on the intellectual agility of the organization is much harder to detect but can be seen in its application in training and simulations. If a dissonance exists between how a military thinks about its actions in war and how it is organized and equipped it can have far reaching consequences for the success or failure of a nation's application of military power. Although equipment and organizations can change rapidly, the intellectual foundations of a military are difficult to alter as they are heavily tied to past successes and cultural dependencies.

In sum, two significant obstacles prevent the Australian Army from fully adopting the doctrine of Maneuver Theory. The first is the concept of an operational level of command vice the function of the planning of operations. The operational level of command is a distortion of the planning function of commanding generals that has somehow made its way into Australian military doctrine without contest. It is used interchangeably with the idea of operational art, however the two are distinctly

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<sup>41</sup> John P. Kotter, *Leading Change* (Boston: Harvard Business Review Press, 2012), 23.

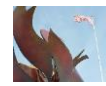
<sup>42</sup> *Ibid.*, 159.

<sup>43</sup> Barry B. Posen, *The Sources of Military Doctrine: France Britain and Germany between the World Wars* (Ithaca, NY: Cornell University Press, 1984), 14.

different. At best the operational level of command distorts an open dialogue between the strategic and tactical levels, at worst it denies this association. While the operational level of command may have been appropriate for the large industrialized forces of World War II, it is no longer appropriate for the small, highly professional forces of the twenty-first century. The Australian Army must return to a classical understanding of the functions of strategy and tactics so that the strategic to tactical dialogue is strengthened and Maneuver Theory can be exercised more effectively by the forces most responsible for achieving strategic success.

Closely linked is the obstacle of the Army's understanding of tactics. The culture and intellectual approach of the Australian Army is the direct result of an overwhelming experience in World War I and II. Arguably, however, its understanding of tactics as drills and regulations removed from the idea of operational art, consigns it to an attritional approach to conflict that is no longer appropriate to small militaries. Without the ability to understand the tenets of maneuver as the basis of tactical art, each successive generation of officers will approach problems not as a contest of surprise and speed, but as an exercise in destruction and control. Ultimately, tactics should be understood as a choice in risk management where drills and procedures are merely the means that must be applied in creative ways to achieve the most positive battlefield effect for strategic outcomes.

Change the culture and intellectual approach of the Army will not be a small undertaking. A cultural change will need to start at the point of entry for all officers to ensure the widest level of acceptance of the new paradigm. The Army's understanding of the purpose of command levels in war must be reset and its understanding of tactics expanded to embrace the cognitive and planning aspects of operational art. Only by implementing such changes will the concept of Maneuver Theory be fully incorporated into intellectual doctrine. Once both of these incongruities are solved, the Australian Army will be in a much better position to prepare future commanders for the near term complex battlespace and the demands placed upon it by the national leadership.



# Did the United States Lose China Again?

David Christopher Menser

The big question after the establishment of the People's Republic of China (PRC) in 1949, was "how did the U.S. lose China?" Although the situation was certainly beyond U.S. control, cooperating with the Chinese Communist Party (CCP) rather than the Nationalists once the tide turned fostered a post-World War II order in which mainland China, one of Roosevelt's four policemen, could have helped ensure peace and stability in the Asia Pacific. Fortunately for those who perceived a lost opportunity, the U.S. got a second chance and since 1979 has been backing the "the other side:" the CCP.<sup>1</sup>

The rationale to back China in the 1980s was well grounded in both geopolitical reality and U.S. strategic culture. The U.S. needed another ally to counter the Soviet Union<sup>2</sup> and believed that China, once exposed to the West, would continue to liberalize both economically and politically. As such, the U.S. based its China strategy on three fundamental assumptions:

1. Benefits from the current system would induce Beijing's "buy in" and promote responsible behavior;
2. The U.S. could substantially shape China's rise through engagement and inclusion<sup>3</sup> and;
3. A strong and prosperous China would constitute a net good for the U.S. and the world.<sup>4</sup>

These assumptions have not changed in decades raising two questions: (1) Do they still make geopolitical sense? And (2) how has Beijing viewed the whole process?

China, a country with a long, proud history and interests of its own, was not enamored with Washington's vision for its rise, but welcomed U.S. help in facilitating it. Recognizing that its primary strategic adversary was changing from the crumbling Soviet Union back to the United States, China modified its strategy to achieve new desired ends: rejuvenation, primacy in the Asia Pacific, and a

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*David C. Menser (M.A., University of Hawaii) is a Colonel in the United States Army. An earlier version of this article, written while the author was a United States Army War College Fellow at the Institute of World Politics, earned Second Place in the 2016 Secretary of Defense National Security Essay Competition, 5000 word article.*

<sup>1</sup> The U.S. officially recognized the government of PRC on 1 January 1979.

<sup>2</sup> China's contributions in countering the Soviet Union were reaffirmed as early as 1981 when a Joint Chiefs of Staff study praised China for causing Russia to reallocate forces along its border with China from Aaron L. Friedberg, *A Contest for Supremacy* (New York: Norton, 2011), 83.

<sup>3</sup> Aaron Friedberg traces the most recent iteration of "full engagement" to 1994 when then President Clinton decided to increase engagement to facilitate trade and China's stake in the global order from Friedberg, *A Contest for Supremacy*, 92. Although a case could also be made that the first two assumptions existed during the Reagan administrations, the dynamic of the relationship changed tremendously after the end of the Cold War. As such, the first two assumptions have been fairly continuous for at least 22 years.

<sup>4</sup> Although the reason for China's rise being a net good for the world has changed post-Cold War, it has been continuous since President Nixon.

multi-polar world more reflective of China's interests.<sup>5</sup> In preparation for a time when Washington's support either no longer exists or is no longer needed, Beijing's foreign policy strategy is to simultaneously work within the international system to maintain U.S. strategic acquiescence while shifting the balance of power in its favor. Beijing seeks to enhance its position by engaging the U.S. in peacetime conflict, using all levers of national power short of kinetic warfare to target U.S. vulnerabilities, reduce U.S. war potential and erode the U.S. led security architecture in Asia. By endorsing China's rise, the U.S. functionally validates both components of the strategy while unleashing a challenge the system is not equipped to manage: a China that is able to maximize the benefits of inclusion while simultaneously spearheading system transformation. Washington needs to acknowledge this dilemma, revise its assumptions, and either change its strategy or accept an international order more accommodating to China's rise.

### How Did We Get Here—*Shi* [勢]?

*Shi* [勢]<sup>6</sup>—strategic advantage, tendency, momentum and potential resulting from alternation points<sup>7</sup>—is ingrained in China's strategic culture and serves as a window into China's conceptual framework for assessing the contemporary and potential future environment.<sup>8</sup> China's current geopolitical *shi* [勢] paradigm revolves around the trend lines created by two alternation points: the establishment of the PRC—the point that ended China's century plus downfall and began its rise, and the end of the Cold War when U.S. power was culminating in a brief unipolar moment, eventually resulting in decline. China has used these trend lines to set and measure progress on achieving its objectives, recalibrating its grand strategy, and ultimately deciding to engage in long-term, peacetime conflict with the U.S.

Given the philosophy inherent to *shi* [勢], China's rejuvenation and vision for the Asia Pacific are only possible if current trend lines continue and China is able to harmonize with them, otherwise Beijing will be forced to reevaluate its objectives. From Beijing's perspective, for example, China's reclamation of Hong Kong in 1997, its accession into the World Trade Organization (WTO) in 2001, U.S. wars in Afghanistan and Iraq and, the 2007 financial crisis have all reinforced the primary trend lines. On the other hand, the primary trend lines have been challenged by the first Gulf War and a combination of the rebalance, Trans Pacific Partnership, and third offset strategy.

Although *shi* [勢] may sound like a mystical concept, inappropriately painting China as an exotic other<sup>9</sup> and oversimplifying a complex global environment, two important summary points should not be lost. First, regardless of the label applied, China's oft-complemented multi-decade strategic outlook is based on an assessment of long term strategic trends and potential futures that conform to existing tendencies. Second, Washington's continued acquiescence has Beijing searching for U.S.

<sup>5</sup> President Xi has been making speeches on the China Dream which includes national rejuvenation and China regaining its rightful place in Asia since November 2012. For one example, see his September 28, 2015 speech to the United Nations, [https://gadebate.un.org/sites/default/files/gastatements/70/70\\_ZH\\_en.pdf](https://gadebate.un.org/sites/default/files/gastatements/70/70_ZH_en.pdf).

<sup>6</sup> Francois Jullien's book, *The Propensity of Things*, serves as the foundation for many western authors attempting to qualify the significance of *shi* [勢] in geopolitical Chinese thinking; Henry Kissinger discusses the importance of *shi* [勢] in the singularity of China in Henry Kissinger, *On China* (New York: The Penguin Press, 2011), 5-32; Michael Pillsbury's discusses China's use of *shi* [勢] throughout Michael Pillsbury, *The Hundred-Year Marathon* (New York: Holt, 2015).

<sup>7</sup> For more on alternation points, see Francois Jullien, *The Propensity of Things* (New York: Zone Books, 1999), 194. Jullien states "every tendency, once born, is naturally inclined to grow; on the other hand, any tendency carried to its ultimate limit becomes exhausted and cries out for reversal"; reversal occurs at an alternation point.

<sup>8</sup> *Shi* [勢] includes concepts from The Dao, The Book of Changes and The Art of War all in one conceptual framework.

<sup>9</sup> In *Orientalism*, Edward Said critiques the West for over-mysticizing Eastern cultures often in a patronizing way.



redlines through action. Consequently, China may create a small scale opportunity crisis<sup>10</sup> to enhance either of the two primary trend lines, leading to rapid escalation and increased likelihood of conflict.

## The State and the International Order

*Shi* [勢] provides one piece of the conceptual framework for China's strategy, other pieces appear through examination of China as a nation-state and its conception of international order. Because CCP rule is opaque, differentiation of internal and external issues is often difficult. U.S. policy makers must realize that Beijing's foreign policy is not guided solely by domestic considerations, but rather by a coherent strategy to achieve a specific end-state.<sup>11</sup> Moreover, the U.S. must attend to three aspects of CCP rule that most influence its foreign policy: application of power, quest for legitimacy, and inherent distrust of foreign powers.

The CCP is powerful beyond measure, allowing China to easily mobilize the nation in support of peacetime conflict with the United States. The magnitude of CCP control of the state is such that were the U.S. system comparable, U.S. strategic planners would set guidance and oversee appointments of:

the U.S. cabinet, state governors and their deputies, the mayors of major cities, the heads of all regulatory agencies, the chief executives of GE, ExxonMobil, Wal-Mart and about fifty of the remaining largest U.S. companies, the justices on the Supreme Court, the editors of the New York Times, the Wall Street Journal and the Washington Post, the bosses of the TV networks and cable stations, the Presidents of Yale and Harvard and other big universities, and the heads of think-tanks like the Brookings Institution and the Heritage Foundation.<sup>12</sup>

With no transparency, explanation, or oversight, such a system facilitates mobilization of resources while effectively eliminating dissent.

Undergirding this self-sustaining, self-supporting system is a never-ending quest for legitimacy that underwrites nearly everything the CCP does from political and military maneuvers to the promotion of cultural practices and ideology.<sup>13</sup> The CCP's efforts at self-promotion can be deceptive. Thus the U.S. must see China for what it is rather than for what it appears to be.

In redefining itself to encompass all that is good for China, the CCP is not only rewriting the past, but shaping the future to enhance Chinese nationalism and position China in continuous opposition to the United States. By courting Washington's continued support of its rise while simultaneously casting the U.S. as a containment driven hegemon bent on global dominance,<sup>14</sup> Beijing positions the U.S. as both a spatial/positional threat to the PRC and an ideological one as

<sup>10</sup> An opportunity crisis emerges out of a deliberate calculated initiative. The understanding of the gain and absence of surprise creates a lower stress level in the aggressor than experienced by the target nation. Michael D Swaine, Zhang Tuosheng, and Danielle F.S. Cohen, *Managing Sino-American Crisis* (Washington, D.C.: Carnegie Endowment for International Peace, 2006), 115.

<sup>11</sup> Robert Sutter offers a different perspective in which he points out that China has serious domestic problems which limit foreign policy options and as a result Beijing has had a hard time coming up with a coherent foreign policy strategy from Robert G. Sutter, *Foreign Relations of the PRC* (New York: Rowman & Littlefield Publishers, 2013), 3-22. Andrew Nathan and Robert Ross also emphasize the domestic to the point where they state "China's foreign policy dilemmas will shape and be shaped by its domestic political conflicts" from Andrew J. Nathan and Robert S. Ross, *The Great Wall and The Empty Fortress* (New York: Norton, 1997), xiv.

<sup>12</sup> Richard McGregor, *The Party* (New York: HarperCollins, 2010), 72.

<sup>13</sup> For example, starting from the May 4<sup>th</sup> movement in 1919 and continuing through the establishment of the PRC, Confucius was often the poster child for backward thinking and had numerous government sponsored movements targeted explicitly at his fundamental assumptions. Today his statue is larger than life in front of China's Museum of National History in Beijing and China's foreign propaganda centers, Confucius Institutes, bear his name.

<sup>14</sup> *China's Military Strategy* (Beijing: The State Council Information Office of the People's Republic of China, May 2015), <http://eng.mod.gov.cn/Database/WhitePapers/>.

well. A 2013 CCP Central Committee General Office internal memo explains that CCP rule is threatened by seven false ideological trends, five of which—democracy, universal values, civil society, neoliberalism, and free press—emanate from the United States.<sup>15</sup>

China's reliance on historical interpretation of its past, particularly the Warring States era (circa 481-221 B.C.E.), may undergird an enduring belief that a unipolar global hierarchy is the only stable end-state. If so, this grounding tends to bolster support for China's aspirations to replace the U.S. as the sole superpower.<sup>16</sup> Seeking global Chinese dominance, however, does not reconcile with the current environment, nor global trend lines, *shi* [勢]. China's desired global end state, therefore, is more likely to be multi-polarity through removal of the current hegemon: the United States.

### United States Plan of Action

The U.S., however, is well equipped to respond and will not relinquish power easily. To this point, U.S. acquiescence has helped harmonize the two existing trends creating a “strategic window of opportunity” for China.<sup>17</sup> As Otto Von Bismarck stated, a “sentimental policy knows no reciprocity,” the time has come to close this window.<sup>18</sup> First, the United States must stop contributing to strategic acquiescence and tacit endorsement of China's rise.

- Benefits from the current system will not induce China's “buy in,” no matter how much the U.S. works toward that desired end. As Lieberthal and Jisi have noted, “America's democracy promotion agenda is understood in China as designed to sabotage the Communist Party's leadership. The leadership therefore actively promotes efforts to guard against the influence of American ideology and U.S. thinking about democracy, human rights and related issues.”<sup>19</sup>
- The U.S. cannot substantially shape China's interests through engagement and inclusion. Although reasonably effective in Europe at the end of the Cold War, that game plan has merely provided China with increased access to the very system it is trying to change. Beijing's apparent commitment to working with Washington does not include a willingness to redefine its national interests or substantially alter its policy.
- China's pursuit of its national interest is not a result of successful U.S. shaping or of China's contribution to global security challenges.

Second, the U.S. must recognize peacetime conflict for what it is: “merely war fought at times with armed means and at other times with non-violent forms that are not necessarily unarmed.”<sup>20</sup> Third, the U.S. must push to put everything on the table and reevaluate. All U.S.-China bilateral agreements should be reassessed through the current lens, not through the era of false assumptions in which they were conceived. Fourth, the U.S. must create a unified public policy that includes information, exchanges, broadcasting, counter-propaganda, political action, psychological strategy, political warfare, and ideological warfare.<sup>21</sup>

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<sup>15</sup> Chris Buckley, “China Takes Aim at Western Ideas,” *The New York Times Online*, August 19, 2013, [http://www.nytimes.com/2013/08/20/world/asia/chinas-new-leadership-takes-hard-line-in-secret-memo.html?\\_r=0](http://www.nytimes.com/2013/08/20/world/asia/chinas-new-leadership-takes-hard-line-in-secret-memo.html?_r=0); “Document 9: A ChinaFile Translation,” ChinaFile Online, November 8, 2013, <http://www.chinafile.com/document-9-chinafile-translation>.

<sup>16</sup> For excellent books which contend that China seeks its place at the top of a global hierarchy, see Christopher Ford's *The Mind of Empire* and Michael Pillsbury's *The Hundred-Year Marathon*.

<sup>17</sup> China assessed it was in a Strategic Window of Opportunity which would allow it to focus domestically on its economy, while increasing its comprehensive national power in a relatively benign Asia-Pacific because the U.S. was involved in two wars and seemingly distracted.

<sup>18</sup> Henry Kissinger, *World Order* (New York: Penguin Books, 2015), 76.

<sup>19</sup> Kenneth Lieberthal and Wang Jisi, *Addressing U.S.-China Strategic Distrust*, John L. Thornton China Center Monograph Series, no. 4 (Washington, DC: Brookings, March 2012): viii, <http://www.brookings.edu/research/papers/2012/03/30-us-china-lieberthal>.

<sup>20</sup> Jajko, *Military Strategy*, 50.

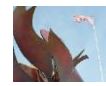
<sup>21</sup> John Lenczowski, *Full Spectrum Diplomacy and Grand Strategy* (New York: Lexington Books, 2011), 18.

## Conclusion

The China that the U.S. has lost in what is something of a second opportunity, lies with the loss of a supposed global security partner with shared interests. That view became the myth of U.S.-China co-creation and should have died in the 1990s. Instead, China perpetuated the myth playing to U.S. vanity, operant assumptions, and strategic culture while quietly identifying the U.S. as its primary strategic adversary and advancing a two-pronged strategy to expedite U.S. decline. China's conceptual framework, notions of international order and fear of the U.S. have guided its judgments while the communist application of power has facilitated a nationwide mobilization that would not be possible in a democracy short of a large-scale kinetic war. Washington's sincere desire to keep the myth alive has led to strategic acquiescence of China's attempt to attain primacy in the Asia Pacific and increased the chance of miscalculation while not alleviating China's fear the U.S. is trying to contain it—a lose-lose in Chinese terms.

Beijing's decision to engage in peacetime conflict with the U.S. has called into question the assumption that a strong and prosperous China will be a net benefit for the global order. The challenge for the U.S. is to mobilize in response to this threat and reset the relationship baseline. Managing escalation will be impossible without a fundamental change in the relationship's tone and the supporting narrative. Such a change may not seem helpful in the short term, but will ultimately create a safer international environment. The current philosophy of preventing negative aspects from defining the relationship has been tantamount to writing a blank check for China to cash while increasing U.S. frustration—a very dangerous combination, indeed. Stopping U.S. material and public support of China's rise and changing U.S. assumptions is essential.

The U.S. must seek to convince China to redefine the terms of its rejuvenation, not alter its national interests. The world may be heading towards multi-polarity, but the kind of primacy China seeks in the Asia Pacific must not be part of this new international order. If the U.S. responds with a better understanding of who and what China is, it can change China's read on U.S. decline and acquiescence and thereby force Beijing to get in line with the new strategic trend-lines or fight against them to its own peril.



# The Rebirth of Japan's Amphibious Forces

Jaren Keith Price

Japan is developing a Marine Corps in everything but name. In December 2013 the Ministry of Defense of Japan published two documents, the “National Defense Program Guidelines for FY 2014 and Beyond” and the “Medium Term Defense Program (FY2014-FY2018).” These documents reiterated the longstanding mission of the Japanese Self-Defense Force (JSDF) to “intercept and defeat any invasion” of the homeland while expanding this mission to include “remote islands.” Significantly, the new mission states: “should any remote islands be invaded, Japan will recapture them.”<sup>1</sup> These documents also charged the JSDF with developing rapid deployment and amphibious capabilities sufficient to pursue this mission.<sup>2</sup>

Although Japan has focused its military power on countering possible invasion forces since the 1970s,<sup>3</sup> its capability to rapidly deploy forces for remote island defense or conduct amphibious operations is nascent at best.<sup>4</sup> This essay explores the implications of Japan's fully developing these capabilities by examining where they are most likely to be used, the impacts to security relations in Northeast Asia, and implications for the Japanese-U.S. security alliance.

## Possible Scenarios for Japan's Amphibious Capability

Japan has consistently declared that its military capability is for defense only. Even with the recent reinterpretation of its constitution and passage of new security laws, Japanese leaders have emphasized commitment to the peaceful resolution of disputes and the defensive nature of the

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*Jaren K. Price (M.A., American Military University) is a Lieutenant Colonel in the United States Army. An earlier version of this article, written while the author was a United States Army War College Fellow at the University of Washington earned Second Place in the 2016 Chairman of the Joint Chiefs of Staff National Defense and Military Strategy Essay Competition, 1500 Word Strategy Article.*

<sup>1</sup> Government of Japan, *Medium Term Defense Program (FY2014-FY2018)* (Tokyo: Ministry of Defense of Japan, December 17, 2013), 14, [http://www.mod.go.jp/j/approach/agenda/guideline/2014/pdf/Defense\\_Program.pdf](http://www.mod.go.jp/j/approach/agenda/guideline/2014/pdf/Defense_Program.pdf).

<sup>2</sup> Government of Japan, *National Defense Program Guidelines for FY 2014 and Beyond* (Tokyo: Ministry of Defense of Japan, December 17, 2013), 19, [http://www.mod.go.jp/e/d\\_act/d\\_policy/national.html](http://www.mod.go.jp/e/d_act/d_policy/national.html).

<sup>3</sup> Jennifer M. Lind, “Pacifism or Passing the Buck? Testing Theories of Japanese Security Policy,” *International Security* 29, no.1 (Summer 2004): 111-112, <http://www.jstor.org/stable/4137548>.

<sup>4</sup> Paul Kallender-Umezū, “Japan's Amphib Capabilities Struggle with Rivalries, Budgets,” *DefenseNews*, October 11, 2015, <http://www.defensenews.com/story/defense/naval/marines/2015/10/07/japans-amphib-capabilities-struggle-rivalries-budgets/73482062/>.

JSDF.<sup>5</sup> Retaking “remote islands” is a controversial issue, however, as many military capabilities can be used in offensive or defensive roles as well as for stability, peacekeeping, or humanitarian assistance.

Strategically, retaking a “remote island” may be viewed as a defensive act, but at the operational and tactical level it is functionally an offensive operation. The dual nature of Japan’s rapid deployment and amphibious capabilities is worrisome to Japan’s neighbors—especially those with territorial disputes involving “remote islands.” Japan’s new security laws and the perception of Japan’s moved toward increased militarism are viewed as particularly concerning.<sup>6</sup>

Japan, however, is determined to move forward. With the implementation of its new security legislation, retaking remote islands is now an operational issue.<sup>7</sup> The JSDF must now fully develop its capabilities and the policies to support them. In view of Japan’s continued tensions with China, Japan’s Southwest Islands—including the Senkaku/Diaoyu Islands—represent the most likely location where these capabilities would be put to the test.

### Northern Territories/Kuril Islands and Takashima/Dokdo

Since the end of World War II, Japan has claimed parts of the Northern Territories/Kuril Islands now occupied by Russia and Takashima/Dokdo controlled by the Republic of Korea (ROK). While these locations fall into the category of “remote islands,” Japan is unlikely to use its future rapid deployment and amphibious capabilities in these locations for several reasons.

1. Russia and the ROK occupy the disputed islands—Russia with both civilian and military personnel<sup>8</sup> and the ROK with a coast guard unit.<sup>9</sup> Japan would not simply be securing uninhabited islands, but would have to forcibly seize them, an unlikely scenario.
2. Any attack by Japan would be seen at home and abroad as an act of war which would violate Japan’s constitution and international law. Even the most recently revised interpretation of Article 9 of the Japanese constitution and new security laws prohibit Japan from using military power for reasons other than defense or peacekeeping. Japanese leaders have shown the country’s continued commitment to these principles.<sup>10</sup>
3. Japan desires to peacefully resolve the island disputes which have hindered both political and economic relations with Russia and the ROK. Although Japanese Foreign Minister Fumio Kishida and Russian Foreign Minister Sergei Lavrov discussed the issue in September 2015, dialogue between the two countries remains strained.<sup>11</sup> Japan and the ROK face a common enemy in the Democratic People’s Republic of Korea that has recently

<sup>5</sup> Shinzo Abe, *Towards an Alliance of Hope: Address by Prime Minister Shinzo Abe to a Joint Meeting of the U.S. Congress* (Washington, DC: Ministry of Foreign Affairs of Japan April 29, 2015), [http://www.mofa.go.jp/na/na1/us/page4e\\_000241.html](http://www.mofa.go.jp/na/na1/us/page4e_000241.html).

<sup>6</sup> “Abe Takes a Real Step Forward to Remilitarize Japan,” *Global Times*, September 18, 2015, <http://www.globaltimes.cn/content/943148.shtml>; “China Warns Japan Over Expanding Military Role Abroad,” *BBC News*, September 19, 2015, <http://www.bbc.com/news/world-asia-34301456>; Gil Yun-Hyung, “Japan Passes Bills Allowing It to Wage War for the First Time in 70 Years,” *The Hankyoreh*, September 19, 2015, [http://english.hani.co.kr/arti/english\\_edition/e\\_international/709586.html](http://english.hani.co.kr/arti/english_edition/e_international/709586.html).

<sup>7</sup> Ayako Mia, “Security Laws Usher in a New Era for Pacifist Japan,” *The Japan Times*, March 29, 2016, <http://www.japantimes.co.jp/news/2016/03/29/national/politics-diplomacy/japans-contentious-new-security-laws-take-effect-paving-way-collective-self-defense/>.

<sup>8</sup> Franz-Stefan Gady, “How Russia Tries to Intimidate Japan,” *The Diplomat*, July 25, 2015, <http://thediplomat.com/2015/07/how-russia-tries-to-intimidate-japan/>.

<sup>9</sup> “Profile: Dokdo/Takeshima Islands,” *BBC News*, August 10, 2012, <http://www.bbc.com/news/world-asia-19207086>.

<sup>10</sup> Shinzo Abe, *Towards an Alliance of Hope*.

<sup>11</sup> “Moscow Says if Japan Wants Peace Deal, it Must ‘Recognize’ Postwar ‘Historic Realities,’” *The Japan Times*, September 22, 2015, <http://www.japantimes.co.jp/news/2015/09/22/national/politics-diplomacy/lavrov-tokyo-japan-wants-peace-deal-must-recognize-postwar-historic-realities/#.VgmRZjZdHIV>.

pushed them closer together. Improved security ties have been encouraged by the United States as beneficial to both countries.

4. Japan and the ROK are principal U.S. allies with substantial US forces stationed in both countries—a key factor in the Takashima/Dokdo dispute that is not present with other disputed island areas. The U.S. would likely exert pressure to discourage open hostilities between its allies.

### Senkaku/Diaoyu Islands

The most likely place for Japan to use its emerging rapid deployment and amphibious capabilities is in the Senkaku or Diaoyu Islands over which both China and Taiwan have territorial disputes with Japan.

1. The Japanese government has claimed these islands since the 1880s and in 2012 purchased the islands from a private Japanese owner. Because Japanese government actually owns and administers the Senkaku/Diaoyu islands, it views these islands as part of Japan and maintains the position that its claims are supported by international law.<sup>12</sup>
2. Defending these islands with ground forces or retaking them if necessary could be justified within Japan's laws and constitution and is likely to be politically supported at home. Japan would also be justified under Article 51 of the United Nations Charter and supported internationally if Japan successfully argued that it was defending its territory rather than engaging in unwarranted aggression.<sup>13</sup>
3. Japan has already shown its willingness to confront China over the Senkaku/Diaoyu Islands. Seeing China as a growing threat, Japan has taken action against Chinese fishing boats that have encroached in these waters as well as closely monitoring Chinese ships and aircraft in the area.<sup>14</sup> The islands are also valuable to Japan as a means of controlling critical sea lanes necessary for import and export.<sup>15</sup>
4. The United States has historically supported the Japanese right to self-defense and has affirmed that the Senkaku/Diaoyu Islands fall under the U.S.-Japan Mutual Defense Treaty.<sup>16</sup>

### Strategic Impacts

Based on Japanese defense budgets and procurement plans it will take Japan several years to fully build its rapid deployment and amphibious operations capability. While Japan has made initial purchases of MV-22 tiltrotor aircraft and AAV-7 Assault Amphibious Vehicles, they and other critical equipment will not be completely fielded until at least 2021.<sup>17</sup> These new military capabilities are

<sup>12</sup> June Teufel Dreyer, "Sino-Japanese Territorial and Maritime Disputes," in *Beijing's Power and China's Borders: Twenty Neighbors in Asia*, ed. Bruce A. Elleman, Stephen Kotkin, and Clive Schofield (Armonk, NY: M.E. Sharpe, 2013), 84; Reinhard Drifte, "The Japan-China Confrontation over the Senkaku/Diaoyu Islands: Between 'Shelving' and 'Dispute Escalation,'" *The Asia-Pacific Journal* 12, no. 3 (July 28, 2014).

<sup>13</sup> *Charter of the United Nations* (San Francisco, CA: United Nations, June 26, 1945), Chap VII, Art 51, <http://www.un.org/en/documents/charter/index.shtml>. Government of Japan, *National Security Strategy* (Tokyo: Ministry of Defense, December 17, 2013), 12-16,

[http://japan.kantei.go.jp/96\\_abe/documents/2013/\\_icsFiles/afieldfile/2013/12/18/NSS.pdf](http://japan.kantei.go.jp/96_abe/documents/2013/_icsFiles/afieldfile/2013/12/18/NSS.pdf).

<sup>14</sup> Government of Japan, *Defense of Japan 2014* (Tokyo: Ministry of Defense of Japan, 2014), 41, [http://www.mod.go.jp/e/publ/w\\_paper/2014.html](http://www.mod.go.jp/e/publ/w_paper/2014.html).

<sup>15</sup> Ryoko Nakano, "The Sino-Japanese Territorial Dispute and Threat Perception in Power Transition," *The Pacific Review*, 2015, 2.).

<sup>16</sup> John Kerry, "Press Availability with Secretary of Defense Ash Carter, Japanese Foreign Minister Fumio Kishida, and Japanese Defense Minister Gen Nakatani," public speech, New York, April 27, 2015, <https://2009-2017.state.gov/secretary/remarks/2015/04/241162.htm>.

<sup>17</sup> Defense Security Cooperation Agency, "News Release: Japan – V-22B Block C Osprey Aircraft," May 5, 2015, <http://www.dscs.mil/major-arms-sales/japan-v-22b-block-c-osprey-aircraft>; Megan Eckstein, "Japan Finalizes Purchase of 5 MV-22s in First International Osprey Sale," *United States Naval Institute News*, July 14, 2015, <http://news.usni.org/2015/07/14/japan-finalizes-purchase-of-5-mv-22s-in-first-international-osprey-sale>; Tim Kelly and



unlikely to have a major impact on Japan's relations with Russia and the ROK as these countries actually control and occupy the disputed islands. Japan seems unwilling to reject its constitution, disregard over 70 years of domestic support for pacifism, and potentially experience worldwide condemnation should these disputes be settled by force.

An increase in military capabilities is likely to attract the most attention from China. By defining remote island defense as a priority, stating that Japan must be prepared to retake any seized islands, and then developing the capability to do so, Japan has drawn a definite line with regard to Chinese actions in the Senkaku/Diaoyu Islands. Japan has forced China to carefully weigh any actions it takes and anticipate the likely Japanese response. What Japan is willing to tolerate with regard to Chinese action in its claimed territorial waters and airspace remains to be seen.

The development of a credible remote island defense and amphibious operations capability in the JSDF would be a boon to the United States. Currently, the U.S. Marine Corps represents the primary force within the alliance that can retake Japanese remote islands should they be seized by an aggressor. Fielding an amphibious force with the structure of the JSDF would allow Japan to take the lead in an island dispute and allow the U.S. to focus on support functions. These recent changes to JSDF missions and structure are likely to strengthen the Japan-U.S. alliance, with U.S. viewing Japan as a more willing and able partner. Japan may allow the U.S. to reexamine the number and type of forces stationed on Okinawa and possibly improve relations with the local Japanese government and people.

The development of rapid deployment, "remote island" defense and amphibious operations capabilities would be a significant enhancement to the JSDF's ability to defend all of Japan's territory. It would also give the JSDF the undeniable, but limited means to conduct offensive operations that did not previously exist. Japan's Southwest Islands stand out as a potential source of international conflict. Japan's new security documents and upgrades to the JSDF signal that Japan takes its claims on the Senkaku/Diaoyu Islands seriously. Whether these developments will deter China from advancing its claims or merely escalate a sensitive and already tense situation remains to be seen.

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Nobuhiro Kubo, "Mitsubishi is Building an Amphibious Assault Vehicle that Aims to be Three Times Faster than the one Used by the US Marines," *Business Insider*, June 23, 2015, <http://www.businessinsider.com/r-mitsubishi-eyes-technological-leap-and-exports-with-armored-vehicle-2015-6>; Franz-Stefan Gady, "Japan's Military to Get New Assault Amphibious Vehicles," *The Diplomat*, April 16, 2016, <http://thediplomat.com/2016/04/japans-military-to-get-new-assault-amphibious-vehicles/>; Ministry of Defense, *Defense Programs and Budget of Japan Overview of FY2015 Budget* (Washington, DC: Ministry of Defense, April 27, 2014), [http://www.mod.go.jp/e/d\\_budget/pdf/270414.pdf](http://www.mod.go.jp/e/d_budget/pdf/270414.pdf); Jaren K. Price, *Rising Tide: Implications of Japan's Reemerging Amphibious Capability*, Civilian Research Paper (Carlisle Barracks, PA: U.S. Army War College, February 29, 2016).



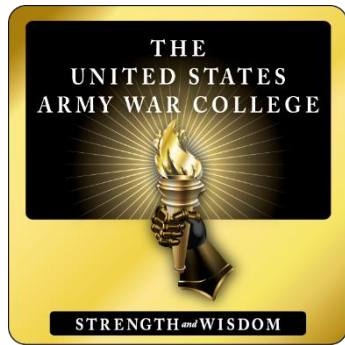
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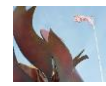
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# Human Trafficking in Belize

Asariel Loria

*Transnational crime in all of its varied forms is a significant problem in North America with drug trafficking and human smuggling often taking center stage. Yet, the exploitation of individuals, families, and communities impacted by human trafficking may take an even greater toll, especially in the Central American region. Belize currently serves, and suffers, as a major transportation route and way-point for human trafficking between China and the United States. If not addressed, human trafficking will become a major threat to the national security and government of Belize. After examining some of the challenges associated with attempts to contain or reduce the illegal transportation of persons transnationally, this essay calls for Belize to strategically reframe the problem and engage in a realistic, but robust response.*

*Keywords: Transnational Crime, Central America, China, Corruption, Smuggling*

The geographical location of Central America in the Western Hemisphere is advantageous to transnational criminal organizations poised to use it as an in-transit route. Historically, migrants trafficked through Central America came mostly from the region itself and from South America, but over the past decade, the situation escalated with a growing flow of Chinese nationals. Even twenty years ago, according to official statistical estimates 10,000 undocumented Chinese nationals entered and worked in Chinese owned businesses in the Central American region, with many others passing through seeking to reach the United States and Canada.<sup>1</sup> The Chinese “mafia” developed connections with Central American trafficking rings due to a high and lucrative market demand.<sup>2</sup> Presently, the Chinese diaspora dominates a substantial amount of businesses in Belize, some of which temporarily shelter trafficked Chinese nationals. The movement of Chinese nationals through the country occurs virtually unnoticed through the informal relationship of Chinese traffickers and business owners.<sup>3</sup>

If not addressed, human trafficking and smuggling of Chinese nationals passing through Belize could transcend into a national security concern with considerable diplomatic and economic consequences. The situation is exacerbated by physical security of territorial control, governance paradoxes relating to corruption, scarce resources affecting the country, and lack of a coherent

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*Asariel Loria (M.S.S. United States Army War College) is a Lieutenant Colonel in the Belize Defense Force. An earlier version of this article, written under the direction of Dr. R. Evan Ellis, earned a prestigious Army War College Foundation Award for Outstanding Strategy Research Paper for the USAWC class of 2016.*

<sup>1</sup> Organization of American States, *Bibliography on the Topic of Chinese People Trafficked into the Western Hemisphere* (Washington, DC: Organization of American States), <http://www.oas.org/atip/pdfs/bibliography%20with%20annotations.pdf>.

<sup>2</sup> R. Evan Ellis, *The Strategic Dimension of Chinese Engagement with Latin America*, Perry Paper Series, no. 1 (Washington, DC: William J. Perry Center for Hemispheric Defense Studies, 2013), 120.

<sup>3</sup> *Ibid.*, 18.



strategy for addressing the problem. To contain or reduce human trafficking and related ills, Belize must transcend these challenges to reshape a more favorable environment.

Human trafficking is often mistaken for human smuggling although the two are rather distinct. Both are punishable offenses worldwide. The primary difference is one of consent. Human trafficking, a transnational crime occurring with frequency throughout the world described by many as modern day slavery, is defined as:

The recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.<sup>4</sup>

Human smuggling is the conscientious agreement of aliens being smuggled into a foreign country.<sup>5</sup> The common objective of both activities in Belize is to generate hefty profits by leveraging characteristics of Central America as an accessible region for holding/moving persons and an important access route to North America.

In general, people from third world countries are trafficked to industrialized countries where demand is high for cheap or forced labor, the sex industry, and child adoption, among other things.<sup>6</sup> The United States is among those industrialized and prosperous countries that attract people from around the world in pursuit of favorable opportunities.<sup>7</sup> The journey may begin with consenting individuals who then fall victim to the extortion and exploitation of deceptive human trafficking organizations. Consequently, human trafficking has developed into a lucrative and appealing enterprise and one of the most profitable transnational crimes globally.<sup>8</sup> Estimates of the global annual profits stand at U.S. \$150 billion affecting 21 million people per year.<sup>9</sup>

The U.S. government has implemented a multi-tiered system to measure the effectiveness by which countries fight against human trafficking. The influx of trafficked persons into the United States from across the Americas remains high. Assigning a low rating to a country on this system may function as a diplomatic tool intended to induce countries in implementing measures to revert the trend. A tier rating of one indicates that a country is fully compliant with the Trafficking Victims Protection Act.<sup>10</sup> Central American countries do not meet this standard. Panama, Honduras, El Salvador, Nicaragua, and Guatemala are tier two countries; Costa Rica is on the tier two-watch list;

<sup>4</sup> United Nations Human Rights Office of the High Commissioner, *Protocol to Prevent Suppress, and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime*, General Assembly Resolution 55/25 (Palermo, Italy: United Nations Human Rights Office of the High Commissioner, November 15, 2000), <http://www.ohchr.org/EN/ProfessionalInterest/Pages/ProtocolTraffickingInPersons.aspx>.

<sup>5</sup> U.S. Congressional Research Service, *Trafficking in Persons in Latin America and the Caribbean* (Washington, DC: U.S. Library of Congress, Congressional Research Service, July 15, 2013), 2.

<sup>6</sup> United Nations Information Service, "13<sup>th</sup> United Nations Congress on Crime Prevention and Criminal Justice," April 12-19, 2015, [http://www.unis.unvienna.org/unis/en/events/2015/crime\\_congress\\_human\\_trafficking.html](http://www.unis.unvienna.org/unis/en/events/2015/crime_congress_human_trafficking.html).

<sup>7</sup> Ibid.

<sup>8</sup> Arthur Brice, "Human Trafficking Second Only to Drugs in Mexico," *CNN*, August 27, 2010, <http://www.cnn.com/2010/WORLD/americas/08/26/mexico.human.trafficking/>.

<sup>9</sup> International Labor Organization, "Trafficking in Humans is not a Thing of the Past," July 30, 2014, [http://www.ilo.org/global/about-the-ilo/who-we-are/ilo-director-general/statements-and-speeches/WCMS\\_250609/lang-en/index.htm](http://www.ilo.org/global/about-the-ilo/who-we-are/ilo-director-general/statements-and-speeches/WCMS_250609/lang-en/index.htm).

<sup>10</sup> U.S. Department of State, *Trafficking in Persons Report July 2015* (Washington, DC: U.S. Department of State, July 2015), 54, <http://www.state.gov/documents/organization/245365.pdf>.

Belize is assigned to the lowest tier: tier three.<sup>11</sup> The low rating highlights shortcomings in Belize's efforts to combat human trafficking vis-à-vis collaboration with U.S. initiatives and international norms. To diffuse the current threat in Belize, proactive security measures are needed immediately.

### Consequences of Human Trafficking to Belize

The fight against human trafficking in Central America is closely associated with the region's fight against drug trafficking since the networks used for each may overlap. At the regional level, the Central American Integration System (SICA) is a means through which nations of the region collaborate to combat the scourge of drug trafficking and other transnational challenges.<sup>12</sup> Honduras, Guatemala, and El Salvador—commonly referred as the northern triangle—have united their efforts to combat drug trafficking and other transnational threats. Human trafficking generally provokes less violence and is not given as much priority by authorities as the drug trafficking threat. If human trafficking organizations develop robust networks with other transnational criminal organizations, the situation could become even more dire with serious consequences for Belize as a whole.

In Belize, the increased trafficking of Chinese nationals has strengthened the Chinese community's entrepreneurial influence, gradually displacing traditional patterns of economic activity. At present, the Chinese business community controls most of the goods and services sector in the country. The Chinese diaspora took control of most of these businesses in the cities and towns and eventually extended their marketing mechanisms to the rural areas.<sup>13</sup> The monopoly over supply and delivery chains with respect to cheaper goods and products accessed directly from China has allowed the Chinese entrepreneurs overmatch against local Belizean business owners. The local Belizean entrepreneurs are now in an arduous competition struggle with the dynamic Chinese business practices.<sup>14</sup> Some Belizean small business owners have had to venture into other sectors of the economy. Many have sought to diversify in areas that are undesirable to Chinese newcomers such as agriculture in the north and south of the country, and the tourism sector in the city and cays. The chain of Chinese shops, super markets, hardware stores, restaurants, etc. provide both work and shelter to Chinese nationals trafficked through Belize.

The effective takeover of the goods and services sector by Chinese nationals has caused substantial losses of revenue for the Belizean government due to the many Chinese businesses that operate on a cash basis and underreport their incomes. Chinese owned establishments also tend to favor the employment of Chinese immigrants rather than Belizean nationals previously employed by the businesses that they supplanted. Furthermore, security and administrative expenditures financed by the government of Belize arguably divert resources away from other purposes in order to render aid and administratively process immigrants (providing shelter, clothing, food, health care, and deportation costs). Although precise estimates are unavailable, the average airfare fee to deport a Chinese national from Belize is \$5,000.00 (USD) of which the country's budget would absorb the expenses.<sup>15</sup> In comparison, the United States spends \$7,054.00 to process and repatriate an illegal

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<sup>11</sup> Ibid.

<sup>12</sup> Sistema de la Integración Centro Americana, "Estrategia de Seguridad de Centro America," December 3, 2010, 8-9. <http://www.sica.int/consulta/documento.aspx?idn=74952&idm=1>. (Translation).

<sup>13</sup> Joshua Samuel Brown, "In Belize, the Chinese are on Strike," *The Asia Magazine*, April 6, 2011, <http://www.theasiamag.com/patterns/in-belize-the-chinese-are-on-strike>.

<sup>14</sup> "Addy Castillo says Chinese Dominating Import and Wholesale Business," *7Newsbelize*, August 21, 2015, <http://www.7newsbelize.com/sstory.php?id=33490>.

<sup>15</sup> American Airlines Home Page, <http://www.aa.com/homePage.do>.

immigrant caught in its territory.<sup>16</sup> Expenses incurred by the government of Belize are likely to be even greater especially when handling victims from other parts of the Western Hemisphere.

Belize's perceived noncompliance in adequately addressing human trafficking could also lead to indirect economic costs from both the United States and Mexico. The rating of Belize on the U.S. government's human trafficking watch list slid from tier two in 2014 to tier three in 2015—the lowest possible rating.<sup>17</sup> Belize's strategy does not meet the minimum standards in addressing trafficking in persons. This poor rating could eventually lead to sanctions from the U.S. government as well as alienation from neighboring friendly countries such as Mexico, and those of the northern triangle in Central America.<sup>18</sup> Mexico, a significant trading partner and the largest contiguous neighbor may also consider in extreme circumstances withdrawal of longstanding economic, technical, training, and other initiatives because of Belize's poor human trafficking record.<sup>19</sup>

The challenges induced by human trafficking include physical territorial control in the land, air, and maritime domains, and governance challenges in administering control of immigration issues. People around the world are prone to migrate because of economic difficulties and security challenges in their countries. They withstand serious risks to migrate elsewhere in search of improving their economic conditions and a better way of life. The industrialized countries in North America and Europe have a high demand for low paying jobs. As a result, persons hire trafficking networks in desperation and determination to reach their final destination. In the Central American region, human trafficking rings operate in the periphery of the southern Mexican border with Belize and Guatemala. Persons engaged in human trafficking commonly known as “Enganchadores, Transportistas, or Polleros” vie for control of the Mexican southern border.<sup>20</sup>

When individuals and families are unable to enter a country legally, the services of human trafficking networks become an appealing option. For their part, the traffickers also work relentlessly to attract clients. A common method used is to deceive victims through the promise of well-paid jobs in the United States. People entrust and risk their livelihood to human traffickers only to realize that the end of their journey may result in betrayal and exploitation. The victims often find themselves employed in physically demanding jobs and habitually paid below the minimum legal wages.<sup>21</sup> Others are subdued, enslaved, or sexually exploited.<sup>22</sup> In the case of Chinese nationals trafficked through Belize, they are commonly required to commit to providing their labor within the Chinese business community in payment for the journey. In most cases, they unwillingly surrender their official travel documents to their employers and work under deplorable conditions while in Belize. Their stay in Belize is usually between four to seven years before proceeding to the United States.<sup>23</sup>

Weak government institutions and corrupt law enforcement authorities in Central America embolden human trafficking rings to operate with impunity. Countries with governance deficits are unable to control territorial space, especially at border regions. The porosity of the borders

<sup>16</sup> Glen P. Hastedt, *American Foreign Policy: Past, Present, and Future*, 10<sup>th</sup> ed. (Lanham, MD: Rowman & Littlefield, 2014), 57.

<sup>17</sup> Adele Ramos, “Belize Hits Rock-bottom on TIP Scale,” *Amandala Newspaper*, July 28, 2015, <http://amandala.com.bz/news/belize-hits-rock-bottom-trafficking-persons-scale/>.

<sup>18</sup> U.S. Department of State, *Trafficking in Persons*, 53.

<sup>19</sup> “Mexico Offers Anti-Crime Aid,” *News5*, February 25, 2015, <http://edition.channel5belize.com/archives/110364>.

<sup>20</sup> United Nations Office on Drugs and Crime, *Trafficking of Women and Girls within Central America* (New York: United Nations), 56, [https://www.unodc.org/documents/toc/Reports/TOCTASouthAmerica/English/TOCTA\\_CACaribb\\_trafficking\\_womengirls\\_within\\_CAmerica.pdf](https://www.unodc.org/documents/toc/Reports/TOCTASouthAmerica/English/TOCTA_CACaribb_trafficking_womengirls_within_CAmerica.pdf).

<sup>21</sup> John Davidson, *The Long Road North, The Story of a Mexican Worker's Perilous Crossing into the United States* (Garden City, NJ: Doubleday, 1979), 10-11.

<sup>22</sup> Denise Brennan, *Life Interrupted: Trafficking into Forced Labor in the United States* (Durham, NC: Duke University Press, 2014), 8-10.

<sup>23</sup> Organization of American States, “Bibliography on the Topic of Chinese People Trafficked into the Western Hemisphere.”

compounded with inadequate security practices enable human traffickers to conduct border crossing within the region virtually unimpeded. Conversely, the robust security measures on the U.S. / Canadian border effectively deflect human trafficking to Central America. Good governance in these first world countries contributes to efficient border control through comprehensive security measures that promote mutual confidence and trust. The resilient border security mechanisms between these two countries maintain the threat of border encroachments under control. Undocumented immigrants can pursue direct access to the U.S. via sea, air, and land but attempting to break through layers of security is extremely risky. Security cooperation involving effective Immigration and Customs law enforcement between the U.S. and Canada obstructs direct access. Due to Mexico's efforts against drug cartels, human trafficking organizations concentrate their efforts where they encounter the least resistance. Central America has become a gravitating point for human traffickers to stage operations into Mexican territory before making landfall in the United States. Human trafficking in Belize gained momentum particularly due to the illegal movement of Chinese nationals. The Chinese business establishments coupled with governance issues in Belize provide optimal conditions for their eventual pivot into the United States.<sup>24</sup>

### Land, Maritime, and Air Challenges

Mexico also has governance issues reflected in weak border security practices along the Mexico/U.S. border.<sup>25</sup> In light of 9/11, the United States increased security measures along the border with Mexico to minimize illegal border crossing activities,<sup>26</sup> improving physical security and restricting the rampant illegal border crossing.<sup>27</sup> The modest Belizean economy cannot construct an effective physical barrier along the border with Guatemala and Mexico. Even if Belize obtains funds to build a barrier, the ongoing Guatemala/Belize territorial dispute regarding the precise location of the shared border impedes the consensual demarcation and responsibility to protect it.<sup>28</sup> Neighboring Guatemala is claiming the entire territory of Belize and does not recognize the contiguous international border prescribed by the United Nations after the declaration of independence from the United Kingdom in 1981. Both countries are currently negotiating the settlement of the territorial dispute under the auspices of the Organization of the American States.<sup>29</sup>

The government of Belize is attempting to address challenges from transnational organized crime such as human trafficking and smuggling through the establishment of a Joint Intelligence and Operations Center (JIOC). The lack of an establishment to coordinate intelligence sharing and interagency operations at national level prompted the Belizean government to solicit the United States and Canadian governments for assistance in its establishment.<sup>30</sup> Prior to the establishment of the JIOC, Belize's law enforcement agencies conducted operations comprised of ad hoc participation. Inter-agency task forces were reactionary to crises or seasonally planned operations especially during festive periods when criminal acts escalated. At present, policy for the command structure, management of the JIOC, and inter-agency cooperation is in progress, nevertheless, it began to operate with neophytes from the Belize Defense Force (BDF), Belize National Coast Guard (BNCG),

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<sup>24</sup> Ellis, *The Strategic Dimension of Chinese*, 119.

<sup>25</sup> *Ibid.*, 56-57.

<sup>26</sup> Hastedt, *American Foreign Policy*, 57.

<sup>27</sup> *Ibid.*

<sup>28</sup> Montserrat Gorina-Ysern, "OAS Mediates in Belize-Guatemala Dispute," *American Society of International Law* 5, no. 20 (December 19, 2000): <https://www.asil.org/insights/volume/5/issue/20/oas-mediates-belize-guatemala-border-dispute>.

<sup>29</sup> *Ibid.*

<sup>30</sup> Embassy of the United States, Belmopan, Belize, "Ministry of National Security Inaugurates Joint Center with U.S. and Canada," December 11, 2013, [http://belize.usembassy.gov/pr\\_12\\_11\\_2013.html](http://belize.usembassy.gov/pr_12_11_2013.html).

and the Belize Police Department (BPD). The Customs and Excise Department, Immigration Department, and the Financial Intelligence Unit are other major government security stakeholders that have yet to join. The most common reason these agencies provide for not participating actively at the JIOC is the lack of manpower. Moreover, the requirement of mandatory polygraph testing stymies many personnel from joining the JIOC.<sup>31</sup>

Belize also struggles to control its maritime and air domains. In 2005, Belize reorganized its armed forces, creating the BNCG to improve its efforts to control its territorial waters,<sup>32</sup> enhance law enforcement at sea, and provide credible deterrence to suspicious maritime illegal activities, including human trafficking.<sup>33</sup> Regrettably, the current manpower establishment and maritime resources are incapable of providing adequate coverage of Belize's maritime domain. At present, the BNCG has no offshore capability to maintain maritime integrity in the Exclusive Economic Zone. It remains an under-resourced department with limited operational reach to conduct successful operations at sea.

As in the land and maritime domains, controlling the airspace against illicit activities is a major challenge for Belize. The BDF is the only in-country entity that has limited capacity to exercise airspace integrity. It has a chronic lack of air assets and cannot guarantee air control of the territory. Suspicious aircraft originating from South America have violated Belize's airspace repeatedly.<sup>34</sup> Since the BDF lacks air capacity, intercepting suspicious aircraft is impossible. The Mexican government, wary of these suspicious aircraft, conducts overflights in Belizean territory with Mexican Air Force assets reportedly after getting verbal clearance to deter aircraft from encroaching into Mexican territory.<sup>35</sup> No official treaty or formal agreement exists for such overflights raising scrutiny by Belizeans concerned with airspace violation by foreign military aircraft.<sup>36</sup> Clandestine landings have occurred at illegal and legal airstrips, but the BDF has been unable to respond.

The Belize Department of Civil Aviation, a stakeholder in airspace control, has oversight of civil aviation matters.<sup>37</sup> Its main function is “. . . to regulate and administer a safe civil aviation system whilst ensuring that Belize discharges its obligations properly under international civil aviation agreements and treaties, in particular, the Convention on International Civil Aviation.”<sup>38</sup> Air surveillance is limited with only one radar system in country controlled by the Department of Civil Aviation. The radar system tracks air movement within a 250 miles radius, but operates only during daylight hours.<sup>39</sup> The inability to respond to air violations and lack of air surveillance at night is a key vulnerability for the country and a marked advantage for transnational criminal organizations. Human trafficking networks are aware of Belize's lack of air assets, sovereignty issues that arise when Mexican planes overfly Belize's airspace, and that radar is easily evaded at night.

<sup>31</sup> “Canada/U.S. Fund Joint Operations Center,” *7Newsbelize*, December 9, 2013, <http://www.7newsbelize.com/sstory.php?nid=27297>.

<sup>32</sup> “The Coast Guard is Strong at Seven,” *7Newsbelize.com*, November 20, 2012, <http://www.7newsbelize.com/sstory.php?nid=24064>.

<sup>33</sup> Mike Rudon, “The Belize National Coast Guard Unveils Development Strategy,” *News 5*, October 15, 2014, <http://edition.channel5belize.com/archives/105002>.

<sup>34</sup> Julie Marie Bunck and Micheal Ross Fowler, *Drug Trafficking and the Law in Central America: Bribes, Bullets, and Intimidation* (State College: Pennsylvania State University, University Park 2012), 111-116.

<sup>35</sup> “Mexican Fighter Jet Given Permission to Fly over Belize,” *News 5*, July 18, 2013, <http://edition.channel5belize.com/archives/88264>.

<sup>36</sup> “Foreign Plane in Belize's Airspace,” *News5*, July 1, 2013, <http://edition.channel5belize.com/archives/87476>.

<sup>37</sup> *Belize Department of Civil Aviation Home Page*, <http://www.civilaviation.gov.bz/>.

<sup>38</sup> *Ibid.*

<sup>39</sup> “Tracking Belize's Airspace,” *7Newsbelize*, May 4, 2007, <http://www.7newsbelize.com/sstory.php?nid=4711&frmsrch=1>.



## The Problem of Corruption

Corruption deteriorates institutional cohesion in Belize and other Central American countries. According to Transparency International, Belize acquiesced considerable slippage in corruption arguably attributed to delinquent groups meddling with governmental departments.<sup>40</sup> In 2003, Belize ranked 46 in the corruption perception index and skyrocketed subsequently to 109 by 2008.<sup>41</sup> In just five years, the country registered an extraordinary rise in corruption associated with government and public sector glitches. Corruptive practices, therefore, stymie the effective functioning of law enforcement agencies in combating human smuggling and trafficking.

The infiltration of transnational criminal organizations into the government's institutional framework is a significant contributor to corruption. Human trafficking rings rely upon deceitful access of false or legitimate travel documents to evade law enforcement authorities. Past and recent cases involving immigration authorities illustrate the degree to which such misconduct hinders Belize's ability to control effectively persons entering or exiting the territory. The loss of legitimate travel documents such as Belizean passports and visas at the Immigration Department are often unresolved cases. In 2008, two hundred Belizean passports went missing from the Immigration Department and another 100 passports vanished a year later.<sup>42</sup> Strong suspicion erupted of an internal conspiracy in the department, and the passports eventually found their way to an agent from the human trafficking network.<sup>43</sup> The investigation into the misappropriation of the passports remains ongoing. In addition, three chartered airplanes tracked from Haiti landed in Belize's international airport with 34 Chinese nationals onboard. Reportedly, the passengers had false travel documents and managed to slip through the airport Immigration and Passport Control section; their whereabouts are still unknown.<sup>44</sup>

In one case that illustrates the challenge, media houses exposed a typical scheme in 2013 where Chinese nationals entered Belize enabled by trafficking networks and shady Immigration Officials. Mr. Carlos Murga, a Belizean acted as a courier in supplying Belizean visas to Chinese nationals while in Cuba. In that case, immigrants entered Cuba where visas are not required for Chinese nationals.<sup>45</sup> Belize requires that Chinese nationals obtain a visa prior to visiting the country. The courier took their passports and in-transited via Cancun, Mexico into Belize.<sup>46</sup> While in Belize, the disbursement of large sums of money facilitated the "purchase" of visas in collusion with unidentified Taiwanese nationals living in Belize. They acted as "immigration agents" through connections established with some Immigration officials.<sup>47</sup> The courier then proceeded to return the passports with Belizean issued visas through the same route, and with that operating concept, Chinese nationals entered Belize legally.<sup>48</sup> Fortunately, the detection of the visa fraud resulted in the dismantling of one of many human trafficking rings, and exposure of corrupt practices at the Immigration Department.

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<sup>40</sup> Transparency International, "Corruption Perceptions Index 2003 – 2008," [https://www.transparency.org/research/cpi/cpi\\_2008/o/#results](https://www.transparency.org/research/cpi/cpi_2008/o/#results).

<sup>41</sup> Ibid.

<sup>42</sup> "200 Passports Stolen from Immigration Department," *7 newsbelize*, August 30, 2005, <http://www.7newsbelize.com/sstory.php?nid=4248&frmsrch=1>.

<sup>43</sup> Ibid.

<sup>44</sup> U.S. Department of State, "2012 Investment Climate Statement- Belize," June 2012, <http://www.state.gov/e/eb/rls/othr/ics/2012/191109.htm>.

<sup>45</sup> KLM Royal Dutch Airlines, "Visa Information – Destination Cuba," [https://www.timaticweb.com/cgi-bin/tim\\_website\\_client.cgi?SpecData=1&VISA=&page=visa&NA=CN&AR=00&PASSTYPES=PASS&DE=CU&user=KLMB2C&subuser=KLMB2C](https://www.timaticweb.com/cgi-bin/tim_website_client.cgi?SpecData=1&VISA=&page=visa&NA=CN&AR=00&PASSTYPES=PASS&DE=CU&user=KLMB2C&subuser=KLMB2C).

<sup>46</sup> "The Visa Human Smuggling Ring Exposed Belize-Cuba- Cancun," *7 Newsbelize*, October 18, 2013, <http://www.7newsbelize.com/sstory.php?nid=26832>.

<sup>47</sup> Ibid.

<sup>48</sup> Ibid.

Furthermore, corruption at the highest levels of government thwarts the fight against trafficking. In the past, human trafficking scandals compromised ministers of government. In 2003, the United States cancelled a visa issued to Belize's Minister of Immigration.<sup>49</sup> The Minister was allegedly involved in the sale of Belizean passports. The Prime Minister simply re-assigned the Minister to another ministry due to lack of evidence with which to substantiate the accusation. Another case exemplifying the challenge occurred in 2013 implicating a Junior Minister of Immigration in the sale of passports among other immigration irregularities. *The Economist* magazine reported the removal of the Immigration Minister from office over a passport issued to Kim Won-Hong, a South Korean then in a Taiwanese prison for fraud. The Minister personally signed Won-Hong's passport application forms but claimed he "was misled by his own staff."<sup>50</sup> The Junior Minister was also allegedly involved in signing 150 passport application forms of Asian, Middle Eastern, and Guatemalan nationals who had never set foot in Belize.<sup>51</sup> He lost his position in the ministry and eventually resigned his seat as a Member of the House of Representatives.

Reportedly, the U.S. consular services at the Embassy in Belmopan are more receptive to granting U.S. visas if recommended by a high Belizean government official. Taking advantage of the courtesy provided by the U.S. Embassy to dignitaries, another Junior Minister purportedly facilitated 200 U.S. visa recommendations for Asian nationals.<sup>52</sup> According to the Junior Minister's "whistle blower," each visa recommendation had a value of U.S. \$1,000.00.<sup>53</sup> The Junior Minister also lost his high office but was allowed to remain in government as a backbencher. While it is difficult to establish with precision how widespread incidents of this nature are within government, it illustrates the sagacity of traffickers to permeate high government positions. These circumstances impair government's ability to combat human trafficking.

It seems rather perplexing that Ministers are exempt of immigration violations, even though the law allows for their prosecution. Nonetheless, U.S. sanctions of human trafficking tier downgrades and revoking of visas from Ministers jolted the government into acknowledging the challenge. The pernicious influence of human trafficking can easily beguile government dignitaries who fall victims of corruption. Quite evidently, the high demand for passports is accessible from within the Immigration Department and facilitated by dishonest high government officials. Moreover, unscrupulous Asian nationals are taking advantage of these susceptibilities to gain increased access through Belize and the Central American region.

In addition to the impact of corruption, other urgent security priorities limit the resources available to combat human trafficking. Belize is currently experiencing a surge of violence that is a top priority for the BPD along with the BDF in a supporting role. The increase in human trafficking offenses are overwhelming the Immigration Department's scarce resources, which are concentrated in routine administrative functions. The department possesses technical expertise to deal with immigration matters; nonetheless, it lacks an adequate personnel to conduct operations nationwide. Labor constraints accentuate reliance on the BPD that enforces law and order countrywide.

<sup>49</sup> "U.S. Embassy Confirms Max's Visa Cancelled," *News 5*, February 12, 2003, <http://edition.channel5belize.com/archives/15666>.

<sup>50</sup> "Passports to Ignominy, The Murky Road of the Boutereses," *The Economist Online*, November 23, 2013, <http://www.economist.com/news/americas/21590574-murky-world-boutereses-passports-ignominy>.

<sup>51</sup> "Another Scandal Erupts, Penner Implicated Again," *CTV 3 News*, [http://ctv3belizenews.com/index.php?option=com\\_content&view=article&id=3730%3Aanother-scandal-erupts-penner-implicated-again&Itemid=108](http://ctv3belizenews.com/index.php?option=com_content&view=article&id=3730%3Aanother-scandal-erupts-penner-implicated-again&Itemid=108).

<sup>52</sup> "Castro Cross Examination Reveals His Office Facilitated Visa Hustle," *7NewsBelize*, May 14, 2015, <http://www.7newsbelize.com/sstory.php?nid=32450>.

<sup>53</sup> *Ibid.*



Violent crime resulting in high murder rates over the last decade has overwhelmed Belize's law enforcement agencies. Homicides, in particular, are on the rise. Belize's murder rate for 2014 was 34.2 when adopting the statistical comparison on annual number of homicides per 100,000.<sup>54</sup> The Immigration Department is the primary organization responsible for combatting human trafficking violations with the BPD playing a supporting role. Committed to addressing other priorities such as violent crime, curbing immigration violations is not the primary mission of the BPD. Its ability to contribute to the fight against human smuggling and trafficking is, therefore, minimal.<sup>55</sup> The BPD role is limited to detaining persons caught breaking immigration laws and then referring them to the Immigration Department for prosecution.

With respect to combating the trafficking of Chinese nationals, lack of diplomatic relations with the Peoples Republic of China (PRC) presents another obstacle. Diplomatic inertia hampers formal communication between both countries. Belize initially established diplomatic relations with the Peoples' Republic of China in 1987. The level of economic assistance that the PRC was willing to provide for Belize was insufficient in comparison to that offered by the Republic of China Taiwan (ROC). In October 11, 1989, Belize opted to establish formal diplomatic ties with the ROC as well.<sup>56</sup> The PRC reciprocated by suspending its diplomatic relations with Belize.<sup>57</sup> Diplomatic relations are such that there is no official representation of the PRC in Belize or vice versa. The lack of communication channels between the PRC and Belize has resulted in a concurrent the lack of security cooperation. Belize law enforcement agencies are unfamiliar with the Chinese triads, their networks, and global influence.<sup>58</sup> Information exchange is inadequate among Chinese and Belizean law enforcement agencies. INTERPOL has been providing technical assistance to the BPD in criminal matters.<sup>59</sup> Information sharing with INTERPOL, however, yields limited success of mostly high profile cases from the Belizean perspective.

## Recommendations

Belize must act decisively to reframe its strategy to reverse the current human trafficking trend. The government of Belize in its National Security Strategy acknowledges that combatting transnational threats is a public priority. Belize's National Security Strategy (BNSS) states that, "The BNSS concept encompasses all factors identified essential to the security, stability, and prosperity of Belize and the protection of the geo-political space of Belize as defined by the Belize Constitution."<sup>60</sup> Furthermore, it articulates a vision of "A safe secure Belize at peace with itself and its neighbors, where the security environment allows the development of a peaceful democratic society that utilizes its human and natural resources to ensure social justice, ethnic harmony, security, stability, and prosperity."<sup>61</sup>

In order to effectively combat the threat, Belize must act decisively in the land, sea, and air domains. On the land domain, Belize must deny territory to human trafficking organizations and maintain effective control of its sovereignty and integrity. The two larger security organizations, the

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<sup>54</sup> "Crime Stats Show Murder Up by 20% in 2014," *7 Newsbelize*, December 23, 2014, <http://www.7newsbelize.com/sstory.php?nid=31072>.

<sup>55</sup> Belize Police Department, "Mission and Values," <http://www.police.gov.bz/index.php/about-us/mission-and-values>.

<sup>56</sup> Tricia Chen, "Belize and Taiwan Celebrate 20-year Anniversary of Diplomatic Relations," *The China Post*, December 9, 2009, <http://www.chinapost.com.tw/taiwan/foreign-affairs/2009/12/09/235754/Belize-and.htm>.

<sup>57</sup> "Belize, A Case Study," <http://www.country-data.com/frd/cs/bztoc.html#bzo105>.

<sup>58</sup> Ellis, *The Strategic Dimension of Chinese*, 118.

<sup>59</sup> INTERPOL, "Connecting Police for a Safer World," <http://www.interpol.int/Member-countries/Americas/Belize>.

<sup>60</sup> Dean O. Barrow, *The National Security Strategy of Belize* (Belize: Belmopan City), 8.

<sup>61</sup> *Ibid.*

BPD and BDF, must maintain law and land territorial integrity respectively. The deterrence of transnational criminal organizations would require the systematic denial of land especially along border areas. Government agencies and departments lack sufficient human resources for border security. Concerning the porosity of the land border and improved implementation of security measures, the BDF has the mandate to provide for the territorial integrity of Belize, and assistance to law enforcement agencies (ALEA) as stipulated in its Defense Act.<sup>62</sup> Joint Interagency Task Forces operations with continual involvement of the Immigration Department would deter human trafficking while ensuring the territorial integrity of the country.

Another significant element of the solution is expeditious interagency coordination in support against human trafficking and smuggling. Security agencies and government departments must provide representation at the JIOC. The JIOC coordinates interagency operations at the national level, yet only a few agencies have representation or liaison with the institution. Its functions originated due to increased transnational threats that exceeded law enforcement capacity. The country's scarce security resources required coordination to achieve unity of effort to avert security issues. Preferably, all government agencies should have representation at the JIOC and most prominently, the embattled Immigration Department. The Customs and Excise Department displays more propensity of joint inter-agency collaboration along the border, however, their efforts are limited and dedicated in contraband delinquencies.<sup>63</sup> Furthermore, the National Security Council or the Cabinet of Ministers should deliberate in an effort to sway formal adherence of the Departments distant from the JIOC.

Belize must improve and expand information sharing mechanisms with neighboring countries and international partners by considering the complexity of the threat. The BDF and BPD, for example, conduct regular information sharing on security matters with their counterparts in Mexico, Guatemala, Honduras, and U.S. Southern Command.<sup>64</sup> The covert maneuvering schemes of Chinese human traffickers are intricate and the absence of information impedes its analysis. Drug trafficking activities are critical information sharing priorities within the Central American region. The Immigration Department made a substantial gain when recently connected to the Personal Identification and Registration System that monitors movement of people at official entry and exit points.<sup>65</sup> Nevertheless, they must resolutely engage their regional partners in information sharing to decipher the Chinese human trafficking connections and develop better situational awareness.

The government should consider reforming its Immigration Department. Belize's Immigration Department experienced adversities that challenged past government administrations in mitigating its consequences. The configuration of the Immigration Department lacks dedicated enforcement and intelligence units. The department conducts enforcement operations by creating ad-hoc teams of very limited duration when immigration threats are assumed to be high. Belize should consider seeking collaboration with external agencies in the U.S. Department of Homeland Security. Specifically, Belize would benefit from the experiences of subject matter experts from the Immigration and Customs Enforcement (ICE), and, if possible, consider the establishment of an

<sup>62</sup> *Belize Defense Act, Employment of the Force*, Revised Ed. 2000, Chapter 135, sec. 5.

<sup>63</sup> "Customs Officers Hit Jack Pot with Contraband Goods," *CTV News*, April 24, 2015, [http://www.ctv3belizenews.com/index.php?option=com\\_content&view=article&id=6165:customs-officers-hit-jack-pot-with-contraband-goods-&Itemid=100](http://www.ctv3belizenews.com/index.php?option=com_content&view=article&id=6165:customs-officers-hit-jack-pot-with-contraband-goods-&Itemid=100).

<sup>64</sup> Adam Isacson, Maureen Meyer, and Gabriela Moralez, *Mexico's Other Border: Security, Migration, and the Humanitarian Crisis at the line with Central America* (Washington, DC: Washington Office on Latin America, June 2014), <http://www.wola.org/files/mxgt/report/>.

<sup>65</sup> International Organization for Migration Regional Office for Central America, North America, and the Caribbean, "IOM Hands Over to Belize an Advanced Border Management System," July 1, 2013, <http://costarica.iom.int/en/campaign/80/>.

indigenous ICE for the Immigration Department. The U.S. Department of Homeland security has a wealth of experience in matters of human trafficking gained from operations along the Mexican border. The establishment of an ICE primarily responds to immigration and customs related security matters as well as other threats internal to the United States.<sup>66</sup> ICE has been extremely successful in the United States and worth emulating.

Beyond such measures, the formation of an intelligence unit for the Immigration Department is essential to providing accurate information for successful immigration operatives. The proposed establishment of such units implies an increase in personnel and budget expenditures. Doing so would assist in a reduction of human trafficking crimes, which is key to achieving favorable objectives. Belize should also explore other options such as the United Nations Office on Drugs and Crime to request specialized training for the Immigration Department.<sup>67</sup> As part of the reformation process, the Immigration Department should undergo internal reorganization. A first reorganization step is to perform a comprehensive study of the department's internal environment. The services of consultants in systems thinking and organizational behavior would be useful in this initiative. The Prime Minister Honorable Dean Barrow had to intervene during his tenure to ameliorate scandals in the department. It involved the removal of Ministers implicated in corruption practices.<sup>68</sup> Despite disciplinary actions, these concerns persist since dishonest practices kept evolving in complex and adaptive ways within the department. Arguably, the removal and appointment of Ministers will not rid the department of its objectionable complex adaptive ways without first having an understanding of the fundamental issue.<sup>69</sup> The objective of the study would focus at improving transparency and mechanisms for detection and control to reduce opportunities for graft in the department's daily affairs. The head of the ministry or department would then implement these and other recommendations identified, which could potentially achieve the strategic vision of change.

Belize, as other developing countries in Central America with weak economies must seek assistance from willing international partners that share a vested interest in combatting trafficking of Chinese nationals. Belize has a small economy confronting a global threat, which also affects developed countries. Human trafficking organizations have a marked advantage over law enforcement due to their unconventional ways of operating. Their financial gains provide unrivaled flexibility and agility to succeed in illicit activities. Belize should continue seeking security cooperation with the United States and Mexico in acquisition of materiel resources, technology, and training initiatives to strengthen the country's institutions and build capacity for law enforcement agencies. The United States has been a steadfast partner for Belize in security related matters and it is foreseeable that they would willingly provide assistance in training, equipment, and mentorship as has been done in the past with other security agencies.

Despite the lack of formal diplomatic relations, Belize should approach the Chinese government through intermediaries (Mexico, U.S.) about expanding its assistance in combating trafficking of Chinese nationals. Belize's current diplomatic relations with the ROC may cause reluctance from the PRC to provide material assistance in organized crime issues. Nonetheless, the Belizean government should explore with both the ROC and PRC the possibility for expanded collaboration against trafficking and smuggling of Chinese nationals through the country. If such collaboration through intermediaries is not possible, the government of Belize should not rule out the possibility of reestablishing diplomatic relations with the PRC.

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<sup>66</sup> U.S. Immigration and Customs Enforcement, "What We Do," , <https://www.ice.gov/overview>.

<sup>67</sup> United Nations Information Service, "13<sup>th</sup> United Nations Congress on Crime Prevention and Criminal Justice."

<sup>68</sup> "Belize Prime Minister Throws Immigration Minister under the Bus." *Belizean*, October 15, 2013, <http://belizean.com/belize-prime-minister-throws-immigration-minister-under-the-bus-1700/>.

<sup>69</sup> Andrew Hill, *The Devil you Know: An Introduction to Complex Adaptive Systems*, Faculty Paper (Carlisle Barracks, PA: U.S. Army War College, June 2014), 2-6.

Belize's must strengthen land, air, and maritime domains within the limits of available financial and human resources. Belize is extremely vulnerable to aircraft perpetrating unauthorized entries into its airspace. The few air assets are reconnaissance capable only. Due to increasing air threats, Belize should seek means to acquire air interceptor capability. In addition, the BDF should procure its own radar system, independent from the one employed at the international airport. Doing so is necessary because the radar at the international airport is under control of the Civil Aviation, which is not a law enforcement agency. If it is not possible to acquire an independent radar system for the BDF, an alternate solution is to hire personnel to maintain a dedicated 24-hour watch and linked to the JIOC to monitor suspicious air activity at night.<sup>70</sup>

In order to fulfill its responsibilities effectively in control of territorial waters and exclusive economic zone, the BNCG must strengthen its maritime capabilities. Denial of maritime approaches to human trafficking networks is an underpinning for the BNCG to exercise effective control of the maritime domain. Human trafficking organizations are less inclined to use maritime approaches to enter Belize. Nevertheless, the Coast Guard's inability to provide adequate maritime control is another loophole that may afford contingencies to human trafficking networks. The BNCG is in the process of acquiring two offshore patrol vessels (OPV) that would provide limited coverage beyond territorial waters.<sup>71</sup> Acquisition of additional OPVs, however, would contribute significantly to maximize effective control of Belizean territorial waters and exclusive economic zone.

## Conclusion

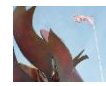
Although not a perfect solution, the recommendations provide strategic alternatives for policymakers to contemplate in the quest to reduce, if not eradicate, human trafficking in Belize. The Immigration Department needs special attention to transform the institution and truncate the embedded culture of corruption. Organizational innovation is a difficult process to achieve due to the pushback that it often produces within the department; therefore, strategic leadership is indispensable to restoring healthy work ethics. Early in the twenty first century, Belize still faces a diplomatic dilemma between ROC and an emergent PRC. Should Belize align its foreign policy with the PRC due to its security challenges attributed by Chinese citizens? The long-term global effects of human trafficking requires attention with calculated integration of the instruments of national power. In the absence of effective changes, these complex diplomatic paradigms could ultimately result in undesirable sanctions for the Central American region; partner countries could discontinue or suspend foreign aid. In the extreme, these problems could lead Belize to risk diplomatic isolation from its neighbors and face the potential of plummeting into a failed state.

As the United States became the world's top economy, it attracted a human desire, particularly for those living in poverty around the world, to search for the "American Dream." An increase in the trafficking of human persons has been the result. Along with the rest of Central America, Belize has fallen prey to the lucrative business of trafficking in Chinese nationals. Trafficking networks have adapted well to the region's unique characteristics, including the plethora of governance, economic, and security challenges. In Belize, the weak security apparatus has particularly negative consequences. If the current policy remains unaltered, the increase in human trafficking could further jeopardize the local economy, undermine governance, fuel corruption, and intensify transparency issues. Actions must be taken now to minimize human trafficking before the practice jeopardizes the security and prosperity of Belize.

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<sup>70</sup> Belize Airport Concession Company Limited, "The Business," 2014, <http://www.pgiabelize.com/about-us/>.

<sup>71</sup> Duane Moody, "U.S. Embassy Donates Boats and Gear to the Belize Coast Guard," *News 5*, December 17, 2015, <http://edition.channel5belize.com/archives/122642>.



# Understanding Syria through the Islamic State's Eyes

Benjamin R. Jonsson

*By examining the relationship between the rhetoric of the Islamic State and their actions on the ground, this essay exposes the way in which the Islamic State has framed its role in the struggle for Syria. Assessment of provincial Twitter posts from January 2016 reveals the four key themes of the Islamic State's narrative: military strength, battling God's enemies, piety, and the caliphate as a prosperous place. Armed with an understanding of this conflict frame, the United States urgently needs a robust information campaign of its own that exploits weaknesses in Islamic State messaging.*

Keywords: *Twitter, Framing, Information Campaigns, Social Media, Terrorism*

It is in psychological terms, though, that IS [the Islamic State] has truly transformed the state of play...So far, most of our attempts to meaningfully mitigate IS's ability to globally engage have been left floundering.

—Charlie Winter<sup>1</sup>

In 2014, President Obama referred to the Islamic State as a “JV Team.”<sup>2</sup> The terror group subsequently took over large portions of Iraq and Syria, established networks throughout the Middle East, and has conducted attacks in a dozen countries. Misreading the Islamic State cannot continue. A self-proclaimed caliphate with control over significant territory, the Islamic State is unique as a terror-organization. It has State-like characteristics and behavior, but lacks aspirations to join the community of nations. In some respects, then, the Islamic State seems indecipherably anomalous. The Islamic State, however, is also, at times, a Twitter-State, providing valuable insights for dealing with a JV team gone rogue. Looking beyond individual tweets to analyze the ways in which the Islamic State defines and frames its struggle, reveals four corners of the Islamic State's conflict frame

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*Benjamin R. Jonsson (M.S.S. United States Army War College) is a Lieutenant Colonel in the United States Air Force. An earlier version of this article, completed under the direction of Dr. Christopher H. Hamner, earned a prestigious Commandant's Award for Distinction in Research for the USAWC class of 2016.*

<sup>1</sup> Charlie Winter, *Documenting the Virtual Caliphate* (London: Quilliam Foundation, October 2015), 3.

<sup>2</sup> Glenn Kessler, “Spinning Obama's Reference to Islamic State as ‘JV’ Team,” *Washington Post Online* September 3, 2014, <https://www.washingtonpost.com/news/fact-checker/wp/2014/09/03/spinning-obamas-reference-to-isis-as-a-jv-team/>.

for its war in Syria (a) military strength, (b) holy battle, (c) caliphate piety, and (d) prosperity of place. Thus, brutality and fear represent only part of the Islamic State’s metanarrative. Internally, the Islamic State frames the struggle quite differently, championing military strength, civil order, and the Sunni cause. To date, the U.S. approach has been informed more by its own political culture than by a deep understanding of the Islamic State. Understanding the frame<sup>3</sup> within which the Islamic State operates rhetorically is an important step in understanding how best to respond to the Islamic State as both an enemy combatant and an ideological force.

## Method

A snapshot of the Islamic State’s Twitter messages from within Syria at a specific point in time exposes the Islamic State’s conflict frame and facilitates comparison of its virtual-Twitter and physical-military realities. Twitter messages were examined and categorized according to idea content. The data consisted of 134 Twitter posts<sup>4</sup> from January 1-31, including 99 posts with links to longer pictorial reports, 22 with embedded photos, and 13 with links to video reports (Figure 1).<sup>5</sup>

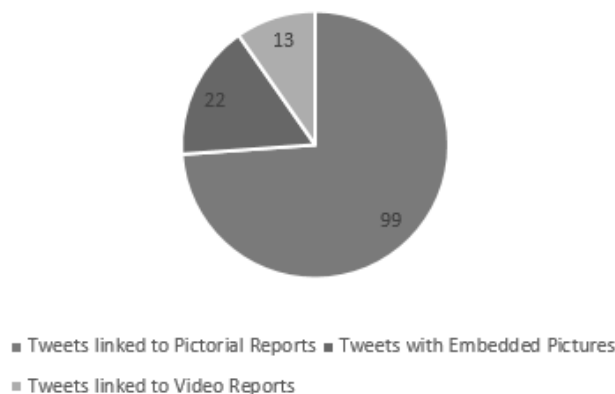


Figure 1: Media Content Type

The Twitter posts were categorized according to 28 primary themes, based on the content. As much as possible, the research categorized the language content of each Tweet into one primary theme. However, 14 Tweets were cataloged into more than one primary theme, based on the varied nature of the content. Tables 1 and 2 depict this categorization of ideas according to 3 schemes

<sup>3</sup> B. Gray, “Framing and Reframing of Intractable Environmental Disputes,” in *Research on Negotiation in Organizations*, Vol. 6, ed. R. Lewicki, R. Bies, B. Sheppard (Greenwich, CT: JAI Press, 1997), 171.

<sup>4</sup> Due to the nature of the content, the Twitter accounts that posted the content were removed from Twitter, and the links are no longer valid. For a screenshot of any/all of the 134 Tweets, please contact the author: [benrjonsson@gmail.com](mailto:benrjonsson@gmail.com).

<sup>5</sup> The small dataset forms a robust foundation for this analysis for a variety of reasons: It provides a snapshot in time of the Islamic State’s Twitter activity from within Syria; it contains an appropriate number of Tweets compared with a July 2015 study; and it suggests findings that are consistent with four different studies on the Islamic State’s use of social media over the past twelve months: Winter, *Documenting the Virtual Caliphate*; Aaron Zelin, “Picture or It Didn’t Happen: A Snapshot of the Islamic State’s Official Media Output,” August 2015, <http://www.washingtoninstitute.org/policy-analysis/view/picture-or-it-didnt-happen-a-snapshot-of-the-islamic-states-official-media>; David Gartenstein-Ross and Nathaniel Barr, “Neither Remaining Nor Expanding: The Islamic State’s Global Expansion Struggles,” *War on the Rocks*, February 23, 2106, <http://warontherocks.com/2016/02/neither-remaining-nor-expanding-the-islamic-states-global-expansion-struggles/>; “The Winner’s Messaging Strategy of the Islamic State: Technically Excellent, Vulnerable to Disruption,” June 2015, <http://wikistrat.wpengine.netdna-cdn.com/wp-content/uploads/2015/06/The-Winner%E2%80%99s-Messaging-Strategy-of-the-Islamic-State-Wikistrat-report.pdf>.



identified by researchers in discourse analysis: world view, principled beliefs, and causal beliefs.<sup>6</sup> Linguistic typology was used to classify ideas even further.<sup>7</sup> Table 1 identifies ideas that were primarily assertive: they “asserted” a particular truth about a state of affairs. Table 2 identifies ideas that were primarily used to hold other people to their commitments. Taken together, these categories helped identify focal points of the Islamic State’s messaging, revealing a broad conflict frame. Whether the Islamic State is sincerely committed to the focal points of its messaging, or simply communicating something that is self-serving, the importance of what it tells us remains. While admittedly requiring some subjective judgment, the research relied on repeated words and ideas propagated in the Twitter posts to determine which category was most represented by each post’s content. As an example, on January 13, 2016, a user Tweeted a link to a pictorial report at Figure 2.



Figure 2: Translation "Pounding Nusayri and Hizb Al Shaytan (Party of Satan) Bunkers in the Ad Dawwah Region with a 122 mm Cannon." Bottom right: Wilayah Homs Media Office Logo.<sup>8</sup>

The verbiage conveys an identity that is juxtaposed the Shia power-base, both the regime and its allies. “Party of Satan” is a play on words that refers to Hezbollah, Iran’s proxy in Syria, which literally means “Party of God” in Arabic. The text asserts the worldview that the Islamic State is fighting the enemies of the Sunni faith, the Tweet is therefore categorized as “assertive” (Table 1) and “worldview” oriented.

Since all of the Twitter posts included in the analysis were purportedly produced by the Islamic States’ provincial media network inside of Syria, the research focused on media directed at the Arabic-speaking populations in and around Syria. One of the challenges for verifying the claims made in the Islamic State’s Twitter posts is that Syria is a non-permissive environment for journalists and outside news organizations, which have come to rely largely on individual reporting through social media.<sup>9</sup> As a result, this study tracked events on the ground using the open data-driven media

<sup>6</sup> Judith Goldstein and Robert Keohane, eds., *Ideas and Foreign Policy: Beliefs, Institutions, and Political Change* (Ithaca, NY: Cornell University Press, 1993).

<sup>7</sup> Nicholas Onuf and Frank Klink, “Anarchy, Authority, Rule,” *International Studies Quarterly* 33, no. 2 (1989): 149-173.

<sup>8</sup> Homs Media Office, Twitter post, January 13, 2016 (7:33 a.m.), “Pounding Nusayri and Hizb al Shaytan Bunkers in the Ad Dawwah Region with a 122 mm Cannon,” <http://justpaste.it/5naem> (originally posted but no longer available at [https://twitter.com/abo\\_m\\_76/status/687296391669006337](https://twitter.com/abo_m_76/status/687296391669006337)).

<sup>9</sup> Paul Shinkman, et al., “Journalism, the Military, and America’s Wars,” Podcast, *War on the Rocks*, January 25, 2016, <http://warontherocks.com/2016/01/journalism-the-military-and-americas-wars/>.



platform <http://syria.liveuamap.com/>, which relies on field reports from open sources as a method to corroborate or contradict the Islamic State's Twitter posts.

Table 1: Assertive Posts

	# of uses	Post Descriptions
<b>Worldview</b>	20	Victorious combined arms maneuver against "Nusayris" (derogatory term for Alawite), "Apostate" Sunnis and Kurdistan Workers' Party (PKK) (ie. depicting ISIL fighters firing various weapons, including tanks, mortars, and machine guns); dead Nusayris or awakening apostates following battles; pounding Nusayri and the "party of Satan" (Hezbollah) with artillery; video of commando units and dead "Nusayri" soldiers; attacking Awakening and Nusra fighters, dead Nusra fighter and prisoners taken
	10	Targeting "Nusayri" Army gatherings with <i>locally-made</i> rockets in the village of Najjarah; targeting the PKK with locally-made rockets
	9	Peaceful scenery: (ie. Gardens of Ashadadah)
	2	Aftermath of attacks by the Alawite regime; by Russian airstrikes
	8	Spoils that God gave his fighters; spoils after retaking Kubri; after taking 6 Nusayri checkpoints; from awakening rejectionists
	1	There is no value in this world apart from God
	2	Video of ISIL fighters from N. Africa discussing colonization against Islam; call to unity; West occupying N. Africa
<b>Principled Beliefs</b>	2	Mercy: (ie. distributing alms to in Al Qaryatayn sector, depicting ISIL operatives keeping a log of alms recipients and distributing plastic bags of foodstuffs)
	1	Reconciliation between two spouses, pictorial report
	2	Video of military training, "Allah extend the caliphate until it rules the eastern and western parts of the world"
	9	Suicide Attacks (ie Successful truck attack on regime forces) video of three suicide attacks against regime elements; against awakening apostates in the North
	6	Details (graphic pictures) of killed "awakening" fighters, Nusayri "agents" of the regime, and alleged spies
<b>Causal Beliefs</b>	20	Ongoing military operations: Pictures of ongoing battles around the area of Ayn Isa; successful targeting of Nusayri positions with rockets, targeting with artillery; against the unseen PKK; clashes with Nusayri Army; sophisticated operations north of Kuwayris airport against Nusayri; Nusayri security and militia men captured, their planes "do nothing for them"; crusader plane does nothing to help the awakening apostates; engaging Nusayri positions and Russian aircraft)
	2	Video on production and use of a superior sniper rifle against regime and Nusra members; pictorial report on an air defense company
	3	Preparing food for the men on the front lines; distribution of news and prayer times to the front lines
	1	Ghazal village sweep results in picture of grisly awakening corpse

Table 2: Commitment Posts

	# of uses	Post Descriptions
<b>Worldview</b>	17	Civil order in the caliphate (ie. pictorial report of snow in Al Bab with children playing, men shoveling, peaceful city life; town of Rai, stone-cutting, slaughterhouse; shops filled with food and merchandise; inspection and testing of foods; repairing power lines in Ash_Shadadah; Raqqa electric service offices and men at work to repair crusader or Russian aircraft damage; distributing newspaper An Nab'a; male and female children schools with math and reading, the "cubs and flowers of the caliphate")
	5	Defensive (ie. sentries guard against the awakening apostates; against the regime; guarding the frontiers; victorious repelling of an apostate awakening attack; repelling helicopter attack)
	3	Pictorial report of young suicide driver; father hugs son before teenage son climbs into a vehicle-borne explosive device, followed by explosion in distance
	1	Religious workshop for the "cubs of the Caliphate," with boys armed and dressed in camouflage
<b>Principled Beliefs</b>	3	Public execution for crimes (i.e. execution of man for apostasy; stoning a man for adultery, execution of a man for murder)
	1	Video report citing the Koran and depicting North African fighters criticizing their apostate governments, their affiliation with Jews and crusaders; the sword is the only way
	1	Pictorial report: Police were established for the protection of the people and their property (picture of police listening to citizens)
<b>Causal Beliefs</b>	4	Call to Jihad videos: Former Saudi singer calls others to Jihad; A historical overview and call for North Africans to join Jihad
	15	Religious Piety (ie Activities of Al Hisbah [ISIL religious compliance police] in the cities of Ar Raqqah and Tabaqah; distribution of Da'wa literature; Friday worship and shopping; distribution of religious literature to fighters; community watching a program on Islam and science; testing Imams after a Sharia course; those who die live in God's presence)
	1	Memorialized fighter who died storming a Nusayri gathering
	1	Preparing and departing for a battle against "atheists"
	1	Pictorial report on caring for the family needs of the martyrs

### The Islamic State's Twitter Presence

Four focal points emerge from the analysis. They represent four corners of the Islamic State's conflict frame for its war in Syria:

- Strength of the military campaigns (victory, targeting, advanced weapons built in the caliphate, spoils gained, mutilated opponents)
- Battle against God's enemies (Nusayris [a derogatory term for the regime], apostate Kurds, Awakening [Sunni] apostates; sentries on the frontier)
- Piety in the actions of the people of the caliphate (mercy, justice, prayer, distribution of literature, educating youth, dying for God)
- A prosperous place (pictures of nature, orderly streets, filled markets)

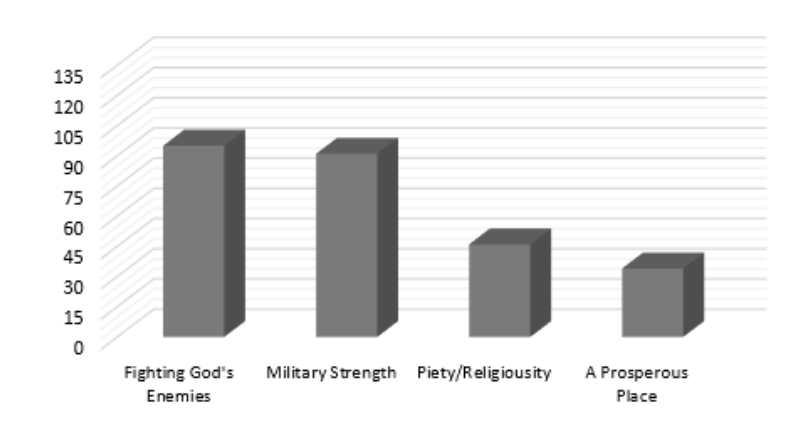


Figure 3: Occurrences of Each Theme across 134 Twitter Posts

### Military Strength

Among these posts were reports of victorious battles against regime and Kurdish forces, including pictures of uniformed Islamic State forces firing tanks, heavy artillery, rockets, and machine guns. They also featured grisly pictures of dead enemies, a video of a newly developed sniper rifle and tails of its success in action and pictures of spoils taken in battle.

Events on the ground during the period of analysis demonstrate that the Islamic State's narrative of victory and strength did not reflect reality. The month of January was marked by Islamic State losses, counter-attacks, and modest expansion within Syria, but the Islamic State still lost more territory than it gained. For example, on January 13, 2016, regime and Syrian rebel forces made significant territorial gains against the Islamic State in northern Syria, where the Islamic State lost the towns of Baghidin, Khalfatli, Ayn Al Bayda, Surayb, and A'ran.<sup>10</sup> On the same day, the Islamic State posted an account of its "pounding" of regime and Hezbollah positions outside of Palmyra. No external reporting supported the Islamic State's claim. The Islamic State simply ignored battles where they lost significant territory and emphasized other elements of the struggle—featuring a new sniper rifle, the activity of an air defense company, suicide missions, and a 14-minute video about a new military offensive. In other cases, the Islamic State reported the results of actual fighting, but where the Islamic State lost ground, its Twitter posts continued the narrative of strength and did not depict any losses. In the few instances that Twitter posts depicted coalition or regime airstrike activity, the Twitter posts still conveyed a message of strength by stating that the airstrikes were unable to help Nusayri or Awakening forces (alluding to the U.S.-backed Syrian Democratic Forces) on the ground. Likewise, although the Islamic State lost territory in January, no mention of it appeared in the Twitter posts (and coalition airstrikes despite confirmed damage to infrastructure, equipment, and personnel were only mentioned twice), demonstrating the perceived strategic importance of maintaining its strength narrative.<sup>11</sup> This type of framing through social media is vulnerable to contradiction and could be weakened with an extensive information campaign, with virtually no additional commitment of combat resources.

<sup>10</sup> *ISIS Live UA Map Home Page*, <http://syria.liveuamap.com/en/2016/13-january-saa--tiger-forces-captured-ayn-albayda-east-of>.

<sup>11</sup> United States Central Command, "Jan. 16: Military Airstrikes Continue against ISIL Terrorists in Syria and Iraq," January 16, 2016, <http://www.centcom.mil/MEDIA/PRESS-RELEASES/Press-Release-View/Article/904506/jan-16-military-airstrikes-continue-against-isil-terrorists-in-syria-and-iraq/>.

## Battle against God's Enemies

The theme of the Islamic State's battle against God's enemies was emphasized in 94 out of 134 twitter posts. The posts included the extensive use of Koranic verses and the exclusive use of the term "Nusayri" for regime forces, in one case coupling it with the term "crusader." "Nusayri" is a reference to Ibn Nusayr, the man believed to have propagated the Alawite sect in the 9<sup>th</sup> century, and implies that the sect was founded by man-made ideas and is therefore not Islamic.<sup>12</sup> Similarly, references to clashes with the Kurdish forces were always preceded by "apostate" or "atheist," as are the depictions of slain Sunni Arabs, who are referred to as "awakening apostates." The "awakening" term was first used for the Sunni Muslims in Anbar that sided with the United States against Al Qaida in Iraq (which later became the Islamic State) in 2007-2008, ostensibly portraying those Sunnis that fight against the Islamic State as Western agents.<sup>13</sup>

The assertion that the Islamic State is fighting against God's enemies accords the group a religious authority and sense of mission with which few governments or rebel factions can compete—especially Arab states that are viewed as serving their own interests rather than the faith of Islam.<sup>14</sup> The rule of Bashar Al Assad's Alawite sect through decades of brutal oppression, in the context of a regional struggle for domination between Shia and Sunni power-centers, created a space for religiously-motivated militancy. While the Islamic State dominates this space, there is competition for the opportunity to represent the aspirations of Sunni militancy, as demonstrated by the strength of Jubhat Al Nusra, Jaish Al Islam, Ahrar Al Sham, and other militant Islamist groups. These groups are fighting not only against the regime, but against secular-leaning rebel forces and against each other for domination.

Many Sunni "fence-sitters" view the fight against the aggressive militancy of Iran and their proxies in the region (and by extension the Syrian regime) as an imperative.<sup>15</sup> When it comes to the question of who will guarantee the best future for the Sunni people of Syria, the Islamic State responds with the insistence that it is God's army, fighting God's enemies. As such, the Islamic State has an inherent appeal as the Sunni force that is pushing back against the enemies of Islam, whether those of the oppressive "Nusayri" government (ie, Bashar Al Asad), the regional Shiite threat (Iran and Hezbollah), or against Kurdish forces that are apostates of the faith. Some Twitter posts featured the Islamic State "sentries" on the borders of the frontier. The language conveyed the idea that the Islamic State is threatened by "apostates" and must protect the caliphate—and, by extension, the faith of Islam itself.

## Piety

Not only did the Islamic State frame its legitimacy with its theme of fighting God's enemies, but it also demonstrated the group's piety in 46 of 134 Tweets. The Islamic State presented the ideas of mercy, justice, religious activity, commitment unto death, and even the training of children in a

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<sup>12</sup> Joshua Landis, "Zahran Alloush: His Ideology and Beliefs," *Syria Comment*, Blog entry posted December 15, 2013, <http://www.joshualandis.com/blog/zahran-alloush/>.

<sup>13</sup> Najim Abed Al-Jabouri and Sterling Jensen, "The Iraqi and AQI Roles in the Sunni Awakening," *Prism* 2, no. 1 (2010): 3-18.

<sup>14</sup> Rami Khouri, *ISIS is About the Arab Past, Not the Future* (Washington, DC: Woodrow Wilson International Center for Scholars, May 2015),

[https://www.wilsoncenter.org/sites/default/files/isis\\_is\\_about\\_the\\_arab\\_past\\_not\\_the\\_future.pdf](https://www.wilsoncenter.org/sites/default/files/isis_is_about_the_arab_past_not_the_future.pdf)

<sup>15</sup> Council on Foreign Relations, "The Sunni-Shia Divide," [http://www.cfr.org/peace-conflict-and-human-rights/sunni-shia-divide/p33176#!?cid=otr-marketing\\_url-sunni\\_shia\\_infoguide](http://www.cfr.org/peace-conflict-and-human-rights/sunni-shia-divide/p33176#!?cid=otr-marketing_url-sunni_shia_infoguide); Patrick Tucker, "Here's Why People Join ISIS," *Government Executive*, December 8, 2015, <http://www.govexec.com/defense/2015/12/heres-why-people-join-isis/124300/?oref=d-dontmiss>.

religious workshop (a group that strangely resembled Islamic State Cub Scouts). In counterintuitive way, the three executions it Tweeted portrayed swift justice, a notion that may be appealing to people that have often been victims of rampant corruption. While the Western world focuses on the brutality of the Islamic State, the analysis suggests that the Islamic State spent the first month of 2016 strengthening its core narrative of pious religionists. For Western audiences, the irony seems so stark as to not be believable. For an organization that purports to be a religious caliphate, however, a strict adherence to Islamic religiosity and jurisprudence is crucial. As other research has suggested, the Islamic State has a narrow and selective interpretation of Islamic jurisprudence. Despite the fact that this interpretation is not representative of the developments in Islamic law over past centuries,<sup>16</sup> however, it should not be overlooked as a key feature of the Islamic State's framing of its activities in Syria.

### A Prosperous Place

The final corner of the Islamic State's conflict frame for its war in Syria is that it has created a prosperous place. Thirty-four out of the 134 Twitter posts pictured nature, orderly streets, filled markets, or social services. The ideas of civil order and the beauty of the caliphate together made up 20% of the textual content. While the theme of the caliphate as a prosperous place is not generally appreciated by Western audiences, it is crucial to an organization that markets itself as the guardian of God's people, the people of the caliphate. Not only does it help the Islamic State attract sympathetic Muslims to its cause, but it also demonstrates that, compared to competing jihadi movements, the Islamic State can deliver a better life to the families of fighters and to those who support the Mujahedeen (doctors, industries, etc). As Charlie Winter observed in his comprehensive work on the Islamic State's messaging, "With its 'caliphate' narrative as a unique selling point, the group is able to decry the intransigence of its jihadist rivals, pick holes in their respective programmes, and claim that Islamic State alone is legitimate in the eyes of God."<sup>17</sup> The success of the Islamic State as a caliphate is a key component of its metanarrative of restoring the greatness of Islam, whose previous caliphates were dominant world powers between the 8th and 13th centuries.<sup>18</sup>

## Countering the Islamic State through Social Media

Dispersed in the 134 Twitter posts are hundreds of photos that tell the story visually—an important component of the Islamic State's Twitter campaign. In contrast, the Combined Joint Task Force Inherent Resolve Tweets during the period of time covered in this study contained relatively few post-strike photos and videos or Arabic language Tweets. A serious U.S. counter-information campaign would better exploit the Islamic State's military defeats (such as the destruction of Islamic State targets) and would include reporting on Kurdish and regime victories over the Islamic State in order to *erode the Islamic State narrative of military strength*. Since reliable sources of objective media within Syria are scarce, engaging in this information war by Tweeting pictures and videos of reality could gain credibility over time.

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<sup>16</sup> Caner Dagli, "The Phony Islam of ISIS," *The Atlantic* February 27, 2015, <http://www.theatlantic.com/international/archive/2015/02/what-muslims-really-want-isis-atlantic/386156/>.

<sup>17</sup> Winter, *Documenting the Virtual Caliphate*, 30.

<sup>18</sup> Cole Bunzel, *From Paper State to Caliphate: The Ideology of the Islamic State*, The Brookings Project on U.S. Relations with the Islamic World, no. 19 (Washington, DC: Brookings, March 2015), <http://www.brookings.edu/~media/research/files/papers/2015/03/ideology-of-islamic-state-bunzel/the-ideology-of-the-islamic-state.pdf>.

The Islamic State's one-dimensional representation of military strength must also be challenged through counter-discourse. Local forces, coupled with special operations advisors and coalition airstrikes, can erode the Islamic State's narrative of military strength if managed adroitly and augmented by a targeted information campaign. Simply Tweeting pictorial reports and videos in Arabic that highlight Islamic State losses could serve as a powerful information weapon when propagated through hashtags and retweets by Arab news sources. This effort could be overseen by the State Department's new Center for Global Engagement, especially if experts in social media exploitation execute the effort.<sup>19</sup> The Islamic State is likely to persist in actions and policies that portray an image of military strength in the form of offensive operations, competency with advanced weapons, and/or uniforms and organization—whether real or imagined. The fact that the Islamic State is willing to fabricate military successes for rhetorical effect suggests that undermining the Islamic State's military strength narrative could reduce its credibility and help erode its momentum.

A revived U.S. information campaign should also exploit fissures in the Islamic State social contract, highlighting reports of disparities in wealth between foreign fighters and locals, the misery of the poor, and heavy-handed Islamic State tactics for taxation and conscription in places like Deir Az Zur.<sup>20</sup> The approach should build on existing efforts by Syrian activists, include Arabic interviews with returning fighters and fleeing refugees, and employ metadata software to inform targeted messaging strategies.<sup>21</sup>

The U.S. information campaign should depend on transparency, demonstrating that American values are better by consistently reporting the truth, even when that means describing U.S. setbacks. While no counter-messaging panacea for reversing Islamic State dominance on Twitter exists, these efforts would help undermine the Islamic State's domestic and global appeal over time.

The risks that engaging in a more active information campaign carries are not insignificant. When pressured, the Islamic State may shift to a narrative focusing on the fulfillment of prophesied defeats preceding the return of the Mahdi and their final victory, as Graeme Wood warned.<sup>22</sup> While this shift could help the Islamic State survive as an ideology, it would make clear that recruits were signing up for premature death—not heaven on earth—a potential deterrent.

Another risk to undermining the Islamic State's narrative on Twitter is that it could drive the organization to develop new social media encryption technologies or tactics that make it harder for non-followers to access. It could also strengthen certain elements of the Islamic State's core narrative if the United States Tweets footage that the Islamic State is able to successfully exploit (for example, by portraying the Americans as culpable for civilian deaths). These risks do not negate the urgency for a robust information campaign, but they should inform its implementation. The United States must avoid adding to the perception that Sunnis are under attack from all sides.

## Conclusion

The United States is inadvertently helping the Islamic State maintain its allure even in the midst of relative decline in Syria by woefully underperforming in the social media realm. The Islamic State formed out of the ashes of a near-complete defeat of Al Qaida in Iraq by the end of 2010. While core Sunni grievances in Iraq certainly strengthened the position of its remaining leaders, its quick rise back to power demonstrates the strength of its deeply sectarian and religious narrative. The sectarian

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<sup>19</sup> U.S. Department of State, "Global Engagement Center."

<sup>20</sup> Mara Revkin, "ISIS' Social Contract," *Foreign Affairs Online*, January 10, 2016, <https://www.foreignaffairs.com/articles/syria/2016-01-10/isis-social-contract>.

<sup>21</sup> Sound and Picture, <http://sound-and-picture.com/?p=1335>.

<sup>22</sup> Graeme Wood, "What ISIS Really Wants," *The Atlantic*, March 2015, <https://www.theatlantic.com/magazine/archive/2015/03/what-isis-really-wants/384980/>.

appeal of the Islamic State is bolstered by propaganda that exploits sectarian tensions and appeals to Sunni masses, making political reconciliation extremely difficult. Even if the United States solved the Arab-Israeli conflict on decidedly positive terms for the Palestinians, disposed of every autocratic ally in favor of a populist choice, and withdrew every American soldier from the Arab lands, there would still be radical Islamists that threatened the United States. There is a deeply religious narrative to Islamic terrorism that will not be satisfied short of total world domination.<sup>23</sup> At the core of the Islamic State's conflict frame is an interpretation of the Koran that is militant and expansionist.<sup>24</sup> In formulating a counter-narrative, the United States must recognize and account for both the underlying sectarian appeal and the prominence of religious messaging in the Islamic State's framing of the conflict.

For all of President Obama's missteps in Syria, the decision to not commit a large ground force has meant that the Islamic State targeted the Nusayris and the Kurds as its principle enemies. If the United States had committed ground forces, it might have played into the religious narrative of the Islamic State that prophetically believes in a final battle against "Rome" or the West.<sup>25</sup> Those who advocate for a large U.S. ground combat role should anticipate how the Islamic State would exploit U.S. intervention in a religious context, attempting to validate their call for the final battle for all Muslims at Dabiq.

The potency of the religious appeal of the Islamic State has been the focus of previous efforts to counter the messaging of the Islamic State, attempting to win over would-be jihadists with the powerful voice of "moderate" or true Islam.<sup>26</sup> Even President Obama weighed in on the messaging effort with his controversial statement that "ISIS is not Islamic."<sup>27</sup> While his point that the Islamic State does not represent the 1.6 billion Muslims in the world was accurate, it raised the broader question of who in the Muslim world possesses the power and influence to counter the Islamic State's messaging in the global media? Do such forces even exist, and presuming that they do, have they been utilized to the maximum extent possible? While there is a natural problem with trying to preach a loud message of moderation, more can be done by religious centers like Al Azhar mosque in Cairo, the Organization of the Islamic Summit, and the various Mufti leaders of large theological traditions. The United States should more vigorously pursue regional cooperation on a social media strategy that undercuts the Islamic State's claims that they are God's people, fighting God's enemies.

In the context of sectarian violence in Iraq after the U.S. invasion, an effort began in Jordan in 2004 called the Amman Message, which created a definition for who is a Muslim and eliminated illegitimate practices of calling other Muslims "takfir" (apostates). It was endorsed in July 2006 by over 500 leading Muslim scholars, and it was an important part of dealing with the religious war in Iraq.<sup>28</sup> The Amman Message, however, has not had an active role in addressing the resurgence of sectarianism in Iraq (or in Syria) and the rise of the Islamic State. The United States should explore an Amman Message part II, as a part of its ongoing cooperation with partners in the region.

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<sup>23</sup> Aaron Zelin, "English Translation of Aḥmad Bawādī's "Revolutions are no Substitute for Jihād" from Issue #62 of the Islamic Emirate of Afghanistan's al-Ṣamūd Magazine," September 19, 2011, <http://jihadology.net/2011/09/19/english-translation-of-a-ahmad-bawadi-revolutions-are-no-substitute-for-jihad-from-issue-62-of-the-islamic-emirate-of-afghanistan-al-samud-magazine/>.

<sup>24</sup> Thomas Joscelyn, "Baghdadi Claims Infidel Nations are Afraid of Final War," *Long War Journal*, December 27, 2015, <http://www.longwarjournal.org/archives/2015/12/baghdadi-claims-infidel-nations-are-afraid-of-final-war.php>.

<sup>25</sup> Wood, "What ISIS Really Wants."

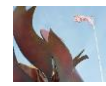
<sup>26</sup> Tucker, "Here's Why People Join ISIS."

<sup>27</sup> "Transcript: President Obama's Speech on Combating ISIS and Terrorism," *CNN*, September 10, 2014, [http://www.cnn.com/2014/09/10/politics/transcript-obama-syria-isis-speech/index.html?hpt=po\\_c1](http://www.cnn.com/2014/09/10/politics/transcript-obama-syria-isis-speech/index.html?hpt=po_c1).

<sup>28</sup> *The Amman Message*, "Summary," [http://ammanmessage.com/index.php?option=com\\_content&task=view&id=16&Itemid=30](http://ammanmessage.com/index.php?option=com_content&task=view&id=16&Itemid=30).



Ultimately, however, coordinating with regional partners to enhance the influence of Sunni religious authorities is a necessary but insufficient answer to the deep, religious claims of the Islamic State and the enduring threat of Islamic terrorism. The U.S., nevertheless, can help strengthen these alternative voices and religious narratives from within the region by effectively engaging social media. A robust and nuanced information campaign is urgently needed and long overdue. Because the conflict frame established by the Islamic State enables them to persist despite military and economic setbacks, the frame itself provides a key to its own destruction. To maximize success, the United States should exploit rather than attack this conflict frame. A direct attack in social media is easily countered and absorbed by the structure and history of the conflict frame and its constituents. The Islamic State's reliance on themes of their own military prowess, their fight against God's enemies, the piety of their actions, and the creation of a prosperous place are all vulnerable to exploitation through counter-messaging. By fundamentally altering the Islamic State's regional and domestic appeal, successful exploitation could help dismantle the frame, guarantee the rights and future of the Syrian Sunnis, and weaken the Islamic State's ability to threaten the United States over the long term.



# Taming the LTTE: Counterinsurgency Insights from Sri Lanka

Mark O'Connell

*The 26-year conflict between the Government of Sri Lanka (GoSL) and the LTTE provides an excellent case study for counterinsurgency theorists. Ethnocentric tensions born out of British rule fueled the insurgency from its nascent stages until the LTTE's defeat in May of 2009. Although not without controversy, the LTTE was defeated following four years of concerted government efforts. This essay examines the conflict, its root causes, and the strategies used, offering insights and exploring lessons-learned for future counterinsurgency operations.*

Keywords: *Tamil Tigers, Terrorism, Strategy*

For 26 years Sri Lanka was embroiled in a brutal civil war to control much of its countryside. The small island nation of Sri Lanka off the coast of India is roughly the size of West Virginia and home to over 22 million people. Ethnically divided, the country is composed of 74% Sinhalese, 13% Sri Lankan Tamil, and 7% Moor (Muslim).<sup>1</sup> The terrorist organization, the Liberation Tigers of Tamil Eelam (LTTE), waged a guerilla insurgency against the government's forces, the majority Sinhalese Sri Lankan Armed Forces (SLAF). For 18 of these 26 years, LTTE attacked the SLAF with ferocity and ingenuity that was unmatched by any other terrorist organization for its time. The LTTE were labeled "among the most dangerous and deadly extremists in the world" by the FBI; they revolutionized suicide attacks with the invention of the suicide belt, were the first terrorist organization to employ the use of chemical weapons, were the first to employ a cyber-attack against a state, and assassinated two world leaders.<sup>2</sup> In the early 2000's their force of approximately 20,000

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Mark O'Connell (M.S.S. United States Army War College) is a Commander in the United States Navy. An earlier version of this article, completed under the direction of Dr. Conrad C. Crane, earned the prestigious Army War College Foundation Colonel Francis J. Kelly Counterinsurgency Writing Award for the USAWC class of 2016.

<sup>1</sup> Neil DeVotta, "The Liberation Tigers of Tamil Eelam and the Lost Quest for Separatism in Sri Lanka," *Asian Survey* 49, no. 6 (November/December 2009): 1028.

<sup>2</sup> Federal Bureau of Investigation, "Taming the Tamil Tigers from Here in the U.S.," January 10, 2008, [https://www.fbi.gov/news/stories/2008/january/tamil\\_tigers011008](https://www.fbi.gov/news/stories/2008/january/tamil_tigers011008); Bruce Hoffman, "The First Non-State Use of a Chemical Weapon in Warfare: The Tamil Tigers' Assault on East Kiran," *Small War & Insurgencies* 20, no. 3 (September – December 2009): 465; University of Maryland, "Terrorist Organizational Profile: Internet Black Tigers," [http://www.start.umd.edu/tops/terrorist\\_organization\\_profile.asp?id=4062](http://www.start.umd.edu/tops/terrorist_organization_profile.asp?id=4062).

included a navy, air force, suicide wing, and an international funding organization that raised millions for the cause, while controlling almost a quarter of the Sri Lankan countryside.<sup>3</sup> And yet in a little over four years, the LTTE was wiped off the map despite their robust capability. In 2005, Sri Lankan President Mahinda Rajapaksa assumed office and embarked on Eelam War IV to pursue the complete annihilation of the militant separatist movement. Government forces won. This, the first successful counterinsurgency campaign of the 21<sup>st</sup> century, raises many questions. What were the root causes of this conflict? Did the LTTE make any mistakes that made their defeat easier? What were the keys to the Sri Lankan success? What does this mean for counterinsurgency theory?

The counterinsurgency struggle between the Government of Sri Lanka (GoSL) and the LTTE provides an excellent case study for counterinsurgency theorists. Ethnocentric tensions born out of British rule fueled the insurgency from its nascent stages until the LTTE's defeat in May of 2009. Successive strategic missteps by the leader of the LTTE, Velupillai Prabhakaran, contributed to their destruction. The GoSL underwent a series of necessary improvements to enable success on the battlefield. And yet the government's win still remains tarnished; the end of Tamil Eelam War IV did not end the controversy over the conduct of the war nor the calls to assuage Tamil grievances. If the LTTE had pursued different strategies following the Cease Fire Agreement (CFA) of 2002, they might not have been defeated. The end of Tamil Eelam War IV did not end the controversy over the conduct of the war nor the calls to assuage Tamil grievances. The struggle between the LTTE and the GoSL provides insights for strategists who may confront counterinsurgency conflicts in the future.

## Background

British Colonial Rule established the precursors for a 26 year Sri Lanka insurgency. The empowerment of Tamils influenced by western education helped fuel ethnic tensions on the island. After gaining independence in 1948, the Sinhalese attempted to correct perceived favoritism towards the Tamils by instituting policies that favored the majority Sinhalese population. After years of seeking a political resolution to the tensions, the Tamils initiated an armed conflict in 1983 to force a more equitable distribution of power, spawning the birth of the LTTE organization. India tried to intervene in 1987, but could not deter the LTTE from its quest to build a Tamil state. Following the withdrawal of Indian forces in 1990, the LTTE renewed its attacks on the GoSL to bring about the just treatment of the Sri Lankan Tamils until a tenuous peace was struck in 1994. No political resolution emerged after multiple rounds of peace talks, thus the LTTE reengaged the SLAF until both sides became fatigued in 2002. Political events, including the election of President Rajapaksa, and a natural disaster damaged the LTTE from 2002 to 2006. Despite its weakened state, the LTTE again chose to engage the SLAF leading to the military defeat of the Tigers.

British methods to maintain control over the island of Sri Lanka empowered the minority Tamil people. The Dutch ceded control of the island to the British in 1801 after wresting control from the Portuguese. The British encountered a nation divided along cultural lines predominately between the Sinhalese Buddhist and the Hindu Tamils.<sup>4</sup> Yet these two communities had coexisted for nearly two thousand years together as neighbors.<sup>5</sup> Tensions between the two cultures arose after a brief period of resistance during which the British were able to subdue the Sinhalese Kingdom of

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<sup>3</sup> DeVotta, "The Liberation Tigers of Tamil Eelam and the Lost Quest for Separatism in Sri Lanka," 1023.

<sup>4</sup> Ahmed S. Hashem, *When Counterinsurgency Wins, Sri Lanka's Defeat of the Tamil Tigers* (Philadelphia: University of Pennsylvania Press, 2013), 55-57.

<sup>5</sup> Gordon Weiss, *The Cage, the Fight for Sri Lanka and the Last Days of the Tamil Tigers* (New York: Bellevue Literary Press, 2012), 18.

Kandyan in the central highlands and unite the whole of the country under one rule. British reign brought with it English language education, first by missionaries and later by the state. British efforts were embraced by the Northern Tamils and initially rejected by the Sinhalese, leading to a disproportionate number of the schools built in the Tamil north.<sup>6</sup> With education came opportunity and many Tamils easily rose from British errand boys to western-educated lawyers, doctors, and administrators running much of the country.<sup>7</sup> The Tamils thus became disproportionately overrepresented in the universities, industry, and the highest levels of government.<sup>8</sup>

The British ceded control of the island to the democratically representative government of Ceylon in 1948. Upon transition to self-governance, the majority Sinhalese moved to correct imbalances in government and education inciting the civil divide between Tamils and Sinhalese.<sup>9</sup> Almost immediately the ruling elites decided that English had to be replaced as the official language of the country. Initially, *both* Sinhala and Tamil languages would be the official languages. By the mid-1950's, a growing Sinhala nationalist movement wanted to impose only Sinhala.<sup>10</sup> The Sinhala Only Language Act that became law in 1956 sparked widespread hostility between the Sinhalese and Tamils.<sup>11</sup> Continuing Sinhalese resentment of perceived Tamil advantages produced university admissions processes favoring the Sinhalese with the Standards of Education Act of 1970. Sinhalese Nationalism even drove the government to adopt a new Constitution in 1972 establishing Buddhist primacy in Sri Lanka.<sup>12</sup>

These Sinhalese actions led to a civil war requiring international mediation. In response to the Constitution of 1972, the Tamil minority formed the Tamil United Front (TUF) which would develop to become the Tamil United Liberation Front (TULF).<sup>13</sup> The TULF cited a litany of grievances against the current government and demanded the establishment of an independent Tamil state, to be named Eelam, in the northern and northeastern of Sri Lanka.<sup>14</sup> Infighting between moderate and more active members of the TULF youth organization split creating the Tamil New Tigers (TNT) in 1972, which would evolve to become the Liberation Tigers of Tamil Eelam (LTTE) in 1976. A charismatic young leader commanded the outfit by the name of Velupillai Prabhakaran.<sup>15</sup>

On July 13, 1983, an LTTE group ambushed an army patrol in the northern province of Jaffna, killing 13 soldiers and triggering the worst Anti-Tamil rioting in Sri Lankan history. Over 2000 Tamils were killed prompting masses to flee the island for India and other nations. Many of the Tamils remaining fled to the northeast of the country and supported the rebel groups.<sup>16</sup> The LTTE initially had to compete with numerous other militant groups, but by the late 1980s it had ruthlessly consolidated power as the premier Tamil insurgent organization. The LTTE initially overmatched the ill-equipped and undermanned Sri Lankan Army (SLA), because of training assistance and intelligence support from the Indian government.<sup>17</sup> It took four years for the Sri

<sup>6</sup> Hashem, *When Counterinsurgency Wins*, 55-58.

<sup>7</sup> Weiss, *The Cage*, 18.

<sup>8</sup> DeVotta, "The Liberation Tigers of Tamil Eelam and the Lost Quest for Separatism in Sri Lanka," 1025.

<sup>9</sup> Hashem, *When Counterinsurgency Wins*, 65-66.

<sup>10</sup> *Ibid.*

<sup>11</sup> DeVotta, "The Liberation Tigers of Tamil Eelam and the Lost Quest for Separatism in Sri Lanka," 1026.

<sup>12</sup> Hashem, *When Counterinsurgency Wins*, 70-80.

<sup>13</sup> *Ibid.*, 80.

<sup>14</sup> Hoffman, "The First Non-State Use of a Chemical Weapon in Warfare," 465; Hashem, *When Counterinsurgency Wins*, 82.

<sup>15</sup> Hashem, *When Counterinsurgency Wins*, 88.

<sup>16</sup> DeVotta, "The Liberation Tigers of Tamil Eelam and the Lost Quest for Separatism in Sri Lanka," 1028; Hashem, *When Counterinsurgency Wins*, 89.

<sup>17</sup> Hashem, *When Counterinsurgency Wins*, 88-92.

Lankan army to mount an effective campaign against the LTTE, later known as Eelam War I. In the summer of 1987, the SLA marched into the Northern Province with 8000 men and almost succeeded in capturing much of the LTTE Leadership. As the SLA prepared to assault the Tamil stronghold in Jaffna, an outcry of support from the 60 million Tamils from within India forced it to interfere and impose a peace treaty.<sup>18</sup>

India's arbitration attempts led to unlikely consequences, including uniting GoSL and the LTTE to demand India's ultimate withdrawal from the Sri Lankan conflict. India attempted to arbitrate the civil war, but could not prevent the conflict from continuing. The Indian Peace Keeping Force (IPKF) arrived in July 1987 in accordance with the Indo-Lanka Accords, signed by India and Sri Lanka but not by the LTTE. The IPKF grew to a force of 80,000 to establish a buffer between the warring parties in the North.<sup>19</sup> Neither the SLA nor the LTTE were keen on Indian involvement. The GoSL felt they had the LTTE on the run and were prepared to make the final assault. The LTTE saw the Indian government as self-serving in calling for the complete disarmament of the LTTE. Prabhakaran stated he would teach the Indian Prime Minister, Rajiv Gandhi, a lesson for his interference in the Tamil quest for Eelam.<sup>20</sup> The LTTE began an all-out fight against the IPKF after refusing to turn over their arms. In an odd twist, the GoSL began arming the LTTE in their fight against the IPKF. For three years, the LTTE harassed the Indian forces, who were well-disciplined and equipped, but ill-manned and poorly trained for a counterinsurgency fight.<sup>21</sup> Finally, after losing approximately 1,200 killed or injured soldiers, the IPKF withdrew in March 1990.<sup>22</sup>

Emboldened by the withdrawal of the Indian Peace Keeping Forces the LTTE renewed their fight for independence with vigor and tenacity until both sides were exhausted. In many areas, the LTTE just occupied the bases and infrastructure the IPKF had vacated thereby creating in effect the nascent beginnings of Tamil Eelam.<sup>23</sup> The Tigers struck with a vengeance to open Eelam War II by killing 600 Sri Lankan police that had surrendered. The LTTE also began to conduct targeted assassinations of those opposed to their cause. In September 1991, a female LTTE suicide bomber killed a former Indian Prime Minister and two months later a suicide bomber killed the Sri Lankan President.<sup>24</sup> This stage of the conflict also saw the emergence of LTTE conventional warfare capability. Over 5,000 LTTE troops unsuccessfully waged a multi-week siege of the SLA base at Elephant Pass in the Northern Province of Jaffna. The main focus of the SLA strategy was holding key military bases to prevent the LTTE from having free passage in the north and east of the country. Battered and battle-weary the Sri Lankan people went to the polls in 1994. The people elected Chandrika Kumaratunga to the Presidency on a platform in which she promised to bring about a negotiated settlement with Prabhakaran and the LTTE.<sup>25</sup>

After multiple rounds of peace talks, the LTTE initiated Eelam War III which produced victories and losses for both sides until exhaustion forced a cease-fire in 2002. The GoSL and LTTE conducted four rounds of talks from 1994 to 1995, but the LTTE wanted too much.<sup>26</sup> The

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<sup>18</sup> Ibid., 93-96.

<sup>19</sup> Kumar Rupesinghe, "Ethnic Conflicts in South Asia: The Case of Sri Lanka and the Indian Peace-Keeping Force (IPKF)," *Journal of Peace Research* 25, no. 4 (December 1988): 349.

<sup>20</sup> Hashem, *When Counterinsurgency Wins*, 97-98.

<sup>21</sup> Ibid.

<sup>22</sup> Weiss, *The Cage*, 74.

<sup>23</sup> Hashem, *When Counterinsurgency Wins*, 98-99.

<sup>24</sup> Ibid.

<sup>25</sup> Ibid., 99-102.

<sup>26</sup> Syed Rifaat Hussein, "Liberation Tigers of Tamil Eelam," *Criterion Quarterly* 4, no. 1 (January/March 2009): <http://www.criterion-quarterly.com/liberation-tigers-of-tamil-eelam-ltte/>.

government balked at the demand to dismantle its military bases in LTTE areas and at allowing free reign to move about the north and east of the country. After growing frustrated with the peace negotiations and the government's unwillingness to meet its demands, the LTTE reignited the conflict by blowing up two Sri Lankan Navy (SLN) gunboats in the eastern harbor of Trincomalee in April 1995. In response, the Kumaratunga administration launched the "war for peace," beginning a series of large-scale operations in an attempt to bring the LTTE back to the negotiating table.<sup>27</sup> In Operation Riviresa in October 1995 40,000 Sri Lankan Army troops marched to Jaffna, the "capital" of Tamil Eelam, and successfully expelled the LTTE. This was a major coup, but subsequent operations proved more difficult. The LTTE shifted to more guerrilla tactics following the loss of their capital and chose not to fight where disadvantaged. The LTTE was not defeated following the loss of its capital. In a series of conventional counter attacks from 1996 to 2000, the LTTE was successful in overrunning SLA bases in Mullaitivu, Killinochi, and Elephant Pass.<sup>28</sup> These attacks in effect isolated the SLA forces in Jaffna by April of 2000. The only means to resupply the force was by sea and the SLN and the Air Force lacked the ability to exfiltrate over 60,000 military personnel.<sup>29</sup> The LTTE continued to attack SLA forces, but soon all sides became exhausted. The LTTE declared a unilateral cease-fire in December 2000. Parliamentary elections in October 2001 brought new leadership and the promises of a negotiated settlement. The Norwegians acted as mediators and the LTTE and the GoSL signed the Cease Fire Agreement in February 2002.<sup>30</sup>

Numerous events during the interwar period from 2002-2006 helped to diminish the strength of the LTTE, but did not prevent their continued resistance. International efforts to abolish terrorist global funding networks re-doubled following the September 11, 2001 attacks and impacted the LTTE funding systems.<sup>31</sup> Infighting amongst the LTTE led to the defection of an Eastern Province Commander Vinayagamoorthy Muralitharan, also known by his nom de guerre COL Karuna, along with an estimated 3000 LTTE cadres in March 2004.<sup>32</sup> Additionally, the tsunami of 2004 further impacted the LTTE's grip on Tamil Eelam. Triggered by a massive earthquake off the coast of Indonesia, the tidal wave killed roughly 30,000 Sri Lankans and an estimated 3,000 LTTE cadres.<sup>33</sup> In November 2005, Mahinda Rajapaksa narrowly won election to become the Sri Lankan President.<sup>34</sup> Rajapaksa was determined to realize a lasting peace through a negotiated settlement from a position of military strength. Throughout the interwar period and despite a cease-fire, the LTTE continued its campaign of consolidating power through targeted assassination and intimidation of not only Sri Lankan officials, but also influential Tamil leaders who opposed LTTE. By the end of 2005, the Sri Lankan Monitoring Mission had counted over 3000 cease fire violations by the LTTE.<sup>35</sup>

Despite reduced funding and support, the LTTE marched headlong into Eelam War IV with both sides promising a final resolution to the conflict and engaging in excessively brutal tactics without heed of collateral damage. Hostilities resumed between the two parties following the LTTE

<sup>27</sup> Hashem, *When Counterinsurgency Wins*, 102-110.

<sup>28</sup> Ibid.

<sup>29</sup> Weiss, *The Cage*, 75.

<sup>30</sup> Hussein, "Liberation Tigers of Tamil Eelam."

<sup>31</sup> "Feeding the Tiger – How Sri Lankan Insurgents Fund their War," *Janes Intelligence Review*, July 8, 2007, <https://janes.ihs.com/Janes/Display/1193454>.

<sup>32</sup> Hashem, *When Counterinsurgency Wins*, 119-122.

<sup>33</sup> Paul Moorcraft, *Total Destruction of the Tamil Tigers, The Rare Victory of Sri Lanka's Long War* (South Yorkshire, UK: Pen & Sword Books, 2012), 44.

<sup>34</sup> DeVotta, "The Liberation Tigers of Tamil Eelam and the Lost Quest for Separatism in Sri Lanka," 1037

<sup>35</sup> Hashem, *When Counterinsurgency Wins*, 123-127.

closing the gates on the Mavil Aru dam in the Eastern Province in July of 2006.<sup>36</sup> By doing so, the LTTE threatened the water supply for 15,000 people and agriculture production in government-controlled areas. Responding to the provocation with the assistance of COL Karuna, the SLA began a widespread offensive to remove the last vestiges of the LTTE in the east. As they did so, the SLA sought to validate training and investments made during the early stages of the war. Highly trained Special Infantry Operations Teams (SIOTs) and Long Range Reconnaissance Patrols (LRRPs) were used to disrupt LTTE movements and target field commanders.<sup>37</sup> The LTTE responded with a major offensive targeting the Trincomalee Naval Shipyards, attempting to cut the maritime supply lines to the 50,000 SLA forces located in Jaffna. The LTTE was no match for the reinvigorated SLAF and with each defeat, the SLA grew even stronger. By August of 2007, the SLAF had reduced the LTTE resistance in the Eastern Province and handed over operations in the area to the Sri Lankan Police and Civil Defense Forces, allowing the Army to focus on the North.<sup>38</sup>

The SLA had begun their operations aimed at the LTTE's northern center of gravity six months prior, but the added troops and the victory in the east increased momentum to crush the LTTE once and for all.<sup>39</sup> The LTTE initially proved effective in countering five SLA assaults into the north, but utilizing increased manpower and tactics honed in the east; the SLA began a multipronged attack. Advances by the SLA 53<sup>rd</sup> and 55<sup>th</sup> Divisions, garrisoned in Jaffna, forced the LTTE to commit their best forces to prevent an immediate attack on the LTTE capital of Kilinochchi and the Wannu region.<sup>40</sup> The recently raised SLA 58<sup>th</sup> Division moved along the western coast from Silavatturai north destroying Sea Tiger Bases and cutting off any remaining resupplies or prospect of escape to the Indian state of Tamil Nadu. The 57<sup>th</sup> Division assaulted adjacent to the 58<sup>th</sup> and aimed directly at sweeping into Kilinochchi, while the 59<sup>th</sup> moved along the northeastern corridor to attack the LTTE logistical nerve center in Puthukkudiyiruppu (PTK).<sup>41</sup> The assault by the 58<sup>th</sup> and 57<sup>th</sup> Divisions methodically moved through the northwest and threatened to encircle Kilinochchi, forcing the LTTE to withdraw its remaining forces towards PTK in early January 2009. Linking up with the 53<sup>rd</sup> and 55<sup>th</sup> Divisions shortly after the capture of Kilinochchi, the four divisions then began pushing south towards PTK. The SLA then began slowly tightening its control over the last LTTE strongholds in the "Vanni Pocket" around PTK from January to May of 2009.<sup>42</sup>

At this stage of the war, the international community began to raise concerns about civilian casualties. The LTTE began to petition European countries for outside intervention to end the conflict while at the same time using human shields to protect their withdrawal.<sup>43</sup> The SLA established a series of No Fire Zones (NFZs) in response to international pressure, but continued to tighten its search for LTTE leader Prabhakaran and the last remaining fighters. The LTTE had lost its ability to fight as large units but remained a fierce foe forcing the SLAF to fight hard for every piece of land.<sup>44</sup> Much controversy remains over the exact sequence of events that occurred in these final moves of the war. What is known is that both the LTTE and the SLAF made counter accusations of atrocities against each other and over the treatment of the Tamil population. The

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<sup>36</sup> Ibid., 135-137.

<sup>37</sup> Sergei DeSilva-Ranasinghe, *Strategic Analysis of Sri Lankan Military's Counter-Insurgency Operations* (Perth, Australia: Future Directions International, February 12, 2010), 1-4, <http://www.futuredirections.org.au/files/1266992558-FDIStrategicAnalysisPaper-12February2010.pdf>.

<sup>38</sup> Ibid.

<sup>39</sup> Ibid.

<sup>40</sup> Hashem, *When Counterinsurgency Wins*, 144-150.

<sup>41</sup> Ibid.

<sup>42</sup> DeSilva-Ranasinghe, *Strategic Analysis of Sri Lankan Military's Counter-Insurgency Operations*, 1-3.

<sup>43</sup> Ibid.

<sup>44</sup> Moorcraft, *Total Destruction of the Tamil Tigers*, 134.



LTTE allegedly held 300,000 Tamils as hostages and used them as human shields as the SLAF encircled them. The SLA reportedly intentionally shelled NFZs and hospitals in LTTE-controlled areas, in blatant disregard of international law and human rights, as they tightened the noose around the LTTE remnants.<sup>45</sup> A U.N. investigation found that more than 70,000 civilians were killed in the final stages of the conflict.<sup>46</sup> On May 19<sup>th</sup>, 2008 the SLA stormed a mangrove patch on the edge of the Nandikadal lagoon and killed Prabhakaran. Within hours, President Rajapaksa announced the defeat of the LTTE and the end of Eelam War IV.<sup>47</sup>

### LTTE Failures

Commander Prabhakaran significantly contributed to the demise of the LTTE with successive strategic errors. His heavy-handed tactics to control all aspects of the Tamil liberation movement isolated the LTTE from the people. He further isolated the people from the political process when he forbade Tamils from voting in the 2005 presidential elections; all but guaranteeing a win for Rajapaksa. The decision to attack the IPKF and assassinate the Indian Prime Minister Rajiv Gandhi allowed the Sri Lankan Government to secure the New Dehli government as a strategic partner. Lastly, in choosing to pursue a military resolution to secure Tamil Eelam and using conventional tactics, Prabhakaran all but ensured defeat for the LTTE.

The harsh tactics used by Prabhakaran to consolidate, maintain, and advance the freedom movement eroded support for the LTTE amongst the Tamil people. As war broke out in Tamil Eelam I, the Tigers were one among numerous other Tamil liberation movements. Prabhakaran and the LTTE killed opposing insurgent leaders; the LTTE became the de facto sole representative of the struggle for Tamil Eelam.<sup>48</sup> The structure of the LTTE evolved into a cult of personality with all wings reporting directly to Prabhakaran and with much of the decision-making centered on him. Prabhakaran spent little time with the political messaging of the LTTE; instead he chose to focus on the military aspects of the conflict. The LTTE information campaign developed into the worship of Prabhakaran and attempted to elevate him to a godlike status.<sup>49</sup> Throughout the conflict, the Tigers assassinated anyone who questioned Prabhakaran and the legitimacy of the movement to include moderate Tamil politicians, Tamil people, and military leaders within the LTTE. Heavy taxes, forced labor, child conscription, and brutal repression in LTTE controlled areas distanced the LTTE from its support base. Towards the end of the conflict, Tamils even began providing information to the Sri Lankan Forces on LTTE activities.<sup>50</sup>

At the direction of Prabhakaran, the Tamil people boycotted the 2005 election allowing Rajapaksa to rise to power, vowing to end the conflict. The elections pitted Rajapaksa against the United National Party (UNP) candidate Ranil Wickremesinghe. Wickremesinghe ran on a platform to continue negotiations with the LTTE seeking to end the conflict once and for all. The UNP had historically relied upon the nation's minority populations to achieve victory. Credible reports indicate that a deal between Rajapaksa and Prabhakaran encouraging the boycott may have been struck for either a handover of COL Karuna to the LTTE or to provide an opportunity for the LTTE

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<sup>45</sup> Ibid.

<sup>46</sup> United Nations, *Report of the Secretary-General's Internal Review Panel on United Nations Actions in Sri Lanka* (New York: United Nations, November 2012), 14, [http://www.un.org/News/dh/infocus/Sri\\_Lanka/The\\_Internal\\_Review\\_Panel\\_report\\_on\\_Sri\\_Lanka.pdf](http://www.un.org/News/dh/infocus/Sri_Lanka/The_Internal_Review_Panel_report_on_Sri_Lanka.pdf).

<sup>47</sup> Moorcraft, *Total Destruction of the Tamil Tigers*, 147.

<sup>48</sup> Hashem, *When Counterinsurgency Wins*, 88.

<sup>49</sup> Ibid., 193.

<sup>50</sup> DeVotta, "The Liberation Tigers of Tamil Eelam," 1032-1037.

to renew hostilities with the GoSL.<sup>51</sup> In what would turn out to be a close election, Prabhakaran's decision to forbid Tamils in LTTE-controlled areas to vote helped turn the tide in Rajapaksa's favor.<sup>52</sup> Rajapaksa immediately set out to fulfill his election promises, selecting his brother as Minister of Defense, instituting a study of the past LTTE wars, and establishing the "Rajapaksa Model" for counterinsurgency. This approach emphasized doing whatever was necessary to bring about the military destruction of the LTTE to include regulating the media, allowing complete operational authority to the military and working with strategic partners.<sup>53</sup> Allowing Rajapaksa to come to power proved to have dire consequences for Prabhakaran and the LTTE.

Prabhakaran's tactical decisions to attack India further isolated the LTTE and allowed the Sri Lankan Government to secure a critical strategic partner. The Indian state of Tamil Nadu lies just across the Palk Strait and is home to 65 million Tamil people.<sup>54</sup> This area was a significant support base for the LTTE and in the early 1980's liberation fighters received training and equipment from the Indian Intelligence Agency Research and Analysis Wing (RAW). Prabhakaran was furious when the Indians interceded in the conflict as he felt they were subjugating his quest for independence to the political motivations of the Indian Government.<sup>55</sup> He vowed to continue his fight and punish those responsible. The expulsion of the IPKF in 1980 and the assassination of the Indian Prime Minister the year following ensured little political or military support from New Delhi.<sup>56</sup> The Rajapaksa government was able to exploit this rift and set up high-level communications with the Indian Government providing critical support to the Sri Lankan Government.<sup>57</sup>

Prabhakaran's failure to consolidate political gains before shifting prematurely to conventional military operations during Eelam War IV doomed the LTTE.<sup>58</sup> Prabhakaran had attained recognition for the LTTE as the ruling authority over much of the northern areas of Sri Lanka following the CFA in August of 2002. The LTTE had established constabulary functions and prided itself on the prompt and efficient execution of justice.<sup>59</sup> Despite these significant gains, Prabhakaran wanted more, and chose to incite the fourth and final round of the conflict.<sup>60</sup> Not willing to cede any of his recent gains to the SLA with guerilla tactics, Prabhakaran chose instead to engage conventionally. Even when asked by some of his military commanders to return to hit-and-run tactics he did not relent.<sup>61</sup> By choosing to fight this way, the LTTE was outgunned, outmaneuvered, and ultimately defeated by a force much more adept at conventional warfare. Although the Sri Lankan Armed Forces of 2000 were ill prepared to undertake Eelam War IV, they were able to learn and adapt their strategy to ultimately win the war, assisted by the LTTE moving away from their guerrilla tactics that had been so successful.

## GoSL Successes

The Sri Lankan Government adapted their strategy in the post 9/11 world to increase their chances of success against the LTTE. The Government of Sri Lanka used strategic communications and diplomacy to align global powers against the LTTE, boost its military capability, and negate

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<sup>51</sup> Ibid.

<sup>52</sup> Hashem, *When Counterinsurgency Wins*, 97, 123-126.

<sup>53</sup> VK Shashikumar, "Lessons from Sri Lanka's Long War," *Indian Defence Review* 24, no. 3 (July – September 2009): [http://www.indiandefencereview.com/print/?print\\_post\\_id=7783](http://www.indiandefencereview.com/print/?print_post_id=7783).

<sup>54</sup> Hashem, *When Counterinsurgency Wins*, 15.

<sup>55</sup> Hussein, "Liberation Tigers of Tamil Eelam."

<sup>56</sup> Hashem, *When Counterinsurgency Wins*, 97, 191.

<sup>57</sup> Shashikumar, "Lessons from Sri Lanka's Long War."

<sup>58</sup> DeVotta, "The Liberation Tigers of Tamil," 1030; Weiss, *The Cage*, 216.

<sup>59</sup> DeVotta, "The Liberation Tigers of Tamil," 1032-1033.

<sup>60</sup> Hashem, *When Counterinsurgency Wins*, 118-123.

<sup>61</sup> Moorcraft, *Total Destruction of the Tamil Tigers*, 167.

international criticisms. Vice Admiral Wasantha Karannagoda began a series of improvements to the SLN in 2005, resulting in the isolation of the LTTE from the sea. The GoSL exploited divisions amongst the LTTE and was able to secure the cooperation of the defector COL Karuna, thus weakening the LTTE's grip on the eastern province. The SLAF went through a period of massive growth and training leading up to and throughout Eelam War IV. Finally, the SLAF began to cooperate between their services creating improved joint effects on the battlefield.

The GoSL effectively leveraged diplomacy with global powers to isolate the LTTE, achieve military superiority, and negate international condemnation of the conflict. Following the 11 September 2001 terrorist attacks on the United States, the international community became increasingly critical of violent separatist movements employing terrorist tactics.<sup>62</sup> The U.S. had previously designated the LTTE a Foreign Terrorist Organization in 1997, but other nations began to follow suit motivated by skillful diplomacy on the part of Sri Lankan Foreign Minister Lakshman Kadirgamar.<sup>63</sup> Britain banned the LTTE in 2001. The EU instituted a travel ban on LTTE representatives in 2005, followed by Canada outlawing LTTE funding networks later the same year.<sup>64</sup> After the LTTE assassinated Kadirgamar in 2005, the EU banned all remittances and funding networks of the organization within its 22 nation delegation.<sup>65</sup> The GoSL effectively capitalized on the rift between the Indian government and the LTTE securing political, economic, and intelligence support for operations against the Tigers.<sup>66</sup> The GoSL was able to work with the U.S. to secure military education, equipment, and intelligence sharing.<sup>67</sup> President Rajapaksa secured over 6 billion USD in military and financial aid from China in exchange for the rights to develop a deep sea port in Sri Lanka. With the Chinese agreement, Sri Lanka also found a strategic partner that could prevent the U.N. Security Council from interfering with the destruction of the LTTE. The Rajapaksa government proficiently used diplomacy to isolate the LTTE internationally and strengthen their own military capability.<sup>68</sup>

SLN maritime interdiction operations reduced external support to and the efficacy of the LTTE. Prabhakaran understood the importance of the maritime domain soon after founding the LTTE. He formally established the Sea Tigers, the naval wing of the LTTE, in 1984, enhancing the capability to smuggle men, arms, and equipment across the Palk Strait to and from Tamil Nadu. In response, the SLN attempted to halt the cross-channel traffic using Israeli-built Dvora Fast Attack Craft (FAC); then the Sea Tigers upgraded from small boats to high horsepower suicide boats and swarm tactics.<sup>69</sup> Building on the initial success of the Sea Tigers and needing new sources of revenue and supplies, the LTTE expanded their fleet to include over 20 trawlers, over 25 ocean going cargo ships, six submarines, and numerous other small craft.<sup>70</sup> Using their ocean-going capability, the Tigers were able to develop an extensive smuggling network transporting arms and drugs to fuel the conflict. Profits from smuggling, taxes, and fundraising activities from the Tamil

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<sup>62</sup> Sebastian Bae, "Unraveling the Organizational Collapse of the Tamil Tigers," *Georgetown Security Studies Review* 3, no. 2 (July 2015): 8, linked from the *Georgetown Security Studies Review Home Page*, <http://gssr.georgetown.edu>.

<sup>63</sup> Hashem, *When Counterinsurgency Wins*, 123; DeVotta, "The Liberation Tigers of Tamil Eelam," 1040; U.S. Department of State, "Foreign Terrorist Organizations," <http://www.state.gov/j/ct/rls/other/des/123085.htm>.

<sup>64</sup> Niel Smith, "Understanding Sri Lanka's Defeat of the Tamil Tigers," *Joint Force Quarterly*, no. 59 (October 2010): 43, <http://ndupress.ndu.edu/portals/68/Documents/jfq/jfq-59.pdf>.

<sup>65</sup> Alok Mukhopadhyay, "The EU Ban on the LTTE," [http://idsa.in/idsastrategiccomments/TheEUBanontheLTTE\\_ARMukhopadhyay\\_060606](http://idsa.in/idsastrategiccomments/TheEUBanontheLTTE_ARMukhopadhyay_060606).

<sup>66</sup> Bae, "Unraveling the Organizational Collapse of the Tamil Tigers," 9.

<sup>67</sup> Justin Smith, "Maritime Interdiction in Sri Lanka's Counter Insurgency," *Small Wars & Insurgencies* 22, no. 3 (July 2011): 454.

<sup>68</sup> Weiss, *The Cage*, 177-179.

<sup>69</sup> Tim Fish, "Sri Lanka Learns to Counter Sea Tigers' Swarm Tactics," *Janes Navy International*, March 2009, 20, linked from *Janes Navy International Home Page*, <http://search.janes.com>.

<sup>70</sup> Moorcraft, *Total Destruction of the Tamil Tigers*, 96.

diaspora, according to Sri Lankan intelligence estimates, reached \$50-75 million annually from 1993-2002, increasing to \$200-300 million per year until 2008.<sup>71</sup>

Vice Admiral Wasantha Karannagoda was appointed to command the SLN in 2005 and was determined to defeat the LTTE maritime capability.<sup>72</sup> The SLN took a two-pronged approach to defeat the Sea Tigers; first attacking the smuggling network and then defeating the LTTE small boats. The SLN experienced modest success initially in defeating the LTTE mid-range trawlers, but these efforts failed to stem the flow of arms and support in 2005. The SLN shifted tactics in 2006 to focus on the ocean-going cargo ships.<sup>73</sup> Using a fleet of Offshore Patrol Boats (OPBs) purchased from India, the U.S., and Israel along with intelligence support from the U.S. and India the SLN was able to destroy the Tigers ocean-going fleet, with the last demolished in 2008 1,890 nm off the coast of Sri Lanka.<sup>74</sup> To defeat the LTTE's suicide and swarm tactics Vice Admiral Karannagoda developed the Small Boat Concept, essentially taking the Sea Tigers tactics and turning them back on to themselves.<sup>75</sup> Rapid Action Boat Squadrons (RABS) were developed with 25 to 30 indigenously constructed 14- and 17-meter long, high-powered, and heavily armed inshore patrol craft. RABS were then stationed in high threat locations and equipped with improved maritime surveillance and communications systems provided by the U.S. These advances enabled the SLN to interdict and destroy the Sea Tigers swarms. Capabilities, incorporated with the OPBs and Dorva FACs, established a layered defense around Sri Lanka, eliminating the threat the Sea Tigers once posed and a significant source of the organization's funding.<sup>76</sup>

The GoSL capitalized on internal LTTE dissension and brokered a peace deal with COL Karuna in March of 2004, reducing the LTTE's grip in the east. COL Karuna had been an LTTE senior commander since 1984.<sup>77</sup> Though originating from the east, he had supported northern LTTE counter-offensive operations on numerous occasions.<sup>78</sup> High casualty rates incurred during these counter-offenses, high taxes on eastern Tamils, and perceived political favoritism for Northern LTTE commanders prompted Karuna to revolt along with forces loyal to him. Prabhakaran viewed the rebellion as de-legitimizing his role as the undisputed leader of the LTTE and diminishing the LTTE's bargaining power with the GoSL, so he launched an offense to crush Karuna and his supporters. With the support of the GoSL, Karuna, along with many of his troops began a low-level war against the LTTE.<sup>79</sup> Within months, LTTE personnel in the eastern province were being picked off through ambushes and assassinations. Later, Karuna would form the Tamil Makkal Viduthalai Pulikal (TVMP), reconciling with the GoSL and being placed in charge of the Eastern Province.<sup>80</sup> Karuna's partnership with the GoSL provided the government with a wealth of intelligence on the LTTE's formations, training, and fortifications as well as information on its internal and international operations. Lastly, the Tamil people were able to see in Karuna and his defection that there was a different way for Tamils to attain freedom that did not run through the LTTE and Prabhakaran.<sup>81</sup>

<sup>71</sup> Ibid., 105-106.

<sup>72</sup> Smith, "Maritime Interdiction in Sri Lanka's Counter Insurgency," 454.

<sup>73</sup> Hashem, *When Counterinsurgency Wins*, 174.

<sup>74</sup> Ibid., 175-176.

<sup>75</sup> Smith, "Maritime Interdiction in Sri Lanka's Counter Insurgency," 457-458.

<sup>76</sup> Ibid.

<sup>77</sup> Weiss, *The Cage*, 80.

<sup>78</sup> Hashem, *When Counterinsurgency Wins*, 119-120.

<sup>79</sup> Ibid.

<sup>80</sup> Hussein, "Liberation Tigers of Tamil Eelam."

<sup>81</sup> Weiss, *The Cage*, 80.

The SLAF went through a period of massive growth and training leading up to and throughout Eelam IV. Shortly after Rajapaksa assumed the presidency in 2005, he initiated a detailed review of past campaigns against the LTTE. Two significant shortfalls became readily apparent based on the analysis; one, the SLAF lacked the necessary force structure to hold terrain that they had fought so hard to gain; second, limited manpower restricted the SLAF from opening a multi-front campaign against the LTTE.<sup>82</sup> Based on the outcome of these studies Rajapaksa approved the rapid expansion of the armed forces and began growing the Army by 5,000 new recruits each month.<sup>83</sup> The appointment of General Fonseka by Rajapaksa to command the SLA brought with it a renewed focus on training. Expanding upon the Special Infantry Operations Team (SIOT) concept, which he had developed in 2002, Fonseka made it standard across the army. SIOTs consisted of eight-man elements that had completed a 22-week selection and training regimen that focused on jungle warfare, explosives, medical and communications training. SIOTs were then attached six to a rifle company where in addition to their other duties they served as instructors to raise the overall level of readiness and impart SIOT skills to the rest of the company.<sup>84</sup> This massive expansion and improved training and readiness enabled the SLAF to pursue the LTTE relentlessly on multiple fronts and were a significant factor in the SLAF success during Eelam War IV.<sup>85</sup>

Concurrently the SLAF expanded its capability to integrate fully maritime and air operations to create joint effects on the battlefield. While the services conducted separate operations during Eelam War IV, cooperation among the services and the police enabled success.<sup>86</sup> Sri Lankan Air Forces (SL-AF) extensively employed Close Air Support (CAS) to assist ground and maritime operations. The SL-AF employed Israeli-built Kfir ground attack fighters, MIG-29 fighters, and MI-24 "Hind" gunships to soften LTTE defenses and demoralize the enemy while supporting the SLA.<sup>87</sup> The Hinds assisted the SLN with the destruction of the Sea Tigers. SL-AF mobility platforms ferried troops and cargo throughout the area of operations as well as conducted medical evacuations of the wounded. The SLN's aforementioned layered defenses complimented SLA activities in the northern provinces and prevented LTTE forces from escaping by sea. The SLN acquired a converted cruise ship dubbed the "Jetliner" to conduct resupply missions to the SLA forces stationed in Jaffna and participated in ground operations to free up manpower.<sup>88</sup> The synergies achieved through cooperation amongst the SLA, SLN, and SL-AF served as a force multiplier and a critical component in the destruction of the LTTE.

### What Could the LTTE Have Done Differently

Given the state of affairs in Sri Lanka post 9/11, the LTTE could have chosen other strategies to prevent their defeat. First, the LTTE could have opted to abandon terrorist tactics and pursue primarily political actions to realize Tamil Eelam given the CFA and the new global environment post 9/11. Once enjoined in battle, the LTTE fought conventionally, instead the LTTE should have used guerrilla tactics. Ultimately, different strategy options proved too difficult for Prabhakaran to understand.

The LTTE could have renounced terrorism and consolidated their territorial gains to focus on a political means for the realization of Tamil Eelam. Following the CFA of 2002, Prabhakaran had

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<sup>82</sup> VK Shashikumar, "Winning Wars: Political Will is the Key," *Indian Defence Review* 25, no. 2 (April – June 2010): [http://www.defence.lk/new.asp?fname=20100429\\_05](http://www.defence.lk/new.asp?fname=20100429_05).

<sup>83</sup> Hashem, *When Counterinsurgency Wins*, 186-188.

<sup>84</sup> DeSilva-Ranasinghe, *Strategic Analysis of Sri Lankan Military's Counter-Insurgency Operations*, 1-2.

<sup>85</sup> Hashem, *When Counterinsurgency Wins*, 185-186.

<sup>86</sup> *Ibid.*, 164.

<sup>87</sup> *Ibid.*

<sup>88</sup> Weiss, *The Cage*, 60-61; Shashikumar, "Winning Wars."

the opportunity to establish Eelam politically. The LTTE could have settled for the territory it possessed and pursued political recognition through the CFA. The LTTE could have continued to expand its historical claims through democratic determination once it had been recognized domestically and internationally, as the CFA intended. To complete this undertaking, the LTTE would have had to be willing to give up much of their military capability as a bargaining instrument and to reject terror as a tool. By agreeing to wed their cause to the outcome of the CFA deliberations, Prabhakaran would have committed the Norwegians to the defense of the Tamil people and Tamil Eelam. In the end, Prabhakaran instead chose to pursue a purely military solution.

Once engaged in hostilities the LTTE could have decided to fight more asymmetrical vice playing to SLAF strengths. Given the increased manpower and training of the SLAF, the only alternative for the LTTE once engaged in combat was to abandon their fixed structures and large conventional weapons and fight guerilla-like. Choosing to fight on the SLAFs terms negated any strengths the LTTE possessed. Caching their arms and resorting to hit and run tactics would have allowed the LTTE to lengthen the conflict and to attack the will of the Rajapaksa government without giving the GoSL the satisfaction of triumphant victories for each town or village seized. In the end, the previously adaptable Prabhakaran proved unwilling to revert to guerrilla warfare. He was incapable of abandoning Eelam, even temporarily, and in doing so, he sealed his fate and the fate of the LTTE.

## Post War

The cessation of hostilities did not end the controversy surrounding the conduct of the war, nor did it end the call to recognize Tamil grievances. Rajapaksa maintained Sri Lanka on a war footing in the months following the conclusion of hostilities. Much of the north of the country remained under tight military control.<sup>89</sup> Many of the 300,000 people who came out of LTTE-controlled areas were held in detention camps for extended periods of time.<sup>90</sup> Rajapaksa chose to consolidate his power and control dissent inside the country instead of moving to address the grievances of the Tamil population. The U.N. began initial investigations into possible human rights violations during the final months of Eelam War IV amid increasing international criticism of the GoSL. The GoSL's ruthless control of the media, which helped ensure popular support for the war, continued alongside an edict to stomp out critics of the regime.<sup>91</sup> Rajapaksa held elections two years early to capitalize on his popular support following the war and won in January 2010. In the months following, the Rajapaksa coalition employed bribes and plush appointments to guarantee a majority of seats in parliamentary elections.<sup>92</sup> He dismissed judges that dared question the regime, packed loyalists into positions of power and eradicated term limits on the presidency, all but ensuring a dynastic rule for the him and his allies. For four years Sri Lanka continued to slide deeper and deeper into what most thought was an authoritarian state.<sup>93</sup> Then in elections in 2015, in what was thought to be an impossible outcome, Maithripala Sirisena, the former Minister of Health and a defector from the president's party, won. Sirisena narrowly defeated Rajapaksa using a broad-based coalition that spanned ethnic and ideological lines. The Sirisena government began

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<sup>89</sup> International Crisis Group, *Sri Lanka's Potemkin Peace: Democracy under Fire*, Asia Report No. 253 (Brussels, Belgium: International Crisis Group, November 13, 2013), 1, <https://www.crisisgroup.org/asia/south-asia/sri-lanka/sri-lanka-s-potemkin-peace-democracy-under-fire>.

<sup>90</sup> Neil DeVotta, "Sri Lanka: From Turmoil to Dynasty," *Journal of Democracy* 22, no. 2 (April 2011): 134-139.

<sup>91</sup> Ibid; Jason Stone, "Sri Lanka's Postwar Descent," *Journal of Democracy* 25, no. 2 (April 2014): 154.

<sup>92</sup> DeVotta, "Sri Lanka: From Turmoil to Dynasty," 136; Stone, "Sri Lanka's Postwar Descent," 146-148.

<sup>93</sup> Ibid.



rolling back many of the presidential powers and nepotism that was central to the past regime.<sup>94</sup> Coinciding with this, the UNHCR released its long-awaited report on Human Rights violation allegations against the LTTE and the GoSL in September of 2015.<sup>95</sup> The report stated that there are reasonable grounds to conclude that each side committed human rights abuses to include the LTTE using civilians as human shields and conducting assassinations of both Tamil and Sinhalese civilians whom opposed Prabhakaran.<sup>96</sup> Further, it found that the SLAF illegally detained almost 300,000 Tamils and illegally targeted NFZs and hospitals among a host of other egregious acts.<sup>97</sup> President Sirisena's legitimacy was further strengthened after his United National Front for Good Governance party won the largest number of seats in parliamentary elections in August of 2015.<sup>98</sup> Sirisena addressed the Sri Lankan Parliament in January 2016 stating that he was beginning the process of rewriting the Sri Lankan constitution. His intent is to distribute more political power to the local level. While still facing opposition this devolution from Sinhalese Nationalists, these actions, if enacted, could adequately address many of the grievances of the Tamils and could avoid another conflict.<sup>99</sup>

## Insights

Examining the Sri Lankan counterinsurgency fight provides many insights for counterinsurgency theorists. The structures of terrorist organizations and the manner in which they make decisions are important to understand in counterinsurgency operations. Isolating guerillas from support and safe havens limits their ability to sustain the conflict. Overwhelming force ratios on the part of the SLAF enabled the military defeat of the LTTE. Yet the excessive force employed by the SLAF was unneeded and counterproductive to GoSL goals. Finally, the population's will and support matters when waging a counterinsurgency war—for both sides.

Organizational structures and the personalities of leaders should be analyzed when undertaking counterinsurgency operations. In the case of the LTTE, the organization was a creation of Prabhakaran's. All organizational decision-making was centralized around him. Once known for being a dynamic trend-setting terrorist leader, Prabhakaran's successive strategic errors doomed the LTTE.<sup>100</sup> Political maneuvers by the GoSL were able to exploit rifts in the LTTE, turning COL Karuna against the Tigers, and in doing so substantially reduce the LTTE's hold on the Eastern Province.<sup>101</sup>

Isolating insurgencies from safe havens and support zones constricts their ability to sustain conflict. Maritime interdiction operations isolated the Tigers geographically, eliminating their smuggling operations and significantly impacting their fundraising activities.<sup>102</sup> The GoSL was able

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<sup>94</sup> International Crisis Group, *Sri Lanka between Elections*, Asia Report No. 272 (Brussels, Belgium: International Crisis Group, August 12, 2015), i, <https://www.crisisgroup.org/asia/south-asia/sri-lanka/sri-lanka-between-elections>.

<sup>95</sup> United Nations Human Rights Council, *Report of the OHCHR Investigation on Sri Lanka (OISL)* (New York: United Nations, September 16, 2015), 5, [http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session30/Documents/A.HRC.30.CRP.2\\_E.docx](http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session30/Documents/A.HRC.30.CRP.2_E.docx).

<sup>96</sup> United Nations Human Rights Council, *Report of the OHCHR Investigation on Sri Lanka (OISL)*, *Info Note 6: Control of Movement by the LTTE* (New York: United Nations, September 16, 2015), <http://www.ohchr.org/Documents/HRBodies/HRCouncil/OISL/ControlOfMovement.doc>.

<sup>97</sup> United Nations Human Rights Council, *Report of the OHCHR Investigation on Sri Lanka (OISL)*, *Info Note 7: Last Phase and Aftermath of the Armed Conflict* (New York: United Nations, September 16, 2015), <http://www.ohchr.org/Documents/HRBodies/HRCouncil/OISL/LastPhase.doc>.

<sup>98</sup> "Mahinda Misfires; Sri Lanka's Parliamentary Election," *The Economist* 416, no. 8952 (August 22, 2015): 34-35.

<sup>99</sup> Shihar Aneez and Ranga Sirlal, "Sri Lanka Government Proposes New Constitution to Devolve Power," *Reuters*, January 9, 2016, <http://www.reuters.com/article/sri-lanka-politics-idUSKCN0U001Y20160110>.

<sup>100</sup> Hoffman, "The First Non-State Use of a Chemical Weapon in Warfare," 464-465.

<sup>101</sup> Weiss, *The Cage*, 80.

<sup>102</sup> Smith, "Maritime interdiction in Sri Lanka's Counter Insurgency," 457-458.



to isolate the LTTE successfully from international support with adept diplomacy. Indeed, the LTTE's actions even distanced the movement from the Tamil population reducing a critical support base for the insurgency.<sup>103</sup> Commenting on the defeat of the LTTE, Niel Smith noted that by 2009, the LTTE was "a shadow of its former self, bankrupt, isolated, illegitimate, and divided . . ." <sup>104</sup>

Overwhelming force ratios enabled the SLAF to pursue a military defeat of the LTTE. Exact force numbers for this case study have proved elusive for both the SLAF and the LTTE. Manpower approximations for the Sri Lankan defense organizations to include police forces and civil defense forces range from approximately 433,500 to 450,000 personnel depending on the sources.<sup>105</sup> Ascertaining the size of the LTTE is even harder with numbers ranging from 10,000 – 30,000 cadres.<sup>106</sup> Using these estimates the number of GoSL forces to LTTE is a range from 14:1 – 45:1. By comparison, the total security troops in Iraq in March of 2007, according to the Brookings Institute, was 155,205 coalition troops plus 439,678 Iraq security forces, against an estimated 70,000 insurgents.<sup>107</sup> Force ratios in comparison would be 8:1. Using the Sri Lankan ratios, the coalition would have needed security forces numbering between 1,000,000 to 3,150,000 troops.

The excessive use of force in the waning days of the war was unneeded and counterproductive to the GoSL cause. The LTTE was isolated internationally and geographically, divided, and separated from its population base. Prabhakaran's desire to hold territory at all cost doomed the LTTE. On top of it all, they were significantly outnumbered by the GoSL security forces. In a conventional fight, the LTTE had little chance of escaping a military defeat.

The Rajapaksa government held over 300,000 Tamils in internment camps. The U.N. estimates 40,000-70,000 civilians were killed in the crossfire from January to May of 2009. Those deaths could have been prevented; instead of shelling the NFZs, the SLAF could have chosen to rescue LTTE-held civilian captives. The captives could have been detained in the detention camps. The detainment of the individuals would have come at the cost of increased casualties or a lengthened siege, but would have preserved the professional reputation of the GoSL and possibly helped avoid international condemnation. Allegations of rape, abductions, intentional shelling of NFZs and war crimes only served to solidify UNHCR, U.S., British, and international calls for investigation, reconciliation, and accountability. The fervor created by these actions only served to highlight the plight of the Tamil people and feed the eventual downfall of the Rajapaksa regime, and in the end might give the Tamils some concessions.

Populations' hearts and minds still matter in counterinsurgency operations. In a conflict where both sides ignored the population, their importance may seem counterintuitive. In ignoring them, however, each side doomed their cause. If Prabhakaran had adhered to Mao's three dictums of the unity within the insurgency, unity amongst the people and the insurgency, and the destructions of the unity of the enemy, he could have grown the LTTE numbers to incorporate a larger portion of the 2 million ethnic Tamils in Sri Lanka.<sup>108</sup> Adhering to Mao may not have saved Prabhakaran, but it would have presented a more formidable challenge to the SLAF and also strengthened the LTTE cause. For the Rajapaksa Government, employing excessive force and ignoring the plight of the Tamil people opened his government to international scrutiny. Following

<sup>103</sup> DeVotta, "The Liberation Tigers of Tamil Eelam," 1032.

<sup>104</sup> Smith, "Understanding Sri Lanka's Defeat of the Tamil Tigers," 44.

<sup>105</sup> Moorcraft, *Total Destruction of the Tamil Tigers*, 77; Shashikumar, "Winning Wars."

<sup>106</sup> Moorcraft, *Total Destruction of the Tamil Tigers*, 91; Hoffman, "The First Non-State Use of a Chemical Weapon in Warfare," 468.

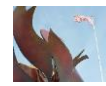
<sup>107</sup> Michael O'Hanlon and Jason Campbell, *Iraq Index: Tracking Variables of Reconstruction & Security in Post-Saddam Iraq* (Washington, DC: Brookings, October 1, 2007), <https://www.brookings.edu/iraq-index/>; Michael O'Hanlon and Ian Livingston, *Iraq Index: Tracking Variables of Reconstruction & Security* (Washington, DC: Brookings, July 2013), <http://www.brookings.edu/~media/Centers/saban/iraq-index/index20130726.pdf?la=en>.

<sup>108</sup> Azeem Ibrahim, "Conceptualization of Guerrilla Warfare," *Small Wars & Insurgencies* 15, no. 3 (Winter 2004): 118.

a period of elation, the regime was ousted and replaced by a government that appears to be moving towards addressing the grievances of the Tamil populace and pursuing devolution.

### **Conclusion**

The 26-year conflict between the Government of Sri Lanka (GoSL) and the LTTE provides an excellent case study for counterinsurgency theorists. Ethnocentric tensions born out of British rule fueled the insurgency from its nascent stages until the LTTE's defeat in May of 2009. Prabhakaran made successive strategic errors in isolating the LTTE from the people and from India, allowing Rajapaksa to come to power, and being inflexible in his military operations. The Government of Sri Lanka learned and adapted to enable success on the battlefield. Following the CFA of 2002 the LTTE had options, which if taken may have prevented its defeat. Following the war, the international community continued to demand reconciliation and accountability for the brutality of the conflict. Insights about the organizational structures of insurgencies, the effectiveness of isolation, overwhelming force ratios, the excessive use of force, and the population-centric nature of counterinsurgency are worth pondering for those who would undertake such operations in the future.



# Russian “Lawfare” in Ukraine

Stephen E. Schemenauer

Although a hot and recurrent topic internationally, Russian “hybrid warfare” is not a new concept. Russia’s invasion of Ukraine and subsequent annexation of Crimea appears to be nothing more than a page taken from Russia’s 1920s playbook with enhanced capability.<sup>1</sup> Over time, Russia has become increasingly adept at employing “lawfare”<sup>2</sup> as a prime component of its hybrid warfare strategy.<sup>3</sup> As evidenced in Afghanistan, Georgia, and now Ukraine, Russia’s use of lawfare is becoming a major problem for the international community, NATO, and the West.<sup>4</sup> Left unchecked, Russia will be emboldened to act even more aggressively throughout the region. The time to act is now. A place to start is Ukraine.

In the midst of the 2014 Ukrainian Revolution, Moscow began its hybrid warfare campaign of “returning Crimea to Russia.”<sup>5</sup> General Valeriy Gerasimov, Russian Chief of the Army General Staff, described hybrid warfare as a military action “started by groups of troops during peacetime without war being officially declared and where non-contact clashes occur between highly maneuverable interspecific fighting groups with the overall goal of defeating the enemy’s military and economic power by short-term precise strikes aimed at strategic military and civilian infrastructure.”<sup>6</sup>

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*Stephen E. Schemenauer (J.D. Hamline University School of Law) is a Colonel in the United States Army. An earlier version of this article was written while the author was an Army War College Fellow at Tufts University.*

<sup>1</sup> Merle Maigre, *Nothing New in Hybrid Warfare: The Estonian Experience and Recommendations for NATO* (Washington, DC: The German Marshall Fund of the United States, February 12, 2015), 2. <http://www.gmfus.org/publications/nothing-new-hybrid-warfare-estonian-experience-and-recommendations-nato>.

Arguing that Russian hybrid warfare tactics are not new and providing multiple examples from the 1920s, including failed attempts to overthrow the governments of Germany, Estonia, and Bulgaria.

<sup>2</sup> “Lawfare” is the the use, or misuse, of laws and/or treaties to gain an advantage over an enemy and justify the aggressor-state’s actions in a target country. See Christi Scott Bartman, “Lawfare and the Definition of Aggression: What the Soviet Union and Russian Federation Can Teach Us,” *Case Western Reserve Journal of International Law*, 2010, 423, 427-28. Explaining that “lawfare” is the “manipulation or exploitation of the international legal system to supplement military and political objectives legally, politically, and through the use of propaganda”; see also Council on Foreign Relations, *Lawfare, the Latest in Asymmetries*, (Washington, DC: Council on Foreign Relations, March 18, 2003), [http://www.cfr.org/publications/5772/lawfare\\_the\\_latest\\_in\\_asymmetries.html](http://www.cfr.org/publications/5772/lawfare_the_latest_in_asymmetries.html). Calling “lawfare” an “asymmetrical weapon” and defining it as “a strategy of using or misusing the law as a substitute for traditional military means to achieve military objectives.”

<sup>3</sup> Aapo Cederberg and Pasi Eronen, “Wake Up, West! The Era of Hybrid Warfare is Upon Us,” August 31, 2015, <http://www.gcsp.ch/News-Knowledge/Global-insight/Wake-up-West!-The-Era-of-Hybrid-Warfare-Is-Upon-Us>.

<sup>4</sup> See Maegre, *Nothing New in Hybrid Warfare*, 2. Discussing Russia’s use of hybrid warfare in Afghanistan and Ukraine.

<sup>5</sup> See “Putin Describes Secret Operation to Seize Crimea,” *Yahoo News*, March 8, 2015, <http://news.yahoo.com/putin-describes-secret-operation-seize-crimea-212858356.html>. Quoting Putin’s comments to his security chiefs following an all-night meeting to discuss Yanukovich’s extrication from Ukraine.

<sup>6</sup> *Ibid.*, 3; See also U.S. Department of the Army, *Hybrid Threat*, Training Circular No. 7-100 (Washington, DC: U.S. Department of the Army, November 26, 2010), v. Defining a “hybrid threat” as “the diverse and dynamic combination of regular forces, irregular forces, and/or criminal elements all unified to achieve mutually benefitting effects.”

Ultimately, Russia's intervention led to a disputed referendum and the subsequent declaration of Crimean independence, the installation of a pro-Russian government in Crimea, and on March 18, 2014, Russian annexation of Crimea.<sup>7</sup> Condemned as illegal by many in the international community, including NATO and the United Nations,<sup>8</sup> these actions clearly violated numerous agreements between the two countries and distorted and manipulated both domestic and international law. Russia, however, disputes that interpretation, using lawfare to justify the invasion and annexation.<sup>9</sup>

U.N. Charter Article 2(4) prohibits states from engaging in any *threats or use of force* against the territorial integrity or political independence of other states.<sup>10</sup> Acts constituting "threats" of force include military maneuvers or troop concentrations on the border and declarations of hostile intent.<sup>11</sup> Examples of the "use of force" include direct actions, like military incursions or occupations, and indirect actions, like "organizing, instigating, assisting or participating in acts of civil strife or terrorist acts in another State."<sup>12</sup>

Russia violated both tenets of Article 2(4), threatening to use force *and* actually using force in Crimea. For example, on March 1, 2014, the Russian Federation Council granted President Putin the right to use military force in Ukraine, and Russia conducted military exercises along the Ukrainian border in the months leading up to annexation;<sup>13</sup> both acts were clear signals, if not threats, to the Ukrainian government to not interfere with Russia's actions in Crimea. Meanwhile, unmarked Russian troops assisted pro-Russian forces in seizing key Crimean facilities and infrastructure, the Russian navy blockaded the Port of Sevastopol, and Russian troops established military checkpoints throughout Crimea.<sup>14</sup> In fact, by March 1, 2014, nearly three weeks before annexation, 16,000

<sup>7</sup> Pryanika Das, "The Crimea-Ukraine-Russia Crisis Explained in a Nutshell: All You Need to Know," *Youth Ki Awaaz*, March 24, 2014, <http://www.youthkiawaaz.com/2014/03/crimea-ukraine-russia-crisis-explained-nutshell-need-know/>.

<sup>8</sup> Borys Vasylyshyn and Lesia Stangret, "Seven Reasons the Conflict in Ukraine is Actually a Russian Invasion," *Euromaidan Press*, March 24, 2014, <http://euromaidanpress.com/2014/03/24/international-response-to-annexation-of-crimea/>. Compiling various reactions by world leaders in the days following Russian annexation.

<sup>9</sup> Vladimir Putin, "Address by President of the Russian Federation," March 18, 2014, <http://en.kremlin.ru/events/president/news/20603>.

<sup>10</sup> "Chapter I: Purposes and Principles," *United Nations*, <http://www.un.org/en/documents/charter/chapter1.shtml> (emphasis added)

<sup>11</sup> Marc Weiler, ed., *The Oxford Handbook on the Use of Force and International Law* (Oxford: Oxford University Press, 2015), 913.

<sup>12</sup> U.N. General Assembly, *Resolution 2625 (XXV). Declaration on Principles of International Law Concerning Friendly Relations and Co-operation among States in Accordance with the Charter of the United Nations* (New York: United Nations, October 24, 1970), <http://www.un-documents.net/a25r2625.htm>; See, e.g., *Nicaragua v. United States of America*, Merits Judgment, I.C.J. Reports 14 (June 27, 1986). Finding that attacks on Nicaraguan forces constitute a direct use of force; training, arming, equipping and financing *Contra* forces is an indirect use of force; *Democratic Republic of the Congo v. Uganda*, Judgment, I.C.J. Reports 168 (Dec. 19, 2005). Finding that direct military intervention by Uganda in the DRC violated Article 2(4).

<sup>13</sup> See Roland Oliphant, "Vladimir Putin Revokes Russia's Mandate for Use of Military Force in Ukraine," *Telegraph*, June 24, 2014, <http://www.telegraph.co.uk/news/worldnews/europe/ukraine/10922531/Vladimir-Putin-revokes-Russias-mandate-for-use-of-military-force-in-Ukraine.html>. Noting that Putin "acknowledged that the 'little green men' involved in the takeover were Russian forces"; Katie Stallard, "Russia Stands with Putin Over the Ukraine Gamble," *Sky News*, March 2, 2014, <http://news.sky.com/story/1219532/russia-stands-with-putin-over-ukraine-gamble>. Noting that the Russian Senate "voted unanimously in favour [of the use of force] with almost palpable glee, applauding themselves as they did"; Maigre, *Nothing New in Hybrid Warfare*, 3. (noting that Russia conducted snap exercises in the western and southern military districts in March and April 2014, mobilizing over 150,000 forces); Mark MacKinnon, "Globe in Ukraine: Russian-backed Fighters Restrict Access to Crimean City," *Globe and Mail*, February 26, 2014, <http://www.theglobeandmail.com/news/world/tension-in-crimea-as-pro-russia-and-pro-ukraine-groups-stage-competing-rallies/article17110382/#dashboard/follows/?cmpid=tgc>. Reporting that more than 150,000 troops and hundreds of tanks and helicopter gunships conducted war games along the Ukrainian border.

<sup>14</sup> See e.g., Alison Smale and Steven Erlanger, "Ukraine Mobilizes Reserve Troops, Threatening War," *New York Times Online*, March 1, 2014, [http://www.nytimes.com/2014/03/02/world/europe/ukraine.html?\\_r=0](http://www.nytimes.com/2014/03/02/world/europe/ukraine.html?_r=0). Reporting that "Russian troops stripped of identifying insignia but using military vehicles bearing the license plates of Russia's Black Sea force swarmed the major thoroughfares of Crimea . . . , encircled government buildings, closed the main airport and seized communication hubs, . . ."; Daniel Sanford, "Ukraine Crisis: Navy Vessels Blockaded in Sevastopol," *BBC News*, March 5, 2014, <http://www.bbc.com/news/world-europe-26459027>. Reporting that the Russian Navy blockaded the port of

Russian military personnel reportedly had complete control over Crimea.<sup>15</sup> Russia also conducted a massive information operations campaign, characterizing pro-Ukrainian protesters as extremists and terrorists while decrying western provocation in the region.<sup>16</sup> The overwhelming evidence of Russia’s overt threats and actual use of force in Crimea makes clear that Russia violated both tenets of Article 2.

In addition to violating Article 2, Russia also failed to recognize Ukraine’s sovereignty, political independence, and territorial integrity, an obligation outlined in the 1994 Budapest Memorandums on Security Assurances (“Budapest Memorandums”), the 1997 Treaty on Friendship, Cooperation, and Partnership between Ukraine and the Russian Federation (“Friendship Treaty”), and the 1997 Partition Treaty on the Status and Conditions of the Black Sea Fleet (“Black Sea Fleet Treaty”), referred to collectively as the “Agreements.”<sup>17</sup> Taken as a whole, Article 2 and the Agreements imposed a litany of obligations that Russia conveniently ignored, or unilaterally terminated post-annexation, without legal justification.

In an effort to counteract international condemnation, Russia maintains that its intervention in Crimea was legal and necessary: (1) to correct a violation of Soviet law that occurred when control of Crimea was transferred to Ukraine in 1954 (“Transfer”); and (2) to defend ethnic-Russians in Crimea who were threatened by the lack of a “legitimate authority” in Ukraine.<sup>18</sup> Neither claim withstands legal scrutiny.

Russia’s first claim is that the Transfer is illegal because the United Soviet Socialist Republic’s (“USSR”) Supreme Soviet Presidium (“Presidium”) failed to hold a referendum, procure the republic’s agreement, and submit the issue to an open discussion before approving the transfer in 1954.<sup>19</sup> Review of the Transfer makes clear, however, that it was procedurally correct and performed in accordance with the 1936 Soviet Constitution.<sup>20</sup> Moreover, regardless of the alleged procedural

Sevastopol.

<sup>15</sup> “Timeline: Key Events in Ukraine’s Ongoing Crisis,” *Washington Times Online*, May 12, 2014,

[https://www.washingtonpost.com/world/europe/timeline-key-events-in-ukraines-ongoingcrisis/2014/05/07/a15b84e6-d604-11e3-8a78-8fe50322a72c\\_story.html](https://www.washingtonpost.com/world/europe/timeline-key-events-in-ukraines-ongoingcrisis/2014/05/07/a15b84e6-d604-11e3-8a78-8fe50322a72c_story.html).

<sup>16</sup> See Noah Rothman, “The Most Hilarious Russian Propaganda Justifying the Invasion of Crimea,” *Mediaite*, March 4, 2014, <http://www.mediaite.com/online/the-most-hilarious-russian-propaganda-justifying-invasion-of-crimea/>.

<sup>17</sup> See e.g., “Budapest Memorandums on Security Assurances, 1994,” *Council on Foreign Relations*, December 5, 1994. Requiring Russia to: (1) respect Ukrainian independence and sovereignty and the existing borders (which necessarily, and indisputably, included Crimea); (2) “refrain from the threat or use of force against the territorial integrity or political independence of Ukraine;” and (3) refrain from using Russian weapons against Ukraine except in self-defense; “The Treaty of Friendship, Cooperation, and Partnership between Ukraine and the Russian Federation,” March 23, 2015, <http://cis-legislation.com/document.fwx?rgn=4181>. Requiring Russia to, *inter alia*: adhere to the “principles of mutual respect of sovereign equality, territorial integrity, inviolability of borders, peaceful settlement of disputes, non-use of force or threat of force, including economic and other forms of pressure, and non-interference into internal affairs . . . ;” and “abstain from participation in or the support of any actions whatsoever which are directed against [Ukraine], and obligate[] itself not to conclude with third countries any treaties whatsoever that are directed against [Ukraine].”; J.L. Black, ed., *Russia & Eurasia Documents Annual 1997: The Russian Federation* (Gulf Breeze, FL: Academic International Press, 1998), 129. Requiring Russia to limit its military operations and exercises to specific areas, respect Ukraine’s sovereignty, obey its legislation, and refrain from interfering with Ukraine’s domestic affairs. The Black Sea Treaty was extended for 25-years by the 2010 Agreement between Ukraine and Russia on the Black Sea Fleet in Ukraine (“Kharkiv Accords”). Simon Pirani, Jonathan Stern and Katja Yafimava, “The April 2010 Russo-Ukrainian Gas Agreement and its Implications for Europe,” *The Oxford Institute for Energy Studies*, June 2010, 2. The Black Sea Treaty and the Kharkiv Accords are collectively referred to herein as the “Black Sea Treaties.”

<sup>18</sup> See Lukas I. Alpert, “5 Reasons Putin Gave for Annexing Crimea,” *Wall Street Journal Online*, March 18, 2014, <http://blogs.wsj.com/briefly/2014/03/18/5-reasons-vladimir-putin-gave-for-annexing-crimea/>.

<sup>19</sup> See “1954 Transfer of Crimea to Ukraine Illegal – Russian Prosecutor General,” *Sputnik International*, June 27, 2015, <http://sputniknews.com/russia/20150627/1023916532.html>.

<sup>20</sup> Mark Kramer, “Why Did the Soviet Union Give Away Crimea Sixty Years Ago?” March 19, 2014, <https://www.wilsoncenter.org/publication/why-did-russia-give-away-crimea-sixty-years-ago>. Noting that one of the Soviet officials boasted that “only in our country is it possible that issues of the utmost importance such as the territorial transfer of individual oblasts to a particular republic can be decided without any difficulties.”

deficiencies, the Soviet Union and Russia expressly ratified the Transfer and acknowledged Ukraine's control over Crimea in the 60 years that followed, as evidenced by Russia's entry into, ratification of, and subsequent course of conduct consistent with the Agreements. Thus, Russia's nullification of the Transfer is little more than a contrived, *ex post facto* justification for Russian intervention.<sup>21</sup>

Unable to unwind the Transfer, Russia's only other potentially viable legal justification is a defense of nationals claim as acknowledged under Article 51 of the U.N. Charter, which also fails.<sup>22</sup> Although this defense has been used by other countries, including Israel in Uganda and the United States in Panama, Grenada, and Iran, the instant case is clearly distinguishable.<sup>23</sup> To begin with, the foregoing operations were limited to defending foreign-nationals who had already been attacked or were facing imminent harm. In contrast, Russia failed to provide any evidence that ethnic Russians, or even pro-Russian Ukrainians, were in danger; and certainly nothing rising to the level of an "imminent threat" required to justify a defense of nationals claim under Article 51.<sup>24</sup> Furthermore, unlike Russia's intervention in Crimea, American and Israeli intervention did not result in the installation of a pro-intervenor government in the host country, creation of a new and independent nation, or annexation of the target country by the intervenor.

Finally, even assuming, *arguendo*, that Russia properly acted in defense of its nationals in Crimea, that right is not unfettered; rather, Article 51 limits the use of force in self-defense until such time as the Security Council takes measures to maintain and restore peace and security.<sup>25</sup> In this case, Russia's actions went far beyond defending its nationals, garnering condemnation from the U.N. and foregoing any legitimate resort to Article 51's protections.

In sum, neither Russia's attempt to manipulate international laws and treaties *ex post facto*, nor its proffered defense-of-nationals claim, legitimately validates its actions in Ukraine and Crimea. Both the invasion and the annexation were illegal and unjustified. The international community should take appropriate steps to return the territory, restore Ukraine's sovereignty, and defend the rule of law. Anything less is an invitation for something more: more Russian hybrid warfare, more lawfare, more threats, more use of force . . . with Crimea as a solemn harbinger of things to come.

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<sup>21</sup> Russia also unilaterally terminated the Black Sea Treaties 13 days after Crimea's annexation. See "State Duma Approves Denunciation of Russian-Ukrainian Agreements on Black Sea Fleet," *Tass Russian News Agency*, March 31, 2014, <http://tass.ru/en/russia/725964>. Reporting that the Russian Duma unanimously approved the unilateral termination of the Black Sea Fleet Treaties three days after President Putin submitted the proposal. The timing of these acts was not coincidental and belies President Putin's intent. Despite wielding power for over 16-years, he did nothing to nullify the Transfer or terminate the Black Sea Treaties until after Crimea's annexation, when he needed to legally justify Russia's intervention.

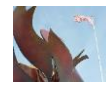
<sup>22</sup> The U.N. Charter provides two exceptions to the general prohibition against the use of force in or against another state: (1) where the Security Council directs it in accordance with Article 42; and when it is required for self-defense under Article 51. See United Nations, "Chapter VII: Action with Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression," <http://www.un.org/en/sections/un-charter/chapter-vii/index.html>. Since the U.N. condemned Russia's actions in Crimea (see *supra* note 8), Russia's only option was a defense of nationals claim under Article 51. See Nicholas Tsagourias, "Necessity and the Use of Force: A Special Regime," in *Netherlands Yearbook of International Law*, eds. E. Hey and I.F. Dekker (New York: Springer, 2010), 22. Interpreting self-defense under Article 51 to include protection of nationals abroad.

<sup>23</sup> See Tsagourias, "Necessity and the Use of Force: A Special Regime," 22.

<sup>24</sup> See Michael Bjohrn, "Top 5 Myths About Russia's Invasion of Crimea," *The Moscow Times*, March 11, 2014, <http://www.themoscowtimes.com/opinion/article/top-5-myths-about-russias-invasion-of-crimea/495918.html>.

<sup>25</sup> See Charter of the United Nations, "Chapter VII: Action with Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression."





# The Funnel of Darkness

James McNeill Efaw

“I think we are in a crisis mode.” Senator Robert Portman sounded the alarm to the Senate Homeland Security and Governmental Affairs’ Permanent Subcommittee during a July 2016 hearing.<sup>1</sup> All experts appearing before the committee confirmed that the United States continues to face an uphill battle in combatting terrorists’ online radicalization and recruitment efforts. That same day, the Center on National Security at Fordham Law School released a study of all criminal cases in the U.S. involving ISIS from March 1, 2014 to June 30, 2016. Of the 101 cases, 89 percent involved social media and nearly 70 percent included direct ISIS messaging via the Internet.<sup>2</sup>

While U.S. prevention efforts remain largely focused on lone-wolf attacks,<sup>3</sup> terrorists have crowdsourced radicalization and recruiting so that true lone wolves no longer exist.<sup>4</sup> Through the Internet and social media, a potential bad actor can always be part of a “virtual pack.”<sup>5</sup> Despite our best efforts, the virtual pack continues to find success in recruiting, radicalizing, and inspiring individuals via online modalities to carry out ISIS-inspired or ISIS-enabled attacks. Terrorist recruitment is no longer dependent upon individuals who diligently seek out and doggedly pursue information or images that contribute to radicalization. Today, the radicalization and recruitment of susceptible individuals can begin with nothing more than an Internet connection. The Internet, as Senator Portman so aptly noted, now contains a disturbingly effective “Funnel of Darkness.”<sup>6</sup>

Above the broad portion of the Funnel exists the entire online population, most of whom have little interest in developing a deep understanding of, let alone affinity for, terrorist recruitment strategies. As the figure below illustrates, however, once a susceptible or curious individual seeks or is otherwise exposed to extremist propaganda, these at-risk or on-the-fence individuals enter the Funnel where recruiting and radicalization take place. Within this portion of the Funnel an individual

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*James McNeill Efaw (M.A. University of North Carolina) is a Colonel in the United States Army. An earlier version of this paper, written while a Fellow at the University of Denver, won Second Place in the 2017 Chairman of the Joint Chiefs of Staff Strategy Article Competition.*

<sup>1</sup> Robert Portman, U.S. Congress, Senate, Homeland Security and Governmental Affairs, Permanent Subcommittee on Investigations, *ISIS Online: Countering Terrorist Radicalization & Recruitment on the Internet & Social Media*, 114<sup>th</sup> Cong., 2<sup>nd</sup> sess., July 6, 2016, video file, <http://www.hsgac.senate.gov/subcommittees/investigations/hearings/isis-online-countering-terrorist-radicalization-and-recruitment-on-the-internet-social-media>.

<sup>2</sup> Center on National Security at Fordham Law, “Case by Case: ISIS Prosecutions in the United States,” July 6, 2016, <https://static1.squarespace.com/static/55dc76f7e4b013c872183fea/t/577c5b43197aea832bd486co/1467767622315/ISIS+Report+-+Case+by+Case+-+July2016.pdf>.

<sup>3</sup> James B. Comey, *FBI Budget Request for Fiscal Year 2017*, Statement presented to House Appropriations Committee, Subcommittee on Commerce, Justice, Science and Related Agencies, 114<sup>th</sup> Cong., 2<sup>nd</sup> sess., February 25, 2016, <https://www.fbi.gov/news/testimony/fbi-budget-request-for-fiscal-year-2017>.

<sup>4</sup> Gabriel Weimann, “Virtual Packs of Lone Wolves: How the internet made ‘lone wolf’ terrorism a misnomer,” *Small Worlds, Big Ideas Online*, February 25, 2015, <https://medium.com/its-a-medium-world/virtual-packs-of-lone-wolves-17b12f8c455a>.

<sup>5</sup> Weimann, “Virtual Packs,” *Small Worlds, Big Ideas Online*.

<sup>6</sup> Portman, *ISIS Online*.



could be: a) exposed but not radicalized, b) radicalized but not act, c) radicalized and inspired to act by either joining and fighting with an organization or supporting the organization in other ways (to include “lone-wolf” attacks) which can lead to moving deeper into the Funnel of Darkness.

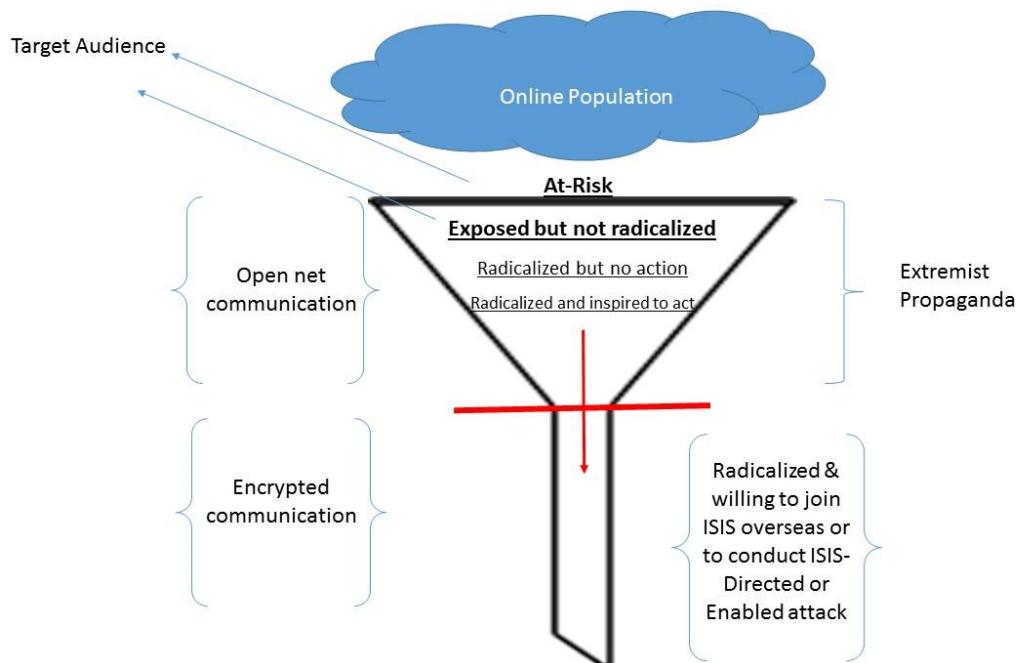


Figure: Funnel of Darkness<sup>7</sup>

All communication above the red line represents open net communication. Below the red line, in the narrow portion of the Funnel, communication is more restricted. Terrorist organizations encrypt communication within the Funnel’s depths, limiting access to specialized audiences. This conceptualization illustrates the potential for using online resources to divert at risk individuals away from the downward spiral of terrorist radicalization. While everyone inside the Funnel should be addressed, those at the top will be the most susceptible to counter recruitment and anti-radicalization efforts.

Thus far, U.S. attempts to re-structure to meet the ever-growing terrorist challenge include several promising initiatives: In late 2015, the Department of Homeland Security launched the Office of Community Partnerships (OCP) with the goal of building domestic community partnerships and “to find innovative ways to support communities that seek to discourage violent extremism and undercut terrorist narratives.”<sup>8</sup> In January 2016, the Department of Justice and the Department of Homeland Security jointly announced the beginning of the Counter Violent Extremism (CVE) Task

<sup>7</sup> The author created this figure after learning of Senator Portman’s use of the term “Funnel of Darkness” to illustrate the recruitment and radicalization process and identify the target audience that is most susceptible to influence by terrorists’ propaganda and those attempting to counter the propaganda.

<sup>8</sup> Jeh C. Johnson, Statement by Secretary Jeh C. Johnson on DHS’s New Office for Community Partnerships, September 28, 2015, <https://www.dhs.gov/news/2015/09/28/statement-secretary-jeh-c-johnson-dhs%E2%80%99s-new-office-community-partnerships>.

Force with the goal of organizing all CVE efforts across the federal government.<sup>9</sup> In March 2016, an executive order established the Global Engagement Center (GEC) “which shall lead the coordination, integration, and synchronization of Government-wide communications activities directed at foreign audiences abroad in order to counter the messaging and diminish the influence of international terrorist organizations.”<sup>10</sup> While the OCP focuses domestically, down to the city and town level, to build and support partnerships that have potential to counter recruiting and radicalization efforts locally, the GEC focuses globally and externally—primarily through the use of proxies such as supportive governments, non-governmental organizations, and other private organizations. Each organization has an overarching concern to counter online terrorist propaganda through such means as:

- Working with technology companies to shut down accounts and remove terrorist content.
- Countering jihadist online messaging by attempting to flood relevant platforms with counter messages.
- Amplifying credible voices online in the U.S. and abroad.
- Sponsoring online contests, prizes, and challenges that provide a counter-narrative to extremist messaging to local communities.

Although these efforts and initiatives all challenge the online terrorist narrative, they nevertheless fail to engage within the sites where the recruiting and radicalization of those most susceptible actually occurs. The Funnel of Darkness remains relatively stable as current online counter-narrative projects are not reaching intended targets. Google has become a prime entry point for potential terrorists to find and connect with those who will recruit and further radicalize them.<sup>11</sup> In fact, Google is used by individuals to search for extremist information nearly 500,000 times per month—yielding volumes of extremist material.<sup>12</sup> Despite counter-narrative efforts in the last few years, “these narratives are desperately weak in their presence in search engine results pages. They do not sufficiently contest or dominate extremist ideas online.”<sup>13</sup>

In a 2015 article, Lieutenant Colonel Robert Schultz convincingly argued that the United States could use false-flag operations as an effective technique for countering extremist groups in cyberspace.<sup>14</sup> The concept essentially outlined a method of designing fake “websites, blogs, and chat rooms that mirror a targeted extremist group’s ideology.”<sup>15</sup> One idea behind this proposal is that a potential terrorist will do an online search using typical key words that would ordinarily lead to extremist web sites, however, instead the recruit happens upon the false flag site. Rather than being radicalized and recruited by terrorists on the site, the false site gradually exposes the recruit to counter-narratives leading away from the terrorists’ organization and doctrines. The “build it and they will come” strategy of a false-flag operation counts on a susceptible individual “stumbling” onto a fake site. But just because websites, blogs, and chat rooms exist does not mean that the intended

<sup>9</sup> DOJ Office of Public Affairs and DHS Office of Public Affairs, *Countering Violent Extremism Task Force*, January 8, 2016, <https://www.dhs.gov/news/2016/01/08/countering-violent-extremism-task-force>.

<sup>10</sup> Barack H. Obama, Executive Order 13721, “Developing an Integrated Global Engagement Center To Support Government-wide Counterterrorism Communications Activities Directed Abroad and Revoking Executive Order 13584,” *Federal Register* 81, no. 52 (March 17, 2016): 14685.

<sup>11</sup> Mubarak Ahmed and Fred Lloyd George, “A War of Keywords: How Extremists are Exploiting the Internet and What to do about it,” (July 2016), 7, <http://tonyblairfaithfoundation.org/sites/default/files/War-of-Keywords.pdf>.

<sup>12</sup> *Ibid.*, 8.

<sup>13</sup> *Ibid.*, 8-9.

<sup>14</sup> Robert Schultz, “Countering Extremist Groups in Cyberspace,” October 1, 2015, <http://ndupress.ndu.edu/Media/News/News-Article-View/Article/621124/jfq-79-countering-extremist-groups-in-cyberspace/>.

<sup>15</sup> *Ibid.*

target audience will visit those sites or that the sites will even show up in the first several pages of search results.<sup>16</sup>

Rather than create false-flag operation, the U.S. should make more effective use of The Funnel of Darkness by engaging at-risk individuals where they are already searching and landing on the Internet. If at-risk, fence-sitting individuals discover these sites by entering keywords into search engines and then click on the top sites to join groups or enter into conversations, it stands to reason that counter violent extremist organizations can search the same keywords, enter the same sites, and engage in the same conversations. Once within these terrorist sites, operators can observe and then begin engaging individuals who have not yet been radicalized—those at the very top of the Funnel—before they become part of a “virtual pack.”

One of the *New York Times*' leading reporters on terrorism, Rukmini Callimachi, uses a similar technique with great effect to discover and enter into terrorists' Internet sites:<sup>17</sup> “Social media enables Callimachi to access what she calls the ‘inner world of jihadists’; she lurks in Telegram chat rooms, navigates an endless flood of tips on Twitter, and carefully tracks sources and subjects all over the Internet.”<sup>18</sup> The U.S. should follow Callimachi's lead with one significant change: rather than entering and engaging in these sites as a reporter, the U.S. should use deception and engage as a site member—a terrorist sympathizer or follower. Using the same methods and rationale for deception laid out in Schultz's argument, this technique would likely yield more results more quickly by engaging susceptible people where the recruiting and radicalization already takes place.

Engaging in the propaganda websites, blogs, and social media where actual online recruiting and terrorism occurs allows counter-terrorism operatives to enter into conversations with those individuals who are still on the fence or looking for a reason to join or not. Success is not guaranteed, but this type of strategy has recently garnered positive results. In October 2015, for example, the Institute for Strategic Dialogue (ISD) in coordination with Facebook, Twitter, and Google began three experiments using pop-up videos to determine messages that resonated with potential extremists and then shared this knowledge with others engaging in counter narrative campaigns.<sup>19</sup> Zahed Amanullah, head of the counter-narrative program at ISD, revealed that the study's most promising results “came when organizers engaged in extended conversations with people who commented on videos.”<sup>20</sup>

Despite domestic and global efforts to stem recruitment and radicalization, the U.S. continues to lose ground to terrorists in the online battle for the hearts and minds of those vulnerable and susceptible to radicalization. By entering those sites and engaging in the conversation before recruitment and radicalization take place, the potential exists to head off future terrorists before other means of intervention become necessary. To be effective, then, the U.S. needs an online counter-terrorism strategy the focuses light in the darkness by meeting and greeting those seeking recognition through radicalization before they are drawn into the depths of the Funnel of Darkness.

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<sup>16</sup> Ahmed, “A War of Keywords,” 20.

<sup>17</sup> Caitlin Roper, “How One Journalist Uses Social Media to Get Inside the Minds of ISIS,” *WIRED Online*, August 3, 2016, <http://www.wired.com/2016/08/rukmini-callimachi-new-york-times-isis/>.

<sup>18</sup> Ibid.

<sup>19</sup> Tanya Silverman, et al., “The Impact of Counter-Narratives,” *Institute for Strategic Dialogue*, August 2016, 11, [http://www.strategicdialogue.org/wp-content/uploads/2016/08/Impact-of-Counter-Narratives\\_ONLINE\\_1.pdf](http://www.strategicdialogue.org/wp-content/uploads/2016/08/Impact-of-Counter-Narratives_ONLINE_1.pdf).

<sup>20</sup> Sam Schechner, “Tech Giants Target Terrorist Propaganda,” *Wall Street Journal*, July 31, 2016, <http://www.wsj.com/articles/tech-giants-target-terrorist-propaganda-1470001314>.

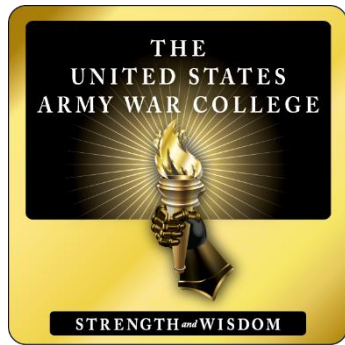
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Volume 4

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The  
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Student Publications



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Flag flying over the Strength and Wisdom statue, a gift from the class of 2014, capturing the mission, spirit, and history of Carlisle Barracks (photo by Laura A. Wackwitz, Ph.D.).

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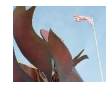
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# Russian Exploitation of the Cyber Gap in International Law

Kenneth J. Biskner

*The evolution of cyberspace into a domain of warfare has transformed the use of force by nation-states. Cyber-attacks can impose devastating consequences on an adversary without recourse to traditional kinetic violence. Recent history demonstrates that such attacks are no longer theoretical possibilities. Cyber-attacks against states have shut down power grids, disrupted financial markets, and even blockaded access to the Internet. The law of armed conflict, however, has not kept pace with this change in warfare, creating a gap in international law. The 2008 Russo-Georgian War exposes this gap and highlights the need for new international law to govern state sponsored cyber-attacks.*

Keywords: *Cyber Warfare, Use of Force, Law of Armed Conflict, Georgia, Russia, Cyber-Blockade*

Russian foreign relations have assumed a disturbing dimension over the past decade, including coercive cyber-attacks by Russian proxies as a recurring tactic to further state interests.<sup>1</sup> Employment of the tactic typically begins with an unfavorable bilateral exchange between Russia and a neighboring state. When diplomacy fails to produce a favorable Russian outcome, the neighbor experiences intense Distributed Denial of Service (DDoS) and Denial of Service (DoS) cyber-attacks.<sup>2</sup> When confronted with evidence that the attacks are emanating from Russia, Russian officials

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Kenneth J. Biskner (LL.M., U.S. Army Judge Advocate General School) is a Lieutenant Colonel in the United States Army. An earlier version of this article, written under the direction of Professor Douglas C. Lovelace, Jr., earned the prestigious Army War College Foundation's Daniel M. Lewin Cyber-Terrorism Technology Writing Award for the USAWC class of 2017.

<sup>1</sup> Robert Windrem, "Timeline: Ten Years of Russian Cyber Attacks on Other Nations," *NBC News Online* (December 18, 2016), <http://www.nbcnews.com/news/us-news/timeline-ten-years-russian-cyber-attacks-other-nations-n697111>; Harfn Steiner, *Coercive Instruments in the Digital Age: The Cases of Cyber-Attacks Against Estonia and Iran* (Stockholm, Sweden: Swedish National Defense University, Fall 2014), 44.

<sup>2</sup> A DoS cyber-attack uses one computer to attack a server with a flood of data packets. This overwhelms the server's capacity to respond, making it inaccessible to other users. A DDoS cyber-attack uses many hijacked computers (bots) networked together (botnet) and coordinated by a botmaster to attack a server. A botnet can have thousands of bots dispersed across the globe, making DDoS attacks more powerful than DoS attacks. Adrian Brindley, *Denial of Service Attacks and the Emergence of Intrusion Prevention Systems*, (Bethesda, MD: SANS Institute, November 1, 2002), 2, <https://www.sans.org/reading-room/whitepapers/firewalls/denial-service-attacks-emergence-intrusion-prevention-systems-818>.

attribute blame to spontaneous cyber-riots by patriotic Russians. Evidence from several such cyber-attacks, however, indicates the truth is far more complicated.

Patriotic Russians, although involved, are not the organizing force behind the cyber-attacks. The sophistication, coordination, and advanced preparation of these cyber-attacks far exceed what can be explained by spontaneous cyber-rioting. Far from impromptu, these attacks follow a pattern. First, highly sophisticated DDoS attacks are launched using botnets under the control of Russian organized cybercrime rings (cyber-mercenaries). Second, the cyber-mercenaries incite ordinary Russians to become cyber-rioters who engage in cyber-attacks against carefully selected targets. This crowdsourcing-style strategy leverages capabilities and helps establish state deniability. Once recruited, these cyber-rioters are armed with cyber-attack kits, provided target lists, and trained. They then engage in coordinated attacks. The cyber-rioters typically possess basic computer skills and have no experience hacking, but the process of weaponizing them is so simple that even a computer novice can begin launching DoS attacks in less than an hour.<sup>3</sup> Russian officials provide no assistance in halting these attacks or investigating them after the fact.<sup>4</sup> Based on this pattern, and other evidence, many experts agree that organized cybercrime rings are permitted to freely operate in Russia in exchange for state ordered cyber-attacks.<sup>5</sup>

Russia first employed this tactic against Estonia in 2007. Subsequent cyber-attacks following the pattern include: Lithuania 2008, Georgia 2008, Kyrgyzstan 2009, Kazakhstan 2009, and Ukraine in 2014.<sup>6</sup> Much has been written about the cyber-attack on Estonia due to its novelty and Estonia's membership in NATO. The Estonia case also raised many questions regarding the application of the law of armed conflict (LOAC) to cyber-attacks. A group of distinguished scholars was organized by NATO to study the problem and publish their findings. The result was the *Tallinn Manual*, which is considered the most authoritative pronouncement on the application of international law to cyberspace to date.<sup>7</sup> Unfortunately, the *Tallinn Manual* exposed a gap in international law that leaves all but the most severe state cyber-attacks virtually unregulated. Telecommunications technologies have far outpaced the evolution of the LOAC.<sup>8</sup> Attempts to apply existing law to cyber-attacks by analogy have proven inadequate because states are deeply divided on the meaning of essential terms. A common definition of what constitutes a use of force in cyberspace does not exist. Consequently, when states can engage in self-defense remains unclear. Similarly, states engaging in cyber operations do not know what conduct is prohibited by the United Nations Charter.

This essay places the problem in context by explicating and evaluating the LOAC using the Russo-Georgian War (the War) as a lens. The War highlights the failure of the LOAC to adequately regulate the vast majority of state-sponsored cyber-attacks. The LOAC should be updated with a cyber convention that closes this legal gap.

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<sup>3</sup> Evgeny Morozov, "Army of Ones and Zeros: How I Became a Soldier in the Georgia-Russia Cyberwar," *Slate Online*, August 14, 2008, [http://www.slate.com/articles/technology/technology/2008/08/an\\_army\\_of\\_ones\\_and\\_zeros.html](http://www.slate.com/articles/technology/technology/2008/08/an_army_of_ones_and_zeros.html).

<sup>4</sup> Marching off to Cyberwar, *The Economist Online*, December 4, 2008, <http://www.economist.com/node/12673385>.

<sup>5</sup> Cory Bennett, "Kremlin's Ties to Cyber Gangs Sow US Concerns," *The Hill Online*, November 10, 2015, <http://thehill.com/policy/cybersecurity/256573-kremlins-ties-russian-cyber-gangs-sow-us-concerns>.

Andrew Foxall, "Putin's Cyberwar: Russia's Statecraft in the Fifth Domain," *Russian Studies Center at the Henry Jackson Society*, Policy paper No. 9 (May 2016): 11.

<sup>6</sup> Windrem, "Timeline."

<sup>7</sup> International Group of Experts, *Tallinn Manual 2.0 on the International Law Applicable to Cyber Operations* (New York: Cambridge University Press, 2017).

<sup>8</sup> Michael N. Schmitt and Liis Vihul, "Tallinn Paper No. 5: The Nature of International Law Cyber Norms," *NATO Cooperative Cyber Defense Center of Excellence*, (2014): 31

## Law of Armed Conflict

The LOAC has evolved into two distinct bodies of law—*jus ad bellum* and *jus in bello*—that reflect the moral aspects of war. *Jus ad bellum* governs the just basis for states to resort to the use of armed force.<sup>9</sup> *Jus in bello* regulates the means and methods states may lawfully employ in the use of armed force.<sup>10</sup> This paper is limited to discussion of the first, *jus ad bellum*, because it sets the threshold determination for the application of the LOAC to any conflict (i.e., the existence of an armed conflict). *Jus ad bellum* analysis is especially challenging in the case of cyber-attacks because (a) they are difficult to define, and (b) only a very small category of cyber-attacks is considered a use of armed force governed by international law.

*Jus ad bellum* is comprised of two essential elements: necessity and proportionality.<sup>11</sup> Necessity requires states to resort to the use of armed force only as a last resort to prevent an imminent attack or stop one in progress.<sup>12</sup> Proportionality requires states to limit the use of armed force to the amount required to prevent an imminent attack or stop one in progress.<sup>13</sup> Both principles have been incorporated into two articles of the UN Charter which provides the modern framework for the lawful use of armed force between states.<sup>14</sup>

### The Use of Force

The United Nations was established in 1945 to preserve international peace and suppress aggression.<sup>15</sup> The UN Charter achieves this with the following provisions:

- Article 2(4): 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.
- Article 51: Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations.<sup>16</sup>

In short, Article 2(4) outlaws aggressive war and Article 51 provides an exception to the rule for self-defense. Unfortunately, the UN Charter does not define the terms “use of force” or “armed attack.” Although some meaning can be derived from other sources of international law, both terms are inherently ambiguous.

Article 2(4) outlaws a broad spectrum of coercive conduct between states, with high-intensity armed conflicts constituting a clear use of force. In contrast, the low end of the spectrum is relatively unknown. The UN Charter was not designed with low-intensity or unconventional conflicts (e.g., cyber warfare) in mind, so state conduct that does not resemble classic military violence is particularly difficult to characterize.

Article 51 authorizes the use of force in response to armed attacks. Accordingly, an armed attack is a condition precedent to the lawful use of force in the absence of UN Security Council

<sup>9</sup> Stephen W. Preston, *Law of War Manual* (Washington, DC: U.S. Department of Defense, May 2016), 39.

<sup>10</sup> *Ibid.*, 39.

<sup>11</sup> *Ibid.*

<sup>12</sup> Michael N. Schmitt, Cyber Operations and the Jus Ad Bellum Revisited, *Villanova Law Review* 56, no. 3 (2011): 593.

<sup>13</sup> *Ibid.*, 593.

<sup>14</sup> Preston, *LOW Manual*, 42.

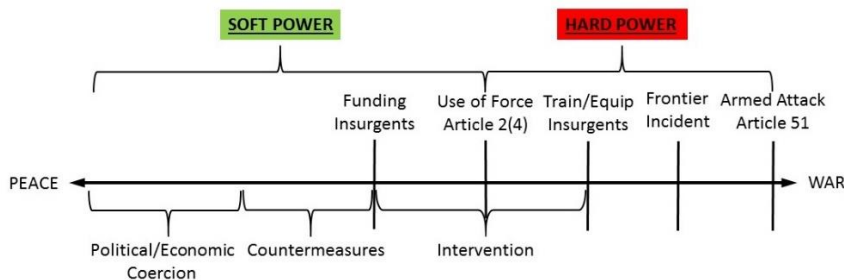
<sup>15</sup> U.N. Charter, Article I.

<sup>16</sup> U.N. Charter, Articles 2(4) and 51.

authorization.<sup>17</sup> The term armed in this context is commonly understood to mean the employment of military weapons.<sup>18</sup> International law defines an attack as an “[act] of violence against an adversary.”<sup>19</sup> The precise meaning of the two terms together is a matter of debate; however, violence resulting in injury/death or damage/destruction of tangible objects may suffice.<sup>20</sup> An armed attack is a higher threshold than a use of force under Article 2(4), with the distinguishing factor being the intensity of the violence.<sup>21</sup> Unfortunately, the degree of intensity necessary to constitute an armed attack is unclear.

A use of force that falls below the threshold of an armed attack represents an undefined gray area.<sup>22</sup> Examples of state conduct that lie along the spectrum of coercive state acts add some clarity. For example, economic and political coercion and countermeasures<sup>23</sup> fall below the threshold of a use of force.<sup>24</sup> Other forms of state conduct, while being illegal under domestic or international law, are also recognized as not constituting a use of force (e.g., espionage, subversion, unarmed intervention).<sup>25</sup> In *Nicaragua v. United States*, the International Court of Justice (ICJ) opined that funding insurgents was not a use of force.<sup>26</sup> Training and equipping insurgents and border skirmishes, however, are uses of force that lack the intensity of an armed attack.<sup>27</sup> At the right end of the spectrum detailed in Figure 1, the use of airplanes as weapons on September 11, 2001, was declared an armed attack.<sup>28</sup>

FIGURE 1: UN Charter Spectrum of Coercion



<sup>17</sup> Michael N. Schmitt, “Attack as a Term of Art in International Law: The Cyber Operations Context,” *4<sup>th</sup> International Conference on Cyber Conflict* (Tallinn, Estonia: NATO CCD COE Publications, 2012), 285.

<sup>18</sup> *Ibid.*, 283.

<sup>19</sup> Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of the Victims of International Armed Conflicts, Article 49(1) (June 8, 1977).

<sup>20</sup> Michael N. Schmitt, “The Use of Force in Cyberspace: A Reply to Dr. Ziolkowski,” *4<sup>th</sup> International Conference on Cyber Conflict* (Tallinn, Estonia: NATO CCD COE Publications, 2012), 314.

<sup>21</sup> *Military and Paramilitary Activities in and Against Nicaragua* (*Nicaragua v. U.S.*), 1986 I.C.J. 14 (June 27), para. 195.

<sup>22</sup> Ashley Deeks, “Multi-Part Tests in the Jus Ad Bellum,” *Houston Law Review* 53, no. 4 (2016): 1053.

<sup>23</sup> Countermeasures are non-forceful acts (normally prohibited by international law) by a state to cause another state to cease internationally wrongful acts. The classic example in response to cyber-attacks is hacking back. International Law Commission, *Draft Articles on Responsibility of States for Internationally Wrongful Acts*, U.D. Document A/56/10 (2001) <http://www.refworld.org/docid/3ddb8f804.html>.

<sup>24</sup> Daniel B. Silver, “Computer Network Attack as a Use of Force Under Article 2(4) of the United Nations Charter,” *International Law Studies* 76, (2002): 80.

<sup>25</sup> Priyanka R. Dev, “Use of Force” and “Armed Attack” Thresholds in Cyber Conflict: The Looming Definitional Gaps and the Growing Need for Formal U.N. Response,” *Texas International Law Journal* 50, no. 2 (2015): 393.

<sup>26</sup> *Nicaragua*, para 195.

<sup>27</sup> *Ibid.*

<sup>28</sup> United Nations Security Council Resolution 1368: 4370<sup>th</sup> Meeting, UN Doc. S/RES/1368 (September 12, 2001).

## Applying the LOAC to Cyber-Attacks

Because the UN Charter's framework for regulating armed conflict is frozen in World War II notions of force, it does not account for new technologies that exert little to no force in the historic sense.<sup>29</sup> In the physical domains, for example, a use of force is a violent act that produces a kinetic effect that is easily recognizable. Cyber-attacks, in contrast, are non-violent and any kinetic effect is indirect, making detection difficult. As a result, no common definition for the use of force via cyberspace exists.<sup>30</sup> Since the LOAC only applies to armed conflicts, it does not address the vast majority of state cyber-attacks where violent effects are unclear if not lacking altogether. Despite this, the LOAC has not been updated to account for the evolution of cyberspace into a domain of warfare.<sup>31</sup>

To address the problem, the UN organized a group of governmental experts (GGE) in 2004 to build consensus for international cybersecurity norms. In 2013, the GGE reached consensus on the application of the international law to state conduct in cyberspace. This appears to have resolved the question of whether *jus ad bellum* applies to cyber-attacks.<sup>32</sup> The GGE, however, has not clarified how international law applies to cyberspace nor defined essential terminology. The unique characteristics of cyberspace complicate *jus ad bellum* determinations and currently no agreement exists regarding what constitutes a "cyber-attack,"<sup>33</sup> leaving the application of already ambiguous legal concepts to cyberspace a matter of ongoing debate.<sup>34</sup>

Cyberspace: The U.S. Department of Defense (the DoD) designated cyberspace a new domain of warfare in 2010,<sup>35</sup> but a clear understanding of what it is remains elusive. The scope and artificial nature of the cyberspace makes it difficult to define by analogy to other domains.<sup>36</sup> This uniqueness affects the application of the LOAC in a material manner. First, situational awareness is the lowest of all domains. Defenders have difficulty knowing when an attack has occurred and what the motive of the attacker was.<sup>37</sup> A network intrusion, for example, may remain undetected for a long period of time and it may be unclear whether the purpose of the intrusion was cybercrime, espionage, or war. Next, actors can easily conceal their identities through technical means.<sup>38</sup> Articles 2(4) and 51 generally only apply to attacks by states, so the difficulty of attributing a cyber-attack to its source is a major challenge.

Cyber Attack: The term cyber-attack is loosely used to describe a spectrum of unlawful conduct in cyberspace that ranges from ordinary crime committed by individuals to armed attacks perpetrated by states.<sup>39</sup> The result is confusing rhetoric that dangerously conflates all malicious cyber conduct with a state of war.<sup>40</sup> In order to separate conduct prohibited by the UN Charter from other types of cyber-attacks, it is necessary to distinguish the motives and types of actors. Cyber-attacks

<sup>29</sup> Reese Nguyen, "Navigating Jus Ad Bellum in the Age of Cyber Warfare," *California Law Review* 101, no. 2 (August 3, 2013):1118.

<sup>30</sup> Schmitt, "Attack as a Term of Art," 290.

<sup>31</sup> Preston, *LOW Manual*, 985.

<sup>32</sup> "Group of Governmental Experts on Developments in the Field of Information and Telecommunications in the Context of International Security:" 68<sup>th</sup> Session, UN Doc. A/68/98, (June 24, 2013): 8.

<sup>33</sup> Mehdi Kadivar, "Cyber-Attack Attributes," *Technology Innovation Management Review*, (November 2014): 23.

<sup>34</sup> Schmitt, "Cyber Operations," 569; James E. McGhee, "Cyber Redux: The Schmitt Analysis, Tallinn Manual and US Cyber Policy," *Journal of Law and Cyber Warfare* 2, no. 1 (2013): 64.

<sup>35</sup> Robert M. Gates, *Quadrennial Defense Review* (Washington, DC: U.S. Department of Defense, February 2010): 37.

<sup>36</sup> Welton Chang and Sarah Granger, "Warfare in the Cyber Domain," *Air and Space Power Journal*, September 2012, 1.

<sup>37</sup> Jeffrey L. Caton, *Information Operations Primer* (Carlisle Barracks, PA: US Army War College: 2011), 19.

<sup>38</sup> *Ibid.*, 19.

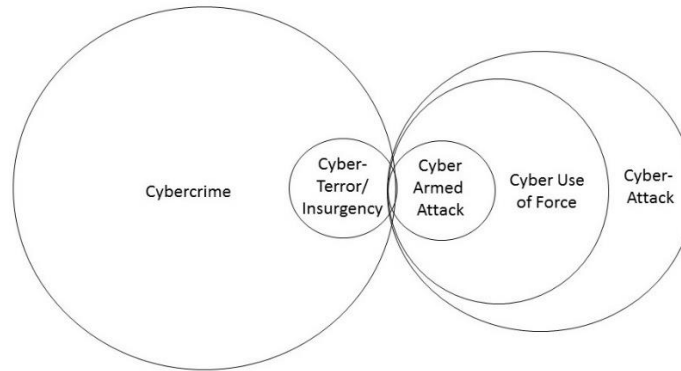
<sup>39</sup> Oona A. Hathaway, Rebecca Crootof, et al., "The Law of Cyber Attack," *California Law Review*, (2012): 823.

<sup>40</sup> Laurie R. Blank, "Cyberwar Versus Cyber Attack: The Role of Rhetoric in the Application of Law to Activities in Cyberspace," in *Cyberwar: Law and Ethics for Virtual Conflicts*, ed. Jens Ohlin, Claire Finkelstein and Kevin Govern (Oxford: Oxford University Press, 2015), 97.



can be segregated into five overlapping groups: cybercrime, cyber-terror/insurgency, cyber-attacks, cyber use of force, and cyber armed attacks.

FIGURE 2: Cyber-Attack Relationships



### Cybercrime Sphere

Attacks in the cybercrime sphere are perpetrated by non-state actors, are largely governed by domestic law, and do not constitute Article 51 armed attacks. Accordingly, this conduct falls outside the UN Charter’s framework.

Cybercrime is a violation of domestic criminal law carried out for enrichment or other personal motives via computer code that affects the normal function of an electronic device or its data.<sup>41</sup> This conduct is harmful to individuals or organizations and includes acts like fraud, theft, and hacking.<sup>42</sup> Cybercrime represents the majority of unlawful conduct on the internet and was estimated to cost the global economy \$3 Trillion in 2015.<sup>43</sup> This cost is projected to double by 2021 as the Internet of Things expands and cybercrime evolves.<sup>44</sup>

Cyber-terror and cyber-insurgency are a subset of cybercrime defined as the violation of domestic criminal law carried out “with the intention to cause harm or further social, ideological, religious, political or similar objectives, or to intimidate any person in furtherance of such objectives” via computer code that affects the normal function of an electronic device or its data.<sup>45</sup> No significant acts of cyber-terrorism or cyber-insurgency against critical infrastructure are publicly known to have occurred.<sup>46</sup> The threat of such attacks, however, is an increasingly high national security concern as actors gain sophistication.<sup>47</sup>

<sup>41</sup> Cameron S.D. Brown, “Investigating and Prosecuting Cyber Crime: Forensic Dependencies and Barriers to Justice,” *International Journal of Cyber Criminology* 9, no. 1 (January – June 2015): 57.

<sup>42</sup> James McGhee, “Hack, Attack or Whack; The Politics of Imprecision in Cyber Law,” *Journal of Law and Cyber Warfare* 4, no.1 (Spring 2014): 20.

<sup>43</sup> Steve Morgan, “Cybercrime Damages Expected to Cost the World \$6 Trillion by 2021: Massive Expansion of the Global Cyber Attack Surface Will Fuel the Cybercrime Epidemic,” *CSO Online* (August 22, 2016), <http://www.csoonline.com/article/3110467/security/cybercrime-damages-expected-to-cost-the-world-6-trillion-by-2021.html>.

<sup>44</sup> *Ibid.*

<sup>45</sup> Catherine A. Theohary and John W. Rollins, *Cyberwarfare and Cyberterror: In Brief* (Washington, DC: U.S. Library of Congress, Congressional Research Service, March 27, 2015), ii.

<sup>46</sup> Thomas M. Chen, *Cyberterrorism After STUXNET* (Carlisle Barracks, PA: Strategic Studies Institute, June 2014), 20.

<sup>47</sup> Abdulrahman Alqahtani, “Awareness of the Potential Threat of Cyberterrorism to the National Security,” *Journal of Information Security*, (October 2014): 145.

### *Cyber-Attack Sphere*

Various activities in the cyber-attack sphere that are perpetrated by state actors and may be governed by international law. Such activity is coercive state conduct that affects the sovereignty or national interests of the victim state. Accordingly, these attacks provide a basis for *jus ad bellum* analysis.

Cyber-attacks are a broad category of state conduct executed via computer code to affect an electronic device or its data for political or national security purposes.<sup>48</sup> Conduct in this category may or may not undermine the normal function of the electronic device. The members of the Shanghai Cooperation Organization, for example, define cyber-attacks broadly to include conduct that western states would consider essentially free speech.<sup>49</sup> The principle of non-intervention in the UN Charter, however, generally prohibits such conduct if it has a coercive effect.<sup>50</sup>

Cyber use of force is an attack by a state actor via computer code that negatively affects the normal function of an electronic device or its data for political or national security purposes and produces kinetic effects that result in injury/death or damage/destruction of tangible property.<sup>51</sup> Such attacks constitute a use of force under Article 2(4) of the UN Charter, but because the exact nature of this conduct is unknown, many states like Russia exploit this gap in international law.

Cyber armed attack is an attack by a state actor via computer code that negatively affects the normal function of an electronic device or its data for political or national security purposes and produces kinetic effects that result in injury/death or damage/destruction of tangible property with scale and effects similar to classical forms of warfare. This very small subset of cyber-attacks is not yet publicly known to have occurred. However, the consensus among the International Group of Experts (IGE) who participated in the drafting of the *Tallinn Manual* is that such attacks do trigger the inherent right to self-defense under Article 51.<sup>52</sup>

### *Framework for Analysis*

Scholars have proposed several frameworks to determine whether a use of force has occurred, with a consensus around a model known as the effects-based approach. This model is superior because it strikes a balance between the alternative approaches which are either too restrictive or too inclusive.<sup>53</sup> The effects-based framework focuses on the consequences of cyber-attacks, enabling states to evaluate the degree to which vital interests have been impacted.<sup>54</sup> This is consistent with DoD policy which provides that states must evaluate “the effect and purpose” of cyber-attacks.<sup>55</sup> Despite its many strengths, however, the effects-based framework suffers from the subjective nature

<sup>48</sup> Hathaway, “The Law of Cyber Attack,” 826.

<sup>49</sup> Shanghai Cooperation Organization, “Agreement between the Governments of the Member States of the Shanghai Cooperation Organization on Cooperation in the Field of International Information Security,” 61<sup>st</sup> Plenary Meeting, (December 2, 2008): 203.

<sup>50</sup> Ido Kilovaty, “Cyber Warfare and the Jus Ad Bellum Challenges: Evaluation in the Light of the Tallinn Manual on the International Law Applicable to Cyber Warfare,” *National Security Law Brief* 5, no. 1 (2014): 107.

<sup>51</sup> Hathaway, “The Law of Cyber Attack,” 826.

<sup>52</sup> IGE, *Tallinn Manual*, 339.

<sup>53</sup> Noah Simmons, “A Brave New World: Applying the International Law of War to Cyber-Attacks,” *Journal of Law and Cyber Warfare* 4, no.1 (Winter 2014): 60.

<sup>54</sup> Andrew C. Foltz, “Stuxnet, Schmitt Analysis, and the Cyber “Use-of-force” Debate,” *Joint Force Quarterly*, no. 67 (4<sup>th</sup> Quarter 2012): 41.

<sup>55</sup> Leon Panetta, *Cyberspace Policy Report: A Report to Congress Pursuant to the National Defense Authorization Act for Fiscal Year 2011, Section 934* (Washington, DC: Department of Defense, November 2011), 9.

of the criteria used to evaluate an attack's "scale and effects."<sup>56</sup> Reasonable observers can reach wildly different conclusions on the same set of facts, calling into question the model's reliability.<sup>57</sup> Despite this weakness, the effects-based framework is the most thorough and effective tool currently available for the analysis of cyber-attacks.

Under the Schmitt model—the most widely accepted version of the effects-based framework—seven criteria are analyzed to determine whether a cyber-attack constitutes a use of force under Article 2(4): severity, immediacy, directness, invasiveness, measurability, legitimacy, and responsibility.<sup>58</sup> The IGE adopted this approach in their commentary for Rule 69, while adding the additional criteria of military character.<sup>59</sup> It should be noted, however, that these criteria do not constitute a legal test; rather, they are factors states consider in making *jus ad bellum* determinations.<sup>60</sup>

- **Severity:** The degree of harm caused in light of an attack's scale, scope, intensity, duration, and effects. Cyber-attacks that result in effects similar to those associated with conventional uses of armed force (property damage, personal injury, death, or destruction) are more likely to constitute a use of force. Severity is weighted the most heavily of all the criteria.<sup>61</sup>
- **Immediacy:** Cyber-attacks that produce effects quickly, leaving victim states little time to react, are more likely to be a use of force.
- **Directness:** The more proximate the effects of a cyber-attack are to consequences, the more likely it is a use of force.
- **Invasiveness:** The more a cyber-attack violates the sovereignty of the victim state, the more likely it is a use of force.
- **Measurability:** The more clearly the effects of a cyber-attack manifest in objective metrics, the more likely it is a use of force.
- **Legitimacy:** State conduct in cyberspace that does not represent a use of force (espionage, propaganda, economic/political coercion) is presumed legitimate.
- **Responsibility:** The more a state is involved in cyber-attack, the more likely it is a use of force.<sup>62</sup>
- **Military Character:** The more proximately a cyber-attack is linked to military operations, the more likely the attack is a use of force.<sup>63</sup>

### **The Russo-Georgian War: A Case Study**

Georgia is located in the South Caucasus region and covers an area approximately the size of Virginia. Geopolitically, it serves as a buffer zone between Russia's southern border and Turkey (a NATO member). Georgia also controls strategic transit routes through the Caucasus Mountains and

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<sup>56</sup> James E. McGhee, "Cyber Redux: The Schmitt Analysis, Tallinn manual and US Cyber Policy," *Journal of Law and Cyber Warfare* 2, no. 1 (2013): 64.

<sup>57</sup> Silver, "Computer Network Attack," 89.

<sup>58</sup> Michael N. Schmitt, "Cyber Operations and the Jus Ad Bellum Revisited," *Villanova Law Review* 56, no. 3 (2011): 569. Professor Michael N. Schmitt, LL.M., J.D., Chairman, International Law Department, U.S. Naval War College. Professor Schmitt is perhaps the foremost scholar on the application of the LOAC to cyber-warfare and is the editor of the Tallinn Manual.

<sup>59</sup> IGE, *Tallinn Manual*, 334-336.

<sup>60</sup> *Ibid.*, 333.

<sup>61</sup> Schmitt, "Cyber Operations," 576.

<sup>62</sup> *Ibid.*, 576-577.

<sup>63</sup> IGE, *Tallinn Manual*, 50.

pipelines that carry oil and gas from the Caspian Sea to the Black Sea. These factors accord Russia vital national security and economic interests in the region.<sup>64</sup>

Georgia also has a long history with Russia as a Soviet Republic and client state within the Russian Empire. Georgia's 1991 transition to independence was complicated by claims of autonomy by its Abkhazia and South Ossetia regions (the Regions), a status the Regions enjoyed under Soviet rule. Georgia attempted to reassert its sovereignty with occupying forces, but the policy escalated long-simmering tensions into open rebellion.<sup>65</sup> In 1992, Russia and Georgia established a joint peacekeeping force to restore order. The Russian "peacekeepers," however, were essentially an occupying force to secure Russian strategic interests.<sup>66</sup>

The 2003 Rose Revolution radically changed the Georgian government, shifting the country out of the Russian sphere of influence and aligning it with the West. In response, Russia established a de facto annexation of the Regions by extending Russian citizenship to the Separatists.<sup>67</sup> In response, Georgia attempted unsuccessfully to reintegrate the Regions with guarantees of autonomy.<sup>68</sup> The impasse prompted Georgia to initiate international talks for the replacement of Russian peacekeepers with a multi-national force.<sup>69</sup> Unfortunately, the international community offered little assistance and the effort deteriorated Georgia's already poor relations with Russia.

Tensions remained high but manageable until Kosovo's declaration of independence on February 17, 2008. International recognition of Kosovo's independence provided Russia the pretext it needed to recognize the independence of the Regions and thereby cement Russian control.<sup>70</sup> Russia began preparing for armed conflict with Georgia about this time by moving thousands of troops into the Regions, prepositioning war material, and improving transportation infrastructure essential to rapidly moving troops.<sup>71</sup> From July 5 to August 2, Russia also conducted a large scale military exercise in the area with 8,000 troops. One exercise scenario was a Russian counter-attack into the Regions to repel Georgian forces.<sup>72</sup> When the exercise ended, Russian forces remained in place and on alert.<sup>73</sup> In hindsight, the Russians used the exercise as an elaborate rehearsal for the invasion of Georgia.<sup>74</sup> Taken together, these actions suggest that Russia expected its peacekeeping role to transform into an armed conflict—the only thing missing, however, was a justification for the use of armed force.

Georgia successfully defused provocations by Abkhaz Separatists in the first half of 2008. By midyear, however, a series of incidents with South Ossetian Separatists had escalated. The

<sup>64</sup> Ariel Cohen and Robert E. Hamilton, *The Russian Military and the Georgian War: Lessons and Implications* (Carlisle Barracks, PA: Strategic Studies Institute, June 2011), 1-3.

<sup>65</sup> Human Rights Watch, "Georgia/Abkhazia: Violations of the Laws of War and Russia's Role in the Conflict," *Human Rights Watch Arms Project* 7, no. 7 (March 1995): 17.

<sup>66</sup> Svante E. Cornell and S. Frederick Starr, *The Guns of August 2008: Russia's War with Georgia* (New York: Routledge, 2009), 131.

<sup>67</sup> Kristopher Natoli, "Weaponizing Nationality: An Analysis of Russia's Passport Policy in Georgia," *Boston University International Law Journal* 28, no. 2 (Summer 2010): 389.

<sup>68</sup> Cohen, "The Russian Military," 5.

<sup>69</sup> Svante E. Cornell, Johanna Popjanevski and Niklass Nilsson, "Russia's War in Georgia: Causes and Implications for Georgia and the World," *Central Asia-Caucasus Institute* (August 2008): 9.

<sup>70</sup> Gregory Hafkin, "The Russo-Georgian War of 2008: Developing the Law of Unauthorized Humanitarian Intervention after Kosovo," *Boston University International Law Journal* 28, no.1 (Spring 2010): 221.

<sup>71</sup> Cornell, *The Guns of August*, 154.

<sup>72</sup> Ria Novosti, "Georgia Protests Russian Military Drills in North Caucasus," *Asia-Plus Online*, July 17, 2008, <http://news.tj/en/news/georgia-protests-russian-military-drills-north-caucasus>.

<sup>73</sup> Ronald D. Asmus, *A Little War that Shook the World: Georgia, Russia, and the Future of the West* (New York: St. Martin's Press, 2010), 165.

<sup>74</sup> Jim Nichol, *Russia-Georgia Conflict in August 2008: Context and Implications for U.S. Interests* (Washington DC: U.S. Library of Congress, Congressional Research Service, March 3, 2009), 4.

Separatists shelled Georgian villages on August 1<sup>st</sup>, continuing the attacks intermittently for seven days without interference from Russian peacekeepers. A peace conference was arranged for August 7<sup>th</sup>, but the South Ossetian and Russian delegations did not appear. Georgia immediately announced a unilateral ceasefire to defuse the situation, but the Separatist attacks continued and thousands of regular Russian troops traversed the mountains into South Ossetia in preparation for an invasion.

On August 8<sup>th</sup>, Georgia sent troops into South Ossetia to stop the shelling and block the Russian invasion.<sup>75</sup> Georgian forces, outgunned and outnumbered by the Russians, were in full retreat the next day. On August 10<sup>th</sup>, Georgian forces had withdrawn from South Ossetia and the Georgian government announced another unilateral ceasefire. Despite this, Russian forces continued advancing to the central Georgian town of Gori, seizing control of the east-west transportation network, ejecting Georgian peacekeepers from Abkhazia, and seizing key territory in western Georgia. Combined with occupation of Gori, the western half of the country was firmly under Russian control. Russian forces destroyed targets in Western Georgia until they began withdrawing back into the Regions on August 22<sup>nd</sup>. Four days later, in what would become the defining moment in the conflict, Russian recognized Abkhaz and South Ossetian independence.

Ultimately, the War achieved several Russian strategic goals: (1) thousands of regular Russian troops were permanently based in the Regions to secure Russian interests; (2) the conflict undermined confidence in Georgian oil and gas pipelines, causing a shift in the transport of Caspian Sea petroleum products to Russian pipelines; and (3) Russia sent a clear warning to NATO and neighboring states that further NATO expansion along its borders was a red line.

### **Analysis: The Georgia Attacks**

While tensions between Georgia and the Separatists were escalating on the ground in July and August of 2008, events were also unfolding in cyberspace. An integrated cyber campaign, that followed the Russian pattern of physical conflict during the war, accompanied operations in the physical domain. On July 19<sup>th</sup>, a relatively new server (located in the U.S.) was used to coordinate a DDoS attack on the Georgian President's website.<sup>76</sup> The server had a Russian registration and the botnet involved had not previously been employed.<sup>77</sup> Cybersecurity experts determined that software involved in the attack was characteristic of Russian hackers.<sup>78</sup> Like the counterpart Russian military exercise in July, the timing and nature of the attack indicate it was also a rehearsal for later operations.<sup>79</sup>

Investigations of the Georgia Attacks revealed a level of detail and preparation that far exceeded what can be explained by a spontaneous cyber-riot. Cyber reconnaissance started several weeks in advance of kinetic operations.<sup>80</sup> This work prepared the cyber battlespace by mapping Georgian networks, identifying weaknesses, and developing target lists.<sup>81</sup> One analyst noted that "[t]he level of advance preparation and reconnaissance strongly suggests that Russian hackers were primed for the

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<sup>75</sup> Cornell, *The Guns of August*, 170.

<sup>76</sup> Steven Adair, "The Website for the President of Georgia Under Attack - Politically Motivated?" *Shadowserver Foundation Online*, July 20, 2008, <https://www.shadowserver.org/wiki/pmwiki.php/Calendar/20080720>.

<sup>77</sup> *Ibid.*

<sup>78</sup> *Ibid.*

<sup>79</sup> Andreas Hagan, "The Russo-Georgian War 2008: The Role of the Cyber Attacks in the Conflict," *Armed Forces Communications and Electronics Association*, May 24, 2012, 4.

<sup>80</sup> Hollis, "Cyberwar Case Study: Georgia 2008," 4.

<sup>81</sup> Brian Krebs, "Russian Hacker Forums Fueled Georgia Cyber Attacks," *The Washington Post Online*, October 16, 2008, [http://voices.washingtonpost.com/securityfix/2008/10/report\\_russian\\_hacker\\_forums\\_f.html](http://voices.washingtonpost.com/securityfix/2008/10/report_russian_hacker_forums_f.html).

assault by officials within the Russian government and or military.”<sup>82</sup> Whatever the identity of the hackers, the level of preparation for the Georgia Attacks demonstrates that they were anything but spontaneous and disorganized. Further, the preparation reveals advanced knowledge of the coming Russian kinetic operations—knowledge they could only get from Russian officials.

Many cyber experts also conclude that the Russian Business Network (RBN) (a notorious Russian cybercrime organization) served as the cyber-mercenaries in this case. The RBN is known to contract for cybercrime services (including DDoS attacks) with third parties.<sup>83</sup> Analysis of the Georgia Attacks revealed that on August 7<sup>th</sup>, the RBN rerouted Georgian web traffic through Russian and Turkish servers under its control.<sup>84</sup> Later analysis determined that the malware used in the Georgia Attacks was found on these RBN controlled servers.<sup>85</sup> The RBN is a prime example of a known cybercrime organization permitted to operate by the Russian government and substantial evidence points to the RBN as the organizing force behind the Georgia Attacks.

When kinetic operations began on August 8<sup>th</sup>, widespread cyber-attacks were affecting targets across Georgia.<sup>86</sup> The Georgia Attacks followed the established Russian pattern.<sup>87</sup> First, the RBN directed DDoS attacks against Georgian targets (media outlets, government websites, and communications networks) in support of kinetic operations. Russian servers coordinated the attacks by RBN controlled botnets.<sup>88</sup> Next, the RBN incited ordinary Russians on social media sites.<sup>89</sup> These cyber-rioters were organized and directed by the RBN via two Russian hacker websites (xaker.ru and stopgeorgia.ru).<sup>90</sup> The RBN trained and armed the cyber-rioters with malware customized in advance for Georgian targets.<sup>91</sup> Malware similar to the attack kits was known to have been used by the RBN in the past.<sup>92</sup> Georgian cyber-defenses were quickly overwhelmed and by August 10<sup>th</sup>, virtually all government websites were offline.<sup>93</sup> The cyber-blackout lasted for a total of twenty days.

Severity: Evaluating the severity of the Georgia Attacks is complicated by the fact that DDoS and DoS attacks cause no physical damage to targeted systems. Access to blocked websites can be restored relatively quickly once such cyber-attacks end. This would appear to forestall states from engaging in self-defense no matter how severe the effects of DDoS and DoS attacks. The disruption of communications and economic activity dependent on the internet did impose costs on Georgia, however. The analogous case in international law is the blockade. Blockades exert no kinetic force, but nonetheless, constitute a use of force.<sup>94</sup>

<sup>82</sup> Ibid.

<sup>83</sup> Hagan, “The Russo-Georgian War,” 16.

<sup>84</sup> Jart Armin, “RBN – Georgia Cyber Warfare,” blog entry posted August 16, 2008, <http://rbnexploit.blogspot.com/2008/08/rbn-georgia-cyberwarfare-2-sat-16-00.html>.

<sup>85</sup> Hagan, “The Russo-Georgian War,” 16.

<sup>86</sup> Stephen W. Korns and Joshua E. Katsenberg, “Georgia’s Cyber Left Hook,” *Parameters*, 38, no. 4 (Winter 2008-09): 60.

<sup>87</sup> Andrzej Kozlowski, “Comparative Analysis of Cyber Attacks on Estonia, Georgia and Kyrgyzstan,” *European Scientific Journal* 3, (February 2014): 240; William C. Ashmore, *Impact of Alleged Russian Cyber Attacks*, (Fort Leavenworth, KS: School of Advanced Military Studies, May 21, 2009), 13.

<sup>88</sup> John Bumgarner and Scott Borg, *Overview by the US-CCU of the Cyber Campaign against Georgia in August of 2008* (U.S. Cyber Consequences Unit, August 2009), 3.

<sup>89</sup> Ibid., 3.

<sup>90</sup> Jart Armin, “RBN – Russian Cyber War on Georgia: Report,” blog entry posted August 10, 2008, <http://rbnexploit.blogspot.com/2008/10/rbn-russian-cyberwar-on-georgia.html>.

<sup>91</sup> Bumgarner, *Overview by the US-CCU*, 3; Kozlowski, “Comparative Analysis,” 240.

<sup>92</sup> Hagan, “The Russo-Georgian War,” 16.

<sup>93</sup> Korns, “Georgia’s Cyber,” 60.

<sup>94</sup> Herbert S. Lin, “Offensive Cyber Operations and the Use of Force,” *Journal of National Security Law and Policy Online* 4, no. 63 (August 13, 2010): 72, <http://jnslp.com/2010/08/13/offensive-cyber-operations-and-the-use-of-force/>;



Blockades that may foreseeably result in a 3-5% loss of Gross Domestic Product have been recognized as armed attacks.<sup>95</sup> A cyber-blockade of sufficient severity may similarly invoke a state's right to self-defense,<sup>96</sup> but, determining the value of lost economic opportunities in such a case is extremely difficult.<sup>97</sup> Thirty-five percent of Georgian networks were offline during the 20 day cyber-blockade and another 60% were unstable.<sup>98</sup> Most notably, all electronic banking transactions were suspended for 10 days.<sup>99</sup> Approximately 24% of Georgians had internet access in 2008, so the Georgia Attacks unquestionably had some negative impact on economic activity.<sup>100</sup> Studies have demonstrated a direct correlation between GDP and internet penetration.<sup>101</sup> Further, the World Bank statistics reveal a rapid decline in Georgian GDP growth from 12.3% in 2007, to 2.3% in 2008, and a historic low of -3.8% in 2009.<sup>102</sup> Much of this economic decline can be attributed directly to the War. Unfortunately, no data is available to indicate what the actual cost may have been, or what part of the loss can be reasonably ascribed to the cyber-blockade.

**Immediacy:** The Georgia Attacks were immediate and afforded Georgia no time to prepare. Georgian cyber actions were reactionary and focused largely on reestablishing communications.

**Directness:** The Georgia Attacks directly impacted the economy by denying people access to financial services and interfering with commerce. Economic impact also included the effects of lost opportunities rippled outward causing additional economic losses.

**Invasiveness:** The Georgia Attacks were highly invasive, targeting government and financial sector networks. The effects on these systems were more than a mere inconvenience; the Georgia Attacks interfered with economic activity and the government's ability to communicate with the people during a national crisis.

**Measurability:** Measurability of the Georgia Attacks is low because of the subjective nature of valuing lost economic opportunities. Further, separating the economic impacts of the Georgia Attacks from those caused by kinetic operations may not be possible.

**Legitimacy:** The Georgia Attacks were not legitimate. Unauthorized blockades are illegal acts of aggression.<sup>103</sup> A majority of the IGE agrees that the law of blockades applies to cyber-blockades.<sup>104</sup>

**Responsibility:** While experts agree that no direct evidence linking the Russian government and the Georgia Attacks,<sup>105</sup> enough circumstantial evidence exists to make such a conclusion more likely than not.

Jason Barkham, "Information Warfare and International Law on the Use of Force," *New York University Journal of International Law and Policy* 57 (2001): 91.

<sup>95</sup> Sheng Li, "When does Internet Denial Trigger the Right of Armed Self-Defense?" 38 *Yale Journal of International of International Law* 38, (2013): 199.

<sup>96</sup> *Ibid.*, 191.

<sup>97</sup> Alison L. Russell, *Cyber Blockades* (Washington, DC: Georgetown University Press, 2014), 108.

<sup>98</sup> Russell, *Cyber Blockades*, 104.

<sup>99</sup> Eneken Tikk, Kadri Kaska, and Liis Vihul, *International Cyber Incidents: Legal Considerations* (Tallinn, Estonia: Cooperative Cyber Defense Center of Excellence, 2010), 78.

<sup>100</sup> International Telecommunications Union, Estimated Internet Users per 100 Inhabitants, <https://www.itu.int/ITU-D/ict/statistics/material/excel/EstimatedInternetUsers00-09.xls>.

<sup>101</sup> Shahram Amiri and Brian Reif, "Internet Penetration and its Correlation to Gross Domestic Product: An Analysis of the Nordic Countries," *International Journal of Business, Humanities and Technology* 3, no. 2 (February 2013): 59; Shan-Ying Chu, "Internet, Economic Growth and Recession," *Modern Economy*, no.4 (2013): 211.

<sup>102</sup> World Bank, GDP Growth (Annual %), (2016), <http://data.worldbank.org/indicator/NY.GDP.MKTP.KD.ZG?locations=GE>.

<sup>103</sup> United Nations, Definition of Aggression, GA Resolution 29/3314 U.N. Doc. A/RES/29/3314 (December 14, 1974): Art. 3.

<sup>104</sup> IGE, *Tallinn Manual*, 505-507.

<sup>105</sup> Kaska, *International Cyber Incidents*, 74.



First, the coordination of the Georgia Attacks with Russian military operations was more than a seeming coincidence. The RBN rerouting of Georgian internet traffic to servers under its control, and DDoS attacks by RBN botnets, began on August 7<sup>th</sup>, a day before the general public was even aware that an armed conflict was erupting in Georgia.<sup>106</sup> Also, the Georgia Attacks appear to have been synchronized with Russian kinetic operations. For example, telecommunications targets in Gori were not engaged by Russian airstrikes as Russian ground forces advanced. Instead, those targets were neutralized by the Georgia Attacks.<sup>107</sup> This indicates the RBN had detailed knowledge of Russian military operations that could only have been obtained from Russian officials.

Second, the Georgia Attacks possessed a level of sophistication that indicates the involvement of Russian intelligence or military.<sup>108</sup> The reconnaissance of Georgian networks for infiltration routes, vulnerabilities, and target lists before Russian military operations also reveals prior knowledge of Russian intentions.<sup>109</sup> The Russian controlled servers involved in the Georgia Attacks, the cyber-attack kits used to facilitate the Georgia Attacks, and the campaign to weaponize cyber-rioters were also prepared well in advance of kinetic operations.

Third, some Russian officials have endorsed a policy of cyber-attacks by Russian hackers against other states.<sup>110</sup> Russia is also known to use cybercriminals as proxies for cyber-attacks that advance Russian national interests.<sup>111</sup> Given the level of RBN advanced knowledge of Russian operations, it is more likely than not that they conducted the Georgia Attacks under the effective control of Russian officials. This level of control would make the RBN a de facto agent of the state.<sup>112</sup>

Finally, Russia maintains tight control over internet access and the flow of data within its borders.<sup>113</sup> A copy of all public internet traffic is maintained by the Federal Security Service and the government controls all internet infrastructure.<sup>114</sup> Therefore, had the Russian government wished to stop the Georgia Attacks it could have easily done so. Instead, the Russians made no effort to stop the Georgia Attacks or even investigate after the fact. The activities of cybercriminal gangs like the RBN are both known to and condoned by the government because their services leverage Russian offensive cyber capabilities and create deniability.<sup>115</sup>

In total, the evidence supports a conclusion that it is more likely than not that Russia was responsible for the Georgia Attacks. To conclude that cyber-rioters spontaneously organized and launched the Georgia Attacks without substantial involvement by Russian officials is, at best, implausible. The advanced knowledge of the invasion and synchronization of the Georgia Attacks with Russian kinetic operations make coincidence a virtual impossibility. The ICJ, however, has established a clear and convincing standard of proof for the attribution of Article 2(4) uses of force.<sup>116</sup>

<sup>106</sup> Eneken Tikk, Kadri Kaska, & Liis Vihul, *Cyber Attacks Against Georgia: Legal Lessons Identified* (Tallinn, Estonia: Cooperative Cyber Defense Center of Excellence, November 2008), 4.

<sup>107</sup> Kozlowski, "Comparative Analysis," 240; Cornell, "Russia's War in Georgia," 18.

<sup>108</sup> Hagen, "The Russo-Georgian War," 15.

<sup>109</sup> Bumgarner, *Overview by the US-CCU*, 3; Krebs, "Russian Hacker Forums."

<sup>110</sup> Project Grey Goose, *Phase I Report: Russia/Georgia Cyber War – Findings and Analysis*, (October 17, 2008), 3.

<sup>111</sup> Brian Whitmore, "Organized Crime is Now a Major Element of Russian Statecraft," *Radio Free Europe Online*, October 27, 2015, <http://www.businessinsider.com/organized-crime-is-now-a-major-element-of-russia-statecraft-2015-10>; Matthew Dean & Catherine Herridge, "Patriotic Hackers' Attacking on Behalf of Mother Russia," *Fox News Online*, January 16, 2016, <http://www.foxnews.com/politics/2016/01/16/patriotic-hackers-attacking-on-behalf-mother-russia.html>.

<sup>112</sup> Jason Healey, "Beyond Attribution: Seeking National Responsibility for Cyber Attacks," *The Atlantic Council, Cyber Statecraft Issue Brief*, (January 2012): 3.

<sup>113</sup> Russell, *Cyber Blockades*, 112.

<sup>114</sup> Project Grey Goose, *Phase II Report: The Evolving State of Cyber Warfare*, (March 20, 2009), 23.

<sup>115</sup> Russell, *Cyber Blockades*, 119; Project Grey Goose, *Phase I Report*, 7; Keir Giles and Andrew Monaghan, *Legality in Cyberspace: An Adversary View* (Carlisle Barracks, PA: U.S. Army War College, March 2014), 19.

<sup>116</sup> *Oil Platforms* (Iran v. U.S.), 2003 I.C.J. 189-190 (November 6).

No such direct evidence of official Russian involvement is available, so the case for attribution of the Georgia Attacks to the Russian Government cannot be made with absolute confidence.

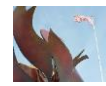
**Military Character:** The Georgia Attacks were closely synchronized with Russian kinetic operations. The manner in which the Georgia Attacks facilitated and supported Russian actions in the physical domains indicates they were a component of the campaign against Georgia.

When applied to the available evidence, the Schmitt Test does not support a conclusion that the Georgia Attacks violate Article 2(4) of the UN Charter. Additional research is needed to determine whether the effects of the cyber-blockade caused economic losses of sufficient severity. While the Georgia Attacks clearly had a negative effect on Georgia's economy, it is impossible to determine the degree of their impact absent empirical data. In addition, while substantial, the circumstantial evidence of official Russian responsibility for the Georgia Attacks does not meet ICJ's standard of proof for attribution. Additional direct evidence of state involvement is necessary to make the case. In the absence of a reliable measure of severity, and better confirmation of official Russian culpability, the evidence does not support concluding that the Georgia Attacks constituted a use of force under current international law.

## **Conclusion**

The LOAC requires the world to rely on it for protection from acts of aggression, but it has not kept pace with the technological transformation of violence. Cyber-attacks can now inflict severe consequences on victim states without the application of kinetic force. Despite this fact, the UN Charter's paradigm ties the hands of states in all but a very narrow category of cases. The large unregulated space that most state sponsored cyber-attacks occupy encourages the very aggression the UN Charter was created to prevent. The Russo-Georgian War clearly illustrates this point, and subsequent cyber-attacks indicate that Russia continues to exploit this gap in international law to advance its national interests.

To address this challenge, the LOAC needs to be updated with a cyber-warfare convention. While the work of the GGE is a step in the right direction, participation by cyber offending states like Russia will continue to frustrate its efforts. The *Tallinn Manual* is another sign of progress, providing a solid foundation upon which to build. To address these complex issues, however, the U.S. and its allies must establish a forum tasked with producing a workable and effective treaty that regulates the use of force in cyberspace.



# Strategic Robotpower: Artificial Intelligence and National Security

Patrick Sullivan

*Artificial intelligence (AI) will likely become the central force in future society. AI's development virtually guarantees that lethal autonomous weapons someday will be unleashed on the battlefield. Although these weapons could conceivably lower the human cost of war, they carry significant proliferation and collateral damage risks and could make the decision to go to war easier. This would be inherently destabilizing to the Westphalian geopolitical order, which is already under strain due to democratization of information. As the dominant artificial intelligence company, Google is best positioned to benefit from any decentralization and rebalancing of state power that occurs from AI-related disruption, with Silicon Valley as a whole becoming a political entity unto itself. Whatever the resultant decentralized/rebalanced power construct, all stakeholders—transnational technology companies, nation-states, and what remains of the international system—will have a responsibility to provide collective good governance to ensure that AI's outcomes are as positive as possible.*

Keywords: *Lethal Autonomous Weapons, Proliferation, Westphalian System, Google State*

Artificial intelligence (AI) promises to fundamentally change the way Americans live, work, and interact. In general, as technology grows more useful, demand grows. This principle will perhaps never be more true than with AI, given the rapid and dramatic progress it has ushered in disparate areas such as medicine, entertainment, finance, and defense.<sup>1</sup> AI and related technologies carry the promise of great and broad societal benefit. Given the close historical correlation between security and technological innovation, they also carry significant challenges for national security and

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Patrick J. Sullivan (M.S.S. United States Army War College) is a Lieutenant Colonel in the United States Army. An earlier version of this article, written under the direction of Dr. Andrew A. Hill, earned the prestigious Commandant's Award for Distinction in Research for the USAWC class of 2017.

<sup>1</sup> Raffi Khatchadourian, "The Doomsday Invention," *The New Yorker Online*, November 23, 2015, <http://www.newyorker.com/magazine/2015/11/23/doomsday-invention-artificial-intelligence-nick-bostrom>.

policymaking.<sup>2</sup> The strategic impact of new technologies—usually measured in terms of disruption or destabilization—is difficult to predict.<sup>3</sup> Predicting the strategic impact of artificial intelligence is not just an issue of scale, however, but also of precedent: the very nature of AI demands that humanity consider its relationship with technology in entirely new ways.<sup>4</sup> Regardless of the difficulties and unknowns, this essay examines the implications of AI with respect to national security.

The methodology entails analyzing artificial intelligence within the four main themes of the 2015 *National Security Strategy of the United States* (NSS): defense of the United States and its allies, international order, values, and prosperity.<sup>5</sup> Although the Trump Administration published its own NSS outlining a fresh strategic vision for the United States, the four themes identified have remained fairly consistent since the first NSS in 1987, and due to their enduring nature constitute a valid analytical framework.<sup>6</sup>

Two core conclusions about artificial intelligence and national security become apparent from this analysis. First, future battlefields will prominently feature lethal autonomous weapons. Not only does this risk proliferation and catastrophic collateral damage, but it may also increase the frequency and intensity of armed conflict. Second, the manner in which AI technologies are developing and currently being used will likely cause state power to be rebalanced, with transnational technology companies such as Google best positioned to most benefit. As transnational influence takes hold, social inequality and related destabilization might increase such that existing institutions and policies may be exceedingly hard-pressed to mitigate the negative effects. In order for the resultant geopolitical, economic, and social orders to persist, a more agile governance structure will be needed. Placing these findings and their supporting analyses in proper context, however, requires a lexis for artificial intelligence as a scientific discipline, as well as a short history of its development.

### Artificial Intelligence in Perspective

The term “artificial intelligence” was coined in 1956 by a summer research project at Dartmouth College, with foundations in Alan Turing’s 1950 paper, “Computing Machinery and Intelligence,” which proposed the famous Turing Test (AKA “The Imitation Game”) to determine whether a machine could think.<sup>7</sup> Although no universally accepted contemporary definition for artificial intelligence exists, one of the discipline’s founders, American computer scientist Nils J. Nilsson, provides a useful one: “Artificial intelligence is that activity devoted to making machines intelligent,

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<sup>2</sup> Klaus Schwab, “The Fourth Industrial Revolution: What it Means and How to Respond,” *World Economic Forum: Global Agenda Online*, January 14, 2016, <https://www.weforum.org/agenda/2016/01/the-fourth-industrial-revolution-what-it-means-and-how-to-respond/>.

<sup>3</sup> Adam Elkus, “The AI Wars?” *Slate: Future Tense – Citizen’s Guide to the Future*, blog entry posted January 20, 2015, [http://www.slate.com/articles/technology/future\\_tense/2015/01/what\\_artificial\\_intelligence\\_does\\_and\\_does\\_not\\_mean\\_for\\_security\\_and\\_geopolitics.html](http://www.slate.com/articles/technology/future_tense/2015/01/what_artificial_intelligence_does_and_does_not_mean_for_security_and_geopolitics.html).

<sup>4</sup> Nayef Al-Rodhan, “The Security Implications and Existential Crossroads of Artificial Intelligence,” *Georgetown Journal of International Affairs Online*, April 2, 2015, <http://journal.georgetown.edu/the-security-implications-and-existential-crossroads-of-artificial-intelligence/>.

<sup>5</sup> Barack Obama, *National Security Strategy* (Washington, DC: The White House, February 2015), 7-23. Also note that the first theme is actually “security” vice “defense,” but I substituted defense to avoid confusion.

<sup>6</sup> All sixteen National Security Strategies (1987-2015) can be accessed at <http://nssarchive.us/>.

<sup>7</sup> Executive Office of the President, Committee on Technology, *Preparing for the Future of Artificial Intelligence* (Washington, DC: National Science and Technology Council), October 12, 2016, [https://obamawhitehouse.archives.gov/sites/default/files/whitehouse\\_files/microsites/ostp/NSTC/preparing\\_for\\_the\\_future\\_of\\_ai.pdf](https://obamawhitehouse.archives.gov/sites/default/files/whitehouse_files/microsites/ostp/NSTC/preparing_for_the_future_of_ai.pdf).

and intelligence is that quality that enables an entity to function appropriately and with foresight in its environment.”<sup>8</sup>

This definition correlates to modern conceptions of human intelligence, which is generally understood to be an efficient problem-solving ability that leverages past experience in a heuristic manner.<sup>9</sup> Comparing the definition of AI with this concept suggests that no machine is close to human-level intelligence, yet AI-enabled machines have outperformed master-level human competitors in chess, the TV game show *Jeopardy!*, and the ancient Chinese strategy board game “Go,” all of which are abstract and highly complex.<sup>10</sup> To account for this seeming paradox, it is necessary to distinguish between narrow (or weak) AI and general (or strong) AI. The supercomputer victors of the games listed—IBM’s Deep Blue, IBM’s Watson, and Google DeepMind’s AlphaGo—are each examples of narrow AI, which is specially designed to handle a very limited number of problem domains (usually one) through various forms of pattern recognition. A general AI on the other hand is not limited, and can ostensibly perform any intellectual task as well (but not necessarily in the same way) as a human.<sup>11</sup> In light of this distinction, all current AI applications such as targeted e-commerce and commercial services, natural language processing, image recognition and labeling, personal digital assistants (e.g., Apple’s Siri or Amazon’s Alexa), augmented medical diagnostic tools, and self-driving cars are narrow. These applications also represent an important bridge to a potential future general AI, as they have each resulted from a new wave of AI-related research that centers on machine learning.

In layperson terms, machine learning is the ability of computers to learn from data, as opposed to being explicitly programmed.<sup>12</sup> It does not represent a specific algorithm for singular problem-solving, but rather a general approach to solve many different problems.<sup>13</sup> Machine learning stems from cloud computing resources and Internet-based data gathering, both of which are recent innovations and whose commercial potential has radically exceeded initial expectations.<sup>14</sup> Coupled with new computing models such as artificial neural networks that replicate how the human brain functions, extreme data processing speeds enabled by advances in quantum mechanics, and evolutionary benchmarks such as machine vision and basic linguistic prediction, machine learning portends a near-term paradigm in which machines are capable of operating and adapting to changing real-world circumstances without human control.<sup>15</sup> At a minimum, such machine autonomy would

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<sup>8</sup> Standing Committee of the One Hundred Year Study of Artificial Intelligence, *Artificial Intelligence and Life in 2030: Report of the 2015 Study Panel* (Stanford, CA: Stanford University, September 2016), [https://ai100.stanford.edu/sites/default/files/ai\\_100\\_report\\_0831fml.pdf](https://ai100.stanford.edu/sites/default/files/ai_100_report_0831fml.pdf). See also Nils J. Nilsson, *The Quest for Artificial Intelligence: A History of Ideas and Achievements* (Cambridge, UK: Cambridge University Press, 2010).

<sup>9</sup> Paul J. Springer, *Military Robots and Drones* (Santa Barbara, CA: ABC-CLIO, 2013), 33. Also consider “human-like” intelligence, to account for exceptionally “smart” animals such as dolphins, octopuses, and chimpanzees.

<sup>10</sup> Brent D. Sadler, “Fast Followers, Learning Machines, and the Third Offset Strategy,” *Joint Force Quarterly Online* 83 (October 1, 2016): <http://ndupress.ndu.edu/JFQ/Joint-Force-Quarterly-83/Article/969644/fast-followers-learning-machines-and-the-third-offset-strategy/>. See also “Google’s AlphaGo Beats Go Master Lee Se-Dol,” *BBC: Technology News Online*, March 12, 2016, <http://www.bbc.com/news/technology-35785875>.

<sup>11</sup> Edward M. Lerner, “A Mind of Its Own, Part I: Artificial Intelligence,” *Analog Science Fiction & Fact*, September 2016, 38-49.

<sup>12</sup> Chris Griffith, “Killer Robots,” *The Australian Online*, November 3, 2016, <http://www.theaustralian.com.au/life/personal-technology/killer-robots-are-closer-than-ever/news-story/74c20a6a186d9df3d5993da59c6475ad>.

<sup>13</sup> Executive Office of the President, *Preparing for the Future of Artificial Intelligence*.

<sup>14</sup> Standing Committee, *Artificial Intelligence and Life in 2030*.

<sup>15</sup> *Ibid.* See also Randy Eshelman and Douglas Derrick, “Relying on the Kindness of Machines? The Security Threat of Artificial Agents,” *Joint Force Quarterly Online* 77 (April 1, 2015): <http://ndupress.ndu.edu/Media/News/News-Article-View/Article/581874/jfq-77-relying-on-the-kindness-of-machines-the-security-threat-of-artificial-ag/>. See also John Markoff, “Microsoft Spends Big to Build a Computer out of Science Fiction,” *New York Times Online*, November 20, 2016, <https://www.nytimes.com/2016/11/21/technology/microsoft-spends-big-to-build-quantum-computer.html>. See also

serve as a necessary condition for general artificial intelligence, which has been a core objective of AI research since the beginning.<sup>16</sup>

An additional concept commonly associated with general artificial intelligence is the technological singularity, whereby a sufficiently “smart” and self-aware machine could theoretically modify its own code recursively, producing new and more intelligent versions of itself in a chain reaction until a superintelligence emerged.<sup>17</sup> This superintelligence, by its very nature and method of creation, would, theoretically speaking, far surpass the ability of humans to understand and control, thus potentially posing an existential threat. Although the technological singularity has not occurred, and a malevolent-seeming superintelligence remains science fiction, the risk associated with development is increasingly subject to serious scientific and philosophical inquiry.<sup>18</sup> These inquiries are beyond the scope of this paper, however. In order to remain aligned with the analysis that follows, any negative implications of general artificial intelligence are manageable within the human condition and fall short of existential threat.

Despite the association with a potential superintelligence and the resultant “robot apocalypse,” artificial intelligence is not about building a mind *per se*, rather it is about providing a gateway to expanded human potential through improved problem-solving tools.<sup>19</sup> In this context, the evolution from narrow to general AI is really just a shift from systems that have additive intelligent capabilities to ones that are sufficiently intelligent overall so that humans can better integrate with them.<sup>20</sup> Also, it bears remembering that artificial intelligence is still a nascent discipline and frontier science in comparison to technological history as a whole.<sup>21</sup> Thus, while the various fears of AI’s unknowns are certainly valid, as related technologies become commonplace, they will no longer be seen as AI and even newer and more enigmatic technology will emerge.<sup>22</sup>

Through this continuous process of improvement and demonstrated utility, it is reasonable to expect that artificial intelligence will follow its current trajectory to become the central force in society with mostly positive impacts.<sup>23</sup> This is not guaranteed, however; the direction and effects of previous major technological shifts have not been consistently positive—which is an indictment of the technology itself as well as the supporting economic and policy landscape for a particular society.<sup>24</sup> This reality is disconcerting, as is the unprecedented pace of underlying change being driven by AI. The extraordinary complexity of artificial intelligence systems—which can make their performance unpredictable—and their development outside of the government’s ability to regulate are two factors which aggravate the growing concern about AI’s potentially disruptive and

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Gideon Lewis-Kraus, “The Great A.I. Awakening,” *The New York Times Magazine Online*, December 14, 2016, <https://www.nytimes.com/2016/12/14/magazine/the-great-ai-awakening.html>.

<sup>16</sup> Standing Committee, *Artificial Intelligence and Life in 2030*. See also Executive Office of the President, *Preparing for the Future of Artificial Intelligence*.

<sup>17</sup> Nick Bostrom, *Superintelligence: Paths, Dangers, Strategies* (Oxford, UK: Oxford University Press, 2014).

<sup>18</sup> In addition to Bostrom’s work, see also James Barrat, *Our Final Invention: Artificial Intelligence and the End of the Human Era* (New York: St. Martin’s Press, 2013); Nikola Danaylov, *Conversations with the Future: 21 Visions for the 21<sup>st</sup> Century* (Toronto: Singularity Media, Inc., 2016); George Zarkadakis, *In Our Own Image: Savior or Destroyer? The History and Future of Artificial Intelligence* (New York: Pegasus Books, 2016).

<sup>19</sup> Khatchadourian, “The Doomsday Invention.” See also Lewis-Kraus, “The Great A.I. Awakening.”

<sup>20</sup> Lewis-Kraus, “The Great A.I. Awakening.”

<sup>21</sup> Elkus, “The AI Wars?”

<sup>22</sup> Standing Committee, *Artificial Intelligence and Life in 2030*.

<sup>23</sup> *Ibid.*

<sup>24</sup> Executive Office of the President, *Artificial Intelligence, Automation, and the Economy*, December 20, 2016, <https://obamawhitehouse.archives.gov/sites/whitehouse.gov/files/documents/Artificial-Intelligence-Automation-Economy.PDF>.



destabilizing effects. These effects are inherent to national security and implicitly demand strong policy and strategy responses.

### Killer Robots: AI and Defense

The history of military applications of artificial intelligence tacks closely to the history of the discipline itself. The Defense Advanced Research Projects Agency (DARPA) has conducted its own AI research for the better part of four decades, in addition to providing grant monies to academia and private industry through the Strategic Computing Initiative.<sup>25</sup> This research spawned AI-based navigation and sensing for explosive ordnance disposal robots and other unmanned ground systems, building upon earlier efforts to use ground robotics for remote control of vehicles and mounted weapons.<sup>26</sup> RAND Corporation's Rule-Oriented System for Implementing Expertise (ROSIE) was an early AI-based targeting tool that served as a precursor to AI systems now commonly used for target identification, discrimination, and recommendation in remotely-piloted aircraft (RPA), C-RAM (counter-rocket, artillery, and mortar) platforms, and the Aegis missile defense system.<sup>27</sup> Taken together with the increased importance of artificial intelligence in computerized war-gaming and related decision aids, these applications show that military AI is moving away from exclusively "dull, dirty, and dangerous" tasks to ones that demand greater autonomy and complexity.<sup>28</sup>

The appeal of AI-enabled autonomous weapons is practically self-evident. Autonomous weapons could reduce "boots on the ground" requirements, enable greater precision in targeting, and increase speed in decision-making, thereby lowering the human cost of war.<sup>29</sup> Additionally, autonomous weapons will likely be much cheaper to produce over time, since removing the operator allows miniaturization and simplifies systems integration.<sup>30</sup> This could help break the vicious defense acquisition cycle, in which the U.S. military seems to get less capability at greater expense generation-over-generation.<sup>31</sup> Moreover, Great Power competitors such as China and Russia are rapidly closing the technological and doctrinal gaps that ensure the United States' current advantage in precision strike and power projection, making reinvestment in these technologies both unaffordable and illogical in the long run.<sup>32</sup> The effectiveness of these technologies in a future operating environment increasingly characterized by hybrid warfare is debatable regardless, whereas artificial intelligence

<sup>25</sup> Springer, *Military Robots*, 34.

<sup>26</sup> P.W. Singer, *Wired for War: The Robotics Revolution and Conflict in the 21<sup>st</sup> Century* (London: Penguin Press, 2009), 24-30.

<sup>27</sup> Jonas Stewart, *Strong Artificial Intelligence and National Security*, Final Report (Newport, RI: Naval War College Joint Military Operations Department, May 18, 2015),

<http://oai.dtic.mil/oai/oai?verb=getRecord&metadataPrefix=html&identifier=ADA622591>. See also Jeffrey L. Caton, *Autonomous Weapon Systems: A Brief Survey of Developmental, Operational, Legal, and Ethical Issues*, The LeTort Papers (Carlisle Barracks, PA: U.S. Army War College, Strategic Studies Institute),

<http://www.strategicstudiesinstitute.army.mil/pubs/display.cfm?pubID=1309>. See also Human Rights Watch, *Losing Humanity: The Case against Killer Robots*, (Washington, DC: Human Rights Watch, November 19, 2012), <https://www.hrw.org/report/2012/11/19/losing-humanity/case-against-killer-robots>.

<sup>28</sup> Paul Scharre, *Robotics on the Battlefield Part I: Range, Persistence, and Daring*, 20YY Series (Washington, DC: Center for a New American Security, May 2014),

[https://s3.amazonaws.com/files.cnas.org/documents/CNAS\\_RoboticsOnTheBattlefield\\_Scharre.pdf](https://s3.amazonaws.com/files.cnas.org/documents/CNAS_RoboticsOnTheBattlefield_Scharre.pdf). See also United States Army, "U.S. Army Strategy for Robotic and Autonomous Systems (RAS)."

<sup>29</sup> Al-Rodhan, "The Security Implications and Existential Crossroads."

<sup>30</sup> Arthur Herman, "The Pentagon's 'Smart' Revolution," *Commentary Magazine Online*, June 26, 2016, <https://www.commentarymagazine.com/articles/pentagons-smart-revolution/>.

<sup>31</sup> *Ibid.*

<sup>32</sup> Robert Martingale, *Toward a New Offset: Exploiting U.S. Long-Term Advantages to Restore U.S. Global Power Projection Capability* (Washington, DC: Center for Strategic and Budgetary Assessments, 2014), <http://csbaonline.org/uploads/documents/Offset-Strategy-Web.pdf>.



is, in the words of Deputy Secretary of Defense Robert O. Work, “The one thing that has the widest application to the widest number of Department of Defense (DOD) missions” moving forward.<sup>33</sup> Russia’s Chief of General Staff and one of the intellectual fathers of hybrid warfare, General Valery Gerasimov, endorses this view, predicting a future battlefield dominated by learning machines.<sup>34</sup> Additionally, numerous AI researchers have forecasted autonomous weapons as the third military-technical revolution, after gunpowder and nuclear weapons.<sup>35</sup>

Although autonomous weapons tend to get associated with the more extreme elements of science fiction, such as the “killer robots” of the Terminator franchise, mobile general artificial intelligence (a more precise name for a robot) is not necessary to develop an autonomous weapon; much of the foundational technology exists today and several precursor systems are already in use.<sup>36</sup> These include the Samsung SGR-A1 Sentry Gun in the Demilitarized Zone on the Korean Peninsula, and the Israeli Defense Force’s SentryTech system, both of which have settings that allow for lethal engagement without human intervention.<sup>37</sup> Even the C-RAM systems used by the U.S. military are *de facto* autonomous with lethal potential, at least collaterally; although a human operator supervises the system, he or she would have to react near-instantaneously to override an engagement.<sup>38</sup>

Although no nations have fully committed to the development of AI-enabled autonomous weapons, none have disavowed them either.<sup>39</sup> For the United States, the current trend is towards development. The U.S. Army Strategy for Robotics and Autonomous Systems envisions autonomous systems incorporated into combined arms maneuver by 2035, with dynamic force and mission autonomy to follow in the 2040s.<sup>40</sup> DARPA initiated a program in 2013 to integrate machine learning in a wide variety of weapon systems, and the Office of Naval Research is funding several studies in support of its broader vision to “develop autonomous control that intelligently understands and reasons about its environment ... and independently takes appropriate action.”<sup>41</sup> From a U.S. policy perspective, DOD Directive 3000.09, *Autonomy in Weapon Systems*, calls for the identification of operational needs that can be satisfied by autonomous weapon systems while neither encouraging nor prohibiting these systems having lethal capabilities.<sup>42</sup> Exploiting the space created by this opacity, the U.S. Army’s last research and development budget submission outright describes lethal ground autonomous weapons.<sup>43</sup>

<sup>33</sup> Matthew Rosenberg and John Markoff, “At Heart of US Strategy, Weapons That Can Think,” *New York Times Online*, October 26, 2016, <http://www.nytimes.com/images/2016/10/26/nytfrofrontpage/scannat.pdf>.

<sup>34</sup> Sadler, “Fast Followers.”

<sup>35</sup> Future of Life Institute, “Autonomous Weapons: An Open Letter from AI & Robotics Researchers,” <https://futureoflife.org/open-letter-autonomous-weapons/>.

<sup>36</sup> Scharre, *Robotics on the Battlefield Part I*.

<sup>37</sup> Brad Allenby, “What is ‘Military Artificial Intelligence?’” *Slate: Future Tense – Citizen’s Guide to the Future*, blog entry posted December 2, 2016, [http://www.slate.com/articles/technology/future\\_tense/2016/12/the\\_difficulty\\_of\\_defining\\_military\\_artificial\\_intelligence.html](http://www.slate.com/articles/technology/future_tense/2016/12/the_difficulty_of_defining_military_artificial_intelligence.html). See also Human Rights Watch, *Losing Humanity*.

<sup>38</sup> Human Rights Watch, *Losing Humanity*.

<sup>39</sup> Paul Scharre, *Autonomous Weapons and Operational Risk*, Ethical Autonomy Project (Washington, DC: Center for a New American Security: February 2016), [https://s3.amazonaws.com/files.cnas.org/documents/CNAS\\_Autonomous-weapons-operational-risk.pdf](https://s3.amazonaws.com/files.cnas.org/documents/CNAS_Autonomous-weapons-operational-risk.pdf).

<sup>40</sup> U.S. Department of the Army, “U.S. Army Strategy for Robotic and Autonomous Systems (RAS).”

<sup>41</sup> Al-Rodhan, “The Security Implications and Existential Crossroads.” See also Caton, *Autonomous Weapon Systems: A Brief Survey*.

<sup>42</sup> Caton, *Autonomous Weapon Systems: A Brief Survey*. See also Executive Office of the President, *Preparing for the Future of Artificial Intelligence*.

<sup>43</sup> Program Element 0603827A, Soldier Systems-Advanced Development, Project S54, Small Arms Improvement. See Caton, *Autonomous Weapon Systems: A Brief Survey*.

The DOD Directive 3000.09 is a bit clearer on the control of autonomous weapon systems, saying they must employ “appropriate levels of human judgement.”<sup>44</sup> In the near term at least, this is understood to mean that a human operator will always be in-the-loop (the human controls the weapon) or on-the-loop (the human supervises the weapon and can override it if necessary).<sup>45</sup> This includes manned-unmanned teaming concepts favored by “centaur warfighting” and the DOD’s “Third Offset” acquisition strategy, which relies heavily on artificial intelligence technologies.<sup>46</sup> Additionally, as autonomous weapons development gains momentum, concomitant concerns over independence and lethality are assuaged somewhat by the belief that the systems will be defensive in nature, similar to the quasi-autonomous sentries already in use. This is false comfort, however. As Paul Scharre, Director of the Future of Warfare Initiative at the Center of a New American Security, has observed, “if there was an easy way to delineate between offensive and defensive weapons, nations would have agreed long ago to only build ‘defensive’ weapons.”<sup>47</sup>

Commitments to keeping humans in or on-the-loop are not sufficient to allay concerns about ceding control of lethal decisions to a machine, or to avoid creating potentially uncontrolled killer robots. On the contrary, numerous incentives make the development of lethal autonomous weapons borderline inevitable as long as artificial intelligence continues to deliver on its technological promise. Although AI-enabled machines are not yet as “smart” as humans, they are far superior at solving multiple control problems very quickly, due to their ability to process massive amounts of information to detect patterns without suffering fatigue, recognition error, bias, or emotional interference.<sup>48</sup> At the tactical level, military operations are basically just a series of control problems, and decision-making in competitive environments tends to accelerate; this is what Sun Tzu was suggesting when he described speed as “the essence of war.”<sup>49</sup> Thus, a human operator in or on-the-loop detracts from the very advantage that autonomous weapons and other military AI applications provide.<sup>50</sup> Add to this the fragility of communication links in a hybrid operating environment with cyber and anti-access elements, and the operational imperative to delegate actions—including lethal ones—directly to machines becomes clear.<sup>51</sup>

The “first mover” principle is also at play. Militaries have an intrinsic motivation to develop superior capabilities to their adversaries. The first competitor to maximize AI’s potential to fundamentally change the character of future warfare would enjoy a significant tactical and operational advantage.<sup>52</sup> The United States is already at the forefront for AI technologies, has a defense industrial base that leads the world in complex systems engineering and integration, and has

<sup>44</sup> Ashton Carter, *Autonomy in Weapon Systems*, Department of Defense Directive 3000.09 (Washington, DC: U.S. Department of Defense, November 21, 2012), <http://www.dtic.mil/whs/directives/corres/pdf/300009p.pdf>.

<sup>45</sup> Ibid.

<sup>46</sup> Martinage, *Toward a New Offset*. See also Scharre, *Robotics on the Battlefield Part I*. See also Paul Scharre, “Robotics on the Battlefield Part II: The Coming Swarm,” *Center for a New American Security: 20YY Series*, October 2014, [https://s3.amazonaws.com/files.cnas.org/documents/CNAS\\_TheComingSwarm\\_Scharre.pdf](https://s3.amazonaws.com/files.cnas.org/documents/CNAS_TheComingSwarm_Scharre.pdf).

<sup>47</sup> John Markoff, “Pentagon Turns to Silicon Valley for Edge in Artificial Intelligence,” *New York Times Online*, May 11, 2016, <https://www.nytimes.com/2016/05/12/technology/artificial-intelligence-as-the-pentagons-latest-weapon.html>.

<sup>48</sup> Kareem Ayoub and Kenneth Payne, “Strategy in the Age of Artificial Intelligence,” *Journal of Strategic Studies Online* 39, (November 2015), <http://www.tandfonline.com/doi/pdf/10.1080/01402390.2015.1088838?needAccess=true>.

<sup>49</sup> Scharre, *Robotics on the Battlefield Part I*. See also Scharre, “Autonomous Weapons and Operational Risk.” See also Sun Tzu, *The Art of War* (Sweden: Chiron Academic Press, 2015).

<sup>50</sup> Stewart, *Strong Artificial Intelligence and National Security*.

<sup>51</sup> Robert O. Work and Shawn Brimley, “20YY: Preparing for War in the Robotic Age,” *Center for a New American Security: 20YY Series*, January 2014, [https://s3.amazonaws.com/files.cnas.org/documents/CNAS\\_20YY\\_WorkBrimley.pdf](https://s3.amazonaws.com/files.cnas.org/documents/CNAS_20YY_WorkBrimley.pdf).

<sup>52</sup> Sadler, “Fast Followers.” See also Herman, “The Pentagon’s ‘Smart’ Revolution.”

tremendous practical experience with RPAs and unmanned ground vehicles from which to draw.<sup>53</sup> Accordingly, the U.S. is in the best position to be the first mover for lethal autonomous weapons and to gain tactical and operational advantages.

Regardless of how the United States sees its first mover advantage, the development of lethal autonomous weapons is highly probable due to factors beyond U.S. control. Most artificial intelligence and machine learning research is occurring openly in the private sector and academia, untethered to military contracts and generally without an eye towards military applications (no matter how obvious these applications may be). Even technologies developed at DARPA typically do not remain classified.<sup>54</sup> Moreover, a formal ban under the auspices of the Convention on Certain Conventional Weapons or similar agreement is unlikely, since restrictions of this form usually have disproportionate impact on states that most rely on the technologies related to the weapon, i.e., the United States and China in this case.<sup>55</sup> Thus, Great Power competitors will have access to the foundational AI technologies for lethal autonomous weapons, and given the incentives already described, will likely seek to develop new and dangerous concepts of operation that leverage them.<sup>56</sup> Accordingly, using its first mover advantage to define the probable shift to lethal autonomous weapons is arguably the most responsible and stabilizing choice the United States can make.

Once this change is fully defined, irrespective of origin, it will trigger a military imperative to adapt to it. This includes proactively dealing with the foreseeable consequences, of which proliferation and system unpredictability are the most alarming. Regarding proliferation, it is almost certain that rogue states and/or violent extremist organizations would either design their own non-discriminatory lethal autonomous weapons, or remove safeguards from a system already developed by a more responsible actor.<sup>57</sup> History is replete with unsuccessful attempts to control technology once loosed—gunpowder and submarines are both prominent examples.<sup>58</sup> Many artificial intelligence researchers fear that the technological trajectory of autonomous weapons is such that they “will become the Kalashnikovs of tomorrow,” with particular utility in assassinations, ethnic cleansing, destabilizing governments, and population control.<sup>59</sup> Absent an unlikely ban on lethal autonomous weapons, or even more unlikely suppression of the foundational AI technologies, proliferation risk simply becomes manageable.<sup>60</sup>

Unpredictable performance of lethal autonomous weapons can create accidental and collateral damage risk that would also have to be managed. Anthropomorphizing machines is human nature, but artificial intelligence and cascading technologies are functionally different than any form of human cognition, and will thus act in ways not anticipated by developers.<sup>61</sup> In fact, this is part and parcel with the whole concept of autonomy.<sup>62</sup> For machine learning, an AI system is trained on inputs and outputs, often unsupervised, until *voilà!* It just works. In this fashion, machine learning is akin

<sup>53</sup> Martinage, *Toward a New Offset*.

<sup>54</sup> Rosenberg and Markoff, “At Heart of US Strategy.” See also Christopher Mims, “We’re Fighting Killer Robots the Wrong Way,” *The Wall Street Journal Online*, August 17, 2015, <https://www.wsj.com/articles/were-fighting-killer-robots-the-wrong-way-1439784149>.

<sup>55</sup> Allenby, “What is ‘Military Artificial Intelligence?’”

<sup>56</sup> Mims, “We’re Fighting Killer Robots the Wrong Way.”

<sup>57</sup> Herman, “The Pentagon’s ‘Smart’ Revolution.” See also Griffith, “Killer Robots.”

<sup>58</sup> Eshelman and Derrick, “Relying on the Kindness of Machines?”

<sup>59</sup> Future of Life Institute, “Autonomous Weapons: An Open Letter.”

<sup>60</sup> Edward M. Lerner, “A Mind of Its Own, Part II: Superintelligence,” *Analog Science Fiction & Fact*, October 2016, 25-35.

<sup>61</sup> Ayoub and Payne, “Strategy in the Age of Artificial Intelligence.”

<sup>62</sup> Human Rights Watch, *Losing Humanity*. See also Eshelman and Derrick, “Relying on the Kindness of Machines?”

to a “black box,” with developers sacrificing understanding of AI system behavior and shortchanging control in favor of performance.<sup>63</sup> Artificial neural networks in particular can sometimes yield odd and unpredictable results, and if an artificial intelligence is based on quantum computer modeling, then the AI itself will embody quantum indeterminacy.<sup>64</sup> Additionally, an autonomous AI in a physical environment is subject to the “open world” conundrum, in which the system is bound to encounter conditions that were not anticipated when it was designed and built.<sup>65</sup>

Thus, lethal autonomous weapons will inevitably produce errors, and not necessarily ones a human operator would produce if they were in or on-the-loop.<sup>66</sup> These errors will be difficult to correct or prevent from reoccurring; not only could the sheer complexity of the weapon system prevent an error’s cause from being auditable, it is difficult to take corrective action without understanding how the weapon system is behaving and why.<sup>67</sup> Also, automation bias – through which humans demonstrate uncritical trust in automation and its outputs – could create denial that an error has even occurred.<sup>68</sup>

The negative outcomes of the accidental and collateral damage risk accrued with a lethal autonomous weapon’s error production are fratricide and civilian casualties. Although AI-related error can reasonably be expected to occur much less frequently than human error, lethal autonomous weapons have higher damage potential over possibly orders of magnitude more social-technological interactions, some of which will have not been anticipated by the system’s designers.<sup>69</sup> Moreover, one has to take any artificial intelligence on interface value, so a lethal autonomous weapon’s error would likely repeat with a consistent level of force until some external agent intervened.<sup>70</sup> Human error, on the other hand, tends to be idiosyncratic and one-off given a human operator’s (presumed) common sense, moral agency, and capacity for near-real time consequence management.<sup>71</sup>

### Unjust War – AI and International Order

In addition to altering the tactical and operational environments, the lethal autonomous weapons paradigm and other military artificial intelligence applications pose strategic risk. Not only will artificial intelligence potentially change the criteria for war and how it is conducted, but it might also fundamentally disrupt the geopolitical landscape in which war is waged.

Although AI can potentially reduce the human cost of war within individual conflicts, this reduction could make conflicts themselves occur more frequently and with greater intensity.<sup>72</sup> The

<sup>63</sup> Luke Dormehl, “Algorithms: AI’s Creepy Control Must Be Open to Inspection,” *The Guardian Online*, January 1, 2017, <https://www.theguardian.com/commentisfree/2017/jan/01/algorithms-ai-artificial-intelligence-facebook-accountability>. See also Lerner, “A Mind of Its Own, Part II,” 25-35.

<sup>64</sup> Scharre, *Autonomous Weapons and Operational Risk*. See also Lerner, “A Mind of Its Own, Part I,” 38-49.

<sup>65</sup> Executive Office of the President, *Preparing for the Future of Artificial Intelligence*.

<sup>66</sup> The AI Now Report, “The Social and Economic Implications of Artificial Intelligence Technologies in the Near-Term,” Summary of the AI Now Public Symposium, Hosted By the White House and New York University’s Information Law Institute, July 7, 2016, [https://artificialintelligencenow.com/media/documents/AINowSummaryReport\\_3.pdf](https://artificialintelligencenow.com/media/documents/AINowSummaryReport_3.pdf).

<sup>67</sup> Executive Office of the President, National Science and Technology Council, *The National Artificial Intelligence Research and Development Strategic Plan*, Report of the Network and Information Technology Research and Development Subcommittee (Washington, DC: The White House, October 13, 2016), [https://obamawhitehouse.archives.gov/sites/default/files/whitehouse\\_files/microsites/ostp/NSTC/national\\_ai\\_rd\\_strategic\\_plan.pdf](https://obamawhitehouse.archives.gov/sites/default/files/whitehouse_files/microsites/ostp/NSTC/national_ai_rd_strategic_plan.pdf).

<sup>68</sup> Scharre, *Autonomous Weapons and Operational Risk*.

<sup>69</sup> *Ibid.*

<sup>70</sup> Dormehl, “Algorithms: AI’s Creepy Control.”

<sup>71</sup> Scharre, *Autonomous Weapons and Operational Risk*.

<sup>72</sup> Stewart, *Strong Artificial Intelligence and National Security*. See also Schwab, “The Fourth Industrial Revolution.”

human cost of war is an important consideration in the decision to use violent force; in fact, the principle of *jus ad bellum* (literally “justice of war,” i.e., the conditions under which a state can rightly or justly resort to the use of force) is often predicated on this calculation.<sup>73</sup> If the potential for casualties is minimal, then governments might be inclined to operate with less restraint in using the military instrument to secure national interests.<sup>74</sup> The way in which the United States brazenly challenges other nations’ sovereignty with the use of armed remotely piloted aircraft (RPA) is an indication of diminished restraint. Also, the 2015 National Security Strategy commits to “avoiding costly large-scale ground wars,” but underwrites the use of proxies and asymmetric methods to combat violent extremist organizations, thereby lowering the threshold for war.<sup>75</sup> This latter point and recent history suggest that the United States and its partners have a troubling predilection for the “Jupiter Complex” – using force to exact righteous retribution against perceived evil adversaries. Artificial intelligence could potentially create a positive feedback loop encouraging this behavior.<sup>76</sup>

The human cost of war would likely normalize over time with the proliferation of lethal autonomous weapons, but if certain populations had developed a sense of invulnerability in the interim, they would be less prepared for the burdens of war moving forward.<sup>77</sup> Accordingly, policy-makers would need to be careful that military AI applications do not become a detriment to the population’s sense of national identity and collective purpose. Policy-makers should be further cautioned that, despite the appeal and apparent low cost of AI-enabled warfare, any military engagement is inherently destabilizing.<sup>78</sup> For the lethal autonomous weapons paradigm, at least at the outset, the destabilizing effects center on a potential availability gap for foundational AI technologies. An availability gap could reinforce and exacerbate global inequalities, as well as incentivize a “first strike” or new forms of extremism to close the gap.<sup>79</sup> In response, the AI-advantaged nation’s basic assumptions of deterrence and compellence would be severely challenged, thus changing the tenets of their defense strategy.<sup>80</sup>

Lethal autonomous weapons in particular also represent a responsibility gap that goes beyond the accidental and collateral risks associated with errors and system failures.<sup>81</sup> It is doubtful that an artificial intelligence with lethal capacity could uphold the two central elements of *jus in bello* (“justice in war,” or the law that governs how force is to be used), namely discrimination and proportionality. Regarding discrimination, restricting the use of lethal autonomous weapons to a self-regulated set of narrowly constructed scenarios is difficult since the system’s developers would not be able to anticipate every interaction the system might encounter.<sup>82</sup> The system’s inherent “framing problem,” in which it would inevitably have incomplete understanding of its external environment, just adds to its intractability.<sup>83</sup> The developer could attempt to install a sense of compassion, empathy, and mercy in the system, but installed ethics are liable to become obsolete due

<sup>73</sup> Human Rights Watch, *Losing Humanity*. See also Sadler, “Fast Followers.”

<sup>74</sup> Al-Rodhan, “The Security Implications and Existential Crossroads.” See also Caton, “Autonomous Weapon Systems: A Brief Survey.”

<sup>75</sup> Obama, *National Security Strategy*, 7-10. See also Human Rights Watch, *Losing Humanity*.

<sup>76</sup> Caton, “Autonomous Weapon Systems: A Brief Survey.”

<sup>77</sup> Scharre, *Robotics on the Battlefield Part II*.

<sup>78</sup> Al-Rodhan, “The Security Implications and Existential Crossroads.”

<sup>79</sup> Ayoub and Payne, “Strategy in the Age of Artificial Intelligence.” See also Al-Rodhan, “The Security Implications and Existential Crossroads.”

<sup>80</sup> Work and Brimley, *20YY: Preparing for War in the Robotic Age*.

<sup>81</sup> Human Rights Watch, *Losing Humanity*.

<sup>82</sup> Human Rights Watch, *Mind the Gap: The Lack of Accountability for Killer Robots* (Washington, DC: Human Rights Watch, April 9, 2015), <https://www.hrw.org/report/2015/04/09/mind-gap/lack-accountability-killer-robots>.

<sup>83</sup> Human Rights Watch, *Losing Humanity*.

to similar issues of framing and unanticipated interactions.<sup>84</sup> Thus, since the lethal autonomous weapon will likely not possess the equivalence of moral agency or social norming—to reiterate, there is nothing inherently human about a machine—it will ruthlessly and relentlessly carry out assignments, with none of Clausewitz’s fog or friction to temper its actions.<sup>85</sup> The lack of moral agency precludes a lethal autonomous weapon from being held accountable, since it cannot fear nor learn from punishment.<sup>86</sup>

A machine’s capacity for proportionality fails along a similar line of argument. Although a lethal autonomous weapon’s lack of emotion checks the passions of war, which can lead to atrocities and revenge killings, it also constrains prediction of an adversary’s emotions and actions.<sup>87</sup> Proportionality requires judgment and depends greatly on context which, given its framing problem, a lethal autonomous weapon is unlikely to be able to process.<sup>88</sup>

Artificial intelligence and lethal autonomous weapons could also complicate efforts to stabilize crises.<sup>89</sup> Crisis settings often demand quick decisions with incomplete information; if an ill-considered decision creates an unanticipated lethal autonomous weapon interaction with an error or failure outcome, then an unintended “flash war” could result.<sup>90</sup> Although this type of conflict could start quickly, there is no guarantee that it would end quickly. On the contrary, given the rapid and high volume interactions of complex autonomous systems, the flash war would conceivably spiral out of human control and be difficult to stop.<sup>91</sup> The ensuing chaos would support the interests of rogue states, violent extremist organizations, and practitioners of hybrid warfare. Accordingly, these groups could be expected to create conditions for flash wars through use of lethal autonomous weapons, or by hacking fail-safes in someone else’s weapon if the intent is to avoid attribution.<sup>92</sup>

The flash war scenario suggests a forthcoming geopolitical environment in which artificial intelligence allows military power to be decoupled from traditional indices such as population size/growth and gross domestic product.<sup>93</sup> This decoupling could fundamentally change the character of alliances and security cooperation agreements, since apparently weak states would no longer need the protection of ostensibly strong ones. Alliances would also potentially no longer be influenced by forward basing and access considerations, since AI-enabled additive manufacturing, small high-density power generation, and miniaturization will likely change power projection modalities.<sup>94</sup> Adam Elkus, a Cybersecurity Fellow at the public policy think tank New America, describes this course as, “[artificial] intelligence creating a new form of meta-geopolitics that will reshape notions of national power.”<sup>95</sup> Within this new form meta-geopolitics, proliferation of lethal

<sup>84</sup> Lerner, “A Mind of Its Own, Part I,” 38-49. See also Ayoub and Payne, “Strategy in the Age of Artificial Intelligence.” See also Executive Office of the President, *The National Artificial Intelligence Research and Development Strategic Plan*.

<sup>85</sup> Ayoub and Payne, “Strategy in the Age of Artificial Intelligence.” See also Al-Rodhan, “The Security Implications and Existential Crossroads.”

<sup>86</sup> Human Rights Watch, *Mind the Gap*.

<sup>87</sup> Human Rights Watch, *Losing Humanity*. See also Sadler, “Fast Followers.”

<sup>88</sup> Human Rights Watch, *Losing Humanity*.

<sup>89</sup> Ayoub and Payne, “Strategy in the Age of Artificial Intelligence.” See also Work and Brimley, *20YY: Preparing for War in the Robotic Age*.

<sup>90</sup> Scharre, “Autonomous Weapons and Operational Risk.”

<sup>91</sup> Scharre, *Robotics on the Battlefield Part I*.

<sup>92</sup> Scharre, “Autonomous Weapons and Operational Risk.”

<sup>93</sup> Work and Brimley, *20YY: Preparing for War in the Robotic Age*. See also Herman, “The Pentagon’s ‘Smart’ Revolution.” See also Scharre, *Robotics on the Battlefield Part I*.

<sup>94</sup> Work and Brimley, *20YY: Preparing for War in the Robotic Age*. See also Herman, “The Pentagon’s ‘Smart’ Revolution.”

<sup>95</sup> Elkus, “The AI Wars?”



autonomous weapons could democratize violence, providing individuals and groups with state-level instruments of military power.<sup>96</sup> Different AI technologies will democratize information by providing smaller entities with state-level instruments of softer types of power.

Artificial intelligence is promoting technological growth and diffusion of knowledge at unprecedented rates, and its transformative effects on society seem to be accelerating.<sup>97</sup> With this diffusion of knowledge, human and strategic interests are merging, sometimes forcefully so.<sup>98</sup> Evidence abounds for this rise in human agency, from the hacktivist collective Anonymous' use of AI programs to support the Arab Spring, to AI-enabled social media fueling demands for social justice across the world, to social impact investing and entrepreneurship spawning what Nicholas Kristof of the *New York Times* has called "DIY foreign aid."<sup>99</sup> Previously dormant socio-economic, cultural, and ethnic fault lines are fracturing, and state power is proving increasingly inadequate to tamp down unleashed conflicts, assuming that the state is even paying attention to the disruptive forces.

The inability of state power to manage AI-related disruption has invited questions about the future suitability of the Westphalian system of nation-state sovereignty. Although predictions about the return of the city-state or the rise of a "new medievalism" are probably oversold, it is clear at a minimum that human agency is forcing the redistribution and decentralization of power to non-state actors.<sup>100</sup> Given the deep interconnection of commerce and geopolitics that already exists with globalization, foremost among these non-state actors are transnational corporations, some of which are as powerful as nation-states yet beholden to none.<sup>101</sup> Given the outsized influence of artificial intelligence on the approaching social and economic orders, the most consequential transnational corporations and, by extension, the most powerful non-state actors will be technology companies.

### Rise of the Google State: AI, Prosperity, and Values

The proverbial alpha in the technology company pecking order will likely be Google. Google is all-in with machine learning, employing the largest number of Ph.D.s in the field—outstripping even academia—and their "AI First" growth strategy envisions the widening industrial applications of self-programming computers.<sup>102</sup> These applications could potentially transform the basis of economic growth for countries throughout the world, and Google is well-positioned to dominate this new economic order in ways that go far beyond its talent advantage.

"AI First" represents what some observers have described as "institution building and consolidation of power on a scale and at a pace unprecedented in human history."<sup>103</sup> Google has unmatched reserves of data in a massive cloud and supercomputing architecture that spans 13

<sup>96</sup> Herman, "The Pentagon's 'Smart' Revolution." See also Schwab, "The Fourth Industrial Revolution." See also Scharre, *Robotics on the Battlefield Part I*.

<sup>97</sup> Eshelman and Derrick, "Relying on the Kindness of Machines?" See also Schwab, "The Fourth Industrial Revolution." See also Brad Stone, "Silicon Valley Reckons with its Political Power," *Bloomberg Online*, December 22, 2016, <https://www.bloomberg.com/news/articles/2016-12-22/silicon-valley-reckons-with-its-political-power>.

<sup>98</sup> Al-Rodhan, "The Security Implications and Existential Crossroads."

<sup>99</sup> Anne-Marie Slaughter, "The Only Way Forward: Can the New World Order Be Saved By Humanism?" *Foreign Policy Online Global Thinkers 2016*, <https://gt.foreignpolicy.com/2016/essay/the-only-way-forward?df8f7f5682>. See also Al-Rodhan, "The Security Implications and Existential Crossroads."

<sup>100</sup> Michael Vaughan, "After Westphalia, Whither the Nation State, Its People, and Its Governmental Institutions?" September 29, 2011, [https://espace.library.uq.edu.au/data/UQ\\_266787/AfterWestphalia.pdf](https://espace.library.uq.edu.au/data/UQ_266787/AfterWestphalia.pdf).

<sup>101</sup> "Is History's Most Ruthless Company the Future of Business?" *Slate Online*, December, 2016, [http://www.slate.com/articles/arts/taboo/2016/12/taboo\\_east\\_india\\_company\\_circa\\_2016.html](http://www.slate.com/articles/arts/taboo/2016/12/taboo_east_india_company_circa_2016.html). See also Vaughan, "After Westphalia."

<sup>102</sup> Khatchadourian, "The Doomsday Invention." See also Lewis-Kraus, "The Great A.I. Awakening."

<sup>103</sup> Lewis-Kraus, "The Great A.I. Awakening."



countries distributed over four continents, which provides them a distinct strategic advantage over technology company competitors.<sup>104</sup> This is because the company that possesses the data controls the algorithms for continued machine learning research and physical system integration. Eric Schmidt, CEO of Alphabet, Google's parent company, has predicted that big data will be the "new oil" – a commodity so consequential in the global economic order that nations will fight over it.<sup>105</sup> And given Google's existing computing architecture, their data reserves are likely to increase outside of their core business model, since smaller companies will be more inclined to tap into Google's cloud resources as opposed to investing the billions of dollars to build their own secure architecture.<sup>106</sup>

With Google's incumbent control of big data, it will be able to use artificial intelligence to refine its products better than any potential competitor or market entrant, thereby ensuring its dominance until the market fundamentally changes or some successor paradigm forces a new global economic order.<sup>107</sup> Such a change is unlikely in the foreseeable future. On the contrary, it is more likely that Google and its transnational technology company brethren in Silicon Valley will dominate much more than the economic order.<sup>108</sup> On September 12, 2016, for the first time in history, the five largest public corporations by market capitalization were technology companies, each of which are heavily invested in AI.<sup>109</sup> Greater awareness of their collective power will increasingly force Silicon Valley companies to act in their own self-interest (as any transnational company should be expected to), and the resources and influence that these companies command will ensure that their actions are politically significant, regardless of intent. In this manner, technology will continue to become a sort of political entity unto itself, with technology companies not realistically having the option to stay neutral in the public policy space, with either their products or their stated positions.<sup>110</sup>

If AI-enabled social media platforms and search engines do not remain politically neutral, then the democratic process can suffer greatly as a result, therein comprising yet another disruption vector for AI into the national security setting. Predictive algorithms could greatly improve the reach and effectiveness of robo-calls, social media bots, and gerrymandering of voting districts, which would suppress democratic participation and increase fractiousness in the increasingly polarized political environment.<sup>111</sup> Artificial intelligence already acts as an "invisible authority" on the Internet that reflects back its image of consumers. The pervasiveness of AI applications to help organize a highly complex world renders society amenable to relinquishing control.<sup>112</sup> Hence consumers' willingness to give up much of their privacy to Google and others (to include governmental entities, tacitly or transitively) to facilitate the passive collection of the data necessary for machine learning AI applications to work and further improve.<sup>113</sup> Thus, the stage is set for technology companies to serve

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<sup>104</sup> Ibid.

<sup>105</sup> Rob Price, "Alphabet's Eric Schmidt: Big Data is So Powerful, Nation States Will Fight Over It," *Business Insider Online*, March 9, 2017, <http://www.businessinsider.com/google-eric-schmidt-countries-will-fight-over-big-data-alphabet-cloud-2017-3>.

<sup>106</sup> Ibid.

<sup>107</sup> Executive Office of the President, *Artificial Intelligence, Automation, and the Economy*.

<sup>108</sup> President Trump, for example, was elected over the near-universal objection of Silicon Valley, and that several prominent Silicon Valley executives and investors have led the call for California's secession from the United States. Stone, "Silicon Valley Reckons With Its Political Power."

<sup>109</sup> Ibid.

<sup>110</sup> Vaughan, "After Westphalia." See also Dormehl, "Algorithms: AI's Creepy Control."

<sup>111</sup> Standing Committee, *Artificial Intelligence and Life in 2030*. See also Sydney Finkelstein, "Algorithms are Making Us Small-Minded," *BBC Online*, December 12, 2016, <http://www.bbc.com/capital/story/20161212-algorithms-are-making-us-small-minded>.

<sup>112</sup> Dormehl, "Algorithms: AI's Creepy Control."

<sup>113</sup> Stone, "Silicon Valley Reckons With Its Political Power."

as “Big Brother,” controlling ideas to potentially nefarious ends, and along the way reducing the sociability and consciousness that make us all “human.”<sup>114</sup>

As it stands, AI-enabled social media is not used as tool to bring people together but rather to sow division, particularly among groups who are already feeling left behind by the emerging global economic order. Prominent among these groups are workers most susceptible to job displacement that is being caused by AI-driven automation, and for whom Silicon Valley has become an agent of destruction.<sup>115</sup>

More jobs have been lost to technology in the United States over the last decade than any other sector, and this development is likely to accelerate as automation costs come down and AI technologies gain even greater primacy in all facets of the economy.<sup>116</sup> Due to the nature of automation *vis-à-vis* current narrow AI capabilities, the jobs lost and threatened are highly concentrated among lower skilled and less educated workers. According to a study completed by former President Obama’s National Science and Technology Council, between nine and 47 percent of all American jobs are at risk of displacement over the next two decades and 83 percent of these jobs are concentrated in the lower middle class.<sup>117</sup> This continues a trend since the latter half of the 20<sup>th</sup> Century of increasing system bias towards skilled labor, as well as production’s increasing reliance on capital at the expense of labor as a whole.<sup>118</sup> For workers who have already been displaced, their demonstrated difficulty in matching extant skills to the AI economy’s in-demand jobs indicates the long-term disruptive potential of job displacement, with certain parts of the workforce moving toward permanent unemployment and poverty.<sup>119</sup>

In-demand jobs are at the very high-end or very low-end of the pay scale. The resultant “hollowing out” of the middle class will increasingly bifurcate the job market between the two extremes of low-skill/low-pay and high-skill/high-pay, thereby increasing social tensions and promoting a belief that capitalism’s “winner take all” ethos is not working for most.<sup>120</sup> Since many people derive a significant amount of meaning, identity, and self-worth from their employment, the potential for malaise and its negative effects—crime, social dereliction, etc.—become clear.<sup>121</sup>

The inequalities created by the AI economy are potentially far greater and more disruptive than those related to mere job displacement. Additional segregation could occur exclusively in the high end of the skill and pay scales. In an economy where machines are doing most of the work, virtually all of a company’s returns would go to investment as opposed to labor.<sup>122</sup> This in turn would create a premium for intellectual capital – those select few from the uppermost stratum who can direct the ever increasing resources in the most profitable and visionary ways: the same Silicon Valley titans who are currently shaping and setting the AI economy. Additionally, forecasting the jobs that will be

<sup>114</sup> Slaughter, “The Only Way Forward.” See also Standing Committee, *Artificial Intelligence and Life in 2030*. See also Schwab, “The Fourth Industrial Revolution.”

<sup>115</sup> Stone, “Silicon Valley Reckons With Its Political Power.”

<sup>116</sup> Martinne Geller and Ben Hirschler, “Impact of Job-Stealing a Growing Concern at Davos,” *Reuters Online*, January 20, 2017, <http://www.reuters.com/article/us-davos-meeting-robots-idUSKBN1540Ho>.

<sup>117</sup> Executive Office of the President, *Artificial Intelligence, Automation, and the Economy*.

<sup>118</sup> Executive Office of the President, *Artificial Intelligence, Automation, and the Economy*. See also Standing Committee, *Artificial Intelligence and Life in 2030*. See also Schwab, “The Fourth Industrial Revolution.”

<sup>119</sup> Executive Office of the President, *Artificial Intelligence, Automation, and the Economy*. See also Cade Metz, “The AI Threat Isn’t Skynet. It’s the End of the Middle Class,” *Wired Business Online*, February 10, 2017, <https://www.wired.com/2017/02/ai-threat-isnt-skynet-end-middle-class/>. See also The AI Now Report, “The Social and Economic Implications of Artificial Intelligence.”

<sup>120</sup> Schwab, “The Fourth Industrial Revolution.” See also Metz, “The AI Threat Isn’t Skynet.”

<sup>121</sup> *Ibid.*

<sup>122</sup> Schwab, “The Fourth Industrial Revolution.”

lost to or threatened by artificial intelligence is easier than predicting what jobs will be in demand and how much production will actually rely on them.<sup>123</sup> Thus, the AI economy could actually represent “superstar biased” technological change, in which labor becomes virtually non-existent (or *de facto* irrelevant from a policy perspective), thereby fundamentally changing the nature of production and work.<sup>124</sup> Accordingly, economies would have to be reorganized to enable a new form of resource allocation other than compensation for labor.<sup>125</sup> And as Silicon Valley is best positioned to benefit from the AI economy, its political weight will likely prove decisive in dictating what that reorganization will be.

### **Conclusion: Governance is Destiny**

Social upheaval, political turmoil, privacy concerns, and good old class warfare are reasons many prognosticators suggest as to why societies have nothing to fear from killer robots or the like. People will rise up well before machines do.<sup>126</sup> No matter when or in what context AI-induced disruption occurs, however, it will engender national security concerns. Given disruption already exists despite the relatively immature status of artificial intelligence technologies at present, disruption will likely get worse before it gets better. In turn, the national security setting will likely be much less stable in the interim.

Artificial intelligence is here to stay, and will continue to gain influence and utility. It will one day become the central force in society, for good and for ill. Although the national security implications of AI are consequential and potentially severe, one can nonetheless believe that the benefits of AI will outweigh the costs. Recognition that technology is not destiny helps. Technological advancements have occurred throughout history, with various economies experiencing qualitatively different outcomes because of different policies and institutions.<sup>127</sup> Indeed, the critical factor that will shape the future of AI is the same factor that shapes the AI present: governance. What constitutes governance will likely change with the decentralization and rebalancing of state power. Regardless of where the power lies—within nation-states, within Silicon Valley, and/or within what remains of the international system—there will be a set of strategic leaders to wield it. May they demonstrate the intelligence, artificial and human, to do so responsibly.

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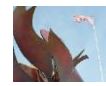
<sup>123</sup> Standing Committee, *Artificial Intelligence and Life in 2030*.

<sup>124</sup> Executive Office of the President, *Artificial Intelligence, Automation, and the Economy*.

<sup>125</sup> *Ibid.*

<sup>126</sup> Metz, “The AI Threat Isn’t Skynet.”

<sup>127</sup> Executive Office of the President, *Artificial Intelligence, Automation, and the Economy*.



# Time: Exploring the 4th Dimension of Strategy

Joseph Andrew Brooks

*Time is tacitly understood and often taken for granted; it is a complex multi-faceted construct that must be fully understood for cogent strategy formulation. Through a multidisciplinary survey of the fields of history, anthropology, science, sociology, and psychology, this paper provides strategic leaders with a deeper understanding of time's many facets. Moreover, this paper enriches the strategic planning process by exposing the assumption of absolute time. Time is not absolute; it is relative to the observer scientifically and culturally. Strategic leaders who grasp the frontier of relative time can make use of national instruments of power to strategically manipulate time to achieve desired ends.*

Keywords: *Conflict Duration, Ethnography, Cross-Cultural Savvy, Relativity, Einstein*

Time plays a central role in the life of a nation, its culture, its security, and its international relations. Time is always a factor in operational planning, but it is often taken for granted strategically. Sun Tzu, Mahan, Clausewitz, and other theorists note that the course of a conflict is driven by the characteristics of the people involved, including cultural aspects.<sup>1</sup> Time is relative, not only scientifically, but in how it is perceived among individuals and cultures. For strategic leaders, understanding time is a critical competency.

Humans have a compound understanding of time as both a scientific metric and an intrinsically subjective construct. We can measure and track time with increasing precision, yet the more we understand it, the less absolute time becomes. While almost anyone can measure time, fundamental perceptions of time differ. These temporal asymmetries are often prominent in protracted conflicts. As the Taliban claimed: "The Americans have a clock, but we have the time."<sup>2</sup>

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Joseph Andrew Brooks (M.S.S. United States Army War College) is affiliated with the Defense Logistics Agency. An earlier version of this article, written under the direction of Colonel Douglas G. Douds, earned the prestigious Excellent in Logistics Research Award and the LTG (Ret) Eugene J. D'Ambrosio Logistics Writing Award for the USAWC class of 2017.

<sup>1</sup> Peter Paret, "Clausewitz," in *Makers of Modern Strategy* (Princeton, NJ: Princeton University Press, 1984), 199.

<sup>2</sup> Franklin Spinney, "Americans Have the Clock, But the Taliban Have the Time," *Counter Punch*, August 9, 2011, <http://www.counterpunch.org/2011/08/09/americans-have-the-clock-but-the-taliban-have-the-time/>.

Temporal asymmetry is more than just a different state of mind, it has practical manifestations, including affairs of the state. States measure and track time differently. Saudi Arabia, for example, only recently replaced the Islamic calendar with the Gregorian calendar used by America and the West. Even more striking: Saudi Arabia was not the last holdout from the Gregorian calendar; in Iran the year is 1395, in Israel, 5776, and in Thailand, 2559.<sup>3</sup> The construct of time, as well as how it is observed and applied, affects humanity in profound ways that cannot be seen simply by noting differences in calendars: Time and its perception has a profound impact on the course of human life. As Edward T. Hall concluded, “Time is not just an immutable constant, as Newton supposed, but a cluster of concepts, events, and rhythms.”<sup>4</sup> Time and our perception of it is fundamentally tethered to our sociology, culture, and environment. It impacts our understandings of science and our relationship with technology. Time, therefore, plays a critical and necessary role in understanding conflict and formulating strategy.

Strategic leaders must abandon the assumption that time is perceived uniformly across populations. Understanding how a group, friend or foe, accounts for and experiences time can provide important and deep strategic insights. Edgar H. Schein concludes: “The perception and experience of time are among the most central aspects of how any group functions. When people differ in their experience of time, tremendous communication and relationship problems typically emerge.”<sup>5</sup> Despite its criticality in human affairs, concisely defining time is a challenge.

## What is Time?

Telling the time is easy; defining time is much harder. Most simple dictionaries hold time to be a measurement of past, present, and future. Definitions of this type do not clarify the word’s deeper meaning. Science allows us to understand that time is not a natural given; time, rather, is a human creation—a social construct derived from history, religion, science, and technology—that exists relative to the observer.<sup>6</sup>

### Time: A Brief History of the Construct

The idea of time evolved differently across the globe, but enjoys a common developmental path. Time as a construct links human existence to the natural world, celestial bodies, and spiritual realm. Babylonian, Egyptian, and Greek efforts to understand time and track its passage formed a backbone for Renaissance Europe and the development of the modern Western construct.

As early as 3,000 BCE, the Sumerians and Babylonians used their sexagesimal (1/60ths) system to chart the movement of the sun and stars. The sky was divided into degrees, minutes, and seconds.<sup>7</sup>

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<sup>3</sup> “The Prince’s Time Machine: Saudi Arabia Adopts the Gregorian Calendar,” *The Economist Online*, December 17, 2016, <http://www.economist.com/news/middle-east-and-africa/21711938-hauling-saudi-arabia-21st-century-saudi-arabia-adopts-gregorian>.

<sup>4</sup> Edward T. Hall, *The Dance of Life: The Other Dimension of Time* (Garden City, NY: Anchor Press/Doubleday, 1983), 13.

<sup>5</sup> Edgar H. Schein, *Organizational Culture and Leadership*, 4th ed. (San Francisco: Jossey-Bass, 2010), 125.

<sup>6</sup> Heejin Lee and Jonathan Liebenau, “Time and the Internet at the Turn of the Millennium,” *Time and Society* 9, no.1 (March 1, 2000): 44, <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.24.2749&rep=rep1&type=pdf>. Note: A social construct for the purpose of this paper is “a social mechanism, phenomenon, or category created and developed by society; a perception of an individual, group, or idea that is ‘constructed’ through cultural or social practice.” Dictionary.com, “Social Construct,” 2014, <http://www.dictionary.com/browse/social-construct>.

<sup>7</sup> BCE and CE are used interchangeably with BC and AD. BCE and CE are embraced by historical communities as they do not have as strong Judeo-Christian overtones.

While precise horology—the study and measurement of time (using minutes and seconds)—remained beyond reach, Babylonian efforts culminated in the development of a 12-month calendar.<sup>8</sup>

To Egyptians, time was very much a God-given cycle, serving primarily to understand and predict natural events such as the flow of the Nile and the changing of seasons. The Egyptians are credited with the 365-day year and duodecimal (1/12ths) sundials from ancient Egypt (1500 BCE) are precursors for the 24-hour day.<sup>9</sup> Given solar reliance, the duration of the hour was not standardized and precision following sundown was difficult. Nocturnal Egyptians would track time with the moon, stars, water clocks and other gravity-driven time approximators.<sup>10</sup> More than a millennium later, the Greeks would synthesize Babylonian and Egyptian time concepts to better reconcile the interplay between their gods, their world, and the cosmos.

By 127 BCE, the Greek scholar Hipparchus standardized the duration of an hour to allow for more accurate astronomical calculations.<sup>11</sup> This standardization was essential to Ptolemy's trigonometric calculations that in turn aided astronomers and navigators alike.<sup>12</sup> Even though the Greeks standardized its measurement, time remained the property of the gods. The Greeks had two words for time: Chronos and Kairos. Chronos, named after the god who informs our modern image of Father Time, described time's sequential and unyielding flow. Kairos described the opportune or historical moment and was a fundamental concept in Greek philosophical notions of fate and destiny.<sup>13</sup>

Time was not just a fascination of the Western world; it was also tracked in China, albeit with less precision and persistence. The Chinese, per imperial decree, developed the first functioning mechanical clock in 1094 CE to anticipate the movements of the sun, moon, and stars. No further effort was given to the mechanical clock, however, as it was deemed overly complicated and of little apparent benefit. For the Song and subsequent dynasties, water driven clocks were adequate for astrological duties.<sup>14</sup> Given time's importance in tracking the heavens and setting horoscopes, the science and art of horology were controlled by the Emperor. In essence, the Chinese construct of time was more fully an instrument of power than a scientific pursuit. Central control over time in China continues to this day. Although the nation spans five geographic time zones, Chairman Mao directed it be further unified under one time zone. This control effort remains contested as the rebellious Uyghur population in Xinjiang pointedly track their own local time.<sup>15</sup>

<sup>8</sup> Roni Jacobsen, "60: Behind Every Second, Millenniums of History," *New York Times Online*, July 8, 2013, <http://www.nytimes.com/2013/07/09/science/60-behind-every-second-millenniums-of-history.html>.

<sup>9</sup> Nicole Smith, "Ancient Egyptians and the Concept of Time," *Article Myriad*, January 12, 2012, <http://www.articlemyriad.com/ancient-egyptians-concept-time/>; Michael A. Lombardi, "Why is a Minute Divided into 60 Seconds, an Hour into 60 Minutes, yet there are Only 24 Hours in a Day?" *Scientific American*, March 5, 2007, <https://www.scientificamerican.com/article/experts-time-division-days-hours-minutes/?print=true>.

<sup>10</sup> Lombardi, "Why is a Minute Divided into 60 Seconds."

<sup>11</sup> *Ibid.*

<sup>12</sup> U.S. Library of Congress, "Ancient Greek Astronomy and Cosmology," <https://www.loc.gov/collections/finding-our-place-in-the-cosmos-with-carl-sagan/articles-and-essays/modeling-the-cosmos/ancient-greek-astronomy-and-cosmology>.

<sup>13</sup> Helge Jordheim, "Conceptual History between Chronos and Kairos – The Case of Empire," *Redescriptions: Yearbook of Political Thought, Conceptual History and Feminist Theory* 11, no. 1 (January 1, 2007): 116-117, 126, [http://www.jyu.fi/yhtfil/redescriptions/Yearbook%202007/Jordheim\\_2007.pdf](http://www.jyu.fi/yhtfil/redescriptions/Yearbook%202007/Jordheim_2007.pdf).

<sup>14</sup> David S. Landes, *Revolution in Time: Clocks and the Making of the Modern World* (Cambridge, MA: Harvard University Press, 1983), 17-37.

<sup>15</sup> Matt Schiavenza, "China Only Has One Time Zone—and That's a Problem The Communist Party's Decision to Use Beijing Time across the Country, Done to Enhance "national unity," has backfired in Xinjiang," *The Atlantic*, November 5, 2013, <https://www.theatlantic.com/china/archive/2013/11/china-only-has-one-time-zone-and-thats-a-problem/281136/>; Josh Summers, "A Tale of Two Time Zones," *Far West China*, February 2015, <https://www.farwestchina.com/2015/02/xinjiang-time-a-tale-of-two-time-zones.html>.



While the Song Chinese shunned mechanical clocks, time telling technology would profoundly change Medieval Europe. European horology would expand upon Byzantine, Egyptian, and Greek efforts to understand and track time through accurate mechanical clocks. Beyond its technical and scientific impact, the mechanical clock exerted profound influence on the structure of European society.

### The Mechanical Clock – A Technology to Structure Society

To the early Europeans, time was larger than nature; it was tied to holy design. The Church sponsored much of Medieval and early Renaissance science and technology. As such, advances in horology were in the name of and benefit for the Church. As “idleness is the enemy of the soul,” initial developments in European horology were aimed at standardizing measurements and doling out time for work and worship.<sup>16</sup> The Church’s desire to structure society was threatened by Pagan practices that tracked time through cyclical rhythms of nature.<sup>17</sup> The Church’s disdain for time’s cycle is evident in St. Augustine’s *The City of God* in which linear time is described as the holy path and that “circuitous paths” of time are the work of “deceiving and deceived sages.”<sup>18</sup> Religious desires for near absolute notions of time promoted the refinement and propagation of the mechanical clocks in Europe.<sup>19</sup>

After 1320 CE, places of worship were equipped with mechanical clocks which alerted Europeans to the passing of time through visual and audible cues.<sup>20</sup> Based on Hellenistic calculations, these clocks were designed to correspond to astronomical movements.<sup>21</sup> Church bells usurped the natural signs of time’s passing as Europeans organized their lives around the clock’s persistent and predictable pronouncements.<sup>22</sup> This mass synthesis of technology and pious thought created the Western construct of time.

Time’s arrow and absolute time best characterize the Western construct of time. Time’s arrow maintains that time is an unrelenting, single progression that links past, present, and future in a causal string.<sup>23</sup> Time’s arrow conforms to deep Judeo-Christian beliefs of progression and underpins prevalent paradigms such as Newtonian physics and Whig History.<sup>24</sup> Stephen Hawking reckoned

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<sup>16</sup> Benedict of Nursia, “The Rule of Saint Benedict,” <http://www.goodreads.com/quotes/329323-idleness-is-the-enemy-of-the-soul-and-therefore-the>. Note: This quote is attributed to St. Benedict of Nursia and continues “...and therefore the brethren ought to be employed in manual labor at certain times, at others, in devout reading.”

<sup>17</sup> Steve Taylor, *Making Time: Why Time Seems to Pass at Different Speeds and How to Control It* (Cambridge, UK: Icon Books, 2007), 107-108.

<sup>18</sup> St. Augustine, *The City of God and Christian Doctrine*, ed. Philip Schaff (Grand Rapids, MI: Eerdmans Publishing, 1886), 541.

<sup>19</sup> Landes, *Revolution in Time*, 58-60. Note: The first historical reference to a mechanical clock dates back to 1094 in China – Su Sung created a mechanical clock at the request of the Emperor of China. Landes concludes that this invention fell out of favor as there was no cultural affinity for more precise measurement of time than was already provided to the Chinese by the water driven clocks of the era (pages 17-24 of *Revolution in Time*). Landes adds that one possible and likely motivation for precise mechanical clocks was a desire by the Holy Roman Church to synchronize worship times (pages 59-61 of *Revolution in Time*).

<sup>20</sup> *Ibid.*, 53-61.

<sup>21</sup> *Ibid.*

<sup>22</sup> Helga Nowotny, *Time* (Cambridge, UK: Polity Press, 2005), 37.

<sup>23</sup> Jay Gould, *Time’s Arrow Time’s Cycle: Myth and Metaphor in the Discovery of Geological Time* (Cambridge, MA: Harvard University Press, 1987), 13; Hall, *The Dance of Life*, 44.

<sup>24</sup> Gould, *Time’s Arrow Time’s Cycle*, 11; Murray N. Rothbard, “The Progressive Theory of History,” September 14, 2010, <https://mises.org/library/progressive-theory-history>.



that absolute time “is what most people would take to be the commonsense view.”<sup>25</sup> The European construct held time to be an immutable truth that could not be challenged.<sup>26</sup>

Following the larger Renaissance and Enlightenment trends, clock making, horology, and astronomy eventually became more secularized. New commercial sponsors of scientific and technological study championed the importance of the clock as it aided in navigation and trade. Navigationally, mechanical clocks had to divide the passage of time into more acute increments. The clock’s increasing accuracy would reshape both the order of society and scientific understanding of the universe.

### Precise Time

Modern scholars point to the development and proliferation of mechanical clocks as an essential development in Western society.<sup>27</sup> Mechanical clocks provided Europe with a decisive advantage in cartography, navigation, and exploration from the 15<sup>th</sup> to 19<sup>th</sup> centuries. More precise ship bound clocks (losing only 1/10<sup>th</sup> of a second each day), such as the one invented by Englishman John Harrison in 1764, led to the “discovery,” or rather, the more precise application of longitude.<sup>28</sup> Longitude enabled more expeditions and trade missions. Clocks helped naval powers (e.g., Britain) command the seas and exert diplomatic and economic power.

The clock and the pursuit of tracking time have allowed for greater compartmentalization and economization of hours devoted to labor.<sup>29</sup> While Benjamin Franklin is credited with publicizing the concept of time being money, the industrial revolution anchored the conceptual linkage between the two in Western society.<sup>30</sup> Political philosopher Helga Nowotny directly addresses this, arguing that: “In the machine (Industrial) age, the notion of the linearity of time prevailed because time, following the laws of economics was equated for the first time with money and made into a scarce resource. Time = money was at work in the motion of the machines.”<sup>31</sup> Clocks and the pursuit of time did not just change society through economics in the Industrial era; they also redrew boundaries.

The Industrial Revolution expanded production and shrank both time and space. Railways drastically reduced the transit time between towns and cities as compared with horse-powered contrivances. Characterized as the “annihilation of time and space,” the effect of the railroad was dynamic and dramatic.<sup>32</sup> Before the railway, each city and town had a unique temporal identity; they set time to correspond with local observations. Clocks were set so that 12:00 PM marked the moment the Sun crossed the meridian at its highest elevation, i.e. noon. This municipal level arrangement with the Sun meant that towns further east would change hours earlier than those further west: Boston time would be 12:00 PM, whereas clocks in New York would simultaneously read 11:48 AM.<sup>33</sup> This variable time represented a challenge to both the practical aspect of coordinating transit

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<sup>25</sup> Stephen Hawking, *A Brief History of Time* (New York: Bantam Books, 1998), 18. Note: Hawking later states the “relativity gets rid of absolute time.”

<sup>26</sup> Ibid.

<sup>27</sup> Landes, “Clocks and the Wealth of Nations,” *Daedalus* 132, no: 2 (Spring 2003): 20-23.

<sup>28</sup> Landes, *Revolution in Time*, 156-157.

<sup>29</sup> Nowotny, *Time*, 47; Daniel Lattier, “How the Clock Changed the World,” *Intellectual Takeout*, March 14, 2016, <http://www.intellectualtakeout.org/blog/how-clock-changed-world>.

<sup>30</sup> Benjamin Franklin, “Advice to a Young Tradesman,” July 21, 1748, <https://founders.archives.gov/documents/Franklin/01-03-02-0130>.

<sup>31</sup> Nowotny, *Time*, 72.

<sup>32</sup> Wolfgang Schivelbusch, *The Railway Journey* (Berkeley: The University of California Press, 1986), 33.

<sup>33</sup> The Transcontinental Railroad, “Time Standardization,” <http://railroad.lindahall.org/essays/time-standardization.html>.

schedules and the tacit assumption of absolute time.<sup>34</sup> This uniquely local time was short-lived, as railroad companies implemented their own standard times and lobbied governments to designate time zones. By 1884, the International Conference on Time Zones divided the world into 24 zones.<sup>35</sup>

Albert Einstein, who changed our understanding of time, was born into a world of variable time and efforts to standardize time zones. His Theory of Relativity likely was influenced by this rail-driven environment of temporal change in which the railroad was thought to have “annihilated space and time.”<sup>36</sup> Einstein would, however, eventually bind the two together to form a fourth dimension of physics.

Space-time is comprised of four dimensions: X (horizontal, or in the case of navigation, longitude), Y (vertical or latitude), Z (depth or elevation), and T (time).<sup>37</sup> Space-time, which Stephen Hawking explained as “the four-dimensional space whose points are events,” is strikingly similar to earlier Greek notions of Kairos (the moment) rather than the immutable Chronos.<sup>38</sup> While the linking of space and time represented a cognitive leap, it was Einstein’s theory of relativity that shattered Aristotle and Newton’s concepts of absolute time. Time, according to Einstein’s formulation, is affected by factors such as speed and gravity, allowing for a condition of relative time, one in which “each individual has his own personal measure of time that depends on where he is and how he is moving.”<sup>39</sup> Increasingly precise chronometers have observed that time is slower on moving clocks than it is on stationary ones.<sup>40</sup> These observations disprove absolute time and confirm that time is relative to the observer.<sup>41</sup>

## Time Perception

If physics maintains that time is relative to the observer, would not perception of its passing be just as, if not more relative? Theoretically, the answer to this question is “yes;” however, in practice, absolute time still reigns over our social thought processes. Our predisposition to such a concept—to the point where absolute time is a tacit assumption—blinds us to poignant ethnographic differences that separate us from our allies and adversaries. Time perception varies widely among different cultures and is critical to understanding the development and alignment of agendas, values, interests, goals, and, broadly speaking . . . strategy.

### A Cultural Divide

Time is a highly influential force on society, “a guide by which social life is actively and intentionally shaped, a model for action.”<sup>42</sup> Time perception—how a culture views time—is informed

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<sup>34</sup> Dennis Overbye, “The Clocks that Shaped Einstein’s Leap in Time,” June 23, 2003, <http://oregonstate.edu/instruct/hsts414/doel/einsteintime2.htm>.

<sup>35</sup> Schivelbusch, *The Railway Journey*, 44.

<sup>36</sup> Overbye, “The Clocks that Shaped Einstein’s Leap in Time”; Albert Einstein, “Relativity: The Special and General Theory,” trans. Robert William Lawson, 1916, part II, section 9, [https://en.wikisource.org/wiki/Relativity:\\_The\\_Special\\_and\\_General\\_Theory](https://en.wikisource.org/wiki/Relativity:_The_Special_and_General_Theory).

<sup>37</sup> Sten Odenwald, “Special and General Relativity Questions and Answers: What is a Space-Time Continuum?” <https://einstein.stanford.edu/content/relativity/q411.html>.

<sup>38</sup> Hawking, *A Brief History of Time*, 203.

<sup>39</sup> *Ibid.*, 34.

<sup>40</sup> Einstein Online - Max Planck Institute for Gravitational Physics, “The Relativity of Space and Time,” 2017, [http://www.einstein-online.info/elementary/specialRT/relativity\\_space\\_time](http://www.einstein-online.info/elementary/specialRT/relativity_space_time).

<sup>41</sup> Seth Kadish, “Time Travel Is Real. Here Are the People and Spacecraft Who Have Done It,” *Wired*, November 20, 2014, <https://www.wired.com/2014/11/time-dilation/>.

<sup>42</sup> Frank A. Dubinsaks, *Making Time* (Philadelphia: Temple University Press, 1988), 14.

by that culture's history, religion, sociology, and relationship with science and technology. Knowingly or unknowingly, time perception guides human actions and decisions. Understanding a culture's perception of time is as important as accounting for its other cultural artifacts and, significantly, can provide profound strategic insight.

Scholars generally group time perception into three overarching categories: linear time (i.e. monochromatic time), flexible time (i.e. polychromatic time), and cyclic time.<sup>43</sup> While these types are generalized, they nevertheless provide a framework to compare time perspectives cross-culturally. In addition to linear, flexible, and cyclical time perspectives, social psychologist Geert Hofstede adds duration preference to the discussion of cultural differences. Multiple cross-cultural surveys overwhelmingly demonstrate the existence of cultural biases regarding the duration of an investment, conflict, or engagement both in measured and perceived time. Evidence reinforces previously held notions that some cultures have a short-term orientation (STO) while others maintain a long-term orientation (LTO). STO cultures value quick results whereas LTO cultures are more patient, preferring to conserve resources and wait for progress toward their goals.<sup>44</sup> Clearly a link exists between cultural perceptions of time and duration preference—these factors, and their interplay influence conflict and strategy.

In the West, particularly in countries with strong historical Anglo-Saxon ties, time is akin to money: it is spent, it is invested, and its use is tightly scheduled.<sup>45</sup> Linear time cultures view time as a singular progression—an immutable arrow that proceeds from the past to the present and towards the future. Linear time is the social manifestation of absolute time and time's arrow. Schedules—the tyranny of the clock—dominate planning in linear time cultures. Linear time is more tangible, measured, and thereby scheduled in increasingly smaller and more precise increments. Edward T. Hall observed that linear time is “a classification system that orders life” and adds that “monochromatic time is arbitrary and imposed . . . it is treated as though it were the only natural and logical way of organizing life.”<sup>46</sup>

In linear cultures, tasks are scheduled in an ordered and sequential format.<sup>47</sup> People in linear cultures tend to focus and orient their actions on the near future and have an STO when considering investments, projects, conflict, and effort.<sup>48</sup> Linear time influenced strategies will likely focus on sequential ordering of ways and means to achieve near-term ends while stressing adherence to a timetable in order to achieve quick, orderly results. This desire for immediacy can be stifled by allies or adversaries steeped in flexible approaches to time and LTO.

Flexible time cultures, like those found in Latin America, the Mediterranean, Middle East, and parts of Asia, tend to view time as not just one arrow, but multiple simultaneous arrows. Rather than satisfying ordered agendas, flexible time cultures focus on developing long-term relationships and the total number of tasks to be accomplished over longer periods. Flexible time cultures are averse

<sup>43</sup> Reynolds and Valentine, *Guide to Cross-Cultural*, 26; Dubinskas, *Making Time*, 7; Schein, *Organizational Culture*, 127; Gould, *Time's Arrow Time's Cycle*, 10-13; Hall, *The Dance of Life*, 41-55; Note: Cyclic time will be discussed later though some disagree as to whether it is a similar category to the linear and flexible time.

<sup>44</sup> Geert Hofstede, Gert Jan Hofstede, and Michael Minkov, *Cultures and Organizations: Software of the Mind* (New York: McGraw Hill, 2010), 239-276.

<sup>45</sup> Franklin, “Advice to a Young Tradesman”; Dubinskas, *Making Time*, 14; Sana Reynolds and Deborah Valentine, *Guide to Cross-Cultural Communication*, 2nd ed. (Upper Saddle River, NJ: Prentice Hall, 2011), 29.

<sup>46</sup> Hall, *The Dance of Life*, 45. While the quote is from page 45, pages 41-46 focus on monochromatic or linear time in good detail. Hall was one of the principle sources I used to understand and write on mono and polychromatic time.

<sup>47</sup> *Ibid.*, 41-46; Reynolds and Valentine, *Guide to Cross-Cultural*, 28-29; Dubinskas, *Time*, 13-15; Schein, *Organizational Culture*, 127-134.

<sup>48</sup> Reynolds and Valentine, *Guide to Cross-Cultural*, 29; Hofstede, Hofstede, and Minkov, *Cultures and Organizations*, 240, 250, 255.

to measuring, as well as attempts to control time; linear time encourages focus on a single task, whereas flexible time encourages multi-tasking. Flexible time cultures also usually feature a much more centralized control/authority mindset and simple, flat command relationships.<sup>49</sup>

The penchant to multi-task and greater tolerance for delayed gratification combined with LTO strategies enable people in flexible time cultures to focus on the present.<sup>50</sup> Aphorisms and expressions on time from flexible time cultures reflect this dichotomy: the Turks say “what flares up fast extinguishes soon,” while the Mongolian people hold that “profit always comes with a delay.”<sup>51</sup> Flexible time influenced strategies will likely encourage wider participation and focus on achieving multiple results over a longer duration. Whether in cooperation or in conflict, strategic leaders adhering to linear time perspectives will often find themselves frustrated by the broad scope and the protracted nature of strategies authored by those adhering to flexible time.

Perhaps furthest from the linear nature of Western time perception, cyclic time cultures, like those found in East Asia, tend to embrace time’s cycle. Viewing time as a repeating progression, cyclic time cultures maintain that humans do not control time; they flow with it. Time is rooted in larger concepts of nature<sup>52</sup> with a higher emphasis on harmony. Individual efforts must fit into the rhythm of life rather than shape it.<sup>53</sup> This focus on temporal balance is apparent in Buddhist principles of mindfulness. Whereas a person from a linear time culture may view a missed deadline as an opportunity lost, a person from a cyclic culture would wait for the chance to rise again.

People in cyclic time cultures generally prefer to take time in making decisions and draw on connections and symmetry with the past.<sup>54</sup> Countries that embrace more cyclical notions of time, such as China, Japan, and South Korea tend to have a longer, more patient view of their labors pursue an LTO approach with investments, projects, conflict, and effort.<sup>55</sup> Strategies informed by cyclic time, will likely make use of patience, cite historical analogies, and be more responsive and adaptive to abrupt change.<sup>56</sup> Beyond broad cultural categorizations, the study of psychology provides some universal insights into how individuals perceive time.

### The Role of Psychology

Due to persistent and somewhat contradictory notions of mortality and afterlife, the human mind is a battleground between urgency and patience. Is time a destroyer? Is it racing for or against us? Is it an omnipresent, yet ambivalent companion? With regard to individual mindset, the answer may depend on five fundamental psychological laws of time:

1. Time speeds up as we get older;
2. Time slows down when we are exposed to new experiences and environments;
3. Time passes quickly in states of absorption;
4. Time passes slowly in states of non-absorption,

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<sup>49</sup> Reynolds and Valentine, *Guide to Cross-Cultural*, 30-31; Schein, *Organizational Culture*, 127-134; Hall, *The Dance of Life*, 46.

<sup>50</sup> Reynolds and Valentine, *Guide to Cross-Cultural*, 31; Hofstede, Hofstede, and Minkov, *Cultures and Organizations*, 240, 250, 255.

<sup>51</sup> Reynolds and Valentine, *Guide to Cross-Cultural*, 31.

<sup>52</sup> Taylor, *Making Time*, 107.

<sup>53</sup> Gould, *Time’s Arrow Time’s Cycle*, 64, 196.

<sup>54</sup> Reynolds and Valentine, *Guide to Cross-Cultural*, 32-35.

<sup>55</sup> Hofstede, Hofstede, and Minkov, *Cultures and Organizations*, 240, 250, 255.

<sup>56</sup> Reynolds and Valentine, *Guide to Cross-Cultural*, 32-35.

5. Time often passes slowly . . . [when] the ‘conscious mind’ or normal ego is in abeyance.<sup>57</sup>

While these laws are general and the understanding of the human psyche is a constantly evolving study, they reflect a certain intuitive appeal. Moreover, social and technological trends may heighten psychological factors of time perception.

### The Role of Technology

Humanity’s relationship with time changed in 2007 with the invention of the smartphone. Borrowing from a phrase first coined in climate science, academics in economics and public policy have described the post-2007 world as “The Great Acceleration.” This Great Acceleration, in social science, describes a situation where the speed of information, due to ubiquitous technology, has drastically increased the rate of change.<sup>58</sup> Given this acceleration, individuals expect instant gratification.<sup>59</sup> In this new environment, policy makers are compelled to speed up decision-making to keep pace.<sup>60</sup> This perceived need for greater urgency in decision-making amplifies already potent cultural dispositions towards STO. Once the standard in business and governance, today’s attempts to conduct five-year plans, for example, seem anachronistically measured and immobile as strategic leaders are pressed to respond quickly to new information.<sup>61</sup>

The Great Acceleration also extends to conflict. The weapons of the cyber domain travel to their target at near instantaneous speed and information warfare is equally rapid and more powerful than ever.<sup>62</sup> Taylor’s second, third, and fifth laws of psychological time are clearly at play as countries engage in cyber and information warfare. Cyber and information warfare actions are, in part, efforts to manipulate the decision environment at a psychological level. Finding their decision space beset with fast, changing information, decision-makers fear being left behind—they perceive that their time to decide and to act is running out. The Chairman of the Joint Chiefs of Staff, General Joseph Dunford recently testified to this effect: “the pace of change has accelerated . . . Decision space has collapsed, and so our processes must keep pace with the speed of war.”<sup>63</sup> This increased need for quick decision-making may be the result of a contrived perception—the designed purpose of enemy action—and as such can be counterproductive. The strategic leader in crisis needs to detect this ruse and ensure or restore an atmosphere for thoughtful deliberation.

<sup>57</sup> Taylor, *Making Time*, quoted from 229; discussion on 5-106.

<sup>58</sup> Thomas L. Friedman, *Thank You for Being Late: An Optimist’s Guide to Thriving in the Age of Accelerations* (New York: Farrar, Straus and Giroux, 2016), Kindle e-book loc 404-436; “The Creed of Speed: Is the Pace of Business Really Getting Quicker,” *The Economist*, December 5, 2015, <http://www.economist.com/news/briefing/21679448-pace-business-really-getting-quicker-creed-speed>; Murray Newlands, “The One Certainty About the Future Is the Pace of Change Will Only Quicken,” *Entrepreneur*, January 9, 2015, <https://www.entrepreneur.com/article/241255>.

<sup>59</sup> Linton Weeks, “Impatient Nation: I Can’t Wait for You to Read this,” *NPR*, December 6, 2010, <http://www.npr.org/2010/12/06/131565694/impatient-nation-i-can-t-wait-for-you-to-read-this>.

<sup>60</sup> Christopher Muther, “Instant Gratification is Making us Perpetually Impatient,” *Boston Globe*, February 2, 2013, <https://www.bostonglobe.com/lifestyle/style/2013/02/01/the-growing-culture-impatience-where-instant-gratification-makes-crave-more-instant-gratification/q8tWDNGeJB2mm45fQxtTQP/story.html>; Barack Obama, “Final Address to the United Nations,” *Time Online*, September 19, 2016, 17, <http://time.com/4501910/president-obama-united-nations-speech-transcript/>; Stewart Brand, *The Clock of Long Now: Time and Responsibility* (London, UK: Phoenix, 2000), Kindle e-book loc 431-443.

<sup>61</sup> Brand, *The Clock of Long Now*, Kindle e-book loc 110.

<sup>62</sup> Roman Dobrokhotov, “Russia’s Soft Warfare: Hackers, Fake News, Freaks, Trolls, and Pranksters are Russia’s New Soft Power Weapon Arsenal,” *Al-Jazeera*, February 27, 2017, <http://www.aljazeera.com/indepth/opinion/2017/02/russia-soft-warfare-cyberwar-hackers-fake-news-170227070148722.html>.

<sup>63</sup> Jim Garamone, “Dunford: Speed of Military Decision-Making Must Exceed Speed of War,” *Small Wars Journal*, January 31, 2017, <http://smallwarsjournal.com/blog/dunford-speed-of-military-decision-making-must-exceed-speed-of-war>.

## Time in Strategy

The construct of time clearly impacts strategy formation at every level. Armed with an understanding of time as a construct—including its history and its role in science, technology, culture and society—time savvy strategic leaders account for potentially varying time perception and preference among themselves and their allies and adversaries. Accounting for time perception and duration preference, however, is not sufficient to make Father Time (*Chronos*) an ally. Strategic leaders must also capitalize on momentum, or lack thereof, (*Kairos*) and manipulate time perception through the instruments of national power and psychology to best suit desired ends, ways, and means.

### Knowing Yourself

Sun Tzu emphasized the value and importance of knowing yourself and knowing your foe.<sup>64</sup> Knowing yourself—understanding your people and their culture—is of particular significance in a democratic system where human perception is paramount. Absolute and linear time is a tacit assumption at the center of American strategy. Decision-makers in America see time as a valuable and highly perishable resource, especially in politics where there is a “fierce urgency of now” and concerns about election timetables.<sup>65</sup> Accordingly, policy makers seek to manage and protect their time. Americans prefer quick outcomes and have a very strong predilection for STO, especially when considering the accelerant effect of modern IT.

When Americans desire a change, they want it instantaneously. Patience is almost a quaint anachronism, and protracted negotiations and conflicts are often regarded as unsuccessful blunders.<sup>66</sup> The desire for decisiveness has led to the adulation of leaders who take action and do so quickly. This decisiveness, however, can be a limitation, as it can artificially accelerate a conflict by forcing early action before the opportune moment—*Kairos*—has arrived. One of the most vexing challenges for the American strategic leader is striking a balance between deliberation and action. To find the time for critical thought, the American strategic leader should take advantage of the design of the government and its intrinsic system of checks and balances to regulate the pace for reaching decisions, taking actions, and managing, if not controlling, the pace of conflict. Undue haste can prevent the American strategic leader from understanding both allies and adversaries.

### Knowing Your Enemy

While America subscribes to absolute, linear time, and exudes a strong preference for STO, adversaries may not. Different time perceptions and duration preferences influence the opposition’s strategy. Strategic leaders must have a refined understanding of how their opponents view time. Previous studies are helpful, but outline matters in broad (East and West) and even sub-continental terms (East Asia, Latin America, Western Europe, etc.). To more fully understand a given opponent, ally, or situation, however, more specificity is needed. The following questions help frame consideration of the temporal aspects of the environment, adversary, and conflict at hand:

1. How old is the conflict and is it existential to any party involved?

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<sup>64</sup> Sun Tzu, *The Art of War*, trans. Samuel Griffith (New York: Oxford University Press, 1963), 84.

<sup>65</sup> Martin Luther King Jr, “I Have a Dream,” August 28, 1963, <http://www.americanrhetoric.com/speeches/mlkihadream.htm>.

<sup>66</sup> Shawn Snow, “Long Wars and Ugly Nationalism Test Americans’ Patience,” *The Hill*, July 19, 2016, <http://thehill.com/blogs/pundits-blog/foreign-policy/288188-long-wars-and-ugly-nationalism-test-americans-patience>; Ronald Alsop, “Instant Gratification and its Dark Side,” *Bucknell Magazine*, July 17, 2014, <http://www.bucknell.edu/communications/bucknell-magazine/instant-gratification-and-its-dark-side.html>.

2. How old is the adversary's culture, nation, and state?
3. Is there a religious aspect to the conflict?
4. How does the adversary perceive time?
5. What is the adversary's duration preference—STO or LTO?
6. What is the role of technology in the conflict?

A better understanding of time perception and duration preference allow strategic leaders to determine if they will face an opponent who will try to accelerate or decelerate the conflict to better suit their strategic needs and capabilities.

Understanding the history of the conflict and the adversary is essential to strategic formulations. A historical perspective is helpful in estimating the opponent's ability to endure conflict as well as understanding their cultural and psychological mindset. A newcomer to an old conflict may have milestones that are not synchronized with his or her allies' and may be potentially spoiled by a persistent and patient foe with the experience and expectation for a long, and possibly brutal conflict. Older nations, states, and cultures can have an extended multi-generational outlook on a given conflict and a greater willingness to endure protracted wars. Finally, if the conflict is viewed as existential to any party, America may have to decide whether to confront or avoid a resilient, enduring pattern of resistance.

Just as religion played a decisive role in establishing Western constructs of time, religion may also play an important role in how the adversary and adherents view time. Religious fervor can increase an enemy's resolve and prolong a conflict, especially so if that religion grants them an eternal and bountiful afterlife. Time perception and duration preferences can also create a mismatch in objectives and strategy. Flexible time cultures may approach the conflict in a less structured, but more multi-faceted manner than America's linear default. Furthermore, cyclic cultures may be more reactionary than cultures that follow linear or flexible time.

Finally, technology plays both a critical role in the way humans perceive time and a determinant role in conflict duration. Conflict between nuclear powers, for example, has the potential of decisive brevity whereas a guerilla war can last decades without resolution. Technological advancements enable increased conflict speed so long as the opponent is not able to disrupt or deny use of advanced technology as a means of gaining advantage and thereby adjust a conflict's duration.

### Manipulating Time and Its Perception through Instruments of National Power

The strategic manipulation of time—the ability to increase allied decision space (decelerate the clock) or collapse adversary decision space (accelerate the clock)—is an essential consideration. Humans pace interactions through balancing expectations and practical factors. Expectations are set by psychology, cultural norms, precedence, as well as notions of risk and opportunity cost. Common practical factors include environmental conditions, path dependent schedules, and endurance limitations.<sup>67</sup> Anthropologist Pierre Bourdieu observes that while humans exert control over the nature, intent, and intensity of their interactions, the duration or interval of the interaction is often overlooked. This oversight is a critical shortcoming, for, as Bourdieu contends: “to abolish the interval is to abolish strategy.”<sup>68</sup>

The deliberate timing of action can increase, alter, or reduce the perceived nature, intent, and intensity of an interaction. While Bourdieu points to the role of time in common human interactions

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<sup>67</sup> Pierre Bourdieu, *Outline of a Theory of Practice*, trans. Richard Nice (Cambridge, UK: Cambridge University Press, 2016), 6-9.

<sup>68</sup> *Ibid.*, 6.



(the offering of a gift or escalation of a feud), the practice of using time to secure victory in sports is perhaps a helpful analogy to consider matters of national security strategy.<sup>69</sup> The coach of a football team seeks to control the clock on game day. The coach understands his own team's preference but also remains flexible to adjust strategy if needed. The quick scoring, pass-oriented teams are usually STO in that they aim to establish dominance early and drain their opponents' resolve to outlast. Contrast this approach with the LTO of teams that feature the running game. Running teams aim to tire down their opponent physically. Despite initial preferences, each coach must have strategies to offset the other team's advantages. The coach must also adapt his strategy to game day conditions. They must decelerate the clock if they are behind or accelerate it if they are in the lead. In the context of national security, this manipulation or clock control can be accomplished through various instruments of national power.

In conflict, the idea of manipulating the strategic clock dates back to the Quintus Fabius' tactics against Hannibal in the Second Punic War. Fabius knew he could not beat Hannibal in a decisive contest, so he prolonged the conflict to exhaust Hannibal of the resources and will needed to wage war.<sup>70</sup> Just as in ancient Rome, culture, psychology, and environment play an essential role in how an individual leader and his or her people experience time. The strategic leader may be able to use instruments of power to change their adversary's time perception and preference (LTO or STO).

Strategic leaders can develop strategy and design approaches that use diplomatic outreach, economic and financial measures, information operations, and military deterrence to give pause to aggressors while reassuring the public that sufficient time exists for reviewing options. Conversely, diplomatic rebuffs, acute sanctions, information access disruptions, and decisive military action can reduce the adversaries' time to react (decision space). The following 20<sup>th</sup>-century examples, one from each instrument of power (DIME), illustrate the strategic manipulation of time:

- Diplomacy (D): In 1972, United States' President Nixon decelerates the clock vis-à-vis the Soviet Union with his visit to China. This action also produces an immediate improvement in relations with both China and the Soviet Union.<sup>71</sup>
- Information (I): In 1917, British Intelligence accelerate the clock on their adversary—Germany—when they share the Zimmermann Telegram with President Wilson. The telegram convinces America to declare war on Germany.<sup>72</sup>
- Military (M): In 1967, Israel, believing that they would not survive an attack from Arab nations, accelerates the clock with decisive pre-emptive strikes.<sup>73</sup>
- Economic (E): In 1941, The United States accelerated the clock with an oil embargo against Japan. Japan relied on U.S. imports of oil and only had a limited reserve supply. Projected shortfalls in oil accelerated Japan's timetables for war with the United States.<sup>74</sup>

The embargo against Japan shows how an action may inadvertently accelerate the clock. The embargo was intended to slow the Japanese war machine, but actually had the opposite effect.<sup>75</sup> In

<sup>69</sup> Ibid.

<sup>70</sup> Polybius, "The Rise of the Roman Empire," translated by Ian Scott-Kilvert, Introduction by F.W. Walbank (Harmondsworth, NY: Penguin Press, 1979), 256.

<sup>71</sup> UVA Miller Center, "Richard Nixon: Foreign Affairs," <https://millercenter.org/president/nixon/foreign-affairs>.

<sup>72</sup> US National Archives, "The Zimmermann Telegram," August 15, 2016, <https://www.archives.gov/education/lessons/zimmermann/>.

<sup>73</sup> Sara Sudetic, "Pre-Emption and Israeli Decision-Making in 1967 and 1973," March 16, 2014, <http://www.e-ir.info/2014/03/16/pre-emption-and-israeli-decision-making-in-1967-and-1973/>.

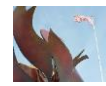
<sup>74</sup> David L. Roll, "Oil Led to Pearl Harbor," *Salon*, December 5, 2013, [http://www.salon.com/2013/12/05/oil\\_led\\_to\\_pearl\\_harbor/](http://www.salon.com/2013/12/05/oil_led_to_pearl_harbor/).

<sup>75</sup> The State Department – Office of the Historian, "Japan, China, the United States and the Road to Pearl Harbor, 1937–41," <https://history.state.gov/milestones/1937-1945/pearl-harbor>.

short, the several examples demonstrate how timing the use of instruments of power impacted the strategic clock.

### **Conclusion**

Understanding the clock—ours, our allies, and our enemies—is an important extension of understanding the environment. Though commonly associated with limitations, deadlines, and restrictions, time is relative and relational. By accounting for different cultural time perceptions, strategists engage another dimension of empathy and cross-cultural savviness, potentially enhancing the ability to: escalate or de-escalate a conflict, accelerate or slow the tempo of operations, influence others' perceptions of time, and frame decision-making with greater options for what, when, and how long. The United States, with its extensive and capable instruments of national power, has the capability to control the clock in nearly every conflict. Time and time perception are mutable . . . with that knowledge, strategic leaders can purposefully leverage the fourth dimension to meet desired ends.



# Deception: A Supplement to Instruments of National Security

Patrick B. Quinn

*The shift from a relatively stable bi-polar world has increased the need to supplement existing instruments of national power. To supplement national power without increasing costs, the U.S. should study and apply strategic deception. Deception is an effort to manipulate and distract an opponent in order to shift the strategic picture, creating operating space for both political and military actors. The returns for a modest investment in deception greatly exceeds the initial costs. Examined here are Iraqi strategic deception efforts against Iran and against the Gulf War coalition, and the 1973 Egyptian deception campaign against the Israelis. Deception operations should be codified into policy at the national level, where they can then be integrated down the chain of command into the agencies and the military. The Defense Intelligence Agency would coordinate, train, and monitor the effectiveness of Deception Planning Cells staffed by field grade officers with the Additional Skill Identifier (ASI) of Deception Planner. The military could initiate a cultural shift embracing the use of deception in planning and operational cycles, thus paving the way to incorporate deception into the other national instruments of power.*

Keywords: Yom Kippur, DIA

We are never deceived; we deceive ourselves.

—Goethe<sup>1</sup>

In only one generation, the modern world radically shifted. Following the Cold War, the collapse of the USSR, and the end of a unipolar world, competing regional powers and non-state actors have changed the strategic environment; globalization and technology have blurred the lines between tactical and strategic; the traditional Westphalian system of state actors is challenged by transnational groups and the number of states in crisis or failure; and climate change and the spread of nuclear weapons have accelerated. In this highly complex environment, the U.S., along with its

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Patrick B. Quinn (M.S.S. United States Army War College) is affiliated with the Defense Intelligence Agency. An earlier version of this article, written under the direction of Dr. Paul C. Jussel, earned a prestigious Army War College Foundation award for Outstanding Strategy Research Paper for the USAWC class of 2017.

<sup>1</sup> Goodreads, "Jonathan Wolfgang von Goethe: Quotes: Quotable Quote," <http://www.goodreads.com/quotes/93663-we-are-never-deceived-we-deceive-ourselves>.

allies, will have to spend more to maintain their national interests in rules-based global security and prosperity. The judicious use and application of strategic deception is one means of maintaining international security in a more complex world without increasing associated costs, especially with finite resources and the American electorate increasingly reluctant to shoulder the costs associated with maintaining *Pax Americana*.

A low cost, but highly effective mechanism, strategic deception:

- generates strategic breathing space by creating imbalances in opponents.
- is a highly complex effort, requiring knowledge of the opponent, and reliance on close coordination of multiple stakeholders.
- is an art that must be designed and practiced by a professionalized cadre within the military charged with coordinating operations as a part of a whole-of-government strategic plan.
- is an effort to take active steps to manipulate and distract an opponent while creating an opportunity to take unanticipated decisive action.
- pushes the opponent's decision makers towards a plausible but incorrect conclusion, carefully aligned with that opponent's cultural and historical biases.
- plays on many levels to create a background which supports the proffered conclusion.
- creates a strategic space for the deceiver, and positions the deceived at a disadvantage.
- is inexpensive relative to outcome.

Because strategic deception offers a means of unbalancing or even manipulating an opponent, it presents an opportunity to attain a more beneficial strategic position without having to commit all available resources.

### **Studies of Practical Strategic, Operational, and Tactical Deceptions**

History provides some excellent examples of deception operations, both successful and unsuccessful. Examined here are Iraqi strategic deception efforts against Iran and against the Gulf War coalition, and the 1973 Egyptian deception campaign against the Israelis. Examples of successful deceptions confirm the tenet that deception manipulates an opponent into undertaking an action and requires both an understanding of the target and coordinated messaging across the scope of a campaign. The deception efforts examined here were inexpensive relative to their successful outcomes.

#### **Iraqi Deception Efforts in 2003 and 1991**

With strategic messaging about Weapons of Mass Destruction (WMD) in 1999-2003, Saddam Hussein and the Iraqi high command present an interesting twist on Hitler's or Churchill's public pronouncements during World War II.<sup>2</sup> Saddam had two separate and nearly contradictory messages to send, one to the international community and one to his enemy Iran about his WMD programs. Saddam was in a bind, "... simultaneously attempting to deceive one audience that they were gone,

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<sup>2</sup> Barton Whaley, *Stratagem: Deception and Surprise in War* (Cambridge, MA: Center for International Studies, Massachusetts Institute of Technology, 1969), 161. Churchill's constant and public talk in 1943 about the "soft underbelly of Europe" caused the German high command to believe an Adriatic invasion was possible even with scant evidence. They continued to garrison Wehrmacht formations in Yugoslavia rather than move them to oppose actual Allied landings in northern Europe. Hitler too used a similar tactic in 1941. He publicly and repeatedly said he would not enter in to a two-front war, yet launched Operation Barbarossa while fighting in Western Europe. Any discovered evidence of Barbarossa's troop buildup in the East was explained away as preparations to invade England.

and another that Iraq still had them.”<sup>3</sup> Iraq had used chemical and biological weapons to halt Iranian human wave attacks in the Iran-Iraq War. Saddam had also used them against his rebellious Kurdish subjects. Post-Gulf War documents led to the discovery of a secret Iraqi quest to build nuclear weapons. By 1998, Iraq was under a UN mandate to destroy all its WMD stockpiles, and had demonstrated its willingness to appear to mislead UN weapons inspectors operating under the United Nations Special Commission (UNSCOM).<sup>4</sup> Examples included when weapons inspectors were denied entry to military facilities at the same time as the Iraqi military was seen to be moving equipment out of the facilities. Iraqi military units discussed removing the terms “nerve gas” from their radio traffic.<sup>5</sup> Despite this apparent evidence, the UN weapon inspectors never found proof of Iraqi WMD. The entire effort seemed to show that Iraq was hiding WMD from inspectors.<sup>6</sup> Saddam made the calculation that it was better to have the UN suspect he was cheating by keeping WMD, than to make himself vulnerable to the Iranians or his own restive population by admitting he had come clean on his weapons program. Even as U.S. military forces were gathering in Kuwait, Saddam still did not believe the U.S. would drive to unseat him, while he knew very well that an internal coup or a successful Iranian invasion would result in his death.<sup>7</sup> His deception plan against the UN targeted the weapons inspectors themselves, with the idea they would report his crafted narrative to the UN main body. His deception plan against Iran included strategic messaging of his military capabilities through the expectation that the UN would publically accuse him of having chemical weapons. His pronouncements, and not so hidden subterfuge, were a clever use of strategic messaging to upset Iran’s military calculus, and bolster Iraq’s internal and external defense.

Following the invasion of Kuwait in 1990, the Iraqis ran a media campaign broadly aimed at their Arab military opponents. It was designed to show the American forces as weak, cowardly, and unwilling to fight the Iraqis. Ironically it claimed that the U.S. forces were shifting from the fortified coastal area of Kuwait further to the west, leaving the Arab armies to fight Iraq alone. The Iraqi military based this deception effort on their belief that the U.S. forces would attack straight north from the Saudi-Kuwait border. This deception may have reinforced Iraqi analysis of coalition movements, as U.S. forces were moving to the west, and any inputs received by the Iraqis could be assumed to have come from their own propaganda.<sup>8</sup> In this case, internal secrecy and compartmentalization, important features of any deception plan, might have only added to the confusion. For the Iraqis, the campaign had no positive effect. While it properly targeted their Arab opponents, it violated the aforementioned concepts of using deception to force an opponent to undertake an action. This Iraqi effort was not part of a greater strategic plan; it did not serve to mask Iraqi actions, or get coalition forces to move anywhere. The poorly conceived plan backfired as it only served to potentially blind their own analysis.

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<sup>3</sup> Kevin M. Woods et al., *Iraqi Perspectives Project. A View of Operation Iraqi Freedom from Saddam's Senior Leadership* (Norfolk, VA: U.S. Joint Forces Command, 2006), 91.

<sup>4</sup> Jeffery Richelson, *Iraq and Weapons of Mass Destruction* (Washington, DC: National Security Archives, February 20, 2004), <http://nsarchive.gwu.edu/NSAEBB/NSAEBB80/#2>.

<sup>5</sup> Woods et al., *Iraqi Perspectives Project*, 93.

<sup>6</sup> *A Decade of Deception and Defiance, Saddam Hussein's Defiance of the United Nations*, Background paper for George W. Bush speech to UN General Assembly (Washington, DC: National Security Archives, September 12, 2002), <http://nsarchive.gwu.edu/NSAEBB/NSAEBB80/wmd13.pdf>.

<sup>7</sup> Woods et al., *Iraqi Perspectives Project. A View of Operation Iraqi Freedom from Saddam's Senior Leadership*, 15, 25, 45.

<sup>8</sup> Kevin M. Woods, *The Mother of All Battles: Saddam Hussein's Strategic Plan for the Persian Gulf War* (Newport, RI: Naval Institute Press, 2008), 200-201.

### Egyptian Deception in the 1973 Yom Kippur War

Egyptian efforts in the Yom Kippur War of October 1973 demonstrate successful strategic, operational, and tactical deceptions, against targets within Israeli leadership, military and the state. In late spring 1972, a state of 'no peace, no war' defined the Arab-Israeli status quo.<sup>9</sup> The stinging Arab defeat in 1967 and loss of territory did not sit well with the Arab leadership or the Arab populous, and to compound matters, Egypt's economic situation was worsening. By late 1972, Egyptian President Anwar Sadat decided that only war would break the stalemate, and with his Syrian allies began planning to launch what became the 1973 Yom Kippur/Ramadan War.

The first steps in Egypt's deception plan targeted the Israeli leadership and state, through Egyptian strategic messaging. The Egyptians and Syrians used state controlled media to broadcast an appearance of passivity. The Egyptian leadership fed the state press with reports of planned trips by President Sadat during October, the regime's attempts to rekindle diplomatic efforts at the UN, and public complaints about the low state of Egyptian Army readiness.<sup>10</sup> Sadat's government inquired of U.S. Secretary of State Kissinger about the potential to further discuss the UN Resolution 242. This successful Egyptian disinformation campaign can be referred to as the sounds of silence, where a quiet international environment acts as background noise which, by conditioning observers to a peaceful routine, actually covers preparations for war.<sup>11</sup> Unlike the Iraqi media announcements, Egyptian media efforts masked their own military preparations, and reassured the Israeli leadership and population that Egypt was not going to war.

At the operational level, which targeted the Israeli military leadership, the Egyptian deception had three main goals: inhibit consolidation of military installations on occupied land, keep Israel off balance by forcing military call ups, and lull the Israelis into a false sense of security.<sup>12</sup> In addition to random cross-Suez Canal shelling, the Egyptians maintained a constant state of military readiness that ensured the Israelis would have to undergo repeated call ups and mobilizations for little reason but to inure the Israelis to the multiple false alarms. Due to Israel's small population, reserve mobilizations were expensive. Prior to initiating the October attack, the Egyptians had mobilized in May, August, and September, 1973.<sup>13</sup> The Israelis matched the first two mobilizations with their own, but decided not to mobilize a third time. The Egyptians added to this deception by publically demobilizing troops in early October, lulling the Israelis into a false sense of calm.<sup>14</sup> In addition to the mobilizations and stand downs, the Egyptians conducted slipshod tactical level defensive military exercises within view of the Israeli positions while conducting offensive operational exercises deep in the desert.<sup>15</sup> The near comical exercises in view of the Israelis reinforced previously held Israeli perceptions of the poor readiness of the Egyptian military. The Israeli military was carefully shown what they already believed: mobilizations that had no purpose, public demobilizations, and poorly disciplined troops were manning the Suez Canal.

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<sup>9</sup> Trevor Nevitt Dupuy, *Elusive Victory, The Arab-Israeli Wars 1947-1974* (New York: Harper and Row, 1978). Egyptian journalist Mohammed Heikal described a state of 'no peace, no war' to define the Arab-Israeli status quo, especially during the time of U.S.-USSR détente.

<sup>10</sup> Ossama El-Sawah, *Deception in the Ramadan War, October 1973*, Strategy Research Project (Carlisle Barracks, PA: U.S. Army War College, April 7, 1999), 18-19.

<sup>11</sup> Michael I Handel, *Perception, Deception, and Surprise: The Case of the Yom Kippur War* (Jerusalem: Hebrew University of Jerusalem, The Leonard Davis Institute for International Relations, The Jerusalem Papers on Peace Problems, Vol. 19, 1976), 197.

<sup>12</sup> Frank Aker, *October 1973 The Arab Israeli War* (Hamden, CT: Archon Books, 1985), 9.

<sup>13</sup> Jon Latimer, *Deception in War* (New York: The Overlook Press, 2001), 83.

<sup>14</sup> El-Sawah, *Deception in the Ramadan War, October 1973*, 17.

<sup>15</sup> Aker, *The Arab Israeli War*, 10.

Another dimension to the Egyptian strategic deception efforts exists, however: the use of a double agent. A Mossad-recruited Egyptian, Marwan Ashraf, who was Sadat's chief of staff, might have been a plant feeding false information to the Israelis.<sup>16</sup> This agent could, like the British Double Cross system of WWII, have reinforced Israel's assessment by providing an ostensibly third party source.<sup>17</sup> The asset added to his legitimacy by reporting the possibility of an invasion only a few hours before the invasion took place. The asset also revealed Sadat's war aims, which were to achieve limited territorial gains, and be in a better position to restart negotiations with Israel. The last piece might have been Sadat's messaging to his opponent that he would not be driving to Jerusalem, and thereby trigger an Israeli nuclear defense. If true, the use of a double agent demonstrates the high level of skill which Egypt used in its broad-spectrum deception planning.

The Egyptian deceptions for the October War were successful from the strategic to the tactical levels, and accurately targeted Israeli leadership, military and population. Each aspect of the deception supported the other and fit into a simple grand stratagem: lull the Israelis. The Egyptians created a mood of bellicose rhetoric, but which was not matched by any major military efforts. The plan did not try to change Israeli perceptions, but instead encouraged the misperception that the Egyptian military was unprepared, and incompetent. Israeli leadership and the state received Egyptian strategic messaging via the media, while the Israeli military was duped by staged military exercises. The successful deceptions at all levels allowed Egyptian units to cross the Suez Canal, penetrate the Bar Lev Line, and drive deep into the Sinai, successes that would not have been possible without its deception plan.

### Deception's Purpose, Targets, and Requirements

If successful, the deceiver's psychological efforts create physical disadvantages of time, space, or resources. For a comparatively small investment of money and personnel, armies have achieved surprise at the tactical and strategic levels. An opponent surprised is an opponent initially unable to offer calculated effective resistance. In Operation FORTITUDE, using only a few thousand troops, and careful message coordination at the senior level, the World War II Allies deceived the Germans as to the D-Day landings.<sup>18</sup> While the U.S. military learned and applied great lessons from WWII, one lesson that was left to atrophy was the use of strategic deception. Unfortunately, the skills learned from this strategic, multi-service, and multi-national effort were not incorporated into post-war doctrine. Even tactical deceptions can have strategic effects. In the 1990 Gulf War, U.S. forces used a scratch unit of 460 men to tactically deceive the Iraqis, while the Iraqis diverted U.S. airstrikes towards SCUD missile mock-ups in the Western Desert.<sup>19</sup> Both were effective small scale operations

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<sup>16</sup> Abraham Rabinovich, "Our Mysterious Man on Nile," *The Jerusalem Post*, February 17, 2011, <http://www.jpost.com/Magazine/Features/Our-mysterious-man-on-the-Nile>.

<sup>17</sup> J.C. Masterman, *The Double Cross System in the War from 1939 to 1945* (New Haven, CT: Yale University Press, 1972). The British had caught and turned or imprisoned all Nazi agents in the U.K., and used these doubled agents to feed misinformation back to the German intelligence. To increase the bona fides of one agent, they had him transmit a warning of the D-Day invasion at Normandy, but only a few hours before the actual invasion. It would be too late stop the invasion, but would bolster the agent's credentials in German eyes.

<sup>18</sup> Roger Hesketh, *FORTITUDE, The D-Day Deception Campaign* (Woodstock, NY: The Overlook Press, 2000). Operation FORTITUDE was the cover name given to the massive U.S./UK multi-year effort to convince the German High Command that the Allied invasion would fall at Pas De Calais and not Normandy. It involved the use of false radio signals, dummy equipment, fake armies with real commanders (General George S. Patton, Jr.), and coopted Nazi spies. As the ULTRA Program decoded encrypted German signals, the Allies could monitor the effectiveness of FORTITUDE. The German General Staff and Hitler were persuaded that Calais was the real target of the invasion, and withheld Panzer reinforcements which could have defeated the Normandy landings.

<sup>19</sup> U.S. Marine Corps, *Liberators of Kuwait City: 1st Marine Division, Desert Shield and Desert Storm, Aug. 8, 1990 – Feb. 28, 1991* (Camp Pendleton, CA: U.S. Marine Corps, 1992), 74-77; Charles J Quilter, *US Marines in the Persian Gulf*,



that had strategic consequences. Each of these three deceptions were responsible for the opponent's strategic misapplication of massive efforts and resources.

Because deception is manipulating an adversary's perception to create an advantage while disguising true objectives or capabilities, it targets decision makers and their roles within their organizations. This requires solid understanding of the opponent and the creation of narratives at multiple levels within multiple facets of power. These narratives must be tightly coordinated to be mutually supporting while closely mirroring objective truth. Deception is facilitated by innate human psychological biases. Because of the complexity of deception operations, they engender their own specific requirements. Joint Publication 3-13.4 has provided a basic list of six principle requirements needed to conduct military deception operations: focus, objective, centralized control, security, timeliness, and integration.<sup>20</sup> These principles define the information needed to design a deception stratagem.

Deception is a psychological tool for manipulating an opponent into undertaking physical action. Deception is not failing to provide the truth; rather it is setting up an appealing alternative. Opponents are rational actors who will examine any situation and make predictions of potential outcomes. So too must the deceiver examine and predict those objectively viable outcomes before beginning to craft a deception plan. The crafted plan uses multiple means to make one of the existing options look more attractive than the others. Deception is based on what is possible, so the option presented by the deceiver must look eminently reasonable, logical, and fit within the opponent's frame of expectations.<sup>21</sup> The deceiver wants the victim to make a specific choice and move toward the selected option.

Carefully constructed deception operations target the facets of an opponent's decision making apparatus by focusing on three core elements: leadership, the military, and the state (or human population). Within the structure of those targets, deception operations provide information to all targets ranging from the strategic to the tactical. Deception information is also coordinated so as to be mutually supporting across the facets of leadership, military, and state. Deception thus requires an understanding of the target, highly coordinated messaging at all levels, and integration with other instruments of strategic national power. Deception may individually target the leadership, the military, and the state, but a concerted, culturally accurate, mutually supporting effort is more effective. In a successful deception campaign, an opponent looks to obtain confirmation of a hypothesis and is deceived upon finding it supported by every input from tactical to grand strategy, and extends across to the other elements of leadership, military, and state.

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1990-1991: *With the I Marine Expeditionary Force in Desert Shield and Desert Storm* (Washington, DC: U.S. Marine Corps, History and Museums Division, 1993), 65; Charles W. Kershaw, LtCol, U.S. Marine Corps, Commander, Task Force Troy, telephone interview by author, November 7, 2016. A 460-man multiservice scratch unit, commanded by U.S. Marine Corps LtCol Kershaw used a combination of mock ups, live fire, and close air support to mimic the presence of the 2<sup>nd</sup> Marine Division. The division had disengaged and begun its movement to new positions far to the west. Postwar interviews of Iraqi forces confirmed the deception's success as the Iraqis continued to believe they were facing the entire 2<sup>nd</sup> Marine Division; Kevin M. Woods, David D. Palkki, and Mark E. Stout, eds. *The Saddam Tapes: The Inner Workings of a Tyrant's Regime, 1978-2001* (Cambridge: Cambridge University Press, 2011), 187. In 1990, Iraqi SCUD Force Commander LTG Hazam Ayubi used only a few men to build a series of 26 decoy SCUD missiles and launchers that were emplaced among their real launch sites. Throughout the period of hostilities, multiple squadrons of U.S. airpower were expended against the launchers (both real and mock-ups) instead of their primary mission of striking command and control in Baghdad.

<sup>20</sup> U.S. Joint Chiefs of Staff, *Military Deception*, Joint Publication 3-13.4 (Washington, DC: U.S. Joint Chiefs of Staff, January 26, 2012), I-6.

<sup>21</sup> Hesketh, *FORTITUDE, The D-Day Deception Campaign*. In 1944, the German General Staff had enough information to know an invasion of Europe was imminent, and understood that the French coast between Cherbourg and the Pas de Calais had several viable invasion locations. Operation FORTITUDE played on both the General Staff and on Adolf Hitler to make Calais appear the more logical. Without the deception plan, the German Army would have considered either beach to be a viable invasion point from England. The deception plan merely tipped the balance towards one of two logical choices.

The opponent's leadership is the most important actor in any deception plan. Leadership makes and implements the decisions that are the physical manifestations of the deceiver's planned psychological approach. The deceiver's goal is to produce an action or an inaction in support of the deceiver's intentions. Since leaders differ in making and implementing decisions, any deception plan requires a solid understanding of the leadership's role and how it operates within its own system. A deception plan may use multiple avenues to communicate its particular message, but all parts of the message are tailored to appeal to the target. By understanding how leadership makes decisions, deceivers create the conditions that guide the deceived.

The importance of the deceiver's approach aimed at the military is second only to the tailored approach to the leadership. Military planners usually focus on the physical elements of their opponents' forces. The deception effort guides the opponents' military leadership into making a wrong choice. Deception calls for a unique creation that appeals to a defined audience. As with the leadership and the state level deceptions, military deception too is only part of a strategic whole. It will be mirrored at all levels from senior military leadership down. Deceptive efforts must be coordinated and mutually reinforcing of the overall narrative.

Since there are fewer decision makers in the leadership and the military than in the state, deception efforts aimed at the state (population at large) are lower in priority, more broad in scope, and entail exploiting the organs of the governing apparatus. A deception plan for the populace does not have to be as carefully tailored as the approach to leadership. It does require, however, a deep cultural understanding of norms and must align well with the overall strategic plan. With the state or the population as the target audience, other instruments of national power have more opportunities to support the stratagem. Here, propaganda and other information operations create an atmosphere which can elevate a deception plan to the realm of the believable. As deception's goal is to have an opponent to undertake an action, and as it is difficult to motivate an entire population, deception against a state is more effective when it is used to create an atmosphere that both supports and is consistent with other ongoing deception operations.

Fundamentally two types of deception operations exist: reinforcing an existing perception or changing a held perception. Deception's target is a human being's concept of reality, and humans are filled with psychological biases. Two of the most important for deception are (1) cognitive biases, where people attempt to align evidence with a predetermined conclusion, and (2) anchoring biases, where the first received information sets the tone for all further information received. Psychology demonstrates that humans are more likely to cling to extant or preferred perceptions, rather than to accept change.<sup>22</sup> "With respect to deception, one overwhelming conclusion stands out: It is far easier to lead a target astray by reinforcing the target's existing beliefs, thus causing the target to ignore the contrary evidence of one's true intent, than to persuade a target to change his or her mind."<sup>23</sup> Since changing perceptions is more difficult, the deceiver should focus on exploiting cognitive biases, reinforcing existing perceptions by providing what the opponent wants to see while altering the trajectory of belief (or "reality") to attain strategic advantage.

The second approach, anchoring bias, helps the deception by ensuring that future inputs are defined and limited to fit the initial narrative. All organizations, whether modern stratified armies or small terror cells, conduct a basic analysis of any situation: perceived inputs, calculation, and response. In government organs, analysts work to create clarity from the inputs they receive. When

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<sup>22</sup> Jonathan Haidt, *The Righteous Mind, Why Good People Are Divided by Politics and Religion* (New York: Vintage Books, 2013).

<sup>23</sup> Richards J. Heuer, "Strategic Deception and Counterdeception," *International Studies Quarterly* 25, no. 2 (1981): 298.

operating under pressure to divine their opponent's intentions, analysts will often make early judgments based on less than clear inputs.<sup>24</sup> A deception plan needs to allow enough time for the targeted analysts to perceive and examine the false option. "Perceptions are quick to form but then resist change. Once we have formed an impression about an object, event, or situation, we are biased toward continuing to perceive it in the same way."<sup>25</sup> As analysts make judgments early in the assessment cycle, beginning the deception operations as early as possible makes sense and allows time for an opponent to accept (and hopefully defend) the false narrative even in the light of true evidence.

An example of an effective multi-layer stratagem targeting leadership and the state occurred prior to the U.S. entry into World War II. Britain was battling the Nazis alone, while the U.S. remained neutral. The British stratagem forsook the military and instead targeted American legislators' support for isolationism, and the American population. This was a direct effort to influence U.S. lawmakers, and in turn shift U.S. policy towards support for Britain. The U.S. national strategy of isolationism was attacked, and public opinion was swayed by media manipulation. Senior U.S. political and cultural figures who supported isolationism were besmirched. By the war's end, the term 'isolationist' had become something of an insult. British success came from knowing the target, coordinating the messages they introduced from the lowest to the highest levels, and eventually influencing the U.S. leadership.<sup>26</sup>

### **Challenges and Opportunities of Deception in 2020-2025**

Given that strategic deception is both effective and relatively inexpensive, it has particular relevance for the U.S. in today's resource constrained and uncertain world. Future national security operations will require more attention to deception than is currently being applied. To reach a point where the broad application of strategic deception becomes normal requires the tools and a supporting philosophy which encourages deception. The incorporation of deception planning and operations into national strategic decision making should begin with defense policy codified at the national level and mirrored through the chain of command into the agencies and the military.

The last 15 years have witnessed a tectonic shift in the availability, dissemination and control of information, all of which affect deception operations. The ubiquity of smart phones, combined with the near universal access to the internet, have changed the whole dynamic of how people and organizations receive and process information. The time surrounding sending and receiving messages has collapsed, as strategic messages can now be instantaneous. The ease by which individuals can enter into the domain of what was previously only available to intelligence services or the publishing industry creates a paradox of more information but potentially less understanding. An intelligence analyst receives collected information, studies it, draws conclusions, and publishes intelligence reports. As the analyst receives information, she or he requires more confirmation of the

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<sup>24</sup> Ephraim Kam, *Surprise Attack, The Victim's Perspective* (Cambridge, MA: Harvard University Press, 2004), 91.

<sup>25</sup> Heuer, "Strategic Deception and Counterdeception," 297.

<sup>26</sup> Thomas E. Mahl, *Desperate Deception: British Covert Operations in the United States, 1939-44* (Washington, DC: Brassey's, 1998). Mahl details a multi-year effort to use the media to sway the American electorate and in turn their representatives, combined with direct pressure on U.S. legislators. The campaign was supported by wealthy and powerful Americans who had close ties to Britain. The effort worked because the deceivers intimately understood those touchstones which defined American culture. Pro-British propaganda set the stage to shift popular U.S. perceptions. The British used the American media to hector and shame opponents, and laud supporters. They manipulated or created false polls showing broad U.S. popular support for their cause, and made sure legislators were aware of the ostensible shift away from isolationism. With this complete understanding of the target, they manipulated the American population, knowing that the population would in turn influence their leadership.

information collected. More collected information results in more confirmation requirements, which are satisfied through more collection—a vicious circle. At times, the information reaching analysts can become so great as to be overwhelming.<sup>27</sup> Volume affects integration of a deception plan because the deceiver wants the deceived to receive false signals from across the collection spectrum.

Modern technology has greatly increased some intelligence collection capabilities; three of the main areas are SIGINT, IMINT/GEOINT or satellite Imagery Intelligence, and the extensive growth of media platforms called Open Source Intelligence (OSINT). As each collection capability advanced, defensive measures likewise increased. Modern military radios use encoded frequency hopping communications across a wide signal spectrum, thereby practically eliminating the ability to decode the communications, or often to identify it by type. This obfuscation has the perverse effect of making it easier to replicate for deception purposes. Because clusters of overlapping cell phone signals, for example, can indicate large numbers of people in one place, that pattern of signals could be reproduced electronically to make it appear that large numbers of people are clustered together when, in fact, they are not. Satellite or Unmanned Aerial Vehicles (UAV) collected imagery has increased, but it still cannot reveal the intention behind the images. Camouflage and obscurity have mirrored observational advances. The older mass media of cable news TV, radio, or newsprint are still manipulated the traditional way: through the release of false or carefully selected information. Finally, while there is an abundance of social media reporting, valuable information becomes lost in the electronic flood.

Multi-spectrum information collection can make it more difficult to deceive given the many different ways to compare the validity of the incoming information. The advantage, however, remains with the deceiver for two reasons: (1) information flow is vastly greater, but not necessarily clearer; larger repositories of information slow analysis and once reliable sources of intelligence confirmation (e.g., SIGINT) can now be more easily and cheaply manipulated; (2) humans possess an inherent tendency to maintain previous biases and to invent excuses to ignore contrary evidence, thereby locking decision makers into a perception. Barring a shift in intelligence collection and analysis philosophy, the deceiver will still have the initial upper hand. Beyond that, only time will tell. As Joel Brenner, former counsel at NSA, notes, “Very few things will be secret anymore, and those things which are kept secret won’t stay secret very long . . . The real goal in security now is to retard the degradation of the half-lives of secrets. Secrets are like isotopes.”<sup>28</sup> To weather inadvertent discovery or partial exposure, strategic deception must be properly designed at the outset and closely aligned with other viable alternatives.

Introducing of a major philosophical shift to consider and use strategic deception across the instruments of national security would be unrealistic and probably have little chance of success. A smaller application using a proof of concept would have a better chance of succeeding and possibly becoming a model upon which the concept could be expanded. The military has the most experience with deception operations, and given its structure, budget, and manpower capabilities, it would be a logical branch upon which to build a proof of concept.

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<sup>27</sup> Ephraim Kam, *Surprise Attack, The Victim’s Perspective* (Cambridge, MA: Harvard University Press, 2004), 54.

<sup>28</sup> Daniel C. Dennet and Deb Roy, “Our Transparent Future. No Secret is Safe in the Digital Age. The Implications for our Institutions are downright Darwinian,” April 6, 2015, <https://medium.com/@dkroy/our-transparent-future-aa86a7bcfe85#.p449mig37>.

## Conclusion

Historically, American society has placed great value in the openness of its representative government and in the free press which holds government leaders accountable. The primary obstacle to incorporating the use of deception within the government is the deep seated American belief that deception is not fair and that it confounds U.S. values of openness and honesty.<sup>29</sup> Thus, while deception has its place in the arsenal of government tools, it must be carefully employed so that it does not violate the public's trust in a free media or in the authenticity of the government itself. Effective use of deception stratagems cannot confound U.S. values as it did during the 1990-1991 Gulf War when the media complained that it had been used as part of the coalition's deception campaign.<sup>30</sup>

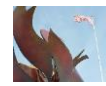
Since incorporating deception as a supplement to the instruments of national power might be difficult for some Americans to accept, it would be more practical to apply it initially within a precise and defined military context.<sup>31</sup> Deception has the ability to help shift the strategic picture, creating operating space for political as well as military actors. Even if only used in coordination with the instrument of national military power, deception is effective in creating a strategic imbalance in opponents. The returns for a modest investment in deception greatly exceed the initial costs. In major military conflicts, Americans have at times used military deception to great effect. America, however, has never aligned its multiple instruments of national power with a grand deception plan. Although cultural and political opposition to using deception may exist, the shift of the modern world away from a relatively stable bi-polar world has increased the need to supplement traditional power while preserving resources. The military could lead a cultural shift to use deception by incorporating it into its planning and operational cycle in appropriate, effective, and responsible ways. Doing so could pave the way for incorporating deception with other elements of national power. With the changing world and opponents who exploit every opportunity for advantage, now is an opportune time to use ingenuity, intellectual power, and deception to help maintain American hegemony.

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<sup>29</sup> Walter Jajko, "Deception: Appeal for Acceptance; Discourse on Doctrine; Preface to Planning," *Comparative Strategy* 21, no. 5 (2002): 352. Reflecting a common opinion of the time, FDR's Secretary of War, Henry Stimson, said, "gentlemen do not read each other's mail."

<sup>30</sup> Jon Latimer, *Deception in War* (New York: The Overlook Press, 2001), 298, Illustration #27. In 1990, the U.S. military allowed the media to report on the large number of U.S. Marines practicing shore landing and beach assaults. As intended, these reports furthered the Iraqi belief in a seaborne assault. After the war, the media accused the government of being manipulated into supporting a deception campaign. Even though the military never lied to the media, some media outlets felt angry enough to publish their displeasure.

<sup>31</sup> A redefinition of terms might also help overcome some preconceived biases against "deception," such as using the term "managing perceptions."



# The U.S. Military. . . America's Easy Button

Scott A. Myers

*The United States continues to increase its military commitments to secure national interests at the expense of implementing other instruments of national power, despite protections deliberately embedded into the Constitution by America's Founding Fathers to fight this outcome. The nation's growing propensity to use military force as the primary instrument of national power is rooted in three distinct phenomena: the growing civil-military gap, Congress's failure to exercise its constitutional prerogatives to declare war, and the country's failure to ensure citizen sacrifice to support its wars. The result is a country with an empowered Executive who frequently employs the armed forces as the primary instrument of national power to protect its interests. If not rectified, America will continue this trend which will likely jeopardize the nation's standing and reputation.*

Keywords: *Civil-Military Gap, Demographics, War Powers Resolution, Funding Wars*

[The Founders] great advice was that we should structure ourselves as a country in a way that deliberately raised the price of admission to any war. With citizen-soldiers, with the certainty of a vigorous political debate over the use of a military subject to politicians' control, the idea was for us to feel it – uncomfortably – every second we were at war.

—Rachel Maddow<sup>1</sup>

Fresh from removing the shackles of British Imperial rule, America's Founders sought to install governmental and constitutional safeguards against making war. Despite these constitutional protections, the United States has increasingly turned to its military to secure or maintain national interests. In fact, over the past 40 years, the U.S. executed military operations in conflict zones over 190 times, roughly the same number of military actions that the nation conducted in the first two

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Scott A. Myers (M.S.S. United States Army War College) is a Lieutenant Colonel in the United States Army. An earlier version of this article, written under the direction of Dr. Marybeth Ulrich, earned the prestigious Military Officers Association of America Writing Award for the USAWC class of 2017.

<sup>1</sup> Rachel Maddow, *Drift* (New York: Broadway Books, 2012), 202.

centuries of its history.<sup>2</sup> The era of U.S. hegemony following the Cold War left American power relatively unchecked while significant advances in global communications, command and control, and transportation capabilities facilitated military operations world-wide. These factors alone, however, do not explain the extent to which the United States has deviated from its foundation.

The disincentives for war that the Framers built into the American political system rely on both citizens and Congress to fulfil their responsibilities to determine the military's role in pursuing the nation's foreign policy interest. Yet American citizens and their representatives no longer exert meaningful influence on the military's role with respect to foreign policy. Today, U.S. citizens are less connected to the military and less affected by decisions to commit armed forces to hostilities than at any time in America's history. To further complicate matters, Congress has neglected its institutional responsibility for authorizing U.S. military operations. Consequently, the Executive branch gained an unprecedented autonomy to use force.

Antithetical to the Founders' vision, the widening civil-military gap, Congress's abdication of its constitutional prerogatives for declaring war, and changing war-time fiscal policies have created conditions under which the U.S. too often requires the military to achieve national interests. This essay examines the origins of these conditions and proposes measures to re-engage citizens and Congress in decisions to employ the U.S. military—measures which should allow the use of all instruments of national power while decreasing its unhealthy dependence on the military.

### Origins of the Citizen-Soldier Concept

Shaped in large part by their experiences with British occupation, America's Founders possessed profound beliefs on the form and function of the nation's military. Samuel Adams, for example, was among several Framers who expressed intense aversion to maintaining a standing army, arguing that doing so would be "dangerous to the Liberties of the People."<sup>3</sup> Given the fledgling nation's need for a capability to defend itself, however, an agreement was reached granting Congress the exclusive right to maintain and raise an army,<sup>4</sup> but limiting Congress's ability to fund an army for a period of only two years. As such, the nation's mechanism for defending the country in times of crisis would be wartime mobilization of the states' militias in lieu of a standing army.<sup>5</sup>

Despite authorizing an adequate defense capability against both internal and external threats, the Founders remained adamant that systems of governance must guard against any one individual or group waging war. As James Wilson stated to the Pennsylvania ratifying convention in 1787, "this system [of government] will not hurry us into war, it is calculated against it. . . and will not be in the power of a single man, or a single body of men." Ultimately, the Constitution became the Framers' mechanism to protect the nation from waging war frivolously. The Founders sought to make armed conflict difficult by granting Congress the power to declare war and by ensuring the public's sacrifice through the use of an army comprised of citizen-soldiers. Over two and a half centuries removed from these historic decisions that shaped America, many of the safeguards the Framers instituted to prevent the nation from engaging in frequent conflicts have been circumvented, removed, or degraded to such a degree that waging war has become relatively easy.

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<sup>2</sup> Barbara Salazar Torreon, *Instances of Use of the United States Armed Forces Abroad, 1978-2016* (Washington, DC: Congressional Research Service, October 7, 2016), 10-34, <https://fas.org/sgp/crs/natsec/R42738.pdf>.

<sup>3</sup> Samuel Adams Heritage Society, "Samuel Adams Letter to James Warren, 1776," <http://www.samuel-adams-heritage.com/documents/samuel-adams-to-james-warren-1776.html>.

<sup>4</sup> *The Constitution of the United States*, Article I, Section VIII, Clause II, <http://constitutionus.com>.

<sup>5</sup> *Ibid.*, Clause XV.



## The Widening Civil-Military Gap

In 1945, over 9 million citizens served in the U.S. military, which represented over 9-percent of the total population. At the height of the Vietnam war, the U.S. military was a 2.7-million-person conscripted force, with over 4-percent of the nation's eligible population having served in that conflict.<sup>6</sup> Today, less than one-half of one-percent of Americans serve in the armed forces. This represents an unprecedented gap between U.S. citizens and the military—one that cannot be explained simply by the inevitable and continual widening of the civil-military gap as the size of the population increases and the military end strength remains relatively stable. Aside from decreasing proportions of American veterans in the citizenry, several additional factors emerged over the past decades that expanded the civil-military divide and placed the connection between American citizens and its military in even greater jeopardy: base closures, recruitment, ROTC reductions, and multigenerational military families.

**Base Closures:** Over the past 25 years, the Department of Defense (DoD) closed more than 350 military installations according to the Base Closure and Realignment Committee's (BRAC) recommendations.<sup>7</sup> As a result, DoD consolidated personnel from the losing installations to several of the military's larger bases, creating a less geographically dispersed military force. The Army installation at Fort Bliss, Texas is emblematic of the military's geographic consolidation that resulted from BRAC. Its military population grew from 10,000 soldiers in 2005 to over 33,500 soldiers in 2014. Similar consolidations took place at Fort Bragg, North Carolina, Fort Hood, Texas, and Fort Carson, Colorado. The by-product of base reductions and the formation of mega-bases created a more regional military (see figure 1). In 2015, over forty-nine percent of the U.S. military served in five states: California, Virginia, Texas, North Carolina, and Georgia.<sup>8</sup>

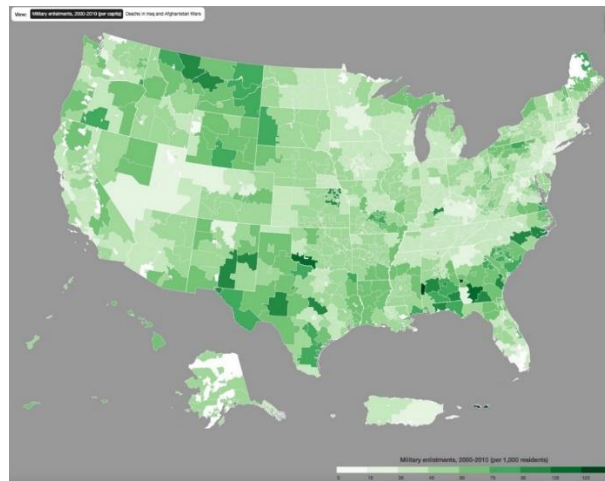


Figure 1. Per-capita Military Enlistments from 2000 to 2010<sup>9</sup>

<sup>6</sup> David Zucchino and David S. Cloud, "U.S. Military and Civilians are Increasingly Divided," *Los Angeles Times Online*, May 24, 2015, <http://www.latimes.com/nation/la-na-warrior-main-20150524-story.html>.

<sup>7</sup> GlobalSecurity, "Base Realignment and Closure (BRAC)," <http://www.globalsecurity.org/military/facility/brac.htm>.

<sup>8</sup> Zucchino and Cloud, "U.S. Military and Civilians are Increasingly Divided."

<sup>9</sup> James Fallows, "The Tragedy of the American Military," *The Atlantic*, January/February 2015, <http://www.theatlantic.com/magazine/archive/2015/01/the-tragedy-of-the-american-military/383516/>.

Recruitment: As the nation's military progressively moved South and West, recruiting efforts and trends followed.<sup>10</sup> Military recruiters shifted their focus to states with larger military populations to capitalize on the existing military exposure and traditionally high recruiting rates in those states. From 1979 to 2014, military recruits from the South and West were over-represented while those from the Northeast and Midwest were under-represented.<sup>11</sup> The shift in military populations to the South and West further cements a regionalized military that has progressively become less connected to American society.

ROTC: Another factor contributing to the civil-military gap is the reduction and increasing regionalization of Reserve Officer Training Corps (ROTC) programs at the nation's universities. The National Defense Act of 1916 initiated ROTC to prepare the country for participation in World War I. Since then, ROTC has been the primary commissioning source of American officers.<sup>12</sup> ROTC programs have also served as a hedge against a civil-military divide, providing a vital link between the military and society through institutions of higher learning. Over the past 25 years, however, that vital link has been compromised as the number of ROTC programs decreased significantly. In the 1980s, the U.S. Army maintained 420 ROTC programs. By 2016, only 275 programs remained.<sup>13</sup> During recent decades, economic and societal pressures forced universities and the military to reduce ROTC representation nationwide and to focus programs in the South and West. This resulted in greater regionalization of this vital commissioning source and severed a vital link between some of the nation's most prestigious universities and the U.S. military.

The unpopular Vietnam War and the military's controversial but now defunct Don't Ask, Don't Tell policy served as two social catalysts for change, causing a significant backlash against universities offering ROTC programs and forcing a number to close. Most notably, the Department of Defense closed ROTC programs at some of the nation's most prestigious universities including Harvard, Yale, Stanford, and Columbia. These schools have only recently re-established ROTC departments to varying degrees. The reduction of ROTC programs in institutions positioned in some of the nation's largest cities has removed a vital link urban communities and citizens, further increasing the civil-military divide. In 2011, for example, New York, Los Angeles, Chicago, and Philadelphia had a combined population of 16 million, approximately the total combined populations of Virginia, Alabama, and Mississippi.<sup>14</sup> Strikingly, ROTC programs in these four cities numbered 14, while VA, AL, and MS hosted 35 programs.<sup>15</sup>

Multigenerational Military Families: The last factor contributing to the civil-military divide is the growing trend of multi-generational soldiers. In 2011, a Pew Research Center survey of veterans and the general public indicated that 77-percent of adults over the age of 50 had an immediate family member who served in the U.S. military compared to only 57-percent of those between the age of 30 to 49. The number decreases to 33-percent for those under the age of 30.<sup>16</sup> The same survey reports that close to 80-percent of veterans have a parent or sibling who served in the military, and that these

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<sup>10</sup> Mark Thompson, "The Other 1%," *Time Online*, November 21, 2011, <http://content.time.com/time/subscriber/printout/0,8816,2099152,00.html#>.

<sup>11</sup> Office of the Under Secretary of Defense, Personnel and Readiness, *Population Representation in the Military Services: Fiscal Year 2014 Summary Report* (Washington, DC: U.S. Department of Defense, 2014), 21, <http://www.people.mil/Portals/56/Documents/2014%20Summary.pdf?ver=2016-09-14-154051-563>.

<sup>12</sup> Cheryl Miller, "Underserved: A Case Study of ROTC in New York City," May 2011, <https://www.aei.org/wp-content/uploads/2011/10/ROTC-Final-May-2011.pdf>, 8.

<sup>13</sup> Zucchini and Cloud, "U.S. Military and Civilians are Increasingly Divided."

<sup>14</sup> Miller, "Underserved: A Case Study of ROTC in New York City," 10.

<sup>15</sup> Ibid.

<sup>16</sup> Pew Research Center, "The Military-Civilian Gap: Fewer Family Connections," <http://www.pewsocialtrends.org/2011/11/23/the-military-civilian-gap-fewer-family-connections/?src=prc-number>.

same veterans are “twice as likely as members of the general public to have a son or daughter who has served.”<sup>17</sup>

In 2008, nearly 60-percent of the military’s general officers had children serving in the armed forces.<sup>18</sup> Additionally, as of 2011, nearly 100,000 military members were married to another service member.<sup>19</sup> The Pew survey paints younger generations as having fewer interactions with—and less understanding of—the military while also describing an increasingly insular, multigenerational military. Together these outcomes are cause for alarm as they further separate the citizenry from the military and exacerbate the civil-military gap.

Today’s smaller, more regionalized, and increasingly multi-generational military has resulted in a wider divide between U.S. service members and citizens. This separation manifests itself in American society in troubling ways. The 2011 Pew survey highlighted a number of discouraging revelations: (a) 84% of surveyed post-9/11 veterans believed that the public did not understand the problems that they or their families experience while 71% of non-military survey respondents admitted that they did not understand the problems faced by the military or their families; (b) roughly 50% of the public surveyed did not believe that the wars in Afghanistan and Iraq were worth the cost and only 25% of respondents admitted that they followed these wars closely, confessing that the conflicts in Afghanistan and Iraq had little impact on their lives; (c) 83% of surveyed adults stated that military personnel and their families have made significant sacrifices since 9/11, while only 43% believed that the American people have also made substantial sacrifices.<sup>20</sup>

The Pew survey describes an admittedly ill-informed American public disinterested in the U.S. military and how it is employed around the world. The same year as the Pew survey was released, Former Chairman of the Joint Chiefs of Staff Admiral Michael Mullen put the problem of the widening civil-military gap in context:

This great republic of ours was founded on some pretty simple ideas – simple but enduring. And one of them is that the people. . . will determine the course the military steers, the skills we perfect, the wars we fight. But I fear they do not know us. I fear they do not comprehend the full weight of the burden we carry or the price we pay when we return from battle. This is important because a people uninformed about what they are asking the military to endure is a people inevitably unable to fully grasp the scope of the responsibilities our Constitution levies upon them.<sup>21</sup>

The public’s acknowledgment and willing acceptance of the large disparity between the sacrifices made by military service-members in support of the nation’s wars as compared to sacrifices made the public at large strongly diverges from the Founders’ intent. They sought to ensure “a vigorous political debate” over the use of the military and wanted the citizenry to “feel [war] uncomfortably – every second” the nation is engaged in war.<sup>22</sup> Yet, with servicemen and women deployed to Iraq and Afghanistan for over 15 years since 9/11 and around the world for longer, the nation has never “been further from. . . the idea that America would find it impossible to go to war without disrupting domestic life.”<sup>23</sup> As the connection between the American people and its military continues to fray,

<sup>17</sup> Ibid.

<sup>18</sup> Miller, “Underserved: A Case Study of ROTC in New York City,” 10.

<sup>19</sup> Thompson, “The Other 1%.”

<sup>20</sup> Pew Research Center, “War and Sacrifice in the Post-9/11 Era,” October 5, 2011, <http://www.pewsocialtrends.org/2011/10/05/war-and-sacrifice-in-the-post-911-era/>.

<sup>21</sup> Admiral Mullen, “Address to the West Point Class of 2011,” speech, West Point, NY, August 2011, <http://www.rememberdaren.com/wp-content/uploads/2011/08/JCS-Speech-at-West-Point-Graduation.pdf>.

<sup>22</sup> Maddow, *Drift*, 202.

<sup>23</sup> Ibid.

so too has the public's influence over the role of the military. Congress and the Executive Branch are armed with a professional All-Volunteer Force (AVF) that does not require most Americans to sacrifice anything to support the nation's conflicts. In short, the burden for the common defense has shifted almost entirely to the nation's military.<sup>24</sup> These conditions have enabled the Executive Branch to disproportionately rely on and wield military power to address security challenges and pursue national interests.

### Authorizing the Use of Force

While the American public and its military have gradually drifted apart, the civil-military gap in Congress has also grown. For much of America's history, military service was practically a prerequisite for membership in Congress. Today, fewer veterans serve as representatives than at almost any time in the nation's history. The 95<sup>th</sup> Congress (1977-1978) proved to be the high-water mark for veteran representation with 77-percent of the Congress having served.<sup>25</sup> In 2016, the total number of veterans fell to less than 19% of Congress.<sup>26</sup> What impact does the growing civil-military gap in Congress have on its decisions to use force to pursue U.S. foreign policy?

Congress maintains the exclusive authority to declare war on behalf of the nation. This power was vested as such to ensure George Washington's vision; that the nation's representatives would vigorously debate and formally authorize force before any military expeditions. In 1806, in *The United States v. Smith*, the Supreme Court solidified this responsibility by ruling that decisions regarding whether the nation was at peace or at war was "the exclusive province of Congress to determine."<sup>27</sup> Throughout recent history, a number of presidents have balked at the requirement to involve Congress when employing military forces overseas. As a result, Congress passed the War Powers Resolution in 1973 over the objections and veto of President Richard Nixon to strengthen its war-making authorities. This act exemplified the real struggle between the executive and legislative branches on the authority to use military force.

The War Powers Resolution represented Congress's effort to clarify and reinforce constitutional statutes and responsibilities on the use of force, and to "ensure that the collective judgment of both the Congress and the President [applied] to the introduction of United States Armed Forces into hostilities."<sup>28</sup> This resolution mandated reporting requirements for the executive branch to Congress. Additionally, the resolution established a 60-day limit for the deployment of military forces without congressional approval, which only Congress could extend.<sup>29</sup> Despite its inherent constitutional authority and the additional powers granted by the War Powers Resolution, however, Congress has repeatedly failed in its duty to deliberate and authorize U.S. military interventions abroad.<sup>30</sup>

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<sup>24</sup> Thomas L. Friedman, "The Home Team," *New York Times Online*, February 8, 2008, [http://www.nytimes.com/2004/02/08/opinion/the-home-team.html?\\_r=0](http://www.nytimes.com/2004/02/08/opinion/the-home-team.html?_r=0).

<sup>25</sup> Andrew Rugg et al., "Vital Statistics on CongressData on the U.S. Congress – A Joint Effort from Brookings and the American Enterprise Institute," *Brookings Institute*, January 9, 2017, <https://www.brookings.edu/research/vital-statistics-on-congressdata-on-the-u-s-congress-a-joint-effort-from-brookings-and-the-american-enterprise-institute/>.

<sup>26</sup> Jennifer E. Manning, *Membership of the 114<sup>th</sup> Congress: A Profile* (Washington, DC: Congressional Research Service, December 5, 2016), <https://fas.org/sgp/crs/misc/R43869.pdf>.

<sup>27</sup> *United States v. Smith*, July, 1806, <https://law.resource.org/pub/us/case/reporter/F.Cas/0027.f.cas/0027.f.cas.1233.pdf>.

<sup>28</sup> U.S. Code Title 50, Chapter 33, Section A, War Powers Resolution, section 1541, 310, <https://www.gpo.gov/fdsys/granule/USCODE-2011-title50/USCODE-2011-title50-chap33>, 310.

<sup>29</sup> *Ibid.*, Section C, 318.

<sup>30</sup> Maddow, *Drift*, 210.

Since the advent of the All-Volunteer Force, the United States has increasingly deployed its military to conflict zones, a number of which involved combat to include operations in Grenada, Panama, Iraq, Somalia, Bosnia, and Kosovo.<sup>31</sup> None were approved by a declaration of war. Congress last sanctioned a formal declaration of war in June 1942 against Romania during World War II.<sup>32</sup> Of the numerous military operations conducted since the creation of the AVF, only three were officially sanctioned by Congress when it authorized the use of military force against Iraq in 1991 and 2002, as well as in response to the 9/11 terrorist attacks.

Despite surging military operations and the tendency of recent presidents to liberally apply Congress's 9/11 authorization to expand their war-making abilities far beyond the scope of the Joint Resolution, Congress has demonstrated ambivalence in fulfilling its responsibility to approve military actions. This phenomenon begs the question as to why Congress is seemingly unwilling to exert its institutional prerogative. Two explanations are plausible. The first reasonable justification centers on the American public's relative disinterest in engaging its representatives on the issue of using military force. Absent pressure from constituencies, U.S. representatives may choose a politically safe approach and avoid deliberating military operations so as to not be held accountable for military failures. The second, more troubling explanation involves the relationship between U.S. military interventions abroad and the American military industrial complex. America's wars and increasingly frequent military deployments tend to support and be supported by the military industrial complex. In fact, since the height of the Vietnam war, shares of the main U.S. arms manufacturers have risen over four times the rate of the overall market.<sup>33</sup> The post 9/11 wars have been good business for many American corporations, providing thousands of jobs and supporting local economies. Additionally, the defense industry spends millions of dollars annually in lobbying efforts to garner congressional support for assorted military programs. These programs are, in turn, aided by the increased military operations pursued by recent presidents. The military industrial complex has also been a prime player in the campaign contribution business. In fact, in 2016, the top ten defense companies contributed over \$18.5 million to congressional candidates and their respective parties.<sup>34</sup> Despite these two logical explanations, the decreasing veteran presence in Congress plays a larger role in rationalizing congressional inaction for approving military operations.

A 21<sup>st</sup> century Triangle Institute for Security Studies (TISS) survey examined the gap between the military and American society. This project aimed to determine whether people's familiarity with the military influenced their views on U.S. national security and foreign policy. The examination studied survey results of four distinct populations: Elite Military, Elite Civilians who attended Professional Military Education Courses but had no actual military experience, Elite Civilians with military experience, and Elite Civilians with no military experience.<sup>35</sup> In comparison to military elites and civilians with military service, civilian elites with no military experience were more approving of

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<sup>31</sup> Jennifer K. Elsea and Matthew C. Weed, *Declarations of War and Authorizations for the Use of Military Force: Historical Background and Legal Implications* (Washington, DC: Congressional Research Service, April 18, 2014), appendix B, <https://fas.org/sgp/crs/natsec/RL31133.pdf>.

<sup>32</sup> *Ibid.*, 1.

<sup>33</sup> James Petras, "The Soaring Profits of the Military-Industrial Complex, the Soaring Costs of Military Casualties," June 24, 2014, <http://www.globalresearch.ca/the-soaring-profits-of-the-military-industrial-complex-the-soaring-costs-of-military-casualties/5388393>.

<sup>34</sup> Open Secrets.Org, "Defense: Top Contributors to Federal Candidates, Parties, and Outside Groups," <https://www.opensecrets.org/industries/contrib.php?ind=D>.

<sup>35</sup> Peter D. Feaver and Christopher Gelpi, *Choosing Your Battles: American Civil-Military Relations and the Use of Force* (Princeton, NJ: Princeton University Press, 2004), 36-37.

an interventionist approach in terms of the range of issues for which they supported using military force.<sup>36</sup>

Rather remarkably, the TISS study also concluded that as veteran presence in the executive and legislative branches increased, the probability that the U.S. would use military force to settle disputes decreased by 90%.<sup>37</sup> The study postulated that as veteran presence in the executive and legislative branches continued to decline, the United States would be increasingly likely to use military force as the principal instrument of national power to address foreign policy aims.

The TISS survey and its findings are over a decade old. While no subsequent studies exist that confirm or refute its propositions, Congress's decreasing veteran presence and America's increasingly interventionist posture appear to lend credence to the study's findings. Whether Congress's rising tendency to support military interventions is a function of its members' fundamental beliefs on the use of military force or due to acquiescence on military matters in general, neither is positive. The result is a country whose foreign policy fails to balance the use of all instruments of national power.

The byproduct of Congress's egregious failure to execute its constitutional responsibilities has been the unprecedented strengthening of the Executive's ability to commit the nation's military at will. Congress, as Thomas Friedman describes, "either meekly bows to the wishes of the executive or provides the sort of broad authorization that amounts in effect to an abrogation of direct responsibility."<sup>38</sup> The result is arguably a nation where the only real struggle for waging war is between the White House and the Pentagon: where war has become an almost natural condition of the American state.<sup>39</sup>

### Paying for War

A third phenomenon that has enabled the country to drift toward conflict is the government's recent departure from levying taxes on current generations to pay for war. America has a profound legacy of contesting taxes, particularly in its early years as exemplified by the Revolutionary War. Over the course of its history, however, the country has accepted taxation as a necessary means to fund conflicts and to share the burden of war with its citizens. Taxation funded the first three major conflicts in U.S. history: the War of 1812, the Civil War, and World War I.

The most poignant example of American wartime financial sacrifice took place during World War II, however. Facing the inexorable prospect of entering the struggle in Europe, the U.S. government committed to a dramatic overhaul of the nation's tax system to support the anticipated financial burdens of the looming conflict.<sup>40</sup> Less than one year following U.S. entry into World War II, Congress passed the Revenue Act of 1942, effectively expanding the federal income tax from a "class tax" to a "mass tax," a system that resembles today's tax structure.<sup>41</sup> The establishment of this fiscal sacrifice served as a profound departure from a long-standing aversion to government taxation of its citizens. Remarkably, however, approximately 90-percent of Americans surveyed deemed that the monetary sacrifice was fair.<sup>42</sup> Americans supported the nation's entry into World War II and did not shy away from personal sacrifice on behalf of the country.

<sup>36</sup> *Ibid.*, 6.

<sup>37</sup> *Ibid.*, 7.

<sup>38</sup> Friedman, "The Home Team."

<sup>39</sup> Maddow, *Drift*, 203.

<sup>40</sup> Steven A. Bank, Kirk J. Stark, and Joseph J. Thorndike, *War and Taxes* (Washington, DC: The Urban Institute Press, 2008), xiv.

<sup>41</sup> *Ibid.*

<sup>42</sup> *Ibid.*



America sustained the tradition of fiscal sacrifice during the Korean War, but this trend cooled notably during the Vietnam conflict when then President Johnson first balked and then reluctantly accepted an income tax surcharge to support the growing war costs. Three decades later, President George W. Bush enacted significant tax cuts just prior to the 9/11 attacks and the launch of the longest war in American history. It seems remarkable, then, that in the months that followed, despite entering what appeared to be a lengthy conflict in Afghanistan, neither the administration nor Congress made any significant pleas for tax increases to fund military efforts. What proved even more astonishing and unprecedented were the subsequent tax cuts enacted in March 2003, just days after the U.S. military initiated the ground invasion of Iraq. In 2011, the Congressional Budget Office estimated that the cost of the Bush tax cuts totaled roughly \$1.3 trillion in reduced government revenue, ironically almost the same cumulative cost of the wars in Iraq and Afghanistan through 2011.<sup>43</sup>

During the subsequent Obama administration, taxes remained low and, at times, decreased further. In fact, the average effective tax rate for all U.S. taxpayers ranged between 16.8 and 17.2-percent throughout the Bush and Obama administrations, with no increase in taxes to fund the post 9/11 wars.<sup>44</sup> In stark contrast, average tax rates during World War II and the Korean War rose sharply to fund the nation's conflicts. Remarkably, the effective tax rate for a typical American rose from a 1.5-percent in 1940 to 15.1-percent at the end of World War II, increasing federal revenues three-fold.<sup>45</sup> With decreased revenues from lower taxes, both the Bush and Obama administrations turned extensively to unparalleled financial borrowing from foreign nations to fund military operations in Afghanistan and Iraq.<sup>46</sup>

Instead of levying the responsibility to pay for the nation's wars on current generations, the Bush and Obama Administrations charted a dangerous course with two distinct and damaging outcomes. First, they effectively transferred the immense costs of the post-9/11 wars to future generations who cannot influence the current political process thus removing the burden of paying for our nation's wars from the current American populous. Second, by pursuing war funding via Continuing Resolution, the Executive branch practically circumvented the responsibility of budgetary oversight from Congressional control. In essence, Continuing Resolutions establish permanent appropriations that do not navigate traditional congressional appropriations processes, creating disincentives for Congress to provide effective oversight.<sup>47</sup> As a result, the government encouraged an already uninterested public to remain unengaged in U.S. foreign policy. With a diminished interest in and responsibility for overseeing the use of military spending, Congress further disengaged from decisions related to authorizing force, effectively deferring military matters to the Executive branch.

## Future Implications

As the nation moves through the 21<sup>st</sup> century, several phenomena may strengthen the growing tendency to rely on the military to achieve foreign policy aims. First, the volatile and unpredictable

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<sup>43</sup> Glenn Kessler, "Revisiting the Cost of the Bush Tax Cuts," *The Washington Post Online*, May 10, 2011, [https://www.washingtonpost.com/blogs/fact-checker/post/revisiting-the-cost-of-the-bush-tax-cuts/2011/05/09/AFxTFtbG\\_blog.html?utm\\_term=.4fid5c9ac262](https://www.washingtonpost.com/blogs/fact-checker/post/revisiting-the-cost-of-the-bush-tax-cuts/2011/05/09/AFxTFtbG_blog.html?utm_term=.4fid5c9ac262).

<sup>44</sup> Ritchie King, "Check your US Tax Rate for 2012 – and Every Year Since 1913," *Quartz Media LLC*, April 14, 2013, <https://qz.com/74271/income-tax-rates-since-1913/>.

<sup>45</sup> Bruce Bartlett, "The Cost of War," *Forbes*, November 26, 2009, <http://www.forbes.com/2009/11/25/shared-sacrifice-war-taxes-opinions-columnists-bruce-bartlett.html>.

<sup>46</sup> Harvey M. Sapolsky, "What Americans Don't Understand about Their Own Military," *Defense One*, May 6, 2015, <http://www.defenseone.com/ideas/2015/05/what-americans-dont-understand-about-their-own-military/112042/>.

<sup>47</sup> Jessica Tollestrup, *Automatic Continuing Resolutions: Background and Overview of Recent Proposals* (Washington, DC: Congressional Research Service, August 20, 2015), <https://fas.org/sgp/crs/misc/R41948.pdf>.



security environment is increasingly complicated by the rapid rise of non-state actors. Such entities do not respond in traditional ways to diplomatic, economic, or informational instruments of national power, which, in turn, fosters an increased likelihood of U.S. military interventions. Additionally, rising powers such as Russia and China are progressively contesting U.S. hegemony and the current state of global affairs. U.S. reactions may intensify the potential for conflict due opportunities for misperception and miscalculation, particularly if the U.S. continues to rely on the threat and military force at the expense of other instruments of national power.

A second factor that enables over-reliance on the military is the high regard that the public places in the armed forces. The U.S. military is arguably the best trained, educated, disciplined, and well-equipped force since the advent of the AVF. Naturally, Americans expect a high return on their investment. These high expectations, however, are further exacerbated by the increasing divide between citizens and the military. This dynamic can be seen in the character of the nation's legislative branch. Congress seems not to possess full appreciation for the military institution or its culture, is disinterested in conducting insightful or firm scrutiny over military matters.<sup>48</sup> Failure of the American public and Congress to maintain an unhealthy regard for the U.S. military is that they will not effectively scrutinize future military operations, further aggravating an over-reliance on American military might.

The final element supporting increased American military interventions is the rapid pace of technological advancements. Constant technological improvements over recent decades have reinforced increased military operations and also intensified Americans' expectations for military success. Unmanned platforms, precision weapons, and the prospects of autonomous weapons and "super soldiers" expand U.S. military capabilities and promote a change to the character of war, where casualties and overall risk to U.S. military forces will be lower.

The promise of more swift and sterile conflicts will undoubtedly raise the public's expectations for military success and further reinforce a belief that the "horrors of combat are things of the past."<sup>49</sup> As a result, Americans may not comprehend the difficulties associated with future wars and acquiesce without critical and significant debate regarding U.S. military engaging in perilous operations. This confluence of conditions increase the nation's vulnerability due to what prominent political journalist and author William Greider describes as "presumptions of unconquerable superiority," that will "lead [the country] deeper and deeper into unwinnable conflicts."<sup>50</sup>

## National Service

While the conditions that have allowed for an increasingly military-dominated American foreign policy may appear bleak, they can be remedied. The first step to better balance the use of the military is to instill in the citizenry a greater sense of service and commitment to the nation. Influential figures including General (Retired) Stanley McChrystal and U.S. Representative Charles Rangel who have advocated to re-institute a military draft in an effort to reinvigorate a service culture in American society and to extend the responsibilities of citizenship to a greater percentage of Americans.<sup>51</sup> Many, however, debate whether the cost of losing the professionalism and unparalleled efficacy of the All-

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<sup>48</sup> Thompson, "The Other 1%."

<sup>49</sup> Karl W. Eickenberry and David M. Kennedy, "Americans and Their Military, Drifting Apart," *The New York Times Online*, May 26, 2013, <http://www.nytimes.com/2013/05/27/opinion/americans-and-their-military-drifting-apart.html>.

<sup>50</sup> William Greider, "The Fatal Flaw in American Foreign Policy," *The Nation*, September 4, 2014, <https://www.thenation.com/article/fatal-flaw-american-foreign-policy/>.

<sup>51</sup> Josh Rogin, "McChrystal: Time to Bring Back the Draft," *Foreign Policy*, July 3, 2012, <http://foreignpolicy.com/2012/07/03/mcchrystal-time-to-bring-back-the-draft/>.

Volunteer Force would outweigh the benefits of increased national service and sacrifice. In addition to promoting a return of the military draft, Representative Rangel also encouraged implementing and expanding national service programs as a way to minimize the costs and extend benefits of American freedom as widely as possible.<sup>52</sup>

Rangel's Universal National Service Act proposed mandatory registration for selective service and two years of compulsory service for all citizens between the ages of 18 to 25.<sup>53</sup> Men and women could fulfill their obligation in any number of occupations and agencies such as schools, hospitals, airports, or military service. Rangel's proposal sought to ensure that "all Americans are involved in our defense [and that] every family will fully engage in any decision to use force."<sup>54</sup>

Several other notable figures (e.g., Hillary Clinton and Senator John McCain) have proposed similar mandatory service programs, although none of the recommendations gained significant traction in Congress. Incentivizing, rather than mandating national service may be a more feasible approach for garnering increased investment and sacrifice from Americans. General McChrystal recently called for such incentive programs, proposing that the nation encourage colleges and corporations to promote national service. His idea envisions the government incentivizing "schools [to] adjust their acceptance policies and employers their hiring practices to benefit those who have served."<sup>55</sup> Ultimately, any measure the nation adopts to inculcate greater commitment and sense of service should strengthen participation in the political process and intensify debate on the appropriate use of military force.

### Narrowing the Civil-Military Gap

The civil-military gap will continue to widen as the U.S. population grows. The nation must, however, undertake meaningful efforts to gain improved military representation from across the nation to reconnect society with its military. The U.S. can first begin by rebalancing ROTC programs, particularly in the Northeast and in the largest urban areas. Fortunately, the military has already begun to address this issue. In 2013, U.S. Army Cadet Command announced that it would be closing 13 ROTC programs to shift financial resources to 56 different markets, to include Los Angeles, New York, and Chicago.<sup>56</sup>

Additionally, Cadet Command expanded scholarship opportunities to recruit students from inner-cities, announcing an urban scholarship initiative to better reflect the "geographic and demographic diversity of the country."<sup>57</sup> While ongoing movements to rebalance officer recruitment from across the nation are essential, the military must also gain better geographic representation for its enlisted population. To accomplish this, the military must expand recruitment efforts beyond the historically strong South and West regions. Creating a more geographically representative force is a vital step to more effectively binding the public to the military while ensuring expanded public engagement and debate on future decisions to use force.

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<sup>52</sup> Charles Rangel, "All Americans Have a Duty to Defend our Nation," *USA Today Online*, February 15, 2013, <http://www.usatoday.com/story/opinion/2013/02/15/two-years-compulsory-service-rangel/1922597/>.

<sup>53</sup> Ibid.

<sup>54</sup> Ibid.

<sup>55</sup> Conor Friedersdorf, "The Case against Universal National Service," *The Atlantic*, June 26, 2013, <https://www.theatlantic.com/politics/archive/2013/06/the-case-against-universal-national-service/277230/>.

<sup>56</sup> Alan Binder, "R.O.T.C. Making Cuts to Expand Recruiting," *The New York Times Online*, October 21, 2013, <http://www.nytimes.com/2013/10/22/us/making-cuts-to-expand-recruiting-for-rotc.html? r=0>.

<sup>57</sup> Vickey Mouze, "New Army ROTC Scholarships Anticipate Future Leadership Needs," *Army Online*, September 27, 2013, [https://www.army.mil/article/112298/New\\_Army\\_ROTc\\_scholarships\\_anticipate\\_future\\_leadership\\_needs](https://www.army.mil/article/112298/New_Army_ROTc_scholarships_anticipate_future_leadership_needs).

## Reform the War Powers Resolution

The Constitution clearly states that Congress has the prerogative to authorize a non-defensive war, a power that it has increasingly failed to assert. Although Congress passed the 1973 War Powers Resolution to affirm its control over war-making decisions, in practice, this law has failed to curb the Executive. In fact, no president has recognized the constitutionality of the War Powers Act and recent presidents have blatantly ignored Congress's role in authorizing the use of force. To complicate matters further, the resolution's 60-day limit on committing military force for hostilities without congressional approval has proven to be a critical flaw.<sup>58</sup> This stipulation, in effect, recognizes the president's ability to unilaterally engage in war-making. Furthermore, the 60-day limit strongly ties the hands of the Legislative branch as options to recall forces once deployed are often severely limited by political pressures.

Recently, efforts have emerged in both the House and the Senate to reform the War Powers Resolution. U.S. Representative Chris Gibson recommended a 48-hour requirement for the President to report to Congress following any introduction of armed forces into hostilities, repealing the existing 60 and 90-day timelines.<sup>59</sup> Senators John McCain and Tim Kaine proposed reducing the period where the President could commit military forces to seven days before both houses of Congress would vote to authorize continued military operations.<sup>60</sup> Neither of the proposed amendments is sufficient, however. The previous two administrations liberally applied the 2001 Congressional Authorization for the Use of Military Force in Response to the 9/11 attacks to justify military actions world-wide, far beyond the scope of the original authorization. Moreover, Congress has repeatedly demonstrated an unwillingness to countermand the Executive once military forces are employed. The War Powers Resolution must be amended to require congressional approval prior to the deployment of the military short of the immediately necessary national defense, as the Founding Fathers envisioned.<sup>61</sup> Furthermore, due to the increased role of non-state actors and frequent U.S. counter-terrorism campaigns, any amendment to the War Powers Resolution must insist upon a very strict definition of war to prevent the Executive from taking advantage of ambiguous situations where conflict may result.<sup>62</sup>

## Funding Future Military Actions

The aforementioned proposals are meaningful remedies that can help the country re-balance its use of the military with the other instruments of national power. The most effective measure the nation must take, however, is to change the manner in which it finances war. Taking action to ensure that American citizens share in the burdens of war would force a much needed and long-overdue debate concerning when and where the military should be employed. The current practice of transferring the costs of war onto future generations is a troubling development.<sup>63</sup> Increasing taxes or reducing government benefits or consumption are all practical approaches to more appropriately fund the nation's wars. To solidify this remedy and to fundamentally change how America funds its

<sup>58</sup> Center for Constitutional Rights, *Restore. Protect. Expand. Amend the War Powers Resolution* (New York: Center for Constitutional Rights, 2009), 1, [https://ccrjustice.org/sites/default/files/assets/CCR\\_White\\_WarPowers.pdf](https://ccrjustice.org/sites/default/files/assets/CCR_White_WarPowers.pdf).

<sup>59</sup> H.R. 560 – War Powers Reform, 114<sup>th</sup> Congress, January 27, 2015, <https://www.congress.gov/bill/114th-congress/house-bill/560>, referred to the Committee on Foreign Affairs.

<sup>60</sup> Ramsey Cox, "Senate Bill Amends War Powers Act," *The Hill*, January 16, 2014, <http://thehill.com/blogs/floor-action/senate/195704-senate-bill-amends-war-powers-act>.

<sup>61</sup> Bacevich, *The New American Militarism*, 210.

<sup>62</sup> Friedman, "The Home Team."

<sup>63</sup> Sapolsky, "What Americans Don't Understand About Their Own Military."

wars, Congress must pursue legislation that prohibits military deployments to conflicts without an established and approved funding source.

Representative Gibson's (R-NY-19) offered House Resolution 560 lays out a feasible course for paying for future wars. His proposal prohibits funds "from being obligated or expended for introducing the Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated, in the absence of (1) a declaration of war; (2) specific statutory authorization; or (3) a national emergency created by an attack or imminent threat of attack upon the United States, its territories or possessions, or the Armed Forces."<sup>64</sup>

The unwillingness of the Bush and Obama administrations to raise taxes to fund the wars in Iraq and Afghanistan may be linked to fading public support. Admittedly, raising taxes or reducing government spending remains a controversial topic in Washington. Yet, if America is to re-balance its use of the military with other instruments of national power, it must be willing to re-examine both how and how much it funds military actions. By tethering future military actions to approved funding, the nation would force its citizenry and Congress to re-engage with the political process and decide whether the stakes of proposed military actions are worth the cost.<sup>65</sup> America would be wise to follow John F. Kennedy's advice and be prepared to "pay any price, bear any burden, meet any hardship" to wage war or, alternatively, to find another solution.<sup>66</sup>

## Conclusion

America finds itself far removed from the nation that reluctantly entered, yet strongly supported World Wars I and II, where the country largely mobilized, maintained tight connections between the citizenry and the military, and exercised sustained sacrifice. As the civil-military divide has grown, both the public and Congress have largely abdicated their responsibilities in the political process for determining the role of the U.S. military. Additionally, both the Legislative and Executive branches have progressively failed to ensure citizen involvement and sacrifice in support of the nation's wars. The consequence of these failures is an empowered Executive branch that frequently and with increasing regularity employs the armed forces as the primary instrument of national power responsible for advancing and protecting national interests.

Despite these alarming trends, America can return to conditions more closely aligned with the original views of the Framers. Pursuing national service programs and developing a more geographically representative military will decrease the civil-military gap and better connect Americans with their military. Generating greater constituent participation should result in improved congressional oversight on military activities, reinforced by a strengthened War Powers Resolution. Furthermore, ensuring that Americans sacrifice financially via war taxes or reduced government spending or consumption will further solidify their participation in the political process.

U.S. military operations remain vital to preserving national security or fighting tyranny. America must reinvigorate deliberative processes to decide when and where to use military force, and in doing so, ensure that both its citizens and Congress are active participants. Such measures should assist the nation in better implementing all instruments of national power in support of foreign policy pursuits while simultaneously returning America to a closer alignment with the Founders' intent.

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<sup>64</sup> H.R. 560 – War Powers Reform, 114<sup>th</sup> Congress, January 27, 2015, <https://www.congress.gov/bill/114th-congress/house-bill/560>.

<sup>65</sup> R. Russell Rumbaugh, "A Tax to Pay for War," *The New York Times*, February 10, 2013, <http://www.nytimes.com/2013/02/11/opinion/a-tax-to-pay-for-war.html>.

<sup>66</sup> Bartlett, "The Cost of War."



# The Great Enabler: The AVF and the Use of Force

Scott W. Mueller

*America's All-Volunteer Force (AVF) is a highly-debated concept in the realm of U.S. civil-military relations. While the quality of today's AVF is rarely disputed, some question whether or not it has led to a too-frequent use of American military force. The argument advanced here is that the American AVF enables the use of military force as a foreign policy instrument, but not for the reasons laid out by the 1973 Gates Commission. With the return to the AVF in 1973, Congress and America's military leaders took steps to prevent U.S. presidents from embarking on military adventures. However, the tendency of U.S. presidents to use military force to resolve foreign policy disputes that are not vital to the national interest is enabled by the AVF. Moreover, the AVF is essential to maintaining the liberal international order.*

Keywords: *All-Volunteer Force, Military Adventurism, Conscription, Military Manpower System*

Conscription is the taproot of militarism and war.

—Jan Smuts<sup>1</sup>

The continuing war in Vietnam figured prominently into the 1968 presidential campaign. Into its third year and after the shock of the Tet Offensive, the war was exceptionally unpopular and appeared to be a losing proposition. Protests against the war raged across the United States with the draft as a particular target of disdain. In his bid for the presidency that year, Richard Nixon promised to end the draft if elected. He fulfilled that promise in 1973 when the United States ended the draft and returned to a military comprised entirely of volunteers.

The All-Volunteer Force (AVF) has since been a highly-debated concept in the realm of civil-military relations. While the quality of today's AVF is rarely disputed, some question whether or not

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*Scott W. Mueller (M.S.S. United States Army War College) is a Colonel in United States Army. An earlier version of this article, written under the direction of Dr. Antulio J. Echevarria II, earned a prestigious Army War College Foundation award for the Colonel Jerry D. Cashion Memorial Writing Award for the USAWC class of 2017.*

<sup>1</sup> Jeffery Pickering, "Dangerous Drafts? A Time-Series, Cross-National Analysis of Conscription and the Use of Military Force, 1946-2001," *Armed Forces & Society* 37, no. 1 (Winter 2011): 120-121, quoted from Denis Hayes, *Conscription Conflict: The Conflict of Ideas in the Struggle for and against Military Conscription in Britain between 1901 and 1939* (New York: Garland, 1973), 346.

it has led to a too-frequent use of American military force. This concern was specifically addressed by the commission established by President Nixon to study the feasibility and impacts of returning to an AVF, and the President's Commission on an All-Volunteer Armed Force (the Gates Commission) concluded that this concern was unjustified. Recent history, however, suggests otherwise.

With the establishment of the Clinton Doctrine in the 1990s, the United States embarked on a number of military operations for reasons other than the preservation of national sovereignty. The strongest advocates for the use of military force, however, have been civilian policy makers—not a military elite as stated in the concerns addressed by the Gates Commission. Thus, America's AVF has enabled the use of military force as an instrument of foreign policy, though not necessarily for the reasons laid out by the Gates Commission.

The AVF is not a new concept in American history, rather it is grounded in tradition and moral philosophy. After a discussion of the Gates Commission findings on the AVF, I show how Congress and America's military leaders took steps to prevent presidents from embarking on military adventures. Yet despite these efforts, American presidents, especially in the 1990s, were able to employ the AVF for reasons not always critical to the country's vital interests. Finally, I conclude that the AVF, while enabling the use of military force, is an essential system that allows the United States to stand as the world's guardian of the liberal international order.

### Resurrecting the All-Volunteer Force

Throughout its history, the United States has alternated between conscript and volunteer military manpower systems. Possessing a distrust of standing armies, the country's founders relied on volunteers in the state militias and the federal armed forces for the defense of the nation. Some of the nation's founders were concerned that a standing army would encourage the use of force to settle international disputes.<sup>2</sup> Geography played a large role as well: protected from the rest of the world by two oceans and a huge frontier, the United States did not need a large army like those common in Europe at the time.<sup>3</sup> As a result, the United States from its founding maintained a small military force focused on expanding the country westward, protecting territorial outposts, and securing its overseas commerce to help fuel the growing nation's economy. Quality within this AVF suffered greatly, however, as the U.S. military had to compete for recruits with an ever-expanding economy.<sup>4</sup> This AVF nevertheless satisfied the young country's needs for a time.

The scope and scale of industrial warfare, however, demanded that the United States rely on conscription to raise the massive armed forces that fought in the American Civil War, World War I, and World War II. This departure from American military tradition was "rationalized on the grounds that the rights guaranteed to the individual by the government implied an obligation upon him to defend his rights by defending the government that assured them."<sup>5</sup> With the nation's survival and vital interests at stake, the idea of conscription on moral grounds was, for the most part, widely accepted by the American public. The United States returned to volunteerism when those conflicts

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<sup>2</sup> John Whiteclay Chambers et al., eds., *The Oxford Companion to American Military History* (Oxford: Oxford University Press, 1999), 595.

<sup>3</sup> James Sheehan, "The Future of Conscription: Some Comparative Reflections," in *The Modern American Military*, ed. David M. Kennedy (New York: Oxford University Press, 2013), 178. The author quotes Alexis de Tocqueville who wrote that Americans have "no neighbors, and consequently they have no great wars...nor great armies, nor great generals." Alexis de Tocqueville, *Democracy in America* (New York: Everyman's Library, 1994), 288-289.

<sup>4</sup> Chambers, *The Oxford Companion to American Military History*, 594-595.

<sup>5</sup> *Ibid.*



ended and the threats subsided. Communism continued its march across Eastern Europe and China, however, and in 1948 Congress again resorted to conscription to defend the nation. This draft remained in place until 1973, providing the military manpower to fight most notably in Korea and Vietnam. But during the Vietnam War, conscription's legitimacy as a military manpower system became a heated point of contention in American society.

The Vietnam War—America's longest armed conflict until the post-911 campaigns in Iraq and Afghanistan—became increasingly unpopular in the United States beginning in 1966 when the anti-war movement blossomed into mass protests.<sup>6</sup> This popular movement had a particular dislike for the draft. Burning draft cards and avoiding military service (either through education deferments, joining the National Guard or reserves, or refusing to register for the draft) became popular forms of civil disobedience. Not since the New York City draft riots in July 1863 had conscription been opposed so vociferously, and certainly not on such a large scale as seen during the Vietnam War. Counter to the pre-established ideals of civic duty, the anti-war movement viewed the Vietnam War draft as the government's infringing on citizens' rights by forcing conscripts to fight a war they did not support against an enemy that did not pose an existential threat to the United States.<sup>7</sup> Rhodes Scholar (and future 42nd President of the United States) Bill Clinton articulated this idea in a 1969 letter to the professor of military science at the University of Arkansas Reserve Officer Training Corps program:

From my work I came to believe that the draft system itself is illegitimate. No government really rooted in limited, parliamentary democracy should have the power to make its citizens fight and kill and die in a war they may oppose, a war which even possibly may be wrong, a war, which, in any case, does not involve immediately the peace and freedom of the nation.<sup>8</sup>

This intense opposition to the draft and the Vietnam War propelled Richard Nixon to the presidency in the 1968 elections with his promise to end the draft. In 1970, he established The President's Commission on an All-Volunteer Armed Force to study the issue and make recommendations.

### **The President's Commission on an All-Volunteer Armed Force**

On March 27, 1969, fulfilling one of his presidential campaign pledges from the 1968 presidential race, President Nixon announced the appointment of an Advisory Commission on an All-Volunteer Force chaired by former Secretary of Defense Thomas S. Gates. The purpose of the Gates Commission (as it came to be known) was to "develop a comprehensive plan for eliminating conscription and moving toward an all-volunteer armed force."<sup>9</sup> The fifteen-member commission consisted of prominent businessmen, scholars, economists, a former Supreme Allied Commander-Europe, and the Executive Director of the National Association for the Advancement of Colored People (NAACP).<sup>10</sup> The commission submitted its final report to President Nixon on February 20, 1970,

<sup>6</sup> Ibid., 764.

<sup>7</sup> James Burk, "The Changing Moral Contract for Military Service," in *The Long War: A New History of U.S. National Security Policy Since World War II*, ed. by Andrew J. Bacevich (New York: Columbia University Press, 2007), 442.

<sup>8</sup> "Bill Clinton Letter to Colonel Eugene Holmes," PBS, December 3, 1969, <http://www.pbs.org/wgbh/pages/frontline/shows/clinton/etc/draftletter.html>. In his letter, to Colonel Holmes, Clinton stated he was "working every day against a war I opposed and despised with a depth of feeling I had reserved solely for racism in America before Vietnam."

<sup>9</sup> Thomas S. Gates, *President's Commission on an All-Volunteer Force* (Washington, DC: Library of Congress, 1970), vii.

<sup>10</sup> Ibid., viii-ix. Members included Milton Friedman, Alan Greenspan, Alfred Gruenther (former SACEUR), and Roy Wilkins (Executive Director of the NAACP).



stating: “We unanimously believe that the nation’s interests will be better served by an all-volunteer force, supported by an effective stand-by draft.”<sup>11</sup> The commission’s conclusions sounded the death knell for the draft that had fueled so much public discontent. The report was also significant because while the United States was returning to the AVF, the dissolution of the draft committed the country to maintaining a large military force comprised solely of volunteers.<sup>12</sup> America’s historic suspicion of standing armies and military adventurism once again came to the fore, demanding that the Gates Commission address concerns about potential effects of returning to the AVF.

The Gates Commission considered nine separate “objections” to the AVF that arose. One objection, and the focus of this paper, was that “[a]n all volunteer force would stimulate foreign military adventures, foster an irresponsible foreign policy, and lessen civilian concern about the use of military forces.”<sup>13</sup> According to this argument, the AVF would encourage military adventurism because of three “important inferences: (1) an all-volunteer force will be more aggressive than a mixed force; (2) the nation’s civilian and military leaders will risk the lives of volunteers with less concern than those of conscripts and (3) a questionable foreign commitment could be undertaken and sustained with less popular dissent than if conscripts were used.”<sup>14</sup>

The commission, however, believed this objection to be unfounded. First, according to the commission, the military manpower system was irrelevant in deciding to use military force. The commission acknowledged existing pressures to use conscripted military force to solve foreign policy problems, and this would not change with the AVF. The nation’s leadership would still have to weigh the cost in blood and treasure as well as domestic and foreign political costs before committing a conscript, blended, or AVF to a conflict. The president also had to weigh the possibility that any substantial commitment of military power could risk potential nuclear conflict with the Soviet Union. Finally, the commission argued the size and readiness (two important military factors considered during decisions to use military force) of the U.S. military would remain unchanged under either the AVF or the current mixed system of conscripts and volunteers. The main difference would be that under the mixed system, the President could independently increase draft calls to expand the size for the force (as President Johnson did during the Vietnam War). Under an AVF, however, the President would have to ask Congress to enact the standby draft and conscription. This request would then theoretically spark a national debate and public discussion on the necessity of employing military power and would only be used if supported by the American public.<sup>15</sup>

The Gates Commission also addressed the concern that an AVF would reduce the American public’s interest in foreign affairs because fewer Americans would be called upon to serve. A general lack of foreign affairs interest would dilute the national debate about enacting the standby draft and diminish the effect of public opinion as a hedge against military adventurism. The commission stated that higher education levels, friendship and familial relations with service members, “the diffusion of mass communications, and the newsworthiness of compelling national security interests” would retain the public’s interest in how the United States utilized the AVF.<sup>16</sup> The commission also

<sup>11</sup> *Ibid.*, iii.

<sup>12</sup> Louis G. Yuengert, “America’s All Volunteer Force: A Success?” *Parameters* 45, no.4 (Winter 2015-2016): 55.

<sup>13</sup> Gates, *President’s Commission on an All-Volunteer Force*, 17.

<sup>14</sup> *Ibid.*, 156. The mixed force of volunteers and conscripts was the military manpower system in place at the time of the commission’s study and report.

<sup>15</sup> *Ibid.*, 17-18.

<sup>16</sup> *Ibid.*, 156. “The claim is made that the ranks of the public attentive to foreign policy are swelled significantly by those citizens touched by the draft. It is a doubtful notion. The corollary—that public interest in foreign affairs will decrease significantly if volunteerism is adopted—is also doubtful. Volunteers have as many concerned relatives and friends as men who are drafted. Higher education levels, the diffusion of modern mass communications, and the newsworthiness of

concluded that the AVF would make explicit the cost of using military force, thereby retaining the interest of American taxpayers whose tax dollars would have to finance the endeavor, especially if expanding the AVF should become necessary.<sup>17</sup>

Finally, conscription advocates were concerned that this new AVF would violate one of America's most fundamental principles: civilian control of the military. AVF detractors argued that the AVF would be better trained and equipped and, therefore, more aggressive; it would have a higher degree of autonomy from the civilian leadership, and the AVF's military leadership would exploit international crises for its own gain.<sup>18</sup> This argument suggested military leaders would actively seek to employ military force because there would be no point to having a professional, highly trained and well equipped force unless it was to be used. The commission concluded this objection was irrational: they were advocating a change to the country's military manpower system, not the political authorities and processes that governed the use of the military instrument of power.<sup>19</sup>

In the end, the Gates Commission concluded that objections to the AVF based on fears associated with military adventurism in U.S foreign policy were unfounded:

We have examined how the return to volunteer forces might affect the decision to use U.S. military power. We conclude that the recommended all-volunteer force will actually increase democratic participation in decisions concerning the use of military force. We reject the fear of increased military aggressiveness or reduced civilian concern following the return to an all-volunteer force.<sup>20</sup>

President Nixon accepted the Gates Commission's recommendations. In 1973, Secretary of Defense Melvin Laird announced the formation of the All-Volunteer Force, thus ending conscription as America's military manpower system for the previous 25 years. The commission's rebuttals to the objection that the AVF would lead to military adventurism, however, proved not to be entirely accurate, as did the reasoning behind the objection that a professionalized AVF would instigate military adventurism. In the decades following the return to the AVF, it was not the resultant professionalized military that would encourage use of the military instrument to solve foreign policy issues. With the specter of Vietnam still fresh in the minds of civilian and military policymakers, the Congress and Defense Department leaders sought to limit military force as the foreign policy tool of choice, and thus prevent military adventurism.

### **Hedges against Military Adventurism**

One objection to the AVF was that a president and his military leaders would be more apt to use military power as the nation's foreign policy tool of choice. With fewer Americans serving in the military the vast majority of the American public would lose interest in foreign affairs and would not care about the President committing volunteers to conflicts across the globe. Congress, however, did not completely subscribe to the Gates Commission's logic on why the AVF would not enable a President to engage in military adventurism. The Congress wanted to ensure that the "collective judgement of both the Congress and the President will apply" prior to committing U.S. forces into

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compelling national security events assure that foreign affairs will hold the attention of a substantial and growing public, regardless of the method used for procuring military manpower."

<sup>17</sup> *Ibid.*, 155.

<sup>18</sup> *Ibid.*, 157.

<sup>19</sup> *Ibid.*

<sup>20</sup> *Ibid.*, 155.

hostilities, in accord with the intent of the Constitution's framers.<sup>21</sup> In 1973 Congress passed the War Powers Resolution (over President Nixon's veto), requiring:

The President in every possible instance shall consult with Congress before introducing United States Armed Forces into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, and after every such introduction shall consult regularly with the Congress until United States Armed Forces are no longer engaged in hostilities or have been removed from such situations.<sup>22</sup>

Most importantly, the resolution allowed the President only 60-90 days in which to cease using U.S. troops unless Congress authorized their use or extended the timeframe.<sup>23</sup> Another hedge against military adventurism came from the Department of Defense in the form of the Weinberger and Powell Doctrines.

Secretary of Defense Caspar Weinberger (1981-1987), in a 1984 speech to the National Press Club, articulated the conditions which he believed must be met before using military force. The Weinberger Doctrine called for committing U.S. military forces to combat only for reasons of vital national interests and only if the nation was committed to winning. Weinberger insisted that the nation's political and military leadership clearly define the political and military objectives, and commit enough forces to accomplish those objectives. He also required "reasonable assurance we will have the support of the American people and their elected representatives in Congress," and that the nation's leaders candidly articulate to the American people and Congress the threat and reasons for using force. Finally, the United States should only use force as a last resort. The Weinberger Doctrine's six criteria were "intended to sound a note of caution—caution that we must observe prior to committing forces to combat overseas."<sup>24</sup> While serving as the Chairman of the Joint Chiefs of Staff from 1989-1993, General Colin Powell invoked the Weinberger Doctrine advising President George H.W. Bush on the use of military force to expel Saddam Hussein's forces from Kuwait in 1990. General Powell added to the doctrine, however. The resultant Powell Doctrine insisted the United States use overwhelming force whenever committing forces to combat.<sup>25</sup>

The War Powers Resolution, the Weinberger Doctrine, and the Powell Doctrine all have roots in the tumultuous American political and military experience in Vietnam. They sought to curb the executive branch's ability to commit U.S. troops to combat without an appropriate national debate, but especially out of concern that the return to the AVF would enable Presidents to use force as the foreign policy tool of first resort. In practice, however, the War Powers Resolution and Weinberger and Powell Doctrines have been only mildly successful. The War Powers Resolution, deemed unconstitutional by every president from Nixon to George W. Bush,<sup>26</sup> is only invoked by Congress when disagreement arises among the elite (the president, politicians, media, intellectuals, national security experts) as to whether or not military force is the proper answer to a foreign policy issue.<sup>27</sup> From 1975 to March 2015, U.S. presidents submitted 160 reports to Congress in accordance with the

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<sup>21</sup> *The War Powers Resolution of 1973*, Public Law 93-148, 87 Stat. 555, 93rd Cong., 1st sess. (November 7, 1973), <https://www.law.cornell.edu/uscode/text/50/1541>.

<sup>22</sup> *Ibid.*

<sup>23</sup> *Ibid.*

<sup>24</sup> Caspar Weinberger, "The Uses of Military Power," public speech, The National Press Club, Washington, DC, November 28, 1984, <http://www.pbs.org/wgbh/pages/frontline/shows/military/force/weinberger.html>.

<sup>25</sup> Chambers, *The Oxford Companion to American Military History*, 556.

<sup>26</sup> Matthew C. Weed, *The War Powers Resolution: Concepts and Practice* (Washington, DC: U.S. Library of Congress, Congressional Research Service, April 3, 2015), i.

<sup>27</sup> Gregory P. Noone, "The War Powers Resolution and Public Opinion," *Case Western Reserve Journal of International Law* 45, no. 1/2 (Fall 2012): 145.

War Powers Resolution. And while Congress authorized the use of force in 1991 and 2002 against Iraq, presidents and Congress have little appetite “to initiate the procedures of or enforce the directives in the War Powers Resolution.”<sup>28</sup> Generally, Congress is willing to let the President use military force without interfering as politicians do not want to appear to not “support the troops” given that the U.S. military is so highly regarded by the American people.<sup>29</sup> The War Powers Resolution has, however, shaped the way presidents use military power, preferring action that is limited in duration of 60-90 days so that they do not have to submit reports to Congress. The War Powers Resolution has therefore not constrained presidential use of force as a foreign policy instrument. Arguably, the military elites have been the most reluctant to use the military instrument of national power, and probably none more so than General Colin Powell.

As Chairman of the Joint Chiefs of Staff, Colin Powell was concerned about using the military to advance U.S. values when national interests were not at stake. In contrast to the 1991 Gulf War where Iraq invaded a sovereign country and gained control of significant sources of oil, the efforts in Haiti, Somalia, Bosnia, and Kosovo injected the United States into the internal issues of those countries. The Clinton Administration sought to use military force for nation building in these countries despite lack of an existential threat to the United States.<sup>30</sup> General Powell’s concern stemmed from the fact that these missions did not adhere to the Powell Doctrine because of a lack of coherent objectives and limitations placed on the military did not enable the overwhelming military force.<sup>31</sup> More recently, during the debates to use military force to invade Iraq and depose Saddam Hussein in 2002, retired General Anthony Zinni was an outspoken critic of the Bush Administration’s desire to invade Iraq: “It’s pretty interesting that all the generals see it the same way and all the others who have never fired a shot and are hot to go to war see it another way.”<sup>32</sup>

Research by Peter Feaver and Christopher Gelpi reveals that civilian elites with no military experience are more likely to use force, albeit in more limited ways, than military elites. A now-famous exchange between the United States’ Ambassador to the United Nations, Madeline Albright and Chairman of the Joint Chiefs General Colin Powell during debates within the new Clinton Administration on employing military force illustrates this point. Ambassador Albright, frustrated by General Powell’s adherence to the Weinberger and Powell Doctrines, asked General Powell: “What is the point of having this superb military that you’re always talking about if we can’t use it?”<sup>33</sup> Senate Republican Leader Trent Lott remarked during the 2002 debates on the Iraq invasion: “If the military people don’t want to fight, what is their role? Do they want to be people that clean-up after natural disasters?”<sup>34</sup> Concerns that the AVF would give rise to a military so disconnected from society that military leaders would actively seek to use the military instrument have proven false, but not because civilian leaders have prevented it. On the contrary, the United States’ civilian leadership advocates for the use of military force more than military elites. Contrary to the Gates Commission’s

<sup>28</sup> Weed, *The War Powers Resolution: Concepts and Practice*, i. For a complete listing of WPR reporting instances, see pages 59-88.

<sup>29</sup> Noone, “The War Powers Resolution and Public Opinion,” 151. According to Noone’s research, the American public overwhelmingly supports the military during times of conflict and politicians are very attuned to this.

<sup>30</sup> Michael Mandelbaum, *Mission Failure: America and the World in the Post-Cold War Era* (Oxford: Oxford University Press, 2016), 368.

<sup>31</sup> Peter D. Feaver and Christopher Gelpi, *Choosing Your Battles: American Civil-Military Relations and the Use of Force* (Princeton, NJ: Princeton University Press, 2004), 6.

<sup>32</sup> *Ibid.*, 1. Quoted from Mike Salinero, “Gen. Zinni Says War with Iraq is Unwise,” *Tampa Tribune*, August 24, 2002, 1.

<sup>33</sup> *Ibid.*, 2. Quoted from Colin Powell with Joseph E. Persico, *My American Journey* (New York: Ballantine, 1995), 576-577.

<sup>34</sup> *Ibid.*, 3. Quoted from Bill Gertz and Rowan Scarborough, “Inside the Ring,” *Washington Times*, October 11, 2002, 10.

arguments that the AVF would not lead to military adventurism, the AVF has seemingly enabled a more active use of force by the United States.

### **The All-Volunteer Force and the Application of U.S. Military Power**

The AVF is not a new or revolutionary concept in America; it has, in fact, been the norm throughout the vast majority of the country's history. To say that the modern AVF has led to military adventurism in U.S. foreign policy is also a fallacy. By most counts American presidents have used force abroad over 300 times since the country's founding.<sup>35</sup> According to retired lieutenant general and former Ambassador to Afghanistan Karl Eikenberry, half of those "conflict-related military deployments" occurred after World War II; from 1946-1973, the United States conducted 19 overseas deployments, but 144 overseas deployments from 1973-2012 during the modern AVF.<sup>36</sup> These figures are often cited to show that the modern AVF has contributed to military adventurism since 1973. The notion that an AVF leads to more frequent uses of force is also grounded in Kantian philosophy. Kant argued conscript armies in a republic link the people with their national leadership. They will, therefore, be "very cautious of decreeing for themselves all of the calamities of war."<sup>37</sup> This sentiment was also expressed by U.S. Representative Charles Rangel in 2006 when he advocated for a return to conscription: "Decision makers...would more readily feel the pain of conflict and appreciate the sacrifice of those on the front lines if their children were there too."<sup>38</sup> Research suggests, however, that conscripted militaries may not be the hedge against military adventurism as conscription advocates believe.

Professor Jeffrey Pickering indicates that nations with conscription as their military manpower system are more likely to use military force than nations with an AVF system.<sup>39</sup> Pickering found that the probability that states with conscription will use "belligerent military force" is 58 percent higher than states with AVFs. These states are also 39 percent more likely to engage in operations other than war, and have a 227 percent higher probability of using force against non-state actors than do states with AVFs. His research also found that military manpower systems have no impact on a nation's decision to deploy military forces for humanitarian missions. In those instances, leaders only deploy their forces when they are confident that the risk to their soldiers' lives is exceptionally low. More so than the military manpower system, a nation's military capabilities play a larger role in determining whether or not a nation will use military force. The more capable the force, the more likely that force will be employed.<sup>40</sup> Pickering makes a compelling argument backed by statistical modeling, whereas conscription advocates rely on moral and philosophical arguments. What is not clear from his research, however, is the context within which the nations he studied employed military force, and to what degree their military manpower systems played a role in the decision to use force vice the need to protect vital national interests. Also, he does not clearly stipulate the form of government utilized by the nations examined. It stands to reason that dictatorships with conscript armies and suppressive regimes care less about public opinion and political consequences than do democratic

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<sup>35</sup> Ryan C. Hendrickson, *The Clinton Wars: The Constitution, Congress, and War Powers* (Nashville, TN: Vanderbilt University Press, 2002), 1.

<sup>36</sup> Karl W. Eikenberry, "Reassessing the All-Volunteer Force," *The Washington Quarterly* 36, no.1 (Winter 2013): 10, <http://dx.doi.org/10.1080/0163660X.2013.751647>.

<sup>37</sup> Pickering, "Dangerous Drafts? A Time-Series, Cross-National Analysis of Conscription and the Use of Military Force, 1946-2001," 120, quoted from Immanuel Kant, *Immanuel Kant's Political Writings*, ed. Hans Reiss, ed., translated by H.B. Nesbit (Cambridge, UK: Cambridge University Press, 1963), 94.

<sup>38</sup> *Ibid.*, 120.

<sup>39</sup> *Ibid.*, 119.

<sup>40</sup> *Ibid.*, 129-131.

republics. Saddam Hussein and the Iran-Iraq War is a case in point. World order standing or placement likely has an impact on how nations use military force. The United States, as the world's lone superpower in the post-Cold War world, has a vital interest in maintaining the liberal international order that influences how and where it uses military force.

The United States is arguably more likely to use military force than other nations given its place in the world. The United States emerged from World War II as a superpower and the leader in the effort to stem the tide of international communism. With the fall of the Soviet Union, the United States assumed the mantle of preserving the liberal international order and used its military power—the highly capable and professional AVF—to protect that international order, protect its vital national interests, and promote national values.<sup>41</sup> To do this, the United States at times has used force either as a deterrent to aggression by an adversary or as a means by which to compel an adversary to conform to the international order. The AVF enables the use of military force because it frees political leaders from the constraints inherent to conscription as a military manpower system: namely a citizenry that resists conscription when vital interests are not at stake. The first Chancellor of the German Empire Otto von Bismarck put it succinctly when he stated, “Conscripts cannot be sent to the tropics.”<sup>42</sup> While the United States has no colonies to police as did the European powers of the 19th and early 20th centuries, the maintenance of the liberal international order has become Bismarck’s “tropics” for the United States in late-20th and early 21st centuries. And while the United States has used its AVF as an instrument of foreign policy throughout the world in the maintenance of the international order, the American people have not completely ceded their role in the debate on with regard to when and how force should be used.

Much of the literature surrounding the AVF focuses on the civic duty of a republic’s citizenry to participate in the collective defense of the country and the ways this has been diminished by the AVF in the United States. Ambassador Karl Eikenberry falls into this camp, stating: “We collectively claim the need for a robust armed forces given the multi-faceted foreign threats our country faces, and yet as individuals, do not wish to be troubled with any personal responsibility for manning the frontier.”<sup>43</sup> Andrew Bacevich, a prominent critic of the AVF, believes that American political elites “neither seek nor seriously consider the views of the larger public” concerning foreign policy and the use of military force, and that “most citizens dutifully accept their exclusion from such matters.”<sup>44</sup>

The American public, however, has demonstrated that it remains interested and informed about its government’s use of military power. Public outrage over American casualties in the 1983 Marine barracks bombing in Beirut, the 1993 Battle of Mogadishu in Somalia, and the raging insurgency in Iraq in 2006 forced presidents to withdraw forces (as in Beirut and Somalia) or to bring in fresh leadership and adopt a new strategy (hence the Iraq Surge and counterinsurgency doctrine).<sup>45</sup> The American public’s frustration over the war in Iraq was a key factor in electing Barack Obama to the

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<sup>41</sup> Barack Obama, *National Security Strategy* (Washington, DC: The White House, February 2015), 2. See pages 19-23 for national values and the international order.

<sup>42</sup> Sheehan, “The Future of Conscription: Some Comparative Reflections,” 179.

<sup>43</sup> Eikenberry, “Reassessing the All-Volunteer Force,” 39.

<sup>44</sup> Andrew J. Bacevich, “The Elusive Bargain: The Pattern of U.S. Civil-Military Relations Since World War II,” in *The Long War: A New History of U.S. National Security Policy Since World War II*, ed. by Andrew J. Bacevich (New York: Columbia University Press, 2007), 208.

<sup>45</sup> For Somalia, see David P. Auerswald and Peter F. Cowhey, “Ballotbox Diplomacy: The War Powers Resolution and the Use of Force,” *International Studies Quarterly* 41, no. 3 (September 1997): 522.

For Beirut, see Andrew J. Bacevich, *America’s War for the Greater Middle East: A Military History* (New York: Random House, 2016).

See also Glenn P. Hastedt, *American Foreign Policy: Past, Present, and Future*, 10th ed. (Lanham, MD: Rowan and Littlefield, 2014), 181-183.

presidency in 2008 along with his campaign promise to end the war there. Public sentiment also profoundly influenced his operational approach to destroying the Islamic State in Iraq and Syria (ISIS) in 2014. President Obama's belief that the American public would not support another ground war in that region led to a strategy and operational approach that relied on U.S. and coalition airpower and intelligence capabilities in support of proxies fighting ISIS on the ground.<sup>46</sup>

These examples indicate that Americans have not divorced themselves from the debate on the use of military force simply because they have less "skin in the game" due to the AVF. They are still part of the equation and continue to shape the character of the conflicts the United States engages. The United States generally reserved the use of force to defend vital national interests, but the post-Cold War world changed that calculus. After the fall of the Soviet Union, the United States sought to promote its values throughout the world using military power and the AVF, in part, enabled this use of military power.

The United States in the post-Cold War world found itself as the world's lone superpower and used that position to advance its values and principles instead of adhering to a strict defense of its vital national interests.<sup>47</sup> It became difficult for a president to justify inaction when people were suffering throughout the world, and America's "possession of matchless military capabilities not only endowed the United States with the ability to right wrongs and succor the afflicted, it also imposed an obligation to do just that."<sup>48</sup> President Clinton sent the U.S. military to solve conflicts in Somalia (though he did inherit this particular mission from his predecessor), Haiti, Bosnia, and Kosovo—conflicts of no strategic vital interest to the United States—and he did so unimpeded by the fact that he himself had avoided military service. While President Clinton weathered some criticism from the opposition party due to his lack of military service, he was enabled by the fact that the military of which he was the Commander in Chief was filled with men and woman who volunteered to be there. They were not forced into military service to fight a war as had as had been the case for many with respect to Vietnam. They had essentially accepted the "King's Schilling" and as such would do the "King's bidding."<sup>49</sup>

President Clinton's successor, George W. Bush, also benefited from the AVF. After the terror attacks of September 11, 2001, President Bush embarked on military campaigns in Afghanistan (2001) and Iraq (2003) ostensibly for reasons vital to U.S. national interests. Though he had served in the Air National Guard during the Vietnam War, he was criticized for avoiding service in Vietnam. But, again, the military he sent into Afghanistan and Iraq was composed of volunteers who chose to serve. As the wars dragged on, he neither raised taxes nor instituted conscription, thereby keeping the vast majority of Americans from feeling the wars' effects. President Bush won re-election in 2004, and the Republicans lost seats in the 2006 mid-terms due to public dissatisfaction with the war in Iraq. Republican senators did well in states and counties left relatively unaffected by casualties in Iraq, however.<sup>50</sup> Public sentiment toward the conflict in Iraq enabled President Bush to continue

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<sup>46</sup> Jeffrey Goldberg, "The Obama Doctrine," *The Atlantic Monthly* 317, no. 3 (April 2016): 70-90.

<sup>47</sup> Mandelbaum, *Mission Failure: America and the World in the Post-Cold War Era*, 368. See also Arnold A. Offner, "Liberation or Dominance? The Ideology of U.S. National Security Policy," in *The Long War: A New History of U.S. National Security Policy Since World War II*, ed. by Andrew J. Bacevich (New York: Columbia University Press, 2007), 2, 17, 35.

<sup>48</sup> Bacevich, *America's War for the Greater Middle East: A Military History*, 143.

<sup>49</sup> Robert L. Goldich, "American Military Culture: Culture from Colony to Empire," in *The Modern American Military*, ed. by David M. Kennedy (Oxford: Oxford University Press, 2013), 89.

<sup>50</sup> Douglas L. Kriner and Francis X. Shen, "Iraq Casualties and the 2006 Senate Elections," *Legislative Studies Quarterly* 32, no. 4 (November 2007): 508.



prosecuting that war effort—albeit after changing his strategy, operational approach, and leadership in both the Pentagon (civilian) and Iraq (military).

During the Obama presidency, the United States maintained forces in Afghanistan without much public pressure to withdraw those forces or demand campaign progress. As the president who fulfilled his campaign promise to withdraw U.S. troops from Iraq in 2012, he once again deployed forces (though in significantly fewer numbers, especially with regard to ground troops) to the region to fight ISIS in 2014. That conflict continues. Utilizing deficit spending without raising taxes, coupled with a volunteer military force, keeps the American public at bay and enables campaigns such as these to proceed without much national debate. As stated by French international relations scholar Etienne de Durand, “Mobilizing the population generally comes with a heavy price tag attached to it; the nonnegotiable need to show quick results.”<sup>51</sup>

### Conclusion

The United States’ AVF enables the use of force by America’s political leaders. The AVF is a powerful instrument, grounded in historic traditions and rooted in traditional liberal thought and philosophy concerning the relationship between the government and the governed in the defense of the nation. Today’s scholars who warn the AVF erodes the concept of civic duty for the defense of the nation seem to have a love affair with the false notion that today’s AVF is an aberration and incompatible with the ideals of republican democracy; and that the AVF removes the American public from the national debate on the use of force simply because an overwhelming majority of Americans do not choose to serve in their nation’s armed forces. While the AVF enables presidents to use military force more freely, they must do so with recognition that they cannot use it with total disregard for American public opinion or without consideration for how its use will affect the AVF overall.

The American public still retains an interest in how the AVF is used and has shown the ability to hold elected officials responsible. Americans place tremendous pride and trust in their armed forces and have immense respect for those who freely choose to serve in the military, especially in times of conflict. When they perceive that their military is being used in ways counter to the national values and interests, Americans tend to hold their politicians responsible. And, for their part, the political leaders acknowledge they have considerable leeway with regard to the use of military force. This leeway is not a blank check, however, and American political leaders must answer to American voters every election cycle.

Maintaining the AVF also requires willing volunteers. Men and women join the armed forces for any number of reasons, but they do so with the understanding that their lives will not be wasted in military adventures that do not protect the nation’s vital interests. Americans who volunteer for military service essentially write a check to their government, payable with their lives, but with the expectation that they will not be cashed or frittered away on misadventures.<sup>52</sup> America’s political leaders must keep this moral obligation in the forefront if they are to continue relying on volunteerism as the source of manpower for the U.S. military.

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<sup>51</sup> Octavian Manea, “Reflections on the French School of Counter-Rebellion: An Interview with Etienne de Durand,” *Small Wars Journal*, March 3, 2011. Quoted in Robert L. Goldich, “American Military Culture: Culture from Colony to Empire,” 89.

<sup>52</sup> James Kurth, “Variations on the American Way of War,” in *The Long War: A New History of U.S. National Security Policy Since World War II*, ed. by Andrew J. Bacevich (New York: Columbia University Press, 2007), 85.

Carl von Clausewitz famously wrote that “war is an extension of politics.”<sup>53</sup> The use of force is a legitimate instrument of foreign policy, but should generally be used when diplomacy and other instruments of national power have failed. The United States will continue to employ its military force in the defense of the liberal international order because it cannot continue to thrive in a world hostile to its interests or values.<sup>54</sup> America’s political and military leaders must understand, therefore, that America’s AVF should not be an instrument of first resort simply because the American public writ large does not overwhelmingly contribute manpower to the military. If these leaders desire to retain the AVF as America’s military manpower system of choice, they will need to rely on a steady stream of willing recruits to populate the force. That stream will dwindle to a trickle if the American public does not believe the lives of their servicemen and women are used in ways vital to the nation. For this reason, America’s leaders will always need the support of the American population before using military force.<sup>55</sup>

The United States is the world’s preeminent military power. The foundation of this military power is the relatively few men and women who, with the overwhelming support and admiration of the American public, choose to serve. While it is reasonable that the American public would acquiesce to a draft to defend their country against an actual existential threat, contemporary policy seeks to keep threats well outside the nation’s borders such that the republic’s survival remains secure. Historian T.R. Fehrenbach best described the importance of America’s volunteer military when he states:

However repugnant the idea is to liberal societies, the man who will willingly defend the free world in the fringe areas is not the responsible citizen-soldier. The man who will go where his colors go, without asking, who will fight a phantom foe in jungle and mountain range, without counting, and who will suffer and die in the midst of incredible hardship, without complaint, is still what he always has been, from Imperial Rome to sceptered Britain to democratic America. He is the stuff of which legions are made.<sup>56</sup>

Volunteers, therefore, are both required and best suited to guard the posts at the fringes while preserving the liberal international order. Therein lies the AVF’s necessity and true value to the American people.

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<sup>53</sup> Carl von Clausewitz, *On War*, trans. and ed. Michael Howard and Peter Paret (Princeton: Princeton University Press, 1984).

<sup>54</sup> Eliot A. Cohen, *The Big Stick: The Limits of Soft Power and the Necessity of Military Force* (New York: Basic Books, 2016), 25.

<sup>55</sup> Burk, "The Changing Moral Contract for Military Service," 443.

<sup>56</sup> T.R. Fehrenbach, *This Kind of War: Korea, a Study in Unpreparedness* (New York: MacMillan, 1963), 658.

# The United States Army War College

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The purpose of the United States Army War College is to produce graduates who are skilled critical thinkers and complex problem solvers. Concurrently, it is our duty to the U.S. Army to also act as a “think factory” for commanders and civilian leaders at the strategic level worldwide and routinely engage in discourse and debate concerning the role of ground forces in achieving national security objectives.

	<p>The Strategic Studies Institute publishes national security and strategic research and analysis to influence policy debate and bridge the gap between military and academia.</p>
	<p>The Center for Strategic Leadership contributes to the education of world class senior leaders, develops expert knowledge, and provides solutions to strategic Army issues affecting the national security community.</p>
	<p>The Peacekeeping and Stability Operations Institute provides subject matter expertise, technical review, and writing expertise to agencies that develop stability operations concepts and doctrines.</p>
	<p>The School of Strategic Landpower develops strategic leaders by providing a strong foundation of wisdom grounded in mastery of the profession of arms, and by serving as a crucible for educating future leaders in the analysis, evaluation, and refinement of professional expertise in war, strategy, operations, national security, resource management, and responsible command.</p>
	<p>The U.S. Army Heritage and Education Center acquires, conserves, and exhibits historical materials for use to support the U.S. Army, educate an international audience, and honor Soldiers—past and present.</p>

