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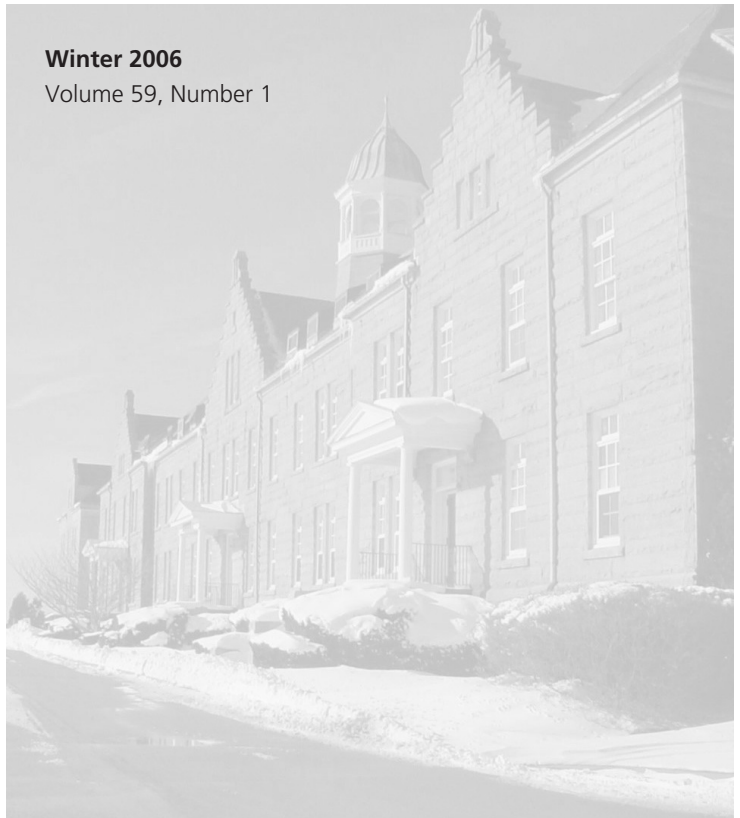
Cover

The guided-missile destroyer USS Fitzgerald (DDG 62), pictured from the aircraft carrier USS Kitty Hawk (CV 63) in August 2005 during Joint Air-Sea Exercise (JASEX) 2005, conducted with U.S. Air Force and Marine units in the western Pacific. U.S. Navy photo by Photographer's Mate 3rd Class Jonathan B. Foutz.

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BUILDING CAPACITY THROUGH COOPERATION

Remarks delivered as a luncheon address to the International Seapower Symposium at the Naval War College on 21 September 2005, by Ambassador Rose M. Likins

I am delighted to have this opportunity to speak to such a distinguished audience on the issue of maritime security and to share some thoughts with you about the State Department in general and about how it supports and contributes to your efforts in developing this “Global Network of Maritime Nations” that the symposium has gathered to address. My purpose is to talk about global alliances, in this case the U.S. Navy and allied and coalition navies, and to offer a series of recommendations that you may want to consider.

The core mission of the State Department is to “create a more secure, democratic, and prosperous world for the benefit of the American people and the international community.” Our bilateral and multilateral relationships are integral to that mission—and many of those relationships are underpinned by strategic military alliances. One of our principal undertakings in executing this mission is building coalitions or partnerships to resolve shared problems, whether those problems are security-related, like the threats of terrorism or weapons of mass destruction, or more social and developmental issues like HIV/AIDS and trafficking in persons or building a community of democracy.

Despite the “discovery” of the phenomenon of globalization over the last several years, it has long been my belief that mariners were the first agents of globalization centuries ago, and that our planet’s oceans were the first global commons. We tend to use that term today to refer to space, to the Internet, to the air we breathe, but in fact our oceans and seas were where it all started. Those who ventured out onto them—whether motivated by the thrill of discovery, the search for riches, routine commerce, or communications—were the pioneers in creating the ties that bind us. Mariners from all corners of the globe quickly discovered that they faced common challenges and threats and developed a series of traditions and working procedures that superseded national boundaries. The imperative to rescue fellow sailors in times of distress, to mark hazards to navigation, to share

food and water with those whose vessels are disabled, and share common signaling methods are but a few examples of these maritime practices.

Today, we again face common threats and challenges in the maritime domain, and it is time for us to strive for shared methods and techniques for defeating those threats. Those threats include use of our waters for illegal activities like narcotics trafficking or trafficking in persons, unauthorized exploitation of national resources, and contamination of the environment. We all face constrained resources, and our national leaders are called upon to use those scarce resources to respond to a variety of national needs, from education to public infrastructure to national defense. We can all maximize the use of these resources by avoiding duplication of effort and cooperating to confront these common challenges.

It's not always easy. There are a multitude of obstacles ranging from the most basic, like communicating across language barriers or on different communications networks, to insufficient resources allocated to this mission, to the more complicated, like historic regional tensions over sovereignty. Together we can overcome many, if not all, of these obstacles. But we have to want to do that. It takes a conscious decision to work together.

Language and communications barriers can be overcome with technology and training. Resource constraints can be minimized by sharing missions and with the assistance of allies. Sovereignty, in contrast, is perhaps the most difficult obstacle, because nationalism appeals to strong emotions in every one of us. But we need to remember that "bad actors" violate our sovereignty every day, causing enormous social and economic damage. They consciously exploit political tensions for their own ends. How many of you have seen a vessel suspected of carrying illicit cargo or conducting illegal operations duck into the waters of another nation when it detects the approach of your own law-enforcement vessel? It literally happens every day.

Let me be clear. I am not advocating dismantling borders. We have a saying in the United States, "Good fences make good neighbors," and there is truth to that in many circumstances. What I am advocating is that we be more creative than the bad actors, that we find ways to cooperate by sharing information, communicating clearly, pooling our resources, and resolving to deny our respective national territories to our common enemies.

This may sound easy. We all know it's not. But what the United States is offering you here today is a hand extended to begin the journey.

In his 2002 National Security Strategy, President George W. Bush stated, "The greatest danger our nation faces lies at the crossroads of radicalism and technology. Our enemies have openly declared that they are seeking weapons of mass destruction, and evidence indicates that they are doing so with determination.

The United States will not allow these efforts to succeed.” That statement could not have been any truer then than it is today. In numerous subsequent fora, President Bush highlighted the need for creating new and reinforcing existing alliances and partnerships to engage in the struggle against the ideology of tyranny and terror. He and other like-minded leaders have emphasized that to confront the challenges of this malevolent entity, nations must come together to create a global vision, with a global boldness of thought and the courage to act.

Incidents at sea involving state-sponsored proliferation of weapons of mass destruction and non-state-sponsored acts of piracy on the high seas and the littorals require us all, as free nations, to rethink our maritime strategies. The blurring of the lines between the illegal act of piracy and the illicit acts of proliferation of weapons of mass destruction, not to mention narcotics trafficking and poaching on fishing grounds, demands that we look beyond our own territorial borders to find a solution to the malfeasance threats to our individual and collective national security.

The sea lines of communication are the life blood of the world’s commerce. Despite technology, more than 80 percent of global trade still moves by sea, and our economies depend on the free and unimpeded movement of its share of that commerce. Further, with their emerging power-projection land forces and seemingly unending commitments, the United States and its allies depend on access to the seas to ensure their security.

Freedom of access now means more than just maritime supremacy but the awareness and control of the entire spectrum of the maritime domain as well. The concept of unimpeded sea lines of communication underpins the very meaning of an effective national security strategy—a strategy primarily based on global enlargement and global engagement.

During the Hurricane Katrina disaster relief efforts, more than 121 countries and thirteen international organizations stepped forward and offered their assistance to the United States. These offers ranged from humanitarian assistance and relief, rescue and salvage operations, and civil engineering assistance, to infrastructure repair and medical support, to name a few. The cornerstone of facilitating, coordinating, and implementing that support came from U.S. and foreign naval assets. Quickly assembling and operating at sea, the U.S. Navy put together a critical and complex sea-based command, control, and communications network to coordinate sea, land, and air resources to contain the effects and begin restoration operations. The seemingly seamless coordination of effort and ability to integrate civil and foreign capabilities underscored the maritime component’s innate ability to operate at sea under the most challenging conditions. Without question, had it not been for the rapid response and presence of those navies, especially the Canadian, Dutch, and Mexican, the disaster would

have been much worse and the number of casualties would have been significantly higher.

I mention this effort not just to pat you all on the back but to highlight the importance and universality of global international maritime cooperation. As in the 2005 tsunami recovery efforts, because of your maritime assets and capabilities the global community was able to operate at sea when land-based assets could not. That same type of coordinated, integrated, and interoperable networking is needed on a broader scale to deliver the capability that the Chief of Naval Operations proposes at this conference.

So, what is the United States doing to support this effort?

First of all, the president emphasized the criticality of maritime domain awareness in a speech in January 2002. During that speech, he stated, “The heart of the Maritime Domain Awareness program is accurate information, intelligence, surveillance, and reconnaissance of all vessels, cargo, and people extending well beyond our traditional maritime boundaries.” Remaining true to his 2002 comments, he recently signed a critical piece of legislation—National Strategy for Maritime Security—that underscores the importance of securing the maritime domain.

Although the strategy highlights the need for national efforts, it also strongly emphasizes the vital importance of coordinating with foreign governments and international organizations and of soliciting international support for enhanced maritime security. Within the strategy, the president stressed the need to develop an overarching plan that addresses all of the components of the maritime domain—domestic, international, public, and private—a global, cross-discipline approach to the maritime domain centered on a layered, defense-in-depth framework.

When Secretary of State Condoleezza Rice began her tenure, she challenged all of us in the State Department to transform the way we think about diplomacy and to consider how we might best use our diplomatic tools to target better our responses to meet today’s threats, not the threats of yesterday. As Secretary Rice told the department in her first “town hall” meeting, “Transformational diplomacy is not easy. It means taking on new tasks, breaking old habits, working with people who are also trying to make those transformations themselves, and being partners with those around the world who share our values and want to improve their lives.” She was right. Diplomatic efforts dealing with the issues of counterproliferation and conventional military threats have very little resemblance to those of the past. During the Cold War era, we had the luxury of time to deliberate and debate foreign policy and develop foreign-policy-related measures. Those days are past.

Today, we as diplomats and senior military planners must primarily work to build a sound and enduring basis of support to coordinate and respond rapidly when actionable proliferation-related intelligence and law enforcement information becomes available, and we must be prepared to adapt and change when the situation demands.

During a time of constrained resources, the United States realizes that not all nations can readily invest capital—human, intellect, and financial—in the concepts required to deliver the required capabilities. That is why the United States remains committed to key military foreign assistance programs—International Military Education and Training, Foreign Military Financing, and the Peacekeeping Operations Account. In 2001 the United States contributed over \$3.75 billion to 114 countries, and in 2004 it contributed over five billion dollars to over 140 countries in these three programs alone.

The International Military Education and Training (IMET) program, a low-cost, high-yield, effective component of U.S. security assistance, provides training on a grant basis to students from over 140 allied and friendly nations. IMET not only furthers American national interest but advances international interest by establishing beneficial military-to-military relations that culminate in increased understanding and defense cooperation.

Foreign Military Financing (FMF) advances regional stability through coalition partners that are equipped and trained to achieve common security goals. Funds provided through this program enable our international partners to improve their military capabilities. Related to but distinct from FMF is the Foreign Military Sales Program (FMS). FMS is the system that manages government-to-government military equipment sales. Although many countries provide their own financing for purchases through the FMS system, the FMF program provides grants for acquisition.

Finally, but not least, there is the Peacekeeping Operations Account (PKO). These funds support multilateral peacekeeping and regional stability operations that are not funded through the United Nations. They help to support regional peace-support operations for which neighboring countries take primary responsibility. PKO is also used to enhance and develop peacekeeping capability so countries are better able to undertake these operations. We are proud to be able to empower regional leaders to act on behalf of their neighbors in providing stability within their perspective regions.

In allocating these resources, we place a premium on the wise use of resources and willingness to engage. In other words, we are willing to help those who help themselves.

What are the challenges for you that lie ahead?

First, you must continue to make a strong case to your leaders to invest the resources and cooperate in regional security initiatives. This includes programs, operations, and exercises. Programs such as the Regional Maritime Security Cooperation (RMSC) initiative, previously known as the Regional Maritime Security Initiative (RMSI), are excellent examples of countries developing initiatives and programs to counter specific threats within their regions. The RMSC protects the critical choke points within the Malacca Strait and its littorals, through which more than half the world's oil and a third of the world's trade pass.

On a broader scale, the Proliferations Security Initiative (PSI) is a prime example of multinational initiatives to combat global threats. I know that Admiral Mullen mentioned PSI during his remarks at this symposium, but allow me to echo his sentiment on this critical initiative that addresses trafficking of WMD and their means of delivery by sea, land, and air. "The WMD proliferation landscape," he told us, "is dynamic and flexible." Our response to the threat must also be flexible, adaptive, and evolutionary so as not only to keep pace but to outpace those desiring and attempting to proliferate weapons of mass destruction. The Proliferation Security Initiative is unique in that it taps into each participant's national authorities and capabilities to create a global web of actions against the traffic in WMD. PSI has fostered, globally, a basis for practical steps to quickly respond when we or our partners obtain information of proliferation shipments. The impact of states working together in a deliberately cooperative manner is far greater than that of states acting alone. Currently, more than sixty states have indicated support for the Proliferation Security Initiative—and we encourage others to endorse the PSI Statement of Interdiction Principles that creates the framework for PSI action.

In summary, let me say that harnessing the power of the international community in ways that are in the interests of individual nations, will not be an easy task, especially given other competing domestic and national interests. That is why I hope that when you leave this symposium you will feel empowered to return to your leaders and emphasize how critical this collaboration is for the future of all nations. It is also imperative that you engage to the maximum extent possible in those initiatives within your regions that support global stability by participating in, and if necessary hosting, regional talks, exercises, and operations like those previously mentioned. Finally, I encourage you to maintain an open dialogue with your counterparts here today and to encourage your governments to do the same, particularly in their efforts to build international outreach programs for partnering with the global community. As you grapple with the issues of how to promote naval collaboration, build a common picture of maritime activity, and define the required maritime security capabilities, I hope you

will find that this event has reinforced the commitment of the United States to assisting you.

Let me close with a statement by our previous secretary of state, retired General Colin Powell, one that sums up the situation that we find ourselves facing:

There is no country on earth that is not touched by America, for we have become the motive force for freedom and democracy in the world. And there is no country in the world that does not touch us. We are a country of countries with a citizen in our ranks from every land. We are attached by a thousand cords to the world at large, to its teeming cities, to its remotest regions, to its oldest civilizations, to its newest cries for freedom. This means that we have an interest in every place on this earth; that we need to lead, to guide, to help in every country that has a desire to be free, open and prosperous.

AMBASSADOR ROSE M. LIKINS

Ambassador Likins was appointed Acting Assistant Secretary, Political-Military Affairs, U.S. State Department, on 20 January 2005.



Rear Admiral Jacob L. Shuford was commissioned in 1974 from the Naval Reserve Officer Training Corps program at the University of South Carolina. His initial assignment was to USS Blakely (FF 1072). In 1979, following a tour as Operations and Plans Officer for Commander, Naval Forces Korea, he was selected as an Olmsted Scholar and studied two years in France at the Paris Institute of Political Science. He also holds master's degrees in public administration (finance) from Harvard and in national security studies and strategy from the Naval War College, where he graduated with highest distinction.

After completing department head tours in USS Deyo (DD 989) and in USS Mahan (DDG 42), he commanded USS Aries (PHM 5). His first tour in Washington included assignments to the staff of the Chief of Naval Operations and to the Office of the Secretary of the Navy, as speechwriter, special assistant, and personal aide to the Secretary.

Rear Admiral Shuford returned to sea in 1992 to command USS Rodney M. Davis (FFG 60). He assumed command of USS Gettysburg (CG 64) in January 1998, deploying ten months later to Fifth and Sixth Fleet operating areas as Air Warfare Commander (AWC) for the USS Enterprise Strike Group. The ship was awarded the Battle Efficiency "E" for Cruiser Destroyer Group 12.

Returning to the Pentagon and the Navy Staff, he directed the Surface Combatant Force Level Study. Following this task, he was assigned to the Plans and Policy Division as chief of staff of the Navy's Roles and Missions Organization. He finished his most recent Pentagon tour as a division chief in J8—the Force Structure, Resources and Assessments Directorate of the Joint Staff—primarily in the theater air and missile defense mission areas. His most recent Washington assignment was to the Office of Legislative Affairs as Director of Senate Liaison.

In October 2001 he assumed duties as Assistant Commander, Navy Personnel Command for Distribution. Rear Admiral Shuford assumed command of Cruiser Destroyer Group 3 in August 2003. He became the fifty-first President of the Naval War College on 12 August 2004.

PRESIDENT'S FORUM



It is said that when Vice Admiral Horatio Lord Nelson put to sea and opened his secret sailing instructions, the small slip of paper stated simply, "Act in the best interests of the King."

THE KING'S ORDERS TO NELSON underscore the remarkable degree of independence and latitude historically exercised by a captain at sea. By tradition, ships have roamed freely on the high seas and responded as events dictated without further guidance. As a matter of practice driven by limits of communications at sea, mariners of previous generations seldom relied upon consultation, cooperation, or collaboration. Indeed, the U.S. Navy successfully organized itself and operated this way for most of its history.

But globalization has changed the nature of war, and fourth-generation warfare has changed its rules. (See my "President's Forum" in the Autumn 2005 *Naval War College Review*, page 8.) America's military forces require a range of capabilities that enable them to conduct operations throughout the entire spectrum of conflict, and they require close collaboration with coalition forces and nonmilitary organizations to do so. Future military operations will be conducted by composite forces that effectively bring into concert the capabilities of the land, air, space, and sea services of this nation and of its friends and allies. Planning and operating with forces from the Army, Navy, Air Force, and Marine Corps is defined as "joint"; when other nations' forces are included, it is proper to speak of "joint and multinational" operations. When we include the other agencies of government—as well as certain nongovernment organizations—to ensure focus of resources on a particular mission and to bring into strategic and operational alignment the diplomatic, economic, and information components of national powers, the effort also becomes "multiagency." Coordinating and synchronizing activities across these components emerge as key functions of a joint force commander (JFC). Significant efforts are now underway at the Naval

War College to improve the way in which maritime forces are integrated into joint, multinational, multiagency planning and operations.

This requirement for coordinated and synchronized employment of these forces in both peacetime and wartime dictates the existence of a very sophisticated command-and-control (C2) capability and a comprehensive system that develops Navy leaders able to use it. These leaders must be strategically minded, capable of critical thinking, and skilled in naval and joint warfare. There is also an expectation that they will be able to articulate the role of the maritime component in the design, planning, and command and control of joint and multinational campaign plans to achieve the effects desired by the JFC. These officers will require a high degree of confidence with the concepts, systems, language, and processes necessary to employ naval forces effectively in joint, multiagency, and multinational environments.

Our efforts at the college seek to develop such officers through a mix of joint and Navy-specific professional military education (PME), experience, and training. PME is at the heart of this process because the schoolhouses are the linchpins of organizational and cultural changes. It must occur across a well-defined and broadly understood learning continuum that begins at the accession level and ends with senior naval leadership fully prepared to operate and lead forces in the most challenging environments. With this objective in mind, and as we have discussed in this forum in earlier *Reviews*, the College is restructuring curricula and its programs. At the top end of a continuum designed to improve the way maritime forces are integrated, commanded, and controlled in the multidimensional context of today's battlefield is a cluster of educational, analytic, and training initiatives associated with the "joint force maritime component commander" (JFMCC).

The JFMCC (pronounced "*jiff-mick*") is a senior sea-service officer with the cognitive and physical capabilities to exercise command and control over a much larger and more complex force than expeditionary or carrier striking groups. This C2 concept involves both the individual and technical capabilities required for the effective and efficient exercise of command and control. Most of these capabilities reside within what is referred to as the Maritime Operations Center. The leadership of our Navy has recently embraced the JFMCC concept as the way to optimize the employment of both naval and other military capabilities within the joint force. The JFMCC is the joint force commander's maritime warfighter and reports to and advises the commander on the proper employment of maritime forces. The JFMCC exercises command and control of the maritime portion of a joint operation by organizing, synchronizing, and integrating the efforts of subordinate tactical commands as well as those of peer

(land, air, and special warfare) components. Because operating within this joint construct has become the norm for U.S. forces over the past decade, quick and effective implementation of the JFMCC concept increases the relevance of naval forces, especially in littoral joint operating areas. This is also true in the multinational environment when the U.S. Navy operates with the maritime forces of our friends and under the command and control of a *combined* force maritime component commander (CFMCC).

At the operational level, the C/JFMCC must function smoothly within the context of a larger joint and coalition force. This requires an organization that: can be formed quickly from U.S. and coalition forward-deployed forces; is led by a capable naval commander and staff; and is able to function in the role of a supported command to plan, synchronize, and execute maritime portions of a campaign. For these reasons, a maritime component must be able to organize and integrate seamlessly with other forces. The capabilities that naval forces bring with them to major combat operations are significant in this regard; however, the cognitive and physical demands of commanding and controlling these forces and translating desired operational-level effects into tactical tasks in a way that achieves operational objectives are challenging, particularly since the techniques, procedures, and systems required to meet these demands are still being developed.

As I mentioned in the Autumn 2005 issue of the *Review*, maritime forces also have a tremendous capacity to play a role in strategic shaping in the early phases of a conflict and during transition. *Shaping* refers to the wide range of activities—diplomatic, informational, military, and economic—that encourage global, regional, and local developments favorable to our interests. In contrast to land or air forces, naval forces under the command and control of a C/JFMCC have the persistence, agility, mobility, adaptability, scalability, and low geographical and political profile that make them particularly applicable to the tasks associated with shaping.

During peacetime operations and the precursor stage to conflict (often called “Phase Zero”), the nation’s strategic interests are usually best served by recognizing and then quickly and quietly removing potential challenges to them in cooperation with friends and allies with common interests and objectives. Examples of C/JFMCC shaping include maritime security cooperation activities during peacetime, strategic and operational deterrence, and, when required, the establishment of maritime superiority in the littorals. Each can be used either to stabilize a situation or to facilitate follow-on phases of a campaign. The demand for a very flexible, capable, and highly adaptive command and control system is obvious. The system must provide a method to identify potential threats and opportunities early enough to be able to conceptualize the effects that are sought, ensure

alignment of those effects with strategic objectives, and then plan and coordinate responses. That, in turn, calls for visibility across the full spectrum of seaborne activity, or *maritime domain awareness*—the detailed and actionable knowledge of all activities associated with the global maritime environment that could affect the security, safety, economy, or environment of the United States. Integrating and operationalizing capabilities on a global basis is a huge new challenge.

During the Cold War, the U.S. military divided its potential employment areas into clearly defined land, air, and maritime operating domains with limited interaction or reliance between the Navy, Marines, and Coast Guard, on the one hand, and the Army or Air Force on the other. This allowed the U.S. Navy to maintain its traditional approach to commanding and controlling its forces. Over the past fifteen years, however, the Air Force and Army have developed a set of common tactics, techniques, and procedures that have evolved as joint doctrine, with the complexities and challenges of conflict in the maritime domain receiving less focus. There is evidence to suggest that the appreciation of the relevance of naval forces to the joint force diminished over time and that war-plan development did not comprehensively incorporate naval capability. Operations over the last two decades provide instances where the role of the Navy was largely that of a force provider, and Navy commanders were not systematically prepared or equipped to insert themselves effectively into the joint command-and-control processes.

Understanding full well the impact that globalization has had on military operations and the requirement to support joint commanders in a set of new missions—in a planning and operational environment where highly focused and synchronized joint C2 processes are the linchpins of mission success—the Navy has responded energetically. The JFMCC systematically enables the high degree of collaborative planning required with other organizations and ensures the execution feedback necessary to assess efforts. JFMCC also improves the ability to analyze and clearly articulate how maritime forces can help achieve the joint commander's objectives, so the commander is fully aware, at all levels and stages of planning and execution, of the effects—critical to campaign objectives—that naval capabilities and unique modes of employment from the sea can yield.

As our connectivity increases through networking, so does our opportunity to employ dissimilar forces in a synchronized manner. To bring together these tailored forces capable of accomplishing coordinated joint actions also requires commanders and staffs to look well into the future and to think in terms of aggregated, strategic effects—or consequences—of discrete actions. This is no small challenge. Properly educated and trained leadership is essential to full exploitation of a networked environment and the organizational improvements it enables. The Naval War College is at the cutting edge of the process to meet that

demand. Our first-ever flag-officer JFMCC Course was held in Newport in August 2005. This course is envisioned as the senior warfighting component of the CNO's PME continuum. It was developed to prepare future JFMCCs. It is also intended to serve as a catalytic agent to accelerate evolution of C/JFMCC concepts, capabilities, processes, and systems by gathering the senior naval leadership in a C/JFMCC-focused forum. Twelve Navy and Marine Corps one- and two-star officers drawn from a targeted audience of former and future carrier and amphibious strike group commanders were selected personally by the Vice Chief of Naval Operations and the Assistant Commandant of the Marine Corps to attend this course. Follow-on courses will include U.S. Army, Air Force, and Coast Guard officers. The College's faculty—preeminent in the operational art behind JFMCC functions—was augmented by three- and four-star flag and general officers with recent experience commanding joint forces around the world. The College is also developing curricula for an O5–O6 (commander/lieutenant colonel to captain/colonel) JFMCC course and is creating teams that can operate on site in direct support of Navy component commanders as they develop their C/JFMCC capacities. In the near future, NWC expects to establish a senior, flag-level maritime component commanders' course (CFMCC) to include our friends and allies.

Much work remains to be done. The good news is that Navy leadership recognizes the importance of the task and is attacking it with vigor. Operational concepts, the first stage of developing doctrine, are currently being refined. Experiments are being conducted with C/JFMCC organization, processes, and products. Education and training represent a tremendous challenge, as most naval officers have grown up with little appreciation for operational art—a subject that has become a key strength of the NWC curriculum—but, as we have discussed here, the College is at a flank bell.

In the future, military leaders will go forth to “act in the best interests of the nation” as part of a dedicated team of specialists from all military services, with rule sets, systems, and processes evolved to work in an integrated fashion—and naval leaders comprehensively schooled and ready to command and control naval forces in the complex joint, multiagency, and multinational environment that defines today's battlefield.

A large, stylized handwritten signature in black ink, appearing to read 'J. L. Shuford'.

J. L. SHUFORD

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Professor Dalton is the Charles H. Stockton Professor of International Law at the Naval War College. This article is based on her remarks for the "Future Navies" panel at the Naval War College's June 2005 Conference on "The Law of War in the 21st Century: Weaponry and the Use of Force." Professor Dalton lectures, researches, and writes on international and operational law with an emphasis on law of the sea, law of armed conflict, rules of engagement, and other legal issues of significance to Navy, joint, and multinational military commanders.

FUTURE NAVIES—PRESENT ISSUES

Jane G. Dalton

The U.S. Navy is transforming itself to deal with a wider range of missions than the traditional blue-water, major combat operations that it has traditionally been equipped to handle.¹ That emerging transformation has resulted in a number of new programs, technologies, and strategies that raise interesting, and sometimes complex, legal issues. Lawyers advising the Navy's leadership through this transformational process are analyzing these legal issues now, in the present, to ensure that the future U.S. Navy is properly, and legally, organized, trained, and equipped. This article will address five topics of interest for naval planners and legal advisers who are building the Navy of the future.

CIVILIAN MARINERS AND SEA BASING

The U.S. Navy currently maintains a force of approximately 550,000 full-time employees, about 35 percent of whom are civilians. At any given time, 130-plus of the Navy's 283 ships are under way, about 45 percent of the total ship inventory.² In 2004 the Chief of Naval Operations (CNO), then Admiral Vern Clark, directed the Navy to maximize capabilities, minimize payroll, improve productivity, and eliminate unnecessary billets.³ One way to meet those goals is to remove sailors from billets that have little to do with war fighting and replace them with civilians. At sea, for instance, sailors cut hair, serve meals, maintain the engineering plant, chip paint—all tasks that civilians are equally capable of performing, and in fact do perform at commands ashore. Placing civilians on warships to perform those functions is a logical extension of the CNO's guidance and would free sailors for combat-related activities.

Accordingly, one of the Navy's answers to the CNO's challenge is an experimental program to place federal civil-service mariners on board warships. These

mariners perform tasks naval personnel have traditionally performed on board warships but that civilians have performed on board naval auxiliary vessels for decades and on board merchant vessels for centuries—navigation, engineering, and deck seamanship. For example, in early 2005 USS *Mount Whitney* (LCC/JCC 20) deployed to the European theater as the new U.S. Sixth Fleet and North Atlantic Treaty Organization (NATO) command ship.⁴ One of the most sophisticated command, control, communications, computer, and intelligence (C4I) ships ever commissioned, *Mount Whitney* today is manned by a composite crew of 157 U.S. Navy sailors and 143 civilian mariners employed by the Military Sealift Command. These three hundred personnel represent a reduction of 276 from the previous all-active-duty Navy crew. “By supplementing the crew with civilian mariners,” the Sixth Fleet Public Affairs Office reports, “the Navy is operating the command ship at a reduced cost and employing captured uniformed personnel billets on forward combatant vessels.”⁵ *Mount Whitney* will be engaged in NATO exercises and Standing Naval Forces Mediterranean maritime operations and will be available as a command and control ship for combat operations if required.

The Navy is simultaneously pursuing the concept of “sea basing” as a transformational initiative. Sea basing is the Navy’s answer to the concern that access to bases in foreign territory will be less predictable and more ad hoc than in the past. This concern is not an idle or speculative one, as evidenced by Turkey’s refusal during Operation IRAQI FREEDOM to permit the 4th Infantry Division to cross Turkish territory into northern Iraq.

The sea base is envisioned as a system of systems—a flotilla of ships serving collectively as a staging and sustainment area from which ground forces can launch attacks ashore in a nonpermissive environment—sometimes referred to as “forcible entry operations.” Though no one knows exactly what the sea base will look like in any detail, it will probably consist of a “network of ships that would provide artillery fire, air support, supplies and a secure home for troops fighting on land.”⁶ The primary components of the sea base could include the Maritime Prepositioning Force–Future (MPF-F) cargo ship, the next-generation destroyer (DDX), the Littoral Combat Ship (LCS), and the Amphibious Assault Ship (LHA-R), in conjunction with existing guided-missile cruisers and destroyers, aircraft carriers, and submarines.⁷

Of particular interest for this discussion is the role of the MPF-F cargo ship. The MPF-F is designed as the replacement for today’s logistics-force cargo ships and would act as a floating logistics center. One report notes that it would be “nearly as large as an aircraft carrier” and would “accommodate heavy-lift helicopters and perhaps cargo planes as large as the Air Force’s C-130. It would be able to move supplies and equipment to those aircraft and other ships while at

sea.”⁸ Another report, however, depicts a role directly involved in combat operations. It refers to the MPF-F as a replacement for the big-deck *Tarawa*-class amphibious assault ships, describing it as a “fighting logistics ship with a flight deck big enough to send hundreds of Marines ashore in rotorcraft and launch Joint Strike Fighters.”⁹

If the MPF-F is manned as prepositioning ships are today, its crew will consist entirely of civilian mariners. There is no legal prohibition against manning naval auxiliaries, such as oilers, ammunition ships, supply ships, and prepositioning ships, with civilians. In fact, these seamen have a recognized status

Civilians who assist in operating and maintaining a warship engaged in international armed conflict might be viewed as having lost their protected status.

under the Geneva Conventions as “civilians accompanying the force” and are entitled to prisoner-of-war status if captured.¹⁰ Issues arise, however, if the MPF-F is indeed to become part of the

“assault echelon”—if Marines or soldiers actually launch from the ship into combat operations ashore. Similar issues will arise if USS *Mount Whitney*, with its hybrid crew, is employed as a C4I platform in an armed conflict.

The issues that arise are twofold. First, under conventional and customary international law, a warship is manned by a crew under regular armed forces discipline. Second, civilians who assist in operating and maintaining a warship engaged in international armed conflict might be viewed as participating actively or directly in hostilities and thus as having lost their protected status as civilians accompanying the force. These two issues will be addressed in turn.

Article 29 of the United Nations Convention on the Law of the Sea and article 8 of the 1958 Convention on the High Seas identify warships by four characteristics: they belong to the armed forces of a state; they bear external marks distinguishing warships of their nationality; they are commanded by officers who have been duly commissioned by the government of the state and whose names appear in the appropriate service lists or equivalents; and they are manned by crews under regular armed forces discipline.¹¹ These characteristics originated in the 1856 Declaration of Paris, which abolished privateering, and Hague Convention VII, which established the conditions for converting merchant ships into warships.¹² The rules served to distinguish bona fide warships from privateers, which operated from motives of personal gain, by clearly establishing that the warships operate on behalf of a state. They also furthered the requirement in Hague VII that warships are to observe the laws and customs of war. These four characteristics are so universally identified with warships throughout the world that they may be said to have attained the status of customary international law.

Left undefined, however, is what the phrase “manned by a crew” actually means in practice. Many U.S. Navy warships today have civilians on board in a variety of capacities—as technical representatives, science advisers, contractors. Under customary practice, warships have long carried civilians on board. In the War of 1812, for example, Commodore Stephen Decatur’s ship, the frigate *United States*, embarked female contract nurses to care for the sick and wounded.¹³ The mere presence of small numbers of civilians clearly does not deprive a warship of its status as a warship. But the issue takes on greater meaning if a third or half of a warship’s complement is composed of civilians who, though subject to a civilian disciplinary system, are not subject to the Uniform Code of Military Justice.¹⁴ There is no “bright line” rule that determines what percentage of a warship’s crew should be active-duty sailors, but it is fair to say that the greater the percentage of civilians on board performing functions traditionally accomplished by sailors, the less likely that the warship will be able to maintain swift and effective discipline over its entire complement. Inability to discipline a crew effectively calls into question the ship’s ability to “observe the laws and customs of war” as required by Hague VII.

The first issue concerning civilian mariners, then, implicates the warship’s ability to meet its international obligation to observe the laws and customs of war and to satisfy the criteria established for warships in conventional and customary law. The second issue is related to the civilian mariners themselves and their status if they are captured. One of the basic principles of the law of armed conflict is that of “distinction”—that is, combatants and noncombatants must be distinguished so as to spare noncombatants as much as possible from the exigencies of war.¹⁵ A corollary of the basic principle is that noncombatants (civilians) enjoy protections under the law of armed conflict unless and until they take a direct or active part in hostilities.¹⁶ Civilians accompanying the force certainly assume the risk of becoming casualties of war through proximity to military operations. For example, civilian mariners manning oilers replenishing warships at sea are aware that the platforms on which they serve are legitimate military objectives. The mariners themselves, however, retain their status as “persons who accompany the armed forces without actually being members thereof.” They carry identification cards reflecting their authority to accompany the force, and as noted, they are entitled to prisoner-of-war status if captured.¹⁷

However, questions could be raised as to their status if they are employed on board a warship engaged in combat operations. Unfortunately, there is no authoritative definition of “direct” or “active” participation in hostilities.¹⁸ Purely collateral duties, such as cutting hair, running the ship’s store, or performing other housekeeping functions, may contribute to the quality of life on board the warship, but they are not necessary to its combat effectiveness. On the other end

of the spectrum, firing weapons, maintaining weapons systems, or serving as members of boarding parties are more akin to actual participation. Running the engineering plant, navigating the ship, and operating small boats or cranes could be considered collateral functions, or they could be considered actual participation.

A sailor who needs a haircut can man the weapons systems or serve in a boarding party; however, a ship that is not within its assigned Tomahawk land-attack missile “launch basket” or is not properly heading into the wind for the launch of fighter aircraft cannot perform its combat function. Further, the warship itself is a weapons system, and its full complement is required if that system is to be effective. Civilian engineers running the propulsion plant, navigators plotting the ship’s position and movement, and technicians working on the missile system all contribute to war-fighting effectiveness. It is difficult to argue that any of these civilians are not contributing integrally to the combat functions of the ship. It is conceivable that an opposing belligerent in an international armed conflict could perceive them, particularly those engaged in engineering, navigation, and deck seamanship, as taking active and direct parts in hostilities. That same enemy belligerent would be unlikely to grant the civilian mariners combatant immunity and might choose to prosecute them for murder, arson, or other violations of the belligerent’s domestic law.

The above discussion posits the most extreme examples. To date, the only warships manned with civilian mariners have been designated command and control platforms, such as USS *Mount Whitney*. The MPF-F ships are still in the planning stages, and it has not been determined exactly how they will be employed in the sea-basing construct. As the Navy continues its transformational efforts, however, there will no doubt be continued pressure to contract out, or seek civilian substitution for, more and more administrative and support functions in order to free active-duty sailors for actual combat duties.

To address both issues raised by the potential “civilianization” of warship crews, the Navy has proposed legislation that would create a five-year pilot program under which civilian mariners employed by the Navy would affiliate with a special reserve component.¹⁹ If the legislation is enacted, mariners will remain civilian federal employees unless their ships are ordered into combat operations in international armed conflict, at which time they would be ordered to active duty. In their active-duty status, the mariners will be subject to the Uniform Code of Military Justice, thus making the entire crew subject to armed forces discipline. Further, if captured, they would be members of the active-duty force, entitled as such not only to prisoner-of-war status but also to combatant immunity for any belligerent acts in which the warship had engaged. There may be other ways to approach the international law concerns raised by placing hybrid

crews on warships, but the proposed legislation is attractive in that it resolves both issues satisfactorily and provides the civilian mariners with the highest degree of protection under international law in the event they are captured during belligerent operations.

UNMANNED AERIAL AND UNDERWATER SYSTEMS

In April 2005, General John Jumper, U.S. Air Force, reported that there were over 750 unmanned aerial vehicles operating in Iraq.²⁰ At about the same time, the U.S. Navy deployed its first operational unmanned undersea vehicle, the Remote Minehunting System (RMS), to identify and chart suspicious objects in Khwar Abd Allah Channel at the Iraqi port of Umm Qasr.²¹ Most are familiar today with the use of the Predator unmanned aerial vehicle as a precision weapon in Iraq, Afghanistan, and Yemen.²² There is talk of a future unmanned aerial system that would track and engage targets without a “man in the loop.”²³ The relative low cost, ease of transport, technological sophistication, and ability to operate without a crew combine to make unmanned systems the surveillance platform and weapon of choice for the foreseeable future;²⁴ this approach may extend even to replacing F-16 and KC-135 aircraft in the Air Force inventory.²⁵

The use of these unmanned systems, however, raises a primary legal issue: Should these systems be treated under international law like their manned counterparts—airplanes and submarines? For example, do the regimes of innocent passage, straits-transit passage, and archipelagic sea lanes passage apply to them? Are they required to comply with “ColRegs,” the International Regulations for the Prevention of Collisions at Sea? Do they enjoy sovereign immunity? What is the legal framework for attacking an unmanned system? A complete development of these questions is beyond the scope of this article—each could be the topic of a scholarly legal treatise—but some of the answers are fairly intuitive.

Take, for example, a carrier strike group transiting the Strait of Hormuz and employing an unmanned Scan Eagle intelligence, surveillance, and reconnaissance vehicle for a “channel sweep” mission.²⁶ The Strait of Hormuz, as an international strait connecting the Arabian Gulf with the Gulf of Oman and the Arabian Sea, is, along with its approaches, subject to the regime of straits-transit passage throughout the strait.²⁷ Under that regime, the right of all states to navigation and overflight solely for the purpose of continuous and expeditious transit of the strait is unimpeded.²⁸ While exercising the right of transit passage, however, ships and aircraft “shall refrain from any activities other than those incident to their normal modes of continuous and expeditious transit.”²⁹

Accordingly, in analyzing whether a carrier strike group may employ a reconnaissance vehicle during straits-transit passage, the question is not whether

the vehicle is manned or unmanned but whether it is consistent with the strike group's "continuous and expeditious transit" in its "normal mode" of operation.³⁰ The *Commander's Handbook on the Law of Naval Operations* provides that the normal mode of operation for surface ships includes "transit in a manner consistent with sound navigational practices and the security of the force, including formation steaming and the launching and recovery of aircraft."³¹ The *San Remo Manual* holds, in connection with straits-transit passage during armed conflict, that belligerents "are permitted to take defensive measures consistent with their security, including launching and recovery of aircraft, screen formation steaming, and acoustic and electronic surveillance."³²

A Scan Eagle "channel sweep" is a surveillance mission for force protection and navigational safety—normal operational concerns for all Navy vessels wherever they are transiting and whether the transit is in peacetime, in a period of heightened tensions, or during an armed conflict. The need for defensive,

force-protection measures is particularly acute when transiting in proximity to land and in high-traffic areas, such as straits, where an

Should unmanned systems be treated under international law like their manned counterparts?

"asymmetric" enemy (such as a terrorist) could strike without warning.³³ Accordingly, employment of the Scan Eagle in a force-protection and safety-of-navigation surveillance and reconnaissance mode is completely consistent with the regime of straits-transit passage. The vehicle may be launched from the aircraft carrier or another surface platform. An unmanned undersea vehicle could operate for the same purposes submerged, if that is consistent with its normal mode of operation. The same would apply if the strike group were operating in archipelagic-sea-lanes transit through an archipelagic nation.

It must be noted, however, that the Scan Eagle is also an intelligence-gathering platform. The rules concerning straits-transit passage provide that passage must be, as we have seen, "solely for the purpose of continuous and expeditious transit of the strait";³⁴ further, states are to "refrain from any activities other than those incident to their normal modes of continuous and expeditious transit unless rendered necessary by *force majeure* or by distress."³⁵ States are also to refrain from "the threat or use of force against the sovereignty, territorial integrity or political independence of States bordering the strait, or in any other manner in violation of the principles of international law embodied in the Charter of the United Nations."³⁶ Importantly, unlike the rules governing innocent passage through territorial seas, intelligence gathering is not identified as inconsistent with straits-transit passage. Indeed, some amount of photographic or electronic intelligence gathering may inevitably occur incidental to the "channel sweep"

mission. That would not be inconsistent with the regime of transit passage since the mission is related to safety of navigation and security of the force.³⁷

Compare the transit-passage regime with that of innocent passage through territorial seas. When engaged in innocent passage, submarines are required to operate on the surface, and ships may not launch or recover aircraft or any military device; further, any act aimed at collecting information to the prejudice of the defense or security of the coastal state is considered inconsistent with the innocent passage regime.³⁸ Accordingly, a carrier strike group engaged in innocent passage could not launch or recover the Scan Eagle or the Remote Minehunting System underwater vehicle. Since there is no right of innocent passage through a nation's territorial airspace, an unmanned aircraft launched outside the territorial sea would not be entitled to innocent passage over the territorial sea.

Consider, though, whether an unmanned undersea vehicle launched *prior* to entry into the territorial sea is entitled to innocent passage on the surface, as other submarines are. The Law of the Sea Convention provides that "ships of all States . . . enjoy the right of innocent passage through the territorial sea."³⁹ The convention does not define "ship," but it does define "warship" as "a ship belonging to the armed forces of a State bearing the external marks distinguishing such ships of its nationality, under the command of an officer duly commissioned by the government of the State and whose name appears in the appropriate service list or its equivalent, and manned by a crew which is under regular armed forces discipline."⁴⁰ Arguably, the RMS vehicle fits this definition if one considers that the commanding officer of the ship from which it is launched is in "command" of the RMS and the team remotely operating the vehicle is "manning" it. In any event, the RMS does not have to be a warship to be entitled to innocent passage, since the right applies to "ships" of all states. *Webster's II New Riverside University Dictionary* (1988) distinguishes between "ships"—rather large vessels adapted for deep-water navigation—and "boats," comparatively small, usually open, craft. But Webster's also notes that for legal purposes, a ship is "a vessel intended for marine transportation, without regard to form, rig or means of propulsion." Arguably, then, an unmanned undersea vehicle, if it is considered a ship, could engage in continuous, expeditious innocent passage, provided it transited on the surface, showed its flag, and did not engage in intelligence collection to the prejudice of the defense or security of the coastal state.

A related issue is whether unmanned systems like the RMS are "vessels" that must comply with the Regulations for Prevention of Collisions at Sea. The ColRegs apply to "all vessels on the high seas," and they define "vessel" as including "every description of watercraft, including nondisplacement craft and seaplanes, used or capable of being used as a means of transportation on water."⁴¹ The ColRegs definition is also found in American statutes and is generally accepted in admiralty

law.⁴² The U.S. Supreme Court has ruled on this subject and continues to expand the type of watercraft encompassed by the term “vessel.”⁴³ Though the Remote Mine-hunting System is incapable of transporting people, it does carry a payload of sensors, other instrumentation, and equipment; it has its own propulsion system capable of driving it at speeds up to sixteen knots; and it can operate as far as fourteen nautical miles from the launch platform.⁴⁴ If the RMS and similar systems are “vessels,” however, they must meet a number of design and operational requirements regarding such matters as lookouts, sound signals, lights, and dayshapes.⁴⁵

Whether or not the RMS is required to comply with the ColRegs requirements, those in command of the launching platform and the unmanned system have a duty to act with due regard for the safety of others on the high seas—a duty imposed by both the ColRegs (Rule 2) and the Law of the Sea.⁴⁶ The RMS is currently equipped with a mast-mounted camera that allows the remote operator to avoid surface objects; forward-looking sonar to alert the operator to submerged objects; and a mast-mounted strobe light to advise nearby vessels of its presence. A radar reflector may also be mounted on the mast.⁴⁷ The law on the status of unmanned undersea systems is unsettled;⁴⁸ the prudent course of action for the U.S. Navy would be to ensure that these systems comply with all applicable ColRegs requirements or to obtain appropriate exemptions.

HOSPITAL SHIPS

Military hospital ships are granted extraordinary protection under the Second Geneva Convention. Current technology and the threat of global terrorism, however, pose two vexing problems for navies of the future.

Military hospital ships are those ships built and equipped solely to assist, treat, and transport the wounded, sick, and shipwrecked.⁴⁹ They may “in no circumstances” be attacked or captured but shall “at all times be respected and protected,” provided that the parties to the conflict are notified of the names of the ships and their descriptions ten days before they are employed.⁵⁰ Hospital ships are entitled to the aforementioned protections “unless they are used to commit . . . acts harmful to the enemy.”⁵¹ The presence on board hospital ships of “apparatus exclusively intended to facilitate navigation or communication” does not deprive the ships of the protections due them.⁵² Somewhat contradictorily, however, it is expressly forbidden for hospital ships to “possess or use a secret code for their wireless or other means of communication.”⁵³ It is this prohibition that proves difficult to implement in this day and age.

Professor Richard Grunawalt has conducted an in-depth analysis of the origins of this prohibition.⁵⁴ The rule derived from a desire to prevent conclusively any further instances of hospital ships being used to signal and provide nonmedical services to combatants, as had occurred during the Russo-Japanese

War of 1904–1905;⁵⁵ such episodes recurred during World War I.⁵⁶ Even as the convention was being negotiated, it was recognized that a prohibition on the use of secret codes by hospital ships would be difficult to implement in practice. So the Diplomatic Conference recommended that the high contracting parties draw up an international code regulating the use of “modern means of communication” between hospital ships and warships and military aircraft.⁵⁷ Unfortunately, of course, that code never came into being, and the high contracting parties are left with the prohibition as it was drafted in 1949.

Interestingly, the equally authentic French text of the Convention contains a prohibition only on the use of a secret code to transmit traffic, not to receive it.⁵⁸ In addition, Article 28(2) of Additional Protocol I of 1977, concerning medical aircraft, provides that such aircraft “shall not be used to collect or transmit intelligence data and shall not carry any equipment intended for such purposes” but does not prohibit the use of a secret code or encrypted communications to further the humanitarian mission of the aircraft.⁵⁹ Additional Protocol I clearly takes a more realistic approach that recognizes the developments in communications technology since 1949. The French text of the 1949 Convention also appears to recognize the necessity for hospital ships to receive encrypted communications, at a minimum.

Professor Grunawalt’s study provides ample discussion of the problems inherent in the use of unencrypted communications by hospital ships, not least the fact that U.S. federal privacy standards require that patient medical information be transmitted over secure circuits if it is reasonable and appropriate to do so.⁶⁰ There are also practical security issues with transmitting patient information, such as social security numbers, in the clear. With identity theft an ever-growing concern, it would be unfortunate if wounded and injured personnel were exposed to yet an additional risk as a consequence of being treated aboard a hospital ship. Further, it has been reported that when the hospital ship USNS *Mercy* (T-AH 19) deployed in support of Operation IRAQI FREEDOM in January 2003, it was equipped with encrypted communications systems.⁶¹ There is no need to belabor here the point that the prohibition on use of a “secret code” by hospital ships is anachronistic, unrealistic, and unworkable in today’s high-technology environment, where satellite communications are both routinely encrypted and routinely employed by military systems. Professor Grunawalt is correct in recommending that the U.S. Navy formally abandon adherence to this outdated requirement while reaffirming adherence to the underlying mandate that hospital ships not be used for military purposes harmful to an adversary.⁶²

The second vexation facing hospital ships is the need to arm them for force protection against attacks like that against the destroyer USS *Cole* (DDG 67) in Aden Harbor in October 2000. Again, the Second Geneva Convention provides the baseline legal requirement—and in this instance the basic rule is far more

realistic than the one just discussed prohibiting the use of a secret code. Article 35(1) provides that arming the crews of hospital ships for the maintenance of order, their own defense, or the defense of the sick and wounded does not deprive the ships of their protected status.⁶³ That should end all debate, and the Navy should not hesitate to man its hospital ships with security teams armed with crew-served weapons—such as machine guns or grenade launchers for close-in defense against attacks by terrorists or others who do not comply with the law of armed conflict. Professor Grunawalt, however, aptly points out very legitimate reasons for caution in deploying hospital ships bristling with defensive armaments.⁶⁴ On this topic, the *San Remo Manual* has taken a decidedly anachronistic viewpoint by opining that hospital ships may be armed “only” with “deflective” means of defense (such as chaff and flares) and “not with means that could be used in offensive fashion, such as anti-aircraft guns.”⁶⁵

Not only are chaff and flares ineffective against a determined suicide attack like that launched against USS *Cole*, but the requirement as stated in the *San Remo Manual* is nowhere found in the Geneva Conventions and is an unnecessary and untimely restriction of the plain letter of the law. Accordingly, Professor Grunawalt rightly argues that in addition to crew-served weapons hospital ships should be equipped with the Phalanx Close-In Weapons System or other state-of-the art defensive anti-air and antisurface weapons.⁶⁶ While the Royal Navy concurs that encryption equipment may be fitted in hospital ships “to as-

The Navy should not hesitate to man its hospital ships with security teams armed with crew-served weapons.

sist with the humanitarian mission,” it is not as supportive on the arming issue. A Royal Navy official told *Jane’s Defence Weekly* that any armaments beyond small

sidearms “would compromise the protected status of the vessels” under current international law.⁶⁷ The Royal Navy approach at present, apparently due to budgetary rather than legal considerations—to develop more versatile platforms that can accomplish other missions in addition to caring for the wounded and sick—may be more in line with the U.S. Navy’s plans for sea basing.⁶⁸

As Dr. Arthur M. Smith pointed out in a recent edition of this journal, “plans for afloat casualty care and strategic evacuation may be dramatically altered” under the Navy’s sea-basing concept.⁶⁹ He suggests that commercially chartered cruise ships or Military Sealift Command logistics ships might deliver troops and equipment to the sea base and then be converted to casualty care. Further, given the terrorist threat worldwide, aeromedical evacuation might represent a more practical way to care for and evacuate the wounded than does evacuation by hospital ships. Given that potential terrorists could view white ships with large red crosses as attractive targets rather than as specially protected vessels,

force protection alone could dictate developing flexible, multimission platforms as substitutes for traditional white-hulled hospital ships. As Dr. Smith suggests, combatant commanders will be redefining their casualty care and evacuation requirements, and those requirements might not include ships like USNS *Comfort* and *Mercy*.⁷⁰

THE LAW OF THE SEA CONVENTION AND THE FUTURE OF NAVAL WARFARE

Some have questioned whether the long-standing support of the U.S. Navy's leadership for American accession to the Law of the Sea Convention of 1982 continues to be in the best interests of the service and the United States. Some have asked in particular whether the convention helps or hinders the Navy's vision of sea basing. Throughout his term as Chief of Naval Operations, Admiral Clark never wavered from his strong position in favor of the convention. He testified before Senate committees on more than one occasion that the convention is congruent with sea basing and "provides the stable and predictable legal regime with which to conduct our operations today and in the future. Joining the convention will support ongoing U.S. military operations, including continued prosecution of the Global War on Terrorism."⁷¹ The current CNO, Admiral Mullen, follows the lead of Admiral Clark and a long line of distinguished predecessors in his support of accession.⁷² It is this author's opinion as well that the Law of the Sea Convention preserves the nation's ability to leverage fully the use of the world's oceans, providing as it does a body of widely accepted and recognized law that protects navigational freedoms and American ability to operate on the high seas.

First, the convention does not impair or inhibit the inherent right of self-defense. It was negotiated under the auspices of the United Nations and the precepts of the Charter, Article 51 of which clearly recognizes the inherent right of self-defense. Second, the stipulation in the convention that "the high seas shall be reserved for peaceful purposes" must be read in light of Article 58, which specifically reserves freedom of navigation and overflight and "other internationally lawful uses of the sea related to these freedoms" to be enjoyed by all states.⁷³ State practice over hundreds of years—by which the navies of the world have operated and trained in waters seaward of other nations' territorial seas, including what is now recognized as their contiguous and exclusive economic zones—confirms that military uses of the sea that do not violate Article 2(4) of the United Nations Charter are lawful under customary international law.⁷⁴

The Law of the Sea Convention reaffirms this position by limiting military activities in only a few narrow circumstances, such as Article 19 regarding innocent passage through the territorial sea. Moreover, the Resolution of Advice and

Consent to Ratification approved by the Senate Foreign Relations Committee specifically provides that “the advice and consent of the Senate . . . is subject to the following . . . understandings: (1) The United States understands that nothing in the convention, including any provisions referring to ‘peaceful uses’ or ‘peaceful purposes’ impairs the inherent right of individual or collective self-defense or rights during armed conflict.”⁷⁵ The “peaceful purposes” provision of the Law of the Sea Treaty creates no new rights or obligations and imposes no restraints on military operations or traditional uses of the seas, any more than does the equivalent provision in the Outer Space Treaty, which provides that the

The Law of the Sea Convention preserves the nation’s ability to leverage fully use of the world’s oceans.

moon and other celestial bodies shall be used “exclusively for peaceful purposes.”⁷⁶ It has long been the position of the United States that “peaceful purposes” means “non-

aggressive” ones. Consequently, military activity not constituting the use of armed force against the sovereignty, territorial integrity, or political independence of another nation, and not otherwise inconsistent with the United Nations Charter, is permissible.⁷⁷

Third, a word about innocent passage is in order. Some have argued that the Law of the Sea Convention would negatively impact national security because the innocent passage regime “prohibits” or makes “illegal” intelligence gathering or submerged submarine operations within a coastal nation’s twelve-nautical-mile territorial sea. What the critics do not recognize or acknowledge is that the United States has been complying with the navigational provisions of the convention since 1983. In his Ocean Policy Statement of 10 March 1983, President Ronald Reagan announced that the Law of the Sea Convention “contains provisions with respect to traditional uses of the oceans which generally confirm existing maritime law and practice and fairly balance the interests of all States” and that the United States would “accept and act” in accordance with the balance of interests relating to traditional uses of the oceans—such as navigation and overflight.”⁷⁸ Moreover, the nation is a party to the 1958 Convention on the Territorial Sea and Contiguous Zone, which contains innocent-passage provisions similar to those in the Law of the Sea Convention, including that submarines in innocent passage are “required to navigate on the surface and to show their flag.”⁷⁹

Like the Territorial Sea Convention, the Law of the Sea Convention requires that submarines engaged in innocent passage navigate on the surface and show their flags.⁸⁰ The Law of the Sea Convention, however, is an improvement over the Territorial Sea Convention, in that it specifically delineates those activities that may be considered prejudicial to the peace, good order, or security of the coastal state—thus shielding the United States and other seagoing nations from

efforts by coastal states to regulate other types of conduct in the territorial sea. It declares “any act aimed at collecting information to the prejudice of the defence or security of the coastal State” inconsistent with innocent passage and prejudicial to the peace, good order, or security of the coastal state.⁸¹ Such activities are not, however, deemed “illegal,” nor are they forbidden. The coastal state may have national laws prohibiting such activities and may take necessary steps to prevent passage that is not innocent;⁸² it may require a warship to leave the territorial sea “immediately” if the ship disregards requests to comply with the state’s laws and regulations concerning passage through the territorial sea.⁸³ These provisions reflect the carefully crafted balance that the United States sought in order to protect its own interests as both a coastal state and a flag state. Thus, if a warship or submarine transits through the territorial sea in innocent passage, it must comply with the requirements for innocent passage. If it does not do so, the coastal state, becoming aware of such non-innocent passage, may ask it to depart the territorial sea immediately and then address the matter through diplomatic channels.

Fourth, accession to the Law of the Sea Convention would in no way negatively affect the President’s Proliferation Security Initiative (PSI). The PSI is a global effort to stop trafficking of weapons of mass destruction (WMD) and their delivery systems to and from states of proliferation concern. It is not a treaty or a formal organization. It is a cooperative effort to apply all the tools at the disposal of the PSI partner nations—intelligence, diplomacy, law enforcement, military, customs authorities, financial instruments—to prevent transfers of WMD-related items at sea, in the air, or on land. More than sixty countries have indicated their support for PSI—most, if not all, of them parties to the Law of the Sea Convention. While the goal is “to create a more dynamic, creative, and proactive approach” to preventing proliferation, “actions taken in support of the PSI will be consistent with national legal authorities and relevant international law and frameworks.”⁸⁴ Certainly the intent is to strengthen existing authorities where they are weak or inefficient, but only within the bounds of national and international law, which includes the Law of the Sea Convention. Numerous multilateral exercises have taken place. The PSI partners had one publicly announced success, in the fall of 2003, when four nations (the United States, the United Kingdom, Italy, and Germany) cooperated to interdict and prevent a shipment of centrifuge parts to Libya.⁸⁵

CONFLICT RESOLUTION IN THE EXCLUSIVE ECONOMIC ZONE

There is no doubt that the Navy’s plans for sea basing could give pause to allies and potential competitors alike. After all, it is based on the notion that “America will never seek a permission slip to defend the security of our country.”⁸⁶ Lieutenant General James Mattis, head of the Marine Corps Combat Development

Command, says the idea is to minimize the need for the U.S. military to rely on allies to supply territory from which its forces can operate abroad.⁸⁷ One hears phrases like “using the sea as maneuver space,” exploiting “control of the seas,” and, from a large display in the Pentagon in June 2005, the “command of the commons.”⁸⁸ Carried to its logical conclusion, sea basing will inevitably involve the staging of large, floating military bases in the exclusive economic zones of

Will the sea base impact the sovereignty of other nations, threaten their security, or convert the oceans to “nonpeaceful” purposes? The answer is no.

other nations, from which joint forces and weapons could be projected ashore in a future conflict. Sea basing also has a more be-

nign side. Vice Admiral Phillip Balisle, former commander of the Naval Sea Systems Command, has pointed to the Navy’s tsunami-relief efforts in Indonesia, launched and directed from ships assembled offshore, as an example of sea basing in action: “We have always had a sea base, or at least for many years. What we’re talking about now is the shaping of that sea base for [a] 21st-century environment.”⁸⁹

Will the sea base impact the sovereignty of other nations, threaten their security, or convert the oceans to “nonpeaceful” purposes? The answer is no. Each sea base will be established consistent with principles of law applicable to the operation in question—whether it be humanitarian relief operations, international armed conflict, or United Nations sanctions enforcement. Is it possible that other nations may disagree with the United States over the applicable legal principles? Of course. Conflicts and disagreements will arise in the future, as they have in the past. One has only to recall the EP-3 incident off Hainan Island in the People’s Republic of China and the difference of opinion between Washington and Beijing over the propriety of military activities conducted in a coastal state’s exclusive economic zone to realize that there will often be differing interpretations of the applicable law.⁹⁰

One might ask whether it would be advisable for the United States to attempt to negotiate an agreement with China similar to the Incidents at Sea or the Dangerous Military Activities agreements with the Soviet Union of 1972 and 1990.⁹¹ At the time of those agreements, both the United States and the USSR had substantial blue-water navies. Several dangerous incidents had occurred, and the potential for unpredictable future confrontations existed around the world.

With China, in contrast, the potential for confrontation exists primarily within that nation’s exclusive economic zone due to Chinese objections to such U.S. military activities there as surveillance and military surveys. An existing mechanism, the Military Maritime Consultative Agreement, is available, and it is probably sufficient, given the limited area and scope of potential confrontations, to address issues, concerns, and disagreements.⁹² In fact, it was presumably

under the auspices of this agreement that Ambassador Joseph W. Prueher proposed a meeting to discuss the EP-3 incident, suggesting that the agenda include a “discussion of causes of the accident and possible recommendations whereby such collisions could be avoided in the future.”⁹³ Nonetheless, this author would not rule out the value of a more comprehensive agreement, embodying special signals like those in the IncSea Agreement, for indicating intentions and operations, if the consultations under the existing agreement prove unsuccessful in preventing future dangerous encounters.

It is certainly appropriate that the United States continue to communicate with its allies and potential competitors alike concerning plans for the U.S. Navy of the future. Concerning all five of the issues discussed in this article, it would be advisable to inform other nations of American intentions and to engage in a dialogue with them concerning the legal bases for U.S. actions. A cooperative, consultative approach would be useful in obtaining the support and understanding of potential coalition partners, as well as in alleviating the concerns of potential competitors. In a recent speech to the Naval War College, the Chief of Naval Operations stressed how important coalition partners will be to future naval operations.⁹⁴ While President Bush has made it clear that the United States will not jeopardize its national security by acquiescing to “the objections of the few,” it appears his preferred *modus operandi* is to seek international support and international partnerships.⁹⁵ The Proliferation Security Initiative alone is evidence that the president wants to work with multinational partners to the maximum extent possible. The issues discussed here represent ample opportunities for collaboration and cooperation on the international level.

NOTES

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1. See, e.g., Jason Sherman, “Changing Vision,” *Sea Power* (March 2005), quoting the former

Chief of Naval Operations, Admiral Vern Clark, that the Navy is not “correctly balanced and optimized for the future we’re facing. . . . The Navy that we possess today must be reshaped to deal with the challenges that we [will] have in the future.”

2. “Status of the Navy,” 2 September 2005, available at www.navy.mil.
3. Admiral Vern Clark, “Guidance for Leaders: Manpower,” 4 January 2004, on file with author.
4. Commander, Naval Forces Europe/Commander, U.S. Sixth Fleet, *USS Mount Whitney Underway for NATO’s Allied Action*,

- ChInfo News Clips, 18 May 2005, available at www.navy.mil.
5. Ibid. These savings are accomplished in a number of ways. Some civilian mariner billets on board ship are manned (and paid for) only when the ship is under way, while sailors fill their billets both at sea and in port. Also, sailors frequently have collateral duties, training requirements, and temporary additional-duty assignments that civilian mariners are not required to perform; thus civilian billets are matched only to the at-sea requirement, whereas there must be sufficient active-duty billets to account for the absence or unavailability of a percentage of the crew at all times. Further, civilian mariners are trained to do one job proficiently (a mariner may serve as a deck seaman for thirty years), whereas active-duty sailors are in an “up-or-out” system—each sailor moves up in rank, and new sailors must be trained to take his place.
 6. “Sea Basing: The Navy’s New Way to Fight,” *Virginian Pilot*, 8 March 2005.
 7. Ibid. For additional information on sea basing, see Sherman, “Changing Vision”; Dale Eisman, “Will ‘Sea Base’ Idea Float?” *Virginian Pilot*, 8 March 2005; Congressional Budget Office [hereafter CBO], *The Future of the Navy’s Amphibious and Maritime Prepositioning Forces* (Washington, D.C.: November 2004), p. ix–xiii.
 8. “Sea Basing.”
 9. Sherman, “Changing Vision”; CBO, *The Future of the Navy’s Amphibious and Maritime Prepositioning Forces*, xiii (follow-on assault echelons would assemble and deploy on the ships constituting the sea base, of which the MPF-F is the “linchpin”).
 10. Geneva Convention Relative to the Treatment of Prisoners of War, 12 August 1949, art. 4.A.(4), in *Documents on the Laws of War*, ed. Adam Roberts and Richard Guelff, 3d ed. (Oxford, U.K.: Oxford Univ. Press, 2000): “Prisoners of war . . . are persons belonging to one of the following categories, who have fallen into the power of the enemy: (4) Persons who accompany the armed forces without actually being members thereof” (p. 246).
 11. *The Law of the Sea: Official Text of the United Nations Convention on the Law of the Sea* (New York: United Nations, 2001) [hereafter UNCLOS], p. 31; Convention on the High Seas, 29 April 1958, in *National Security Law Documents*, ed. John Norton Moore, Guy B. Roberts, and Robert F. Turner (Durham, N.C.: Carolina Academic, 1995), p. 571.
 12. “Declaration of Paris”: Declaration Respecting Maritime Law, 16 April 1856, in Roberts and Guelff, eds., *Documents on the Laws of War*, p. 48. “Hague Convention VII: Convention Relating to the Conversion of Merchant Ships into War-ships, Articles 1–4,” in Roberts and Guelff, eds., *Documents on the Laws of War*, p. 97.
 13. Women in Military Service for America Memorial, *Highlights of Women in the Military*, www.womensmemorial.org; U.S. Navy Dept., *Women in the Navy*, on file with author.
 14. Some might suggest that the most obvious solution to this dilemma is simply to subject the civilian mariners to the Uniform Code of Military Justice (UCMJ). As currently written, the code provides only for jurisdiction over persons serving with or accompanying armed forces in the field “in time of war” (10 USC 802[a][10] [2003]). Courts have held that the phrase “in time of war” should be construed narrowly and as including only declared wars (*United States v. Averette*, 41 CMR 363 [USCMA 1970]). Although possibly the law could be amended, that solution would address only one of the two issues related to civilian mariners on board warships. The second issue, whether the civilian mariners would be afforded status as prisoners of war if captured, would be unaffected by an amendment to the UCMJ.
 15. A. Ralph Thomas and James C. Duncan, eds., *Annotated Supplement to the Commander’s Handbook on the Law of Naval Operations*, International Law Studies vol. 73 (Newport, R.I.: Naval War College, 1999), p. 401.
 16. See, e.g., articles 50 and 51, Protocol Additional I to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts, 8 June 1977, in Roberts and Guelff, eds., *Documents on the Laws of War*, p. 448. The United States is not a party to Additional Protocol I.
 17. Geneva Convention Relative to the Treatment of Prisoners of War, 12 August 1949, art. 4.A.(4).

18. One source opines that taking a direct part in hostilities entails activities that must be “directly related to hostilities or, in other words, to represent a direct threat to the enemy.” Dieter Fleck, ed., *The Handbook of Humanitarian Law in Armed Conflicts* (Oxford University Press, 1995), p. 232. The International Committee of the Red Cross has embarked on a project to further define the phrase but to date has not proposed a comprehensive definition.
19. *Pilot Program for the Employment, Use, and Status of Reserve Civilian Mariners*, on file with author. The legislation was proposed for the fiscal year 2006 National Defense Authorization Act but was not included in the bill considered by Congress. It is anticipated the proposal will be submitted in future years.
20. Nathan Hodge, “Jumper: Military Must Reorganize UAV Efforts,” *Defense Daily*, 29 April 2005, p. 7. A recent news article announced that the Pentagon has begun informally referring to unmanned aircraft as “unmanned aerial systems” rather than “unmanned aerial vehicles” and that the change may soon become official. The reason for the shift in terminology is to connote that the aircraft are only one part of a “complex network of systems” rather than independently operated units. Vince Crawley, “Pentagon: Don’t Call Them UAVs Anymore,” *DefenseNews.com*, 17 August 2005.
21. Rowan Scarborough, “Special Report: Unmanned Warfare,” *Washington Times*, 8 May 2005.
22. Ibid.; Eric Schmitt, “U.S. Drones Crowding the Skies to Help Fight Insurgents in Iraq,” *New York Times*, 5 April 2005, p. A9. For a description of the synergy developed between manned and unmanned aircraft and between coalition partners to destroy a surface-to-air missile site during Operation IRAQI FREEDOM, see Ministry of Defense, *Operations in Iraq: Lessons for the Future* (London: December 2003), p. 33, available at www.mod.uk/publications/iraq_future_lessons.
23. Peter A. Buxbaum, “Shedding Ships and Sailors,” *Armed Forces Journal* (April 2005), p. 22 (citing Rear Admiral [select] William Rodriguez of the Space and Naval Warfare Systems Command, San Diego, who predicts that unmanned aerial vehicles may soon have the “cognitive ability” to detect hostile platforms and vector weapons against them, apparently without relying on commands from a human being controlling the unmanned system.) This capability, of course, raises significant legal issues that are beyond the scope of this article.
24. Katie Fairbank, “Unmanned Aircraft Are Wowing Defense Industry,” *Dallas Morning News*, 14 June 2005; Scarborough, “Special Report.”
25. “Air Force to Add Spy Plane Squadron,” *Las Vegas Review-Journal*, 4 June 2005, p. 1B.
26. Scan Eagle was developed by Boeing and The Insitu Group as an affordable, runway-independent, long-endurance, autonomous, unmanned vehicle providing real-time intelligence, surveillance, and reconnaissance. Scan Eagle carries either an inertially stabilized electro-optical or infrared camera. It is four feet long with a wingspan of ten feet. Scan Eagle can remain on station for more than fifteen hours and is capable of providing intelligence from high (above sixteen thousand feet) or low altitudes. See U.S. Air Force Dept., “Innovative Solutions for the Warfighter, Scan Eagle,” at www.nellis.af.mil/UAVB/uavbspotlight.asp, and Boeing Integrated Defense Systems, “Unmanned Systems, ScanEagle UAV,” at www.boeing.com/defense-space/military/unmanned/scaneagle.html.
27. Article 37 of UNCLOS provides that the transit passage regime applies to “straits which are used for international navigation between one part of the high seas or an exclusive economic zone and another part of the high seas or an exclusive economic zone” (p. 33).
28. UNCLOS, art. 39, p. 33.
29. Ibid.
30. Most definitions of ships and aircraft assume, if they do not explicitly state, that the vehicles are “manned by a crew,” the assumption being that the crew is actually located within the vehicle. See, e.g., Thomas and Duncan, eds., *Annotated Supplement*, para. 2.1.1., p. 109 (“a warship [is] . . . manned by a crew which is under regular armed forces discipline”), and para. 2.2.1, p. 114 (“military aircraft . . .

- include . . . aircraft . . . manned by a crew subject to regular armed forces discipline”). That the existence and employment of unmanned systems may not have been fully appreciated or contemplated when these definitions were developed does not prevent the incorporation of such systems into existing legal regimes. The definitions may, however, need to be updated to reflect current technology.
31. Quoted in Thomas and Duncan, eds., *Annotated Supplement*, p. 125.
 32. Louise Doswald-Beck, ed., *San Remo Manual on International Law Applicable to Armed Conflicts at Sea* (Cambridge, U.K.: Cambridge Univ. Press, 1995), art. 30, p. 581. The *San Remo Manual* was prepared by a group of international legal and naval experts participating in their personal capacities in a series of Round Tables convened by the International Institute of Humanitarian Law. The manual was intended to provide a contemporary restatement of international law applicable to armed conflicts at sea. As such, it is a useful document for analyzing general legal principles on various issues, though it is not dispositive as to the law on any particular subject.
 33. International and Operational Law Division, Office of the Judge Advocate General, U.S. Navy, “Point Paper on the Use of Unmanned Aerial Vehicles (UAVs) while Transiting the Strait of Hormuz,” 15 April 2005, on file with author.
 34. UNCLOS, art. 38, p. 33.
 35. *Ibid.*, art. 39, p. 33.
 36. *Ibid.*
 37. It has been recently reported that the Central Intelligence Agency was operating unmanned aerial vehicles—the IGnat and Predator—in Iranian airspace searching for dispersed nuclear weapons development sites. If the article is correct, the legal rationale for such activity would have to be that while “spying” may be a violation of the domestic law of the overflown state, intelligence gathering is not forbidden by international law and has long been an accepted state practice. The rather cryptic report does not provide enough information for a complete legal analysis.
 - DefenseTech*, 1 March 2005, available at www.defensetech.org/archives.
 38. UNCLOS, art. 19, p. 27.
 39. *Ibid.*, art. 17, p. 26.
 40. *Ibid.*, art. 29, p. 31.
 41. U.S. Transportation Dept., U.S. Coast Guard, “Navigation Rules, International—Inland,” Commandant [U.S. Coast Guard] Instruction M16672.2D, 25 March 1999 [containing the International Regulations for Prevention of Collisions at Sea, 1972, hereafter ColRegs], Rules 1a and 3a.
 42. 1 USC 3 (2005) (“The word ‘vessel’ includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water.”)
 43. *Stewart v. Dutra Construction Co.*, 2005 U.S. LEXIS 1397 (2005), holding that a dredge is a “vessel” under the Longshore and Harbor Workers Compensation Act.
 44. International and Operational Law Division, Office of the Judge Advocate General, U.S. Navy, “Legal Review of the Remote Mine-hunting System AN/WLD-1(V),” 10 June 2005, on file with author.
 45. Given the characteristics of the system, the ColRegs requirements might not be onerous. For example, the light requirements might be satisfied by the presence of a white all-round light with visibility of three nautical miles, as required by Rule 22(d) for inconspicuous, partly submerged vessels. It is also possible, under Rule 1(e), to obtain a U.S. Navy certificate of alternative compliance for some or all of the requirements under special circumstances where strict compliance is impossible.
 46. UNCLOS, art. 87, pp. 53–54.
 47. “Legal Review of the Remote Minehunting System AN/WLD-1(V).”
 48. See, e.g., Stephanie Showalter, “The Legal Status of Autonomous Underwater Vehicles,” 38 *Marine Technology Society Journal* 38 (Spring 2004), p. 81 (“it is unclear whether [autonomous underwater vehicles] are subject to the maritime regulations for vessels”); Michael R. Benjamin and Joseph A. Curcio, “ColRegs-Based Navigation of Autonomous Marine Vehicles,” Proceedings of the Institute of Electrical and Electronics Engineers

- (IEEE) Conference on Autonomous Unmanned Vehicles, 2004, p. 34 (concluding that autonomous marine vehicles “very likely” qualify as vessels and are subject to the ColRegs rules, though this conclusion has not been “clearly determined” through the judicial process). On file with author.
49. Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, 12 August 1949 [hereafter Geneva II], art. 22, in Roberts and Guelff, eds., *Documents on the Laws of War*, p. 230.
 50. Ibid.
 51. Ibid., art. 34, p. 233.
 52. Ibid., art. 35(2), p. 233.
 53. Ibid., art. 34, p. 233.
 54. Richard J. Grunawalt, “Hospital Ships in the War on Terror: Sanctuaries or Targets?” *Naval War College Review* 58, no. 1 (Winter 2005), p. 89.
 55. In 1905, the Russian hospital ship *Orel* was captured and condemned by a Japanese prize court for “signaling” to the Russian fleet “in ways that amounted to use for military purposes.” Ibid., p. 91.
 56. In 1914, the German hospital ship *Ophelia* was captured and condemned by a British prize court for being “adapted and used as a signaling ship for military purposes.” Ibid., p. 93.
 57. Ibid., p. 98.
 58. The French text reads, “En particulier, les navires-hôpitaux ne pourront posséder ni utiliser de code secret pour leurs émissions par T.S.F. [wireless] ou par tout autre moyen de communication.” Available at www.icrc.org/dih.nsf.
 59. Additional Protocol I, p. 436.
 60. Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, implementing regulations “Health Insurance Reform, Security Standards: Final Rule,” *Federal Register* 68, no. 34 (20 February 2003), sec. 164.312. Granted, treaties to which the United States is a party are part of the supreme law of the land. Domestic law cannot serve to invalidate or override treaty obligations. Nonetheless, domestic law that is inconsistent with international treaty obligations presents problems of compliance that are not easy to resolve in practice. In this case, the implementing regulations permit the use of equivalent alternative measures if it is not “reasonable and appropriate” to encrypt medical information.
 61. Michael Sirak, “U.S. Navy Seeks to Revise Laws of War on Hospital Ships,” *Jane’s Defence Weekly*, 27 August 2003, p. 29.
 62. Grunawalt, “Hospital Ships in the War on Terror,” p. 109. It should be noted that the drafters of the *San Remo Manual* of 1994 also concluded that the prohibition in Article 34 is unworkable and recommended that hospital ships “should be permitted to use cryptographic equipment.” Doswald-Beck, ed., *San Remo Manual*, para. 171, pp. 236–37.
 63. Geneva II, p. 233.
 64. Grunawalt, “Hospital Ships in the War on Terror,” pp. 109–11 (discussing the traditional view that hospital ships found “safety in vulnerability”).
 65. Doswald-Beck, ed., *San Remo Manual*, para. 170.3, p. 235.
 66. Grunawalt, “Hospital Ships in the War on Terror,” p. 112.
 67. Sirak, “U.S. Navy Seeks to Revise Laws of War on Hospital Ships,” p. 29.
 68. Richard Scott, “UK casualty ship project faces major surgery,” *Jane’s Defence Weekly*, 11 May 2005, p. 14 (“Budget pressures have forced the [Minister of Defence] to reconsider the scope of its current requirement and look instead at a cheaper option” which involves equipping a medical facility onboard an auxiliary vessel with additional combat-related missions”). See also U.K. Ministry of Defence, *The Manual of the Law of Armed Conflict* (Oxford, U.K.: Oxford Univ. Press, 2004), which adopts the *San Remo Manual* provisions recommending that hospital ships *should* be permitted to use cryptographic equipment, but limiting self-defense equipment to “purely defensive means of defence, such as chaff and flares,” paras. 13.124 and 13.125, p. 373.
 69. Dr. Arthur M. Smith, “Has the Red Cross-Adorned Hospital Ship Become Obsolete?” *Naval War College Review* 58, no. 3 (Summer 2005), p. 130 (“Hospital ships, as we have

- come to know them, may no longer play a role in a military structured for rapid flexible response in asymmetric warfare”).
70. *Ibid.*, p. 131. A recent news article reported that nongovernmental organizations are operating white-hulled “mercy ships” that operate in the waters off developing countries providing medical care to those in need. The ships do not bear red crosses but in other respects appear similar to military medical ships; “Mercy Mission,” *Wall Street Journal*, 26 August 2005, p. W2. Professor George K. Walker has raised a number of very good questions concerning how those vessels should be treated in the event of an international armed conflict (George K. Walker, e-mail to Naval War College, 29 August 2005, on file with author). The Second Geneva Convention and Additional Protocol I actually foresee and make provisions for hospital ships owned or operated by neutral states, private citizens, officially recognized relief societies, and impartial international humanitarian organizations; Geneva II, articles 24–25, p. 231, and Additional Protocol I, article 22(2), p. 434. One of the primary conditions for such ships to receive the same protections as military hospital ships is that they have to be made available to or under the control of a state party to the conflict. The presence of hospital ships not under the control of a party to the conflict would certainly complicate the targeting solution if they operate in waters near belligerent activities.
 71. Admiral Vern Clark, *Posture Statement: Testimony before the Defense Subcommittee of the Senate Appropriations Committee*, 16 March 2005, pp. 4–5, available at www.navy.mil.
 72. See, e.g., “Advance Questions for Admiral Michael G. Mullen, USN, Nominee for the Position of Chief of Naval Operations,” Navytimes.com, www.navytimes.com/content/editorial, pp. 10–11 (the convention “codifies fundamental benefits important to our operating forces as they train and fight . . . codifies essential navigational freedoms . . . supports the operational maneuver space . . . enhances our own maritime interests”). [Emphasis original.]
 73. UNCLOS, art. 88, p. 54, and art. 58, p. 40–41.
 74. Charter of the United Nations, reprinted in Moore, Roberts, and Turner, eds., *National Security Law Documents*, p. 90, Article 2(4), provides that “all Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations.”
 75. S. Exec. Rpt. No. 108-10, pp. 17–18 (2004).
 76. Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, art. IV, in Moore, Roberts, and Turner, eds., *National Security Law Documents*, pp. 332–33. In becoming a party to the treaty, the United States agreed not to establish military installations, test weapons, or conduct military maneuvers on celestial bodies and not to station in space or place in orbit nuclear weapons or other weapons of mass destruction (art. IV). Importantly, these sorts of prohibitions do not appear in the Law of the Sea Convention.
 77. Thomas and Duncan, eds., *Annotated Supplement*, p. 149 note 114. See also *San Remo Manual*, para. 10.6, p. 82 (“With respect to the high seas, the Round Table wished to emphasize that it did not accept the interpretations of some publicists that the LOS Convention’s Articles 88 and 301, reserving the high seas for peaceful purposes, prohibit naval warfare on the high seas”).
 78. “Statement of the President [on the UN Law of the Sea Convention],” White House press release, 10 March 1983, in Moore, Roberts, and Turner, eds., *National Security Law Documents*, p. 591.
 79. Convention on the Territorial Sea and the Contiguous Zone, 15 UST 1606, art. 14, in Moore, Roberts, and Turner, eds., *National Security Law Documents*, p. 565.
 80. UNCLOS, art. 20, p. 27.
 81. *Ibid.*, art. 19, pp. 27.
 82. *Ibid.*, art. 25, p. 29.
 83. *Ibid.*, art. 30, p. 31.
 84. U.S. State Dept., *The Proliferation Security Initiative (PSI)*, 26 May 2005, available at www.state.gov/t/np/rls/other/46858.html.
 85. Andrew C. Winner, “The Proliferation Security Initiative: The New Face of Interdiction,”

Washington Quarterly 28, no. 2 (Spring 2005), p. 129.

86. President George W. Bush, State of the Union Address, 20 January 2004, available at www.whitehouse.gov.

87. "Naval Officials Focus on Broader Missions, Seabasing and Sea Shield," *Inside the Navy*, 17 January 2005, available at InsideDefense.com.

88. See also Barry R. Posen, "Command of the Commons," *International Security* 5 (Summer 2003), p. 28 (arguing that the United States enjoys command of the "commons"—that is, command of the sea, space, and air—which is a key military enabler of the U.S. global power position).

89. John T. Bennett, "Notes from the Surface Navy Association's 2005 Annual Symposium," *Inside the Pentagon*, 20 January 2005, available at InsideDefense.com.

90. On 1 April 2001, a U.S. EP-3 was conducting routine surveillance approximately seventy nautical miles southeast of Hainan Island in the South China Sea. A Chinese fighter intercepted the EP-3, maneuvered close aboard, and impacted it. The fighter broke up and crashed in the ocean—the pilot was not recovered. The EP-3's nose cone was sheared off, but the pilot managed to land safely at Lingshui Airport. The Chinese held the twenty-four American crew members in "protective custody" for eleven days before releasing them. The United States position was that the EP-3 was operating in international airspace in full accordance with all laws and regulations and did nothing to cause the accident. The Chinese claimed the EP-3 (which was flying on autopilot) had "veered" into the fighter. The Chinese also took the position that surveillance is a threat or use of force against a coastal state and that an exclusive economic zone is sovereign air and sea space. This position is entirely inconsistent with article 58 of UNCLOS (pp. 40–41), which reserves to all states the freedom of overflight above the exclusive economic zone. For additional information on the incident, see generally U.S. Commander in Chief, Pacific Command Virtual Information Center, "Special Press Summary: China—U.S. EP3 and J-8 Mid-Air Collision," 12 April 2001, www.vic-info.org; and Margaret K. Lewis, "Note: An Analysis of State Responsibility for

the Chinese-American Airplane Collision Incident," *New York University Law Review* (November 2002), p. 77 and ff.

91. The U.S.-U.S.S.R. Agreement on the Prevention of Incidents On and Over the High Seas (popularly referred to as the Incidents at Sea, or "IncSea," Agreement)—23 UST 1168, TIAS 7379 and its 1973 Protocol, 24 UST 1063, and TIAS 7624—was designed to minimize the potential for "harassing actions and navigational one-upmanship" between American and Soviet ships and aircraft operating in close proximity on the "high seas," a term that encompasses all international waters and airspace, including the exclusive economic zone and the contiguous zone (Thomas and Duncan, eds., *Annotated Supplement*, p. 147). The United Kingdom, Germany, Canada, France, and Italy concluded similar agreements with the Soviet Union between 1986 and 1989. The Agreement between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics on the Prevention of Dangerous Military Activities, also known as the DMAA, which entered into force on 1 January 1990, provided procedures for resolving incidents involving entry into the national territory, including the territorial sea, of the other nation, and for other special circumstances (Thomas and Duncan, eds., *Annotated Supplement*, p. 148). The DMAA appears in 28 ILM 879 (1989).

92. Agreement on Establishing a Consultative Mechanism to Strengthen Military Maritime Safety between the Department of Defense of the United States and the Ministry of National Defense of the People's Republic of China, January 1998. See, generally, Secretary of Defense William S. Cohen, "Working Together Is Best Avenue for U.S. and China," *Defense Issues* 13, no. 12 (19 January 1998), available at www.defenselink.mil/speeches.

93. Letter from Ambassador Prueher to Chinese Minister of Foreign Affairs Tang, 11 April 2001, available at www.whitehouse.gov.

94. Admiral Michael Mullen, "Remarks at the U.S. Naval War College, Newport, R.I.," 31 August 2005, available at www.navy.mil. ("Our vision is and ought to be to extend the peace through an inter-connected community of maritime nations working together. The enemy goes global. So should we.") See

also CNO Guidance for 2006, “Meeting the Challenge of a New Era,” available at www.navy.mil. (“The vision we seek is . . . enduring national and international naval relationships that remain strong and true.”)

95. State of the Union Address 2004. “From the beginning, America has sought international

support for our operations in Afghanistan and Iraq, and we have gained much support. There is a difference, however, between leading a coalition of many nations, and submitting to the objections of a few.”



A Transformation Limited by Legacy Command and Control

Captain Charles D. Sykora, U.S. Navy

A pivotal tenet of the new defense strategy is the ability to respond quickly, and thus set the initial conditions for either deterrence or the swift defeat of an aggressor. . . . Today we increasingly rely on forces that are capable of both symmetric and asymmetric responses to current and potential threats. . . . Such swift, lethal campaigns . . . clearly place a premium on having the right forces in the right place at the right time. . . . We must also be able to act preemptively to prevent terrorists from doing harm to our people and our country and to prevent our enemies from threatening us, our allies, and our friends with weapons of mass destruction.

ANNUAL REPORT TO THE PRESIDENT AND CONGRESS, 2003

As budget challenges put increasing pressure on the operational forces, the ability to deter both potential adversary nations and terrorists will require the warfighting platforms of the United States to be ready to perform diverse missions in parallel. Transformation of operational and tactical precepts will be required to support these increasing demands. The nuclear-powered guided-missile (actually, cruise-missile) submarine, or SSGN, is just such a

transformational asset. Indeed, the converted *Ohio*-class cruise-missile-carrying submarine is in many ways a “poster child” for transformation, particularly in its employment of existing and new technologies in innovative ways to bring new combat power to bear. However, taking full advantage of this order-of-magnitude increase in power available from a single platform will require new command and control methods, as an imaginary but realistic vignette will illustrate. That said, however, even rather minor modifications to existing command and control

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architecture—a negotiated mission-prioritization matrix defining multiple simultaneous operational control relationships—would produce a revolutionary advance over existing methods.

SSGN: TRANSFORMATION’S POSTER CHILD

Transformation is a process that shapes the changing nature of military competition and cooperation through new combinations of concepts, capabilities, people and organizations that exploit our nation’s advantages and protect against our asymmetric vulnerabilities to sustain our strategic position, which helps underpin peace and stability in the world.

SECRETARY OF DEFENSE, TRANSFORMATION PLANNING GUIDANCE, 2003

The SSGN is the first weapons platform to represent in itself a truly transformational, order-of-magnitude advance. Why? After all, the submarine is not the only asset capable of multiple missions. In fact, the services today build every platform with an eye toward mission versatility. Most naval assets (unlike those of other services that must routinely return to an operating base for re-arming or retraining for new missions) deploy with the equipment and training to fulfill multiple roles. So what makes the SSGN unique in this way?

The first aspect of the SSGN’s order-of-magnitude transformational ability stems from its “presence ratio,” the fraction of time it will operate forward deployed and fulfilling requirements of operational commanders. Its presence ratio is the best in the business: the four converted *Ohio*-class submarines leverage the logistics infrastructure of the Trident ships to achieve a forward presence of 2.65 with only four boats.¹ That is, an average of 2.65 of these four submarines will be on the job at any given moment, a rate no other platform can match for prolonged periods. The SSGN achieves this astonishing ratio by capitalizing upon an earlier transformational change, one made decades ago at the onset of the ballistic-missile submarine (SSBN) program. It will use a modification of the SSBN blue-crew/gold-crew patrol cycle—the progenitor of today’s Sea Swap (crew rotation to extend the forward presence of deployed ships).²

The SSGN’s enormous potential is what drove the conversion of excess Trident submarines into cruise-missile arsenal ships, despite opposition from notable defense analysts.³ The president himself advocated the idea: “President George W. Bush’s statements on transformation of the U.S. military rarely are associated with specific programs, with two exceptions—the Global Hawk unmanned aerial vehicle and the conversion of *Ohio* (SSBN 726)-class ballistic missile submarines to conventionally armed guided-missile submarines.”⁴

Similarly, the Department of Defense *Annual Report to the President and Congress* for 2003 highlights only the SSGN and two other platforms (the CVN-21 aircraft carrier and UCAV-45, an unmanned combat aerial vehicle) as examples of progress toward the transformative operational goals specified in the 2001 Quadrennial Defense Review.⁵ Even before the internal report, the National Defense Panel, congressionally chartered to provide a second opinion on the 1997 Quadrennial Defense Review, specifically advocated only two new programs in its report, and one of them was the SSGN (the other was CVX, an advanced aircraft-carrier design).⁶ The panel also reaffirmed the urgency of the need to pursue transformation, which had been introduced in the 1997 Defense Reform Initiative and was then a topic of academic debate in connection with the concept of a “revolution in military affairs.”⁷ Since then, many decision makers have firmly associated the SSGN with transformation. Now that the administration’s recent departure from the two-major-theater-war force structure has freed up resources to finance transformation, the Defense Department, the Navy, and especially submariners can ill afford for the cruise-missile submarine to be anything but a complete success when it reaches initial operational capability in 2007.⁸

In what sense, though, is the SSGN transformative? The idea of “transformation,” a frequent buzzword in today’s defense circles, is all too likely to be misunderstood. One common misunderstanding is that “legacy systems . . . are suspect if not anathema.”⁹ The extract from *Transformation Planning Guidance* above is a useful operative definition, but since it was President Bush who ignited the fires of transformation in the Defense Department by making it a major and early goal, his own words shortly after taking office are relevant: “We’re witnessing a revolution in the technology of war, powers increasingly defined not by size, but by mobility and swiftness. Advantage increasingly comes from information. . . . Safety is gained in stealth and forces projected on the long arc of precision-guided weapons. The best way to keep the peace is to redefine war on our terms.”¹⁰

The ultimate goal of transformation is to make technological leaps in order to revolutionize warfare. Submarines have made such leaps on several occasions, particularly during World War II, as Under Secretary of Defense for Intelligence Stephen A. Cambone explains:

After all, submarine warfare has been about transformation for over 100 years—its birth was difficult as it struggled against the naval establishment’s view of warfare, and it wrestled with the constraints of physics and the limits of technology. . . . The submarine assault on the Imperial Japanese Navy and the blockade of Japan, came at the cost of 52 submarines and more than 3,500 valiant men. But it dealt a crippling blow to Imperial ambition.¹¹

In the postwar years the submarine force continued its reputation for change; ultimately nuclear power and the ballistic missile submarine were vital in winning the Cold War.¹² The submarine has always been about transformation; some have argued that the only reason the U.S. military today is able to focus almost exclusively on projecting power ashore is that “nuclear submarines, space based and sea based ocean sensors, the communications links to couple them . . . give the United States an asymmetric advantage (another aspect of Transformation) that assures that the use of the high seas by others depends upon American forbearance.”¹³

We are speaking here of the kind of transformation—marked by a great technological leap, the “big jump”—specifically envisioned by the Defense Department’s official transformation strategy.¹⁴ But the cruise-missile submarine is not leap-ahead technology, and it “won’t necessarily have a lot of new capabilities, other than being able to deliver more missions from a stealthy platform.”¹⁵ Further, most of the real value the SSGN modification will bring to the combat equation—compared, say, to the installation of the vertical launch system in *Los Angeles*-class submarines—is a direct result of size. Whereas the improved *Los Angeles* can carry up to forty Tomahawk land-attack missiles (if it has no other torpedo-tube-launched weapons), the SSGN in maximum-strike configuration will have 154. Alternatively, the SSGN, deploying with slightly fewer (126) missiles, will be large enough to carry two Naval Special Warfare delivery mechanisms—dry-deck shelters or Advanced SEAL Delivery Systems, or one of each—together with sixty-six men and equipment (up to 102 men for short durations).¹⁶ Current fast attack submarines (SSNs) carry only one of these systems and lack facilities to keep large numbers of SEALs on board for long periods.

If, however, the submarine is not revolutionary from a technological perspective, it is thoroughly transformational in two other specific ways associated with warfighting platforms, both involving “exploratory medium jumps.”¹⁷ The first involves developing future warfighting capability. The *Transformation Planning Guidance* calls this “concept development and experimentation” and identifies it as one of four pillars of transformation.¹⁸ Here the SSGN excels; in fact, one of the missions envisioned for the conversion is “future payload experimentation,” an important aspect of the Navy’s Sea Trial program, itself a key component of the Sea Power 21 vision.¹⁹ Such payloads, deployed from a vertical missile tube, lockout chamber, torpedo tube, or dry-deck shelter, will be tested on each patrol as operations permit.

The second variety of “medium jump” is the application of new doctrine and of new tactics, techniques, and procedures to existing or even antiquated technology. The horse-mounted special operations personnel in Afghanistan who called in precision attacks from the venerable B-52 bomber to achieve

spectacular successes against al-Qa‘ida and the Taliban were an example. Of this kind of change Dr. Paul Wolfowitz, formerly deputy secretary of defense, has said, “Transformation can mean using old things in new ways—a natural result of creative innovation.” Here too the SSGN can excel by virtue of its increased volume, almost quadrupling the weapon inventory of earlier types and permitting manning at levels that should allow it to carry out operations with a simultaneity and at a rate that will maximize “shock and awe.”

One has to look no farther than *Joint Vision 2020* to understand this second medium jump—transformational ideas can be “innovative and form a vision for integrating doctrine, tactics, training, supporting activities, and technology into new operational capabilities.”²⁰ That Joint Staff roadmap for the future also declares that “faster operations tempos, increased choices among weapons and effects, and greater weapons ranges will require continuous, *simultaneous planning and execution at all levels*.”²¹

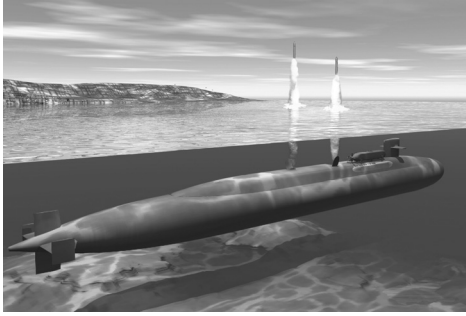
The Defense Department and the U.S. Navy have done a great deal of groundwork in preparation for the SSGN’s advent, producing a draft *Standard Operations and Regulations Manual* as well as an *SSGN Concept of Operations*.²² Commander, Naval Submarine Forces (ComNavSubFor) has formed four working groups to address operational, manning, and logistics issues.²³ Finally, ComNavSubFor has issued a contract to study SSGN command and control issues.²⁴ Under the rubric of the Navy’s Concept Development and Evaluation program, ComNavSubFor has submitted a proposal for an SSGN command and control (C2) war game, with as one of its objectives the determination of the number and types of taskings an SSGN crew could perform simultaneously.²⁵

What could possibly be missing? The answer lies within ComNavSubFor’s war-game proposal:

With such a wide variety of capabilities—and the more fluid command structures envisioned in a progressively more joint military—it is almost inevitable that multiple command structures (e.g. Strategic Command [StratCom], Theater Strike Commander, Joint Forces Commander) will at some points simultaneously require mission support from the same SSGN. . . . Managing these command and control relationships is critical to optimizing the utility of the SSGN’s capabilities and resources.²⁶

If staffs solve this C2 dilemma, the cruise-missile submarine will indeed be a forerunner of a new breed of transformational platforms. The SSGN will be a force multiplier unto itself—if those in uniform, particularly Navy uniforms, push ahead the doctrinal, tactical, and procedural changes required.

With this challenge in mind, consider the following hypothetical situation, in which we can see the SSGN as a “hypertactical” asset, performing a variety of missions simultaneously on behalf of multiple operational masters.



AN “INTERESTING WATCH” IN 2008

It is Thanksgiving in the Strait of Hormuz, and for two hours Lieutenant Barik has been Operations Watch Officer (OWO) in the Battle Management Center (BatCen) aboard USS *Florida* (SSGN 728).²⁷ The ship is at communications depth on a moonless night. Barik is reviewing the new “launch baskets” for the updated standing U.S. Central Command (USCentCom) strike package he’d received over the

Global Broadcasting System at the start of his watch. He listens on an open mike to the internal communications circuit from the submarine’s nearby control stand, where the officer of the deck (OOD) monitors through the periscope merchant traffic in the strait.

Barik would soon hear the signal that means the SEALs are safe. This signal, a brief burst of noise designed to mimic natural biological sounds, would indicate that the SEALs are approaching *Florida* in order to couple their ASDS minisub, the Advanced SEAL Delivery System, to the hatch of the number-one missile tube of the giant submarine. Naturally, Barik is not the only one waiting for the signal. War is building in Korea, and the Joint Special Operations Component Commander in the Mediterranean is dual-hatting for the USCentCom Standing Joint Force Headquarters in Qatar; that staff is just as interested as he in knowing the SEALs are safe.

The submarine has been in a UHF emissions-control (EMCON) posture—restricted from ultra-high-frequency transmissions—since the special warfare operations began three days before; until it is lifted, the ship can use only extremely high-frequency (EHF) circuits for outgoing message traffic. Lieutenant Barik has come to appreciate the expansion of the military’s satellite bandwidth driven by ForceNet, the Navy’s communications piece of network-centric warfare.

The transmission restrictions are a necessary evil, of course. The current mission matrix—the table that tells *Florida*, the nation’s first hypertactical asset, which of its missions takes priority, should they conflict—has indicated that special-warfare operations are job one. That means that the crew cannot permit anyone or anything to detect the submarine, since detection would jeopardize the SEALs’ mission, perhaps even their lives. After all, the special operations forces are on a highly classified task. Until this morning, Barik knew only that it involved a country adjoining the strait. At that point, the Office of Naval Intelligence representative within the embarked Intelligence, Surveillance, and Reconnaissance Cell revealed that the objective is to determine the real-time

whereabouts of Sheik Abdul Omar al-Tarabulus, operational mastermind of al-Qa'ida since the demise of Osama Bin Laden.

Barik envies the OOD, Lieutenant Commander Roark. The lucky Roark, the ship's engineer officer, is acoustically tracking the progress of the merchant vessel *Lady Juleema*, which the watch team identified by classified techniques from the full spectrum of its electronic and acoustic emissions. The ship is a designated terrorist "Tier Alfa" vessel—meaning that the CentCom Joint Intelligence Center has confirmed that it had smuggled terrorist personnel or equipment. Weather during the last week and other demands on "overhead" reconnaissance left the *Lady Juleema* unlocated for almost five days, when satellite imagery last confirmed the ship in Chabahar, an Iranian port outside the strait on the Gulf of Oman.

The fact that the submarine found the vessel under way when all other search assets failed would be worthy of a mention in the ship's patrol report and might even earn the boat an "attaboy" on the next High Interest Vessel Locator message. Ever since the North Korean incursion began the previous month, the Gulf has been a ghost town, as far as American naval forces go; the USS *Ronald Reagan* (CVN 76) carrier strike group departed three weeks ago, taking with it one of *Florida's* operational masters. The submarine now works for only two bosses, besides USCentCom: a joint operations command center (JOCC) under Special Operations Command, for special-warfare operations, and U.S. Strategic Command (USStratCom) for cruise-missile attacks under the Global Strike operational doctrine. For the time being, in fact, Barik and his shipmates constitute the only American naval presence in the Gulf—and they hope that no one but selected staff members at their various commanders' headquarters know that. If there seemed to be no U.S. forces around to notice, the terrorists might be tempted to act recklessly.

So Lieutenant Commander Roark, taking his turn "dancing with the one-eyed lady," would probably get the first periscope sighting of *Lady Juleema*. Sure, Barik would like to be the one to see the vessel first, but that job is behind him; he now enjoys a new sense of excitement as the OWO, a certified tactical Tomahawk targeteer, qualified to convert targeting information into a strike mission right on board. He brings to the task the experience he gained ashore during his rotation crew's off-time as a watch officer in the USCentCom operations center.

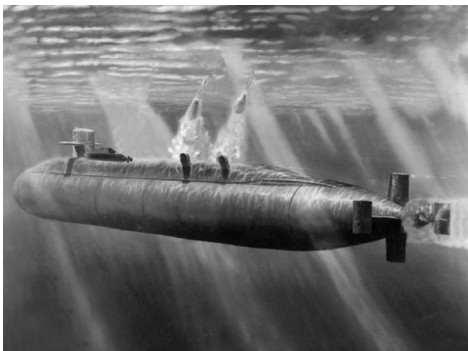
An excited cry interrupts his thoughts: "Got her!" comes the OOD's shout over the open mike from the conn into BatCen. Selecting the periscope infrared video on his own monitor, Barik studies the silhouetted vessel's characteristic superstructure—all of it that is visible over the horizon. Mast-kingpost-funnel,

with the kingpost of the “teepee” variety . . . probably the *Lady*, but they’ll know for sure soon enough.

Barik starts at a sudden shrill tweeting from the acoustic-intercept receiver. The alarm might indicate the intercept of any of a variety of signals, but he hopes it is the one he has been waiting for. Barik hears on his speaker when the executive officer (XO) pushes the rubber-jacketed button on his phone circuit to the captain; there is no sound on the planet more obnoxious than the buzzer on U.S. submarines for this most private of lines between the periscope stand, radio, the CO, and the wardroom, and it will jar the skipper awake. “Captain—” the XO begins, only to be interrupted by the planesman shouting, “Captain’s on the conn!”

Captain Rievers’s voice comes over the open mike, “XO, you know I can’t sleep when the SEALs are out . . . not that I don’t trust you, of course. I heard it on the open mike. Good job, Mr. Roark. Now show me some submarining!”

Barik smiles. Roark will have his work cut out for him now. The SEALs are on the way back, but the merchant is, as luck would have it, bearing directly down on *Florida*. The constraints of territorial waters, the steady course the submarine



will have to steer to recover the ASDS, and the merchant’s heading approaching the Arabian Gulf from the Gulf of Oman, add up to quite a challenge. At any other time, the watch team would relish the chance to record up close the suspect ship’s electromagnetic, acoustic, and visual characteristics, giving the onboard ONI cell an opportunity to look for changes. Just last month this very merchant vessel was renamed and repainted in an effort to mask its illicit activities; Barik took pride in the fact that it

was his first submarine, *Toledo*, that videoed the vessel’s transformation and departure from a Southeast Asian dock. But now they are in for some fun.

Barik picks up the phone and punches Radio. “Petty Officer Berke, line up to transmit EHF back to the JOCC. Prepare the ‘SEALs recovered, all’s well’ message I sent you earlier. When we get into secure acoustic communications range of the ASDS and receive the ‘all’s well’ pro-word, advise the Officer of the Deck you are ready to send the message.”

“Aye, sir,” the young electronics technician replies.

The OWO sets his monitor to display the Global Information Grid and studies the Tomahawk launch baskets highlighted in red in the CentCom standing strike package. Barik needs to get these missile missions ready for the captain to review before the end of his watch; he has two more to prepare. The requirements to keep the strike package up to date are very strict; after all, you never know when StratCom will, as the *Florida* officers like to say, “reach out and

touch you,” and order a strike package. As an SSGN in CentCom, *Florida* is the most timely strike asset available, especially when in “cocked” readiness posture—continuously receiving both digital and voice data. As Barik clicks the send button to transmit the missions to the captain for approval, he picks up the phone and punches up the conn: “Officer of the Deck, Operations Watch Officer. Request you notify the skipper that the strike missions are ready for his review.”

“Very well, Ops. You know, there is only one way this watch could get more interesting—,” Roark was saying, when sure enough, an excited voice from the ISR cell in the BatCen behind him claims his attention: “Sir! Ops! We have an intercept! Looks like it’s from the *Lady*! A cell phone call, sir.”

“Very well,” Barik replies, and addresses the radioman once again. “I know this is high priority, but it doesn’t warrant breaking UHF EMCON. Petty Officer Berke, get it over EHF to our NSA reach-back as soon as the Officer of the Deck can manage.” The “reach-back” cell at the National Security Agency complex in Maryland is a direct, full-time player in this operation. “Do we still have an EHF data uplink?”

“Yes. I’ll coordinate with ISR to get the recording uplinked if you get me the antenna,” the radioman replies.

The officer of the deck cuts in, “Ops, I caught all that. We’re lucky right now, and I don’t have any merchants too close other than the *Lady*. I can give you the HDR mast if you can get your message transmitted inside fifteen minutes.” The high-data-rate antenna will get the report off in the least possible time. “The *Lady* will be too close after that to have an extra mast up and risk the radar exposure.”

“Understand. By the way, I think you just jinxed yourself—the watch just got more interesting.”

The OWO spends the next few minutes coordinating the activities of ISR and radio. The intercept recording is so long that they barely make the OOD’s transmission deadline. Barik takes advantage of the opportunity to send the SEALs’ “all’s well” message to USCentCom.

Once the HDR mast is housed again, Barik returns his attention to the tactical display, noting that the OOD has skillfully moved the sub away from the merchant’s track and is steering the recovery course for the ASDS. In fact, as the sonar display shows, the tiny, battery-powered sub is already angling in from astern, only two hundred yards away.

The staccato chirp of a Priority Tasking Alert sounds over the open mike. There are only two reasons for that alarm—real or exercise Global Strike tasking. Barik turns to his BYG-1 remote console and scans the alert area for the cause of the alarm. There it is, “a VLF Priority Task Alert.” The cryptic message means

that they received by very-low-frequency radio a message with urgent strike tasking from StratCom.

Once again, Captain Rievers was listening alertly to the open mike. Before Barik can inform the OOD, the captain's voice comes over the circuit: "Officer of the Deck, station the missile strike party. Send a brief message to StratCom to tell them we'll be ready to execute strike tasking in two hours. Get those SEALs on board, stand down the ISR cell, and make best speed to the international waters of the Gulf of Oman. Once there, re-man the ISR cell, secure from UHF EMCON, and prepare for Global Strike tasking. Call me when you're ready for periscope depth again. I'm going to BatCen to approve the missions."

As the CO enters the Battle Management Center, Barik asks, "Captain, the action's in the Yellow Sea. Why would we get tasking from StratCom rather than CentCom?"

Captain Rievers shrugs. "I don't know, Mr. Barik. My guess is the SEALs' mission paid off and the source of the tasking is too time-sensitive to go through CentCom. Of course," the skipper smiles, "it could be just an exercise . . ."

As the CO bends over the BYG-1 console and calls up the strike missions, the phone circuit howls again. Sighing, the OWO grabs the handset. "BatCen, Ops."

The junior radioman on the other end can't quite keep the excitement out of his voice. "Ops, we're getting Flash-precedence traffic on VLF. I patched it to your monitor."

"What now?" Barik laments to himself, striding over to the computer and reading the message at the low data rate to which the very-low-frequency broadcast is limited. He whistles.

"Are you keeping secrets, Mr. Barik?" the skipper asks.

"Sir, it's from Cent. It says, 'CentCom notified of Global Strike tasking. NSA confirms BOUNCED CHECK on *Lady Juleema*. As soon as strike operations are complete, you are directed to destroy the *Lady Juleema*. ROE"—the rules of engagement that would govern the engagement—"and formal tasking to follow. Sensitive background information sent Eyes-Only."

Barik turns away from the monitor, winces, and asks, "Captain, 'BOUNCED CHECK,' doesn't that mean the ship is carrying WMD? It must have been the cell phone intercept."

In his characteristic manner, Captain Rievers only purses his lips and nods as he grabs a handset and calls the OOD: "Officer of the Deck, turn around and head for the Arabian Gulf. We'll execute the strike from there, then man the torpedo attack party and kill the *Juleema*."



COMMAND AND CONTROL PROBLEMS

The development of effective joint command and control for the future requires rigorous and wide-ranging experimentation, focused especially on organizational innovation and doctrinal change.

JOINT VISION 2020

Realistic? Certainly. Melodramatic? Perhaps. Achievable? Unfortunately, not—today. Under existing command and control doctrine, the *Florida* could not work for multiple operational masters in such a way. Current doctrine, tactics, techniques, and procedures would not meet the postulated situation. Consider the array of command and control problems evident in this scene-setting scenario. It may be unlikely that circumstances would so coincide as to require simultaneous tactical action, but it would be unwise to keep in place a C2 architecture incapable of handling such an eventuality. Furthermore, U.S. Special Operations Command (USSoCom) advocates SEAL operations from submarines to develop data ashore, data that the submarine would then use to strike targets. Given this concept, a need to support SEALs while executing a strike is likely to arise sometime during the Global War on Terror. In fact, the GIANT SHADOW exercise of January 2003 involved a complex variant of this mission—two instrumented land-attack Tomahawks fired to demonstrate not just the targeting scenario but also the Multiple All-Up-Round Canister that would hold the missiles inside one Trident tube.²⁸

In the scenario above, the *Florida* receives tasking from several commanders. USSoCom directs the Naval Special Warfare operation in progress through a joint operations command center and, certainly, with a joint task force between the SSGN and the JOCC. In the past, Special Operations Forces missions were always conducted under the regional combatant commander,* with USSoCom as a supporting commander.²⁹ A change in 2002 to the Unified Command Plan, however, empowered USSoCom to act as a “supported commander”—that is, with the regional commander supporting him.³⁰ Presumably, this arrangement would be made in accordance with the provision of *Unified Actions Armed Forces* that when one combatant commander must conduct operations in one or more (different) regional combatant commanders’ area of responsibility, a joint task force is to be formed, approved by the president, and assigned a joint operations area.³¹

Regardless of the command setup for the NSW mission, no strike tasking is likely to be conducted at the direction of Special Operations Command. In the

* Functional combatant commanders (USSoCom, USStratCom, and the U.S. Transportation Command) perform specialized tasks worldwide. The geographic combatant commanders (U.S. Central, European, Pacific, Northern, and Southern Commands) pursue broad warfighting responsibilities within defined regions.

scenario, U.S. Strategic Command, in its Global Strike role, directs the missile launch. Some might argue that the strike should have been the prerogative of Central Command. The Global Strike concept of operations is still under development, but there seem to be two cases in which USStratCom operational control would be appropriate for an SSGN, both of them in the absence of declared hostilities in the target country. (Of course, presidential approval of the strike would be required.) The first case would be a target of a strategic nature—the destruction of which, for example, the U.S. political leadership believes would deter a conflict. A second case would arise for a highly time-sensitive target, such as a terrorist leadership site or a facility or launcher for weapons of mass destruction. Since USStratCom’s Cruise Missile Support Activity might have to develop the target parameters, timeliness (and hence the likelihood of success) could be improved if that command also orders the missile attack. *Florida*’s strike fits both criteria.

Whatever the reason that USStratCom exercises operational control of a strike, the attack could be conducted using C2 analogous to that of NSW. *Florida*, for instance, would have a task-unit designation as a member of the joint forces assigned to Commander, Task Force–Global Strike, with a joint operations area defined either by the terrain of the current Global Strike target set (and possibly changing with target package updates) or by relatively fixed boundaries.

With the two unconventional missions covered, one might think the remaining tasks are straightforward. One of these, however—intelligence, surveillance, and reconnaissance—is not as simple as it seems, because the information obtained is of interest to two masters. Clearly, USCentCom’s intelligence directorate will receive the submarine’s ISR output. USSoCom will also be a “customer,” however; one of *Florida*’s main tasks while the SEALs were away would have been “indications and warning,” scouring tactical frequencies for signs of enemy discovery of the mission. This might be an unusual pairing of consumers of the ship’s intelligence, but procedures already exist to disseminate the data to concerned parties for ISR missions; after all, submarines have been performing these tasks for decades.

The last mission area involving tactical action represented in the scenario is antisurface warfare. It uses the most conventional command and control mechanism—the regional combatant commander exercises operational control through the theater joint forces maritime component commander, and any defined subordinates, to order the submarine to attack the *Lady Juleema*. There are, of course, additional submarine mission areas, such as mine warfare, that the vignette does not stress, but they would all fall under conventional C2 with the regional combatant commander.

One significant SSGN operating profile is not brought out by the scenario. The *SSGN Concept of Operations* envisions several situations where the cruise-missile boat might operate with SSNs in consort, carrying in the Battle

Management Center an officer in tactical command “dual-hatted” as a joint task force commander. If such a situation developed rapidly, however, it might be impractical for the SSGN to board such a staff. The cruise-missile submarine’s commander would become the officer in tactical command of the task group or force—perhaps as a submerged battle group, as has been suggested.³² Existing doctrine should be sufficient to support the concept, although it may be prudent to consider additional tactics and procedures.³³

Once the C2 methods that the functional combatant commanders would use to conduct operations in a geographic combatant commander’s area of responsibility have been promulgated, tested, and understood, none of the individual actions involved in the various mission areas are challenging in themselves. Fast attack submarines have been executing these missions for many years. However, the methods they now use fail to address the major command and control problem. Currently, there is no doctrine, tactics, or procedure to support multiple combatant commanders exercising simultaneous operational control over the same unit. In fact, many might consider multiple “OpCon” contrary to joint doctrine.

But is it? Does joint doctrine prohibit more than one commander’s exercising operational (or tactical) control over a task unit? Surprisingly, there are no explicit prohibitions in the relevant joint doctrine publications against multiple command and control chains.³⁴ In fact, when units deploy, they always have two different chains of command, operational and administrative.³⁵ However, the Joint Staff’s *United Action Armed Forces* (UNAAF, or Joint Publication 0-2), by drawing attention to these two parallel chains of command—operational and “other” (administrative)—implies that there is only one operational chain of command, an idea most strongly associated with unity of command. UNAAF explains, “Unity of command means all forces operate under a single commander with the requisite authority to direct all forces employed in pursuit of a common purpose.”³⁶ With the exception of strike, individual mission areas can satisfy that criterion, since only one commander exercises responsibility for each. Even in strike warfare, if one factors in the type of strike—that is, strategic or time-sensitive, as opposed to operational, “fires” (that is, strikes considered in terms of weapon effects)—unity of command can still be achieved.³⁷ Given that unity of command can be achieved in each mission area, then, is there a way to solve the multiple OpCon problem?

CURRENT COMMAND AND CONTROL SHORTFALLS

As the nature of military operations evolves, there is a need to evaluate continually the nature of command and control organizations, mechanisms, systems, and tools. There are two major issues to address in this evaluation—command structures and processes.

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Before answering the question, it may be useful to review why existing submarine arrangements will not meet the command and control conundrum. First, submariners may point out that exercising operational control in another regional commander's area of responsibility is nothing new. After all, throughout the history of the nuclear submarine, deployed boats have shifted to the operational control of the chairman of the Joint Chiefs of Staff to perform sensitive, presidentially directed intelligence, surveillance, and reconnaissance missions. Furthermore, the *UNAAF* already provides a mechanism to deal with the situation of one commander directing operations in another's area of responsibility, as detailed above. Still, this does little to solve the problem at hand.

Submariners might also insist that multiple command arrangements are not unprecedented for fast attack submarines. The Submarine Operating Authority who assigns waterspace (that is, volumes of ocean bounded in three dimensions so as to avoid mutual interference) to submarines is almost never the commander exercising tactical control, if a boat is attached to a carrier or expeditionary strike group. This is certainly a valid argument, and it may well turn out that submariners will experience no difficulty in working for multiple commanders.

If, then, submariners can already come to terms with the idea of working for numerous masters, what is there about current SSN command and control that will not work for the SSGN? After all, the missions are the same. But in fact the operational constructs are different in one important mission, Global Strike. In planning strategic or highly time-sensitive operational fires, U.S. Strategic Command must be able to establish with certainty when the attack will take place. Furthermore, it may have to vary the time frame, for reasons having to do with targets under consideration as well as the world political climate. The problem is that SSNs go as long as twenty-four hours (twelve is more typical) between periods near enough to the surface to communicate by radio, especially when transiting at high speed and great depth. In the worst case, it could be forty-eight hours before a submarine crew could discover and execute tasking. The tactical commander can shorten this communications "window," but the procedures for doing so are burdensome and generally not intuitive to nonsubmariners.³⁸ Furthermore, making the submarine available for communications too frequently may make it difficult or impossible for it to pursue other missions.

Fortunately, there are "bellringer" procedures that can convey brief, prearranged orders to a submarine below communications depth. One system, recently slated for decommissioning, relied upon extremely low-frequency transmitters. While the details are classified, this method permitted a submarine to operate in the lower half of its depth-speed profile and to receive (not transmit) in thirty minutes or less a trigraph, or three-character code group. This method's advantages were that the command center did not need to know the

submarine's location and could continuously transmit the signal until the boat acknowledged. Another family of bellringer methods uses acoustic transmission. These signals, though again rudimentary, are generally not affected by the submarine's depth and can be received at higher speeds; however, they require either an aircraft (usually a P-3 long-range maritime patrol aircraft) or surface ship to transmit them, because the signaling platform must be within acoustic range of the submarine.

It is thus possible to develop a communication architecture that would support Global Strike timing requirements by specifying a communications window for the submarine. All that would be needed to make this work is some way to tell the crew what these windows will be. This approach is similar in concept to alert statuses of ballistic missile submarines; however, there is no good reason to limit the possibilities to the three stages (alert, modified alert, and nonalert) that SSBNs utilize. In fact, as will be demonstrated below, it would be easy to incorporate a continuously variable communications readiness posture in the overall C2 instructions given to a submarine.

Executing the tasking in the *Lady Juleema* scenario using current command and control procedures would require rapid shifts of operational and tactical control among the commanders cited above, together with frequent redefinitions of which commanders were "supported" and which "supporting." At the pace at which the scene-setting scenario unfolded, that would be problematic at best. The command and control "overhead" would inevitably distract the crew from the tactical issues (not the least of which, in the vignette, is safety of ship in one of the world's busiest straits). Imagine the message traffic or e-mail between the command centers needed continually to lash together arrangements as the situation progressed—arrangements that would be ad hoc and of no value for the next set of circumstances. It would be better to make in advance the necessary arrangements to share operational and tactical control. To do this I propose a concept that might be called "deconflicted and prioritized OpCon and TaCon" (which, if adopted, submariners would likely refer to as DAPOT, "*day-poe*") and a mission matrix through which to implement it.

THE MISSION MATRIX SOLUTION

To accomplish assigned missions, an adaptive joint force will be capable of conducting rapidly executable, globally and operationally distributed, simultaneous and sequential operations.

CHAIRMAN OF THE JOINT CHIEFS OF STAFF, JOINT OPERATIONS CONCEPTS, 2003

There is a mental antacid that may be useful in trying to digest the concept of DAPOT. First of all, in a recent informal poll of ten senior submariners, only one

expressed any reservations, and all were confident the submarine crew would be left in no doubt as to what to do.³⁹ It may also help to recognize that the proposal is not very different from concerned commands' sending their orders to individual task units. In fact, the matrix deliberately reinforces that similarity, by giving each combination of mission and commander a unique task unit designation. Obviously, though, the devil in the details has his pitchfork planted squarely in the fact that the single platform expected to fulfill these multiple tasks may find it impossible to complete some of them due to circumstances of the moment. This central truth entails a host of implementation issues.

Any solution to multiple operational control, then, must address several points. The first is which mission and commander has priority in the event of a conflict. The matrix solves this problem by specifying a priority for each combination of mission and commander; the highest-priority mission would be completed first, followed by lower-priority ones. The submarine's commanding officer, who may be the only person with the complete tactical picture, would advise his masters as soon as feasible of such conflicts and of estimated execution times. To improve situational awareness, orders from any commander on the matrix would be addressed for information to all the others, and they would assess their tasking's effect on the boat's other missions.

Of course, wider theater developments known to the combatant commander might influence mission prioritization, and it would be critical for the joint operations command center or task force commander to keep the submarine apprised of such factors. The submarine's Battle Management Center would have as one of its primary tasks (and would be staffed accordingly) to examine events outside the ship's sensor envelope to ensure that such information is factored into planning and execution.

The second point involves the effect of the submarine's tactical situation upon its ability to execute a given mission. Of course, this is an issue even without shared OpCon, but multiplicity of missions and masters compounds the problem. If a tactical situation developed that precluded the submarine from completing any mission in the required time, its commanding officer would have to send a message detailing the situation and the reaction times that resulted.

The third point is perhaps the most important from an implementation perspective, for it concerns who is responsible for issuing the mission matrix and keeping it up to date. Naturally, this would be the same authority who adjudicated any disagreements among the commanders. The matrix would have to specify the command exercising primary operational control. Depending upon circumstances, this could be either the commander with the highest-priority mission or the geographic commander in whose area of responsibility the SSGN operated. Should the submarine's commanding officer or any of the authorities

exercising operational or tactical control believe a change to the matrix necessary, they would coordinate with the primary OpCon authority, who would work out any incompatibilities and promulgate the revised matrix.

Required reaction time is the fourth issue. A column in the matrix would indicate for each mission the maximum allowable time from the issuance of an order until completion of the action. That entry would account for communications delay, as well as any planning the crew must perform. Related to reaction time is readiness posture; to address it the matrix would list for each mission both a message-connectivity window and, optionally, a bellringer window. The submarine would have to meet the most restrictive of these.

The final point is weapon control. A matrix column would list the minimum weapons that must be onboard to meet the commander's requirements for a given mission. The figure would be a composite requirement. That is, should the weapon inventory fall below the required total, any weapons expenditure would have to be approved by the primary OpCon authority in advance, unless a specific tasking relaxed a weapons requirement (for instance, Strategic Command might write an execution order so as to reduce its weapon requirement by the number of weapons the order employs, thus keeping the total weapon requirement at or below the sub's remaining weapons after execution). The submarine would, of course, keep all commands advised of weapons casualties or other changes in inventory.

The table shows the resulting DAPOT instrument as it might be constructed for the future USS *Florida*. Notwithstanding the groundwork that staffs would have to perform in reaching agreement on scenarios, this is a workable approach. Happily, the only doctrinal change required would be a provision that, in certain circumstances—such as when necessary to improve execution tempo and so deprive the enemy of decision and reaction time—and with the approval of the secretary of defense in advance, more than one combatant commander might exercise operational control and more than one subordinate command might exercise tactical control. It would be necessary to arrange and “deconflict” such shared arrangements in advance.

OPERATIONAL EVANGELISM

Commanders will need a broad understanding of new operational capabilities . . . in order to be capable of flexible, adaptive coordination and direction of both forces and sensors. The staffs that support commanders must be organized and trained to take advantage of new capabilities.

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FLORIDA MISSION MATRIX

Primary OpCon: USCentCom				Date: 10 October 2008			
Mission	Priority	Task Unit Designation	OpCon	TaCon	Comms (Traffic/Bell)	Weapons (Missile/Torpedo)	Readiness
Global Strike	2		StratCom	CTF 144	10 hours/ 1 hour	50/ 0	6 hours
Oper Fires	4		CentCom	CTF 54	12 hours/ 6 hours	40/ 0	24 hours
NSW	1		SoCom	JOCC/ Cent	Contin./ n/a	10/ 4	16 hours
ASUW	6		CentCom	CTF 54	24 hours/ 1 hour	0/ 10	3 hours
USW	5		CentCom	CTF 54	24 hours/ 1 hour	0/ 4	12 hours
Anti-mining	as directed						
ISR	3		CentCom	CTF 54	24 hours/ 6 hours	0/ 0	as reqd
CSAR	7		CentCom	CTF 54	12 hours/ 4 hours	0/ 2	trans + 2 hours

NSW = naval special warfare; ASUW = antisurface warfare; USW = undersea warfare; ISR = intelligence, surveillance, and reconnaissance; CSAR = combat search and rescue; CTF = Commander Task Force

Whatever command and control arrangements it ultimately makes, the submarine force should consider training for the staffs of the commands that will exercise operational and, if appropriate, tactical control over SSGNs. Submarine operations are too often a mystery outside the “silent service”: “Invariably, attempts to employ submarines by commanders not familiar with their capabilities and limitations are severely limited in their effectiveness by paradigms that fit surface and air assets.”⁴⁰

There are at least two reasons to consider staff training specifically for the SSGN. First, the mission matrix or any similar solution to the SSGN command and control problem will surely be uncharted territory for commanders and staffs. Second, the core staffs of the Standing Joint Force Headquarters being stood up in Central Command will likely be dealing with cruise-missile submarines. A biannual training “road trip” through these headquarters—an exercise in “operational evangelism”—would pay dividends in the proper employment of this unfamiliar asset. In any case, these staffs create and maintain operational and concept plans for their combatant commander; such training would help ensure that they factor submarines into that planning.

Our response involves far more than instant retaliation and isolated strikes. Americans should not expect one battle, but a lengthy campaign, unlike any other we have ever seen. It may include dramatic strikes, visible on TV, and covert operations, secret even in success. . . . From this day forward, any nation that continues to harbor or support terrorism will be regarded by the United States as a hostile regime.

PRESIDENT GEORGE W. BUSH, 20 SEPTEMBER 2001

The full potential of the SSGN cannot be fulfilled until Navy and joint leaders decide how to solve the problem of simultaneous operational control. This is precisely the kind of doctrinal transformation that will maximize the combat power available to the president and regional combatant commanders, particularly in the early, high-risk stages of conflict. Even as the nation shifts from the two-major-theater-war force structure, deployed forces ready to exercise asymmetric capabilities may be enough to deter. If deterrence fails, such hypertactical platforms could prepare the battle space for follow-on forces. The SSGN will be, for the foreseeable future, the nation's only asset that can deliver significant and immediate deep strikes without relying upon (and having to refuel) land-based aircraft—thus the urgency of solving the multiple and simultaneous OpCon problem.

The mission matrix, with its underlying concept as outlined here, is a possible solution, one requiring minimal change to joint doctrine. Adopting, as much as possible, existing command and control methods minimizes the burden of new tactics, techniques, and procedures. Once the naval and joint staffs put some such tool in place, operational evangelism by the submarine force can bring battle staffs up to speed with the new procedures and the capabilities and limitations of the SSGN itself. Completing these steps prior to the first cruise-missile submarine deployment will make its success all the more certain and conspicuous, a new chapter in the submarine force's long tradition of transformation.

NOTES

The SSGN images are U.S. Navy artists' concepts. The dry-deck shelter is visible behind the sail in each image.

1. Commander, Fleet Forces Command, *SSGN Concept of Operations*, draft version 0.3 (Washington, D.C.: n.d.), p. 2.
2. See, for a general introduction, www.globalsecurity.org/military/ops/sea-swap.htm.
3. A prominent example is Norman Polmar. Mr. Polmar received a request from the late

Admiral Jeremy M. Boorda (Chief of Naval Operations 1994–96) for an opinion on the idea of a submerged arsenal ship, the surface arsenal-ship program, Admiral Boorda's brainchild, having been canceled (Norman Polmar, "The Submarine Arsenal Ship," *Submarine Review* [January 1997], pp. 7–9). Mr. Polmar replied in a letter advocating adding a hull section to 688-class submarines rather than converting Tridents, citing higher costs for the latter. His relative cost estimate turned

out to be inaccurate, but Mr. Polmar cannot be blamed, because the non-START-accountable method would have been prohibitively expensive. Mr. Polmar later wrote another article opposing the SSGN ("Submarine for All Seasons?" U.S. Naval Institute *Proceedings* [August 1999], pp. 87–88). One of his arguments this time was that only four SSGNs would not provide a presence on which combatant commanders could rely. For some reason, he did not consider the obvious solution of operating the SSGNs with two crews, like SSBNs. He also cited concerns about the boat's ability to remain stealthy in the intense communication environment of strike operations. While this would be a concern for any submarine, the solution is simply to move to a location where counterdetection either will not occur or would be of no concern. His other arguments, such as that the Trident's size would make littoral operations more challenging, are not compelling.

4. James H. Patton, Jr., "Make the SSGN Truly Transformational," U.S. Naval Institute *Proceedings* (August 2002), pp. 65–67.
5. Secretary of Defense, *Annual Report to the President and Congress* (Washington, D.C.: 14 May 2003), p. 9, and *Quadrennial Defense Review Report* (Washington, D.C.: 30 September 2001), p. 30.
6. National Defense Panel, *Transforming Defense: National Security in the 21st Century* (Washington, D.C.: Department of Defense, December 1997), p. 49.
7. Secretary of Defense, *Defense Reform Initiative Report* (Washington, D.C.: November 1997).
8. For the genesis of the departure, see the 2001 *Quadrennial Defense Review Report*, p. 17. For an explanation of why the Defense Department made the change and of its application to transformation, see Senate Armed Services Committee, prepared statement by Deputy Secretary of Defense Paul Wolfowitz for hearing on military transformation, 107th Cong., 2d sess., 9 April 2002, available at www.defenselink.mil/speeches/2002/s20020409-depsecdef2.html.
9. W. J. Holland [RAdm., USN (Ret.)], "Submarines in Transformation," *Submarine Review* (April 2004), pp. 39–45.
10. President George W. Bush, "Remarks by the President to the Troops and Personnel," Naval Air Station Norfolk, Virginia, 13 February 2001, available at www.whitehouse.gov/news/releases/2001/02/20010213-1.html. While President Bush made transformation one of his administration's main priorities, the effort had begun shortly after the Cold War, as an offshoot of the "revolution in military affairs" and a derivative Defense Reform Initiative.
11. Dr. Stephen A. Cambone, Under Secretary of Defense for Intelligence, "Transformation of the Submarine Community," speech at the 103d Anniversary of the Submarine Force, 26 April 2003, Washington, D.C., available at www.defenselink.mil/news/May2003/b05092003_bt314-03.html.
12. For an assessment of the innovativeness of the U.S. submarine force in those years, see Owen R. Cote, Jr., *The Third Battle: Innovation in the U.S. Navy's Silent Cold War Struggle with Soviet Submarines*, Newport Paper 16 (Newport, R.I.: Naval War College Press, 2003), available at www.nwc.navy.mil/press/npapers/np16/NewportPaper16.pdf.
13. Holland, "Submarines in Transformation," p. 43.
14. Secretary of Defense, *Military Transformation: A Strategic Approach* (Washington, D.C.: Fall 2003), p. 9.
15. Lisa Toshinsky, "Navy Gets Foot into Transformation through Fiscal 2003 Budget," *Navy News & Undersea Technology*, 4 February 2002, p. 1.
16. Robert Aronson [Cdr., USN], "SSGN: A 'Second Career' for the Boomer Force," *Undersea Warfare* 2 (Winter 1999), p. 2, and "SSGN: A Transformational Force for the U.S. Navy," *Undersea Warfare* 4 (Fall 2001), p. 1.
17. Secretary of Defense, *Military Transformation*, p. 8. There is actually, of course, a third category of transformation—the continuous, small, incremental improvements to existing core missions. This type of transformation can undoubtedly be expected as a result of the SSGN.
18. Secretary of Defense, *Transformation Planning Guidance* (Washington, D.C.: April 2003), p. 17.
19. Commander, Fleet Forces Command, *SSGN Concept of Operations*, p. 9.

20. Chairman of the Joint Chiefs of Staff, *Joint Vision 2020* (Washington, D.C.: U.S. Government Printing Office, June 2000), p. 10.
21. *Ibid.*, 32 [emphasis supplied].
22. Commander Second Fleet message, subject "ConOps Development in Support of Sea Strike and Sea Basing," date-time group ComSecondFlt 191531Z Apr 04.
23. Cdr. Steven A. Dreiss, "RE: Scene Setter," e-mail to the author, 24 May 2004. The working groups are Maintenance and Modernization, headed by Commander Naval Submarine Force N4, looking at issues surrounding overseas crew turnovers (during crew voyage repair periods) and of maintaining the ship in a modified Trident maintenance plan; Training and Certification (N7), training/certification for crews during their off-periods to enable the crews to report overseas ready for strike/special-operations missions and with some proficiency in other areas; Concept of Operations (N3), working with Second Fleet to flesh out what fleets can expect to get, or should ask for, from SSGNs under their operational control; and Experimentation (N8), examining other potential payloads and equipment to expand the SSGN's capabilities.
24. Ryan Peugh, "SSGN Concept Paper Tasks (Rev 1)," e-mail to the author et al., 21 May 2004. SPA has three tasks.
 - Task 1: To examine SSGN-SOF Strike Group command and control arrangements, to include potential operational-control and tactical-command arrangements between StratCom, joint task force commanders, expeditionary strike forces, and joint force maritime, land, and air component commanders. To investigate challenges arising from these multiple command relations and propose new doctrine changes or command relationships to address them.
 - Task 2: To examine theater and strategic roles and missions for the SSGN-SOF Strike Group and their impact on C2 relationships.
 - Task 3: To develop a white paper report.
25. Brad Kratovil [Capt., USN (Ret.)], "SSGN Command and Control," Sea Trial Information Management System (database), 23 December 2003.
26. *Ibid.*, in the "Purpose" block of the form.
27. None of the events in this scenario are factual or intended to reveal actual tactics, techniques, or procedures the submarine force employs in the Global War on Terror. The personal names are fictional, and capabilities represented come from unclassified sources. The scenario, while fictional, is intended to convey the command and control challenges an SSGN might actually face.
28. David Nagle [Chief Journalist (JOC), USN], "Charting the Course of the Future Navy: Giant Shadow Showcases Potential Future Capabilities," *Undersea Warfare* 5 (Spring 2003), p. 3.
29. See Joint Chiefs of Staff, *Unified Action Armed Forces [UNAAF]*, Joint Publication 0-2 (Washington, D.C.: 10 July 2001), available at www.dtic.mil/doctrine/jel/new_pubs/jp1_02.pdf, for definitions of "combatant command," "supported commander," and "supporting commander."
30. House and Senate Armed Services Committees, *FY 2005 Defense Budget Testimony*, prepared statement by Secretary of Defense Donald Rumsfeld, 108th Cong., 2d sess., 4 February 2004.
31. *UNAAF*, p. V-1.
32. William R. Merz [Cdr., USN], "The Submerged Battle Group: A Synergistic Capability for the Joint Operational Commander," *Submarine Review* (January 2004), pp. 18–35.
33. The significance of the SSGN mission (especially in comparison to that of *Ticonderoga*-class cruisers) may in itself warrant major-command status; consort operations, if frequent, reinforce the notion.
34. The three most relevant joint publications are: *UNAAF*; Joint Chiefs of Staff, *Doctrine for Joint Operations*, Joint Pub 3-0 (Washington, D.C.: 10 September 2001); and Joint Chiefs of Staff, *Joint Warfare of the Armed Forces of the United States*, Joint Pub 1 (Washington, D.C.: 14 November 2000).
35. *UNAAF*, p. I-6.
36. *Ibid.*, p. III-1.
37. The author interprets "operational fires" to include those applied not only outside the factor space of the JOA but any applied outside any factor from the main combat action

(see Milan N. Vego, *Operational Warfare* [Newport, R.I.: Naval War College, Joint Military Operations Department, 2000], pp. 239–40). Thus fires that are designed to achieve a decisive impact on the outcome of a campaign or major operation and that use forces other than those of the main action or fires executed in the battlespace preparation period can be considered “operational.”

38. This is generally done by changing a field in the submarine’s SubNote, a formatted message that limits the waterspace in which a submarine may operate.

39. The single dissenter believed the combatant commanders would never be able to overcome the “turf issues” arising from sharing OpCon.

40. Merz, “The Submerged Battle Group.”

THE IRANIAN NUCLEAR ISSUE AND INFORMAL NETWORKS

Abbas William Samii

Iran's policies," secretary of state-designate Condoleezza Rice said during her January 2005 confirmation hearing, "are about 180 degrees antithetical to our own interests at this point." Rice mentioned Iran's nuclear pursuits as a specific area of concern. Arguably, trying to bomb Iran into a stance more in line with our own will not work, and Tehran has repeatedly refused to enter into direct public negotiations with Washington on this or other subjects. Iranian officials have traditionally said that they require a nuclear capacity because the country's oil resources are finite. They insist that they want to use nuclear energy for elec-

tricity generation to maximize oil exports and increase hard currency earnings. An additional issue is national pride—some Iranian commentators declare that nuclear power is a right. The country has developed its nuclear capabilities independently, they argue, and Western (and specifically American) concerns about the issue mask an effort to delay Iran's development. Washington believes Iran is pursuing a nuclear weapons capability as well; Iranian officials deny this vehemently. In any case, the ultimate objective of Iranian nuclear pursuits—weapons or energy—is not the focus of this article. The assumption here is that possession of any nuclear capability by Iran is undesirable.

This article offers social network analysis as a potential solution to the problem of a nuclear Iran. Political scientists use this methodology to understand

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relationships between individuals and organizations; it has been applied in the business world and in counterterrorism to identify key actors and predict their future actions and positions. Use of this methodology by the U.S. Army—creating “link diagrams” of blood and tribal relations—resulted in the capture of former Iraqi president Saddam Hussein.¹

There exists in Iran a set of informal networks that are in important ways more influential than the formal policy-making structure. This system of networks includes quasi-official and state-affiliated institutions that are not legally identified but answer only to the country’s Supreme Leader, Ayatollah Ali Khamenei. Less structured networks in Iran are based on religious status and education, political affiliation, kinship, military service, and wealth. This article represents an effort to identify these networks, examines the factors that hold them together, and briefly discusses, for contextual reasons, their historical backgrounds.²

The ability of informal networks to influence Iran’s apparently small and restricted nuclear policy elite is unclear. However, the dangers of a nuclear Iran would be too great to ignore or dismiss this approach. This article therefore highlights members of the country’s policy elite and their positions on the nuclear issue in the hope that this knowledge may provide a means by which the United States can persuade Iran to change its seemingly intractable stance. Short of that ideal, analysis of social networks sheds light on how outsiders can get information about, understand, and influence Iranian politics.

INFORMAL NETWORKS IN IRAN

Personal networks tend to bypass formal institutions when a country’s bureaucracies are weak or undeveloped, or when professional advancement depends on personal connections more than competence. In such an environment the networks provide mutual support, strengthen one’s ability to respond to threats, reduce risk to the individual, and serve as communications mechanisms. The negative aspects of such networks include the fostering of conflicting loyalties, resistance to change, and the development of group thinking.

Identification of the actors (“nodes”) and the relationships between them (“links”) in current Iranian networks is difficult, because Western entree to Iran is restricted and work by Iranian scholars on this subject is limited. The modernization efforts of Shah Mohammad Reza Pahlavi (1941–79) provided observers with much better access. During that period, furthermore, the administrative system was more vertical than it is now; this made identification and analysis of communication patterns slightly easier. Nevertheless, many of the observations about interpersonal and intragovernmental activities during the Pahlavi era continue to hold true.

A Western scholar who assisted in the establishment of the Institute of Administrative Affairs at the University of Tehran wrote in 1959, “[Iranians] are widely known for their friendliness and hospitality, but a vicious competition exists in many interpersonal relationships and is especially noticeable in the public service. A highly centralized, complex government bureaucracy serves a loose, individualistic society. And, although centralization is often extreme, co-

The role of ideology in any policy debate is unpredictable. This uncertainty goes some way toward explaining the seeming irrationality of the Iranian government’s actions.

ordination is rare.”³ Officials did not feel secure in their jobs, so they circumvented normal government procedures. “Family and personal influence have come to be so important that there is a

common feeling that nothing can be accomplished through regular channels.”⁴ Indeed, the regular administrative channels tended to be slow and cumbersome.

Given the weaknesses of the formal apparatus, it was natural that Iranians found informal means to get things done. One of them was the *dowreh* (circle), an institution in which upper- and middle-class Iranians met to discuss and act on issues of common interest.⁵ A *dowreh* usually met once a week, but politically active Iranians sometimes belonged to three or four of them. Each one was limited to between twelve and sixteen people, but shared memberships meant that information would spread more broadly. It could be an effective way to communicate in a country with weak news media: “If required, political opinions or gossip can be transmitted from a Shimran [northern Tehran] *dowreh* to the mosques, caravansaries, workshops, and teahouses in the remotest corners of the South Tehran bazaar within hours and to the other cities of Iran or countries outside of Iran within a day or two.”⁶

The *dowreh* system was not confined to the middle and upper classes. A *dowreh* network encompassing *bazaar*, *maktab* (religious school), *zurkhaneh* (a traditional “house of strength,” in which athletes lift weighted clubs and other apparatus and perform choreographed movements to the accompaniment of drums and poetic chanting), *hozeh-yi elmieh* (religious lecture hall), and similar institutions also existed. Individuals who passed information from one *dowreh* to another would gain a degree of influence that might be disproportionate to their official status.

One longtime Western scholar of Iran who has done extensive work on informal networks referred (at a time when Iran was still a monarchy) to a system “multi-layered and honey-combed with complex networks of informal groups.”⁷ This system included “secret societies, religious brotherhoods, political cliques, coffee and tea house meetings, royal *khalvats*, ritualistic religious

dastes, meetings of extended families, government *anjoman*, and bureaucratic factions and *fraktions*.” The king was the center of numerous informal networks and surrounded himself with confidants who served as channels of access.⁸ These confidants could be military officers, cabinet members, family members, or old friends; they, in turn, had their own networks. Indeed, one of the reasons why studying these networks is difficult is that—now, as well as in the days of the shah—“in the politics of informality, those individuals who are most hidden from the public eye tend to be the most effective carriers of demands and information.”⁹

Decision making under the monarchy had fewer democratic pretensions than its current counterpart. The king presided over meetings that dealt with a range of subjects, from defense policy to oil prices to wages for textile workers. Because he did not trust his subordinates and sought to protect his throne, he had a highly centralized and unintegrated administrative hierarchy.¹⁰

Institutionalized Informality

One man, Ayatollah Ruhollah Khomeini, dominated the governmental apparatus that succeeded the monarchy. He and his followers purged potentially disloyal officials and military officers, then created competing bureaucracies. Khomeini served as the ultimate arbiter when political disputes were insurmountable. An eight-year war with Iraq and the subsequent rebuilding of the country in the 1990s emphasized the need to create more streamlined and efficient decision-making and policy-implementing institutions. Although bureaucratization and further institutionalization did occur, the competition and rivalries continued. Furthermore, Khomeini’s successor as Supreme Leader, Ayatollah Ali Khamenei, does not have the same revolutionary or religious credibility and would therefore find it more difficult to settle such disputes. Accordingly, Khamenei bypasses normal bureaucratic means of transmitting information by means of a system of special advisers and “Leader’s Representatives” radiating from the Office of the Supreme Leader.¹¹

The Office of the Supreme Leader, headed by Hojatoleslam Mohammad Mohammadi-Golpayegani, has a number of special advisers. They include the former secretary of the Supreme National Security Council, Hojatoleslam Hassan Rohani (who was succeeded by Ali Larijani, a previous Supreme Leader’s Representative on the council); former foreign minister Ali-Akbar Velayati, now an international affairs adviser; and former speakers of Parliament Hojatoleslam Ali-Akbar Nateq-Nuri and Hojatoleslam Mehdi Karrubi. Roughly six hundred people are connected in this way with or are employed by the Office of the Supreme Leader.

A Leader's Representative is assigned to each governmental ministry, of which there are twenty-one, as well as to all military and security institutions. These individuals effectively serve as "clerical commissars," and although their function is not specified in the constitution, they were at one point more powerful than ministers and other officials, intervening wherever they wanted.¹² The heads of the parastatal foundations (described below), many of which are significant economic entities, are also Leader's Representatives. Finally, each of the country's provinces has an appointed Supreme Leader's Representative, as well as a governor-general appointed by the Interior Ministry.

One of the means by which leadership views are conveyed informally to the country's clerics, and from them to the population at large, is the Friday Prayer sermon.¹³ The Friday Prayer leader in Tehran is the Supreme Leader himself; his substitutes include the Expediency Council chairman and another member of the council, the Assembly of Experts speaker (who preaches in Qom), and the Guardians Council secretary (all of these governmental bodies are discussed below). Most members of the Central Council of Friday Prayer Leaders, which meets annually, are appointed by the Office of the Supreme Leader. The content of the weekly sermon is determined in Tehran by the ten-member executive board of the Central Secretariat of the Central Council of Friday Prayer Leaders. There is some latitude for local variations but not for broad departures from the central directives. The Tehran and Qom sermons are transmitted by state radio and television, Islamic Republic of Iran Broadcasting (IRIB, also known as the Voice and Vision of the Islamic Republic).

Two other types of entities—foundations and think tanks—also function in this system of quasi-official networks. The foundations (*bonyad*, in Persian) started out as Islamic charities that took over assets confiscated from wealthy Iranians and the Pahlavi Foundation after the revolution.¹⁴ Today they reportedly account for 10–20 percent of gross domestic product and have built up domestic constituencies by providing housing, hospitals, and other services for the poor. The head of each foundation, as we have seen, is also the Supreme Leader's Representative to that institution.

The biggest of these entities is the Oppressed and Disabled Foundation (*Bonyad-i Mostazafan va Janbazan*), which reportedly has assets worth more than ten billion dollars.¹⁵ It owns hotels, a shipping line, petrochemical producers, and a great deal of real estate. The head of the Oppressed and Disabled Foundation until 1999 was Mohsen Rafiqdust, who had served as Ayatollah Khomeini's bodyguard and then directed the Revolutionary Guards Ministry (which existed from 1982 until 1989). He currently heads the Noor Foundation, which imports pharmaceuticals, sugar, and construction materials and owns real estate.¹⁶ He also serves on the Expediency Council.

The present leader of the Oppressed and Disabled Foundation is Mohammad Foruzandeh. Born in 1953, Foruzandeh studied at Tehran Teachers' Training College until his expulsion for antiregime activities. After the Islamic Revolution, he served as governor-general of Khuzestan Province. In 1986, Foruzandeh served as chief of staff of the Islamic Revolutionary Guards Corps (IRGC), a military created in parallel to the regular armed forces, and in 1993 he was appointed defense minister by then-president Ali-Akbar Hashemi-Rafsanjani.

The Imam Reza Shrine Foundation (*Astan-i Qods-i Razavi*), based in the northeastern city of Mashhad, also is noteworthy.¹⁷ Over the last twenty-five years the foundation's focus has shifted from the pilgrimage traffic to auto plants, agricultural businesses, and many other enterprises. It is worth an estimated fifteen billion dollars. The head of the foundation, Ayatollah Abbas Vaez-Tabasi, is a member of the Expediency Council and the Assembly of Experts.

In contrast, the role of think tanks in the system of quasi-official networks appears to be a fairly minor one. They can provide employment for an individual's clients, get patrons' ideas into the public arena, and conduct research on important policy issues. One such think tank is the Center for Strategic Research, which was subordinate to the Office of the President and is now the research arm of the Expediency Council; another is the Iranian Institute for Political and International Studies (IPIS), which is part of the Foreign Ministry. A think tank's ability to influence policy is based on its connection with a powerful individual, but such influence appears to be wielded only intermittently. For example, Hashemi-Rafsanjani's advocacy of a public referendum on Iran-U.S. relations in the quarterly journal of the Center for Strategic Research prompted a reaction by President Khatami and intense discussion by the media.¹⁸ The political stir, however, had more to do with Hashemi's comments than with the institution responsible for the journal. Other publications from the Center for Strategic Research have not elicited such reactions.

Traditional Bases of Networks

Aside from the quasi-official links discussed above, personal networks in Iran are based on several factors—religious status and education, political affiliation, kinship, military service, and wealth. As will be seen below, it is difficult to distinguish one factor from another or to specify which factor is dominant in a network.

There is no precise figure on the number of clerics in Iran. Fifteen years ago, estimates ranged from ninety thousand (from media observers), to two hundred thousand (from Iranian clerics themselves), to three hundred thousand (from European sources).¹⁹ Another fifty or sixty thousand Iranians had some religious

training. There were about forty thousand theology students at Iranian seminaries. There also were some sixty thousand people with no formal training or qualifications who acted as urban preachers, rural prayer leaders, and procession organizers. Reportedly, thousands continue to receive training at religious institutions in Isfahan, Tehran, and other cities.²⁰ In particular, theologically inclined individuals train in the major Shia cities of Qom and Mashhad, where they have gone on to work. There are almost sixty seminaries in Qom, the most prominent of which are Fayzieh, Dar ul-Shafa, Hojjatieh, Sayteh, and Golpayegani. Mashhad is the site of the tomb of Imam Reza (AD 765–817 or 766–818) and some twenty seminaries, including Khairat Khan, Mirza Jafar, and Navvah. There are also seminaries in Isfahan, Shiraz, Tabriz, Tehran, and Yazd. Other major Shia centers are in the Iraqi cities of Najaf and Karbala and in the Baghdad neighborhood of Khazimiyah.

The shared educational experience of Shia clerics inculcates them with tactics for management and political survival.²¹ These include *razdari* (secrecy, meaning specifically that a clergyman should not reveal true information about the inner workings of the clergy) and *taqiyeh* (dissimulation, which justifies a cleric in acting in any manner or saying anything necessary to mislead strangers about his own true beliefs or intentions). Also important is the Islamic principle of *maslehat*—acting for the common or social good, or doing something because it is expedient given the current circumstances.

The system of networks produced by this common professional and educational background, combined with the postrevolutionary politicization of the Qom theological institutions, is a convoluted one. One finds right-wing clerics

connected with the Qom Theological Lecturers Association (Jameh-yi Mudarissin-i Hozeh-yi Elmieh-yi Qom) and leftist ones connected with the Qom Theological Seminaries (Hozeh-yi Elmieh-yi Qom).²² The Society of

The number of individuals who have an official role in national-security decision making is limited, and nuclear policy is probably restricted to an even smaller group.

Islamic Scholars of Qom (Majma-yi Talab va Fuzalla-yi Qom), established before the Islamic Revolution as a sort of trade union to support clerics financially, became politicized and now is linked with the Islamic Iran Developers Coalition (Etelaf-i Abadgaran-i Iran-i Islami), which dominates the legislature. The parliamentary representative from Qom, Hojatoleslam Ali Banai, heads this entity. Less powerful are the reformist clerical bodies—the Society of Teachers and Reformers of the Qom Islamic Theological Center (Majma-yi Mudarissin va Mohaqeqin-i Hozeh-yi Elmieh-yi Qom) and the Society of the Islamic Students Following the Line of the Imam (Majma-yi Talab-i Khat-i Imam).

The case of the Haqqani religious school illustrates how a network based on religious connections operates. Haqqani lecturers are associated with other seminaries, religious research institutions, and publishing houses; Haqqani alumni are active in the judiciary, the IRGC, and until a few years ago in the Ministry of Intelligence and Security (MOIS).²³ The MOIS was allegedly purged of such individuals amid allegations that they had become rogue elements responsible for the murders of dissidents and intellectuals.²⁴ The former MOIS personnel went on to create what are referred to as “parallel” intelligence and security institutions, some within government organizations and others without state affiliations.²⁵ A parliamentarian has claimed that the people purged from the MOIS continued and expanded their activities in such cells: “The intelligence apparatus of one of these organs in Tehran has three times the number of personnel that the MOIS has throughout the country.”²⁶

The Haqqani seminary network is involved in the administration of Mahmud Ahmadinejad, who won the Iranian presidential election in June 2005. Ayatollah Mohammad Taqi Mesbah-Yazdi, a prominent hard-line cleric who served on the seminary’s board of directors and is still associated with it, endorsed Ahmadinejad’s candidacy.²⁷ Grand Ayatollah Haeri-Shirazi, the Supreme Leader’s Representative in Fars Province, has said that some of Ahmadinejad’s supporters were his students at the Haqqani seminary.²⁸ Two Haqqani alumni serve in Ahmadinejad’s cabinet—Hojatoleslam Gholam Hussein Mohseni-Ejei as Minister of Intelligence and Security, and Hojatoleslam Mustafa Purmohammadi as Minister of the Interior.

Many politically active clerics are linked through membership in either of two of the country’s main political entities, the older and more conservative Tehran Militant Clergy Association (*Jameh-yi Ruhaniyat-i Mobarez-i Tehran*) and the pro-reform Militant Clerics Association (*Majma-yi Ruhaniyun-i Mobarez*), which emerged in 1988.²⁹

Top clerics come from similar family backgrounds.³⁰ In some cases the kinship links are fairly straightforward. The sons of the prominent apolitical cleric Ayatollah Mirza Hashem Amoli, who are known by the surname “Larijani,” are a case in point.³¹ Currently, Ali Ardeshir-Larijani is secretary of the Supreme National Security Council, Mohammad Javad Ardeshir-Larijani is an adviser to the judiciary chief, and Hojatoleslam Sadeq Ardeshir-Larijani serves on the Guardians Council. Positions held by the brothers in the past include head of state radio and television, Islamic culture and guidance minister, political officer in the Revolutionary Guards Ministry, deputy foreign minister, parliamentarian, founder of the parliamentary research center, adviser to the Supreme Leader, and presidential adviser.

In other cases the family connections seem counterintuitive. Ayatollah Yusef Jannati-Sanei and Ayatollah Hassan Jannati-Sanei are brothers, but they are at opposite ends of the political spectrum. Hassan heads the Fifteenth of Khordad Foundation, which is offering a multimillion-dollar bounty for the head of British author Salman Rushdie, whose *Satanic Verses* allegedly insults the prophet Mohammad. Hassan also serves on the Expediency Council. Yusef, on the other hand, one of the country's most respected clerics, is fairly apolitical, although he has spoken out against the house arrest in 1997 of the dissident Ayatollah Hussein Ali Montazeri and other hard-line excesses.³²

Another set of brothers further illustrates this point. Hojatoleslam Mohammad Mojtabeh-Shabestari is a theology professor at Tehran University who has spoken against religious conservatism and advocates women's rights, while Ayatollah Mohsen Mojtabeh-Shabestari is a Tabriz Friday Prayer leader, a member of the Assembly of Experts, and formerly a conservative parliamentarian representing Tabriz. The third brother, Ali Ashraf Mojtabeh-Shabestari, served as ambassador to Tajikistan, ambassador and assistant to the Permanent Representative Office of Iran at the Geneva office of the United Nations, head of the Foreign Ministry's Finance Department, and head of the Center for Political Studies' International Department.³³

A common military or revolutionary experience also can serve as the basis for a network. Many members of the Islamic Iran Developers Coalition (Etelaf-i Abadgaran-i Iran-i Islami), which dominated the municipal council elections in February 2003 and parliamentary polls in February 2004, once served in the IRGC and now allegedly maintain their contacts with the corps.³⁴ Ten of the top thirty finishers in the race for parliamentary seats representing the capital city served in the Iran-Iraq War (1980–88).³⁵ They include Imad Afrugh, Davud Danesh-Jafari, Hussein Fadaei, Zaynab Kadkhoda, Hamid Reza Katouzian, Mehdi Kuchakzadeh, Hussein Muzaffar, Seyyed Ali Riaz, Parviz Soruri, and Ali Reza Zakani. Eleven of the top thirty were involved with Syrian, Lebanese, or Palestinian revolutionary activities, were imprisoned by the previous regime, or were otherwise involved in opposition activities. This group includes Gholam Ali Haddad-Adel, Ahmad Tavakoli, Seyyed Mehdi Tabatabai-Shirazi, Muzaffar, Afrugh, Danesh-Jafari, Seyyed Fazlollah Musavi, Hussein Nejabat, Hussein Sheikholeslam, Hojatoleslam Abbas Ali Akhtari, and Fadaei. One reformist newspaper estimates that some ninety members of parliament have a "background in revolutionary and military institutions," although this is rather vague.³⁶

Mahmud Ahmadinejad, who won the Iranian presidential election in June 2005, has a similar background and appears to have benefited from the resulting connections. Ahmadinejad served in the IRGC in the 1980s and subsequently served in provincial government positions. But he was a relative unknown until

April–May 2003, when the Tehran municipal council selected him as the capital’s mayor. His relationship with the Islamic Iran Developers Coalition is not clear (he has been described as a founding member), but he acknowledges being a leading member of another party that includes many war veterans—the Islamic Revolution Devotees Society (Jamiyat-i Isargaran-i Inqilab-i Islami). Five of his cabinet members served in the IRGC, and several others are veterans.

Such connections are not restricted to conservative political figures. Prominent reformists, including Mohsen Armin and other founders of the Mujahedin of the Islamic Revolution Organization, served in the IRGC, as have the Solidarity Party’s Ebrahim Asgharzadeh, investigative journalist Akbar Ganji, legislator Hamid-Reza Jalaipur, and dissident journalist Mohsen Sazegara.³⁷

Money, a source of power and influence, is another factor that connects individuals. Iran’s fairly large “underground economy,” which consists of both legal and illegal activities, represents the “symbiotic relationship between the ruling theocratic oligarchs and their business supporters in the bazaar.”³⁸ Participants in this relationship include state-sponsored enterprises, the foundations described above, credit markets in the bazaar, the religious shrines, banklike entities and credit unions, and major clerics through their private finances.

The business connections and related wealth—some billion dollars—of Ayatollah Ali-Akbar Hashemi-Rafsanjani’s family offer a good example.³⁹ Hashemi-Rafsanjani was born to a pistachio-farming family in the village of Bahraman; he became close to Ayatollah Khomeini while studying in Qom. After the revolution he served in the legislative and executive branches. One of

Given the weaknesses of the formal apparatus, it was natural that Iranians found informal means to get things done.

Hashemi-Rafsanjani’s sons now heads the Tehran subway project, worth two billion dollars, and another runs a horse farm in a wealthy Tehran neighborhood. A

cousin is managing director of the Rafsanjan Pistachio Growers Cooperative, and an older brother once ran the country’s largest copper mine. Mohsen Rafiqdust, head formerly of the Oppressed and Disabled Foundation and currently of the Noor Foundation, is related to Hashemi-Rafsanjani by marriage. The family also runs an airline and is involved in auto making.

The *aqazadeh* phenomenon represents the nexus of networks based on kinship and wealth. An *aqazadeh* is one “born to” (*-zadeh*) a cleric (*aqā*), and in Iran it is a colloquialism for officials’ family members. These individuals take advantage of their family connections to conduct speculative business ventures. According to the judge in a high-profile corruption case in 2002, the Iranian judiciary “had opened an investigation into the illegal activities of the progenies and relatives of certain officials” in February 2000; the head of the State Audit

Office said in 2002 that the courts were investigating more than sixty cases involving the *aqazadehs*.⁴⁰ He added, “These individuals took advantage of their fathers’ status to commit some transgressions.”

Possibly because of their high-level connections and access to money, some individuals implicated in corruption cases emerge relatively unscathed. In one case, an accomplice of Morteza Rafiqdust (brother of Mohsen Rafiqdust), Fazel Khodadad, was found guilty of misappropriating several billion rials and executed while Rafiqdust escaped with a life sentence. A parliamentary investigation in 2001 found that Rafiqdust was being allowed to leave the prison. In another case, Nasser Vaez-Tabasi (son of Ayatollah Vaez-Tabasi) ran the Sarakhs Free Trade Zone until arrested in July 2001 for selling shares in a state-owned enterprise.⁴¹ Immediately released on bail, he and his codefendants were acquitted in March 2003 on the grounds that they had been ignorant of the law.⁴²

The role of money and wealth in shaping Iranian networks brings this aspect of the discussion full circle and raises an important question. Is a network’s focus the pursuit of wealth, the pursuit of power for its own sake, or the fulfillment of loftier goals? This might be a generational issue—that is, individuals with many years’ experience in opposition to the monarchy may have one set of motivations, while much younger individuals, without the same formative background, seek nothing more than self-enrichment and instant gratification. Individuals within a network could, therefore, have different motivations for working together. Falling between these two extremes are the now-middle-aged Iranians whose formative experience was the Iran-Iraq War. Those whom that experience led to appreciate military discipline and order have come to reject the inefficiency and mismanagement of existing state institutions and to yearn for the cohesiveness and unity that existed during the war. They want Iran to have a sound economy, to be a regional, if not global, leader.

IRAN’S NUCLEAR AMBITIONS

The Iranian desire for a nuclear capability is not a recent development. The shah signed a nuclear cooperation agreement with the United States in 1957; he sent students overseas for training, and advisers from the United States, United Kingdom, and India came to Iran.⁴³ The civilian and military programs were shelved after the 1979 revolution, but the civilian program had been revived by 1984 and the military program by 1987.⁴⁴

Tehran currently makes no secret of its pursuit of a nuclear capability, but it denies that it seeks nuclear weapons. Washington believes otherwise.⁴⁵ According to the Central Intelligence Agency, Iran has a clandestine nuclear weapons program. The Defense Intelligence Agency’s director declared in early 2005 that

Iran is devoting “significant resources to its weapons of mass destruction and ballistic missile programs.” He predicted, “Tehran probably will have the ability to produce nuclear weapons early in the next decade.”

These concerns are not peculiar to the United States. Russia’s Foreign Intelligence Service, as well as independent Russian experts, has voiced suspicions about the Iranian nuclear program.⁴⁶ Indeed, growing skepticism in Moscow may explain Russian foot-dragging in completion of the nuclear facility in Bushehr. Israel too worries about Iranian pursuits. Prime Minister Ariel Sharon reportedly told President George W. Bush in April 2005 that Iran is nearing “a point of no return” in learning how to develop a nuclear weapon.⁴⁷

There are many reasons why Iran would want such a capability. Nuclear weapons would make Iran the dominant regional military power, thereby fulfilling what it sees as its destiny. Some of Iran’s neighbors—India, Israel, Pakistan, and Russia—already have nuclear weapons, and Iran may want the same capability for reasons of prestige and of deterrence. International isolation during the Iran-Iraq War taught Iranian leaders the value of self-sufficiency, a factor they often cite when discussing their military industries. In fact, and as will be seen in some officials’ statements below, lessons from the eight-year war may be the dominant factor in Iran’s decision to pursue nuclear weapons.

Key Players in Iranian Nuclear Policy

The number of individuals who have an official role in national-security decision making is limited, and nuclear policy is probably restricted to an even smaller group. As one Western scholar notes:

Some scholars and observers of Iranian politics dismiss . . . evidence that Iran has embarked on a full-fledged nuclear weapons program. It is curious that they should have confidence in making such an assessment, given that the secretive regime in Tehran is not likely to publicly broadcast a decision to acquire nuclear weapons. Such a decision would be tightly held in a small circle of regime insiders.⁴⁸

That “small circle” of decision makers, however, can be influenced from outside, because its members are actors within networks and the links between them. They are therefore susceptible to the public discussion of the nuclear issue. Initially, the Iranian press unquestioningly reported the government’s antinuclear stance and spoke out against “outside scrutiny of and meddling in what was deemed as Iran’s peaceful nuclear energy program.”⁴⁹ After Pakistan tested a nuclear weapon in late 1998, Iranians began to demand a similar capability. But the debate that appeared was more about policy options—to have or not to have—than about the possible existence of a nuclear weapons program.⁵⁰

Discussion of the issue had evolved by 2004 in light of the international community’s increasing concern over possible Iranian nuclear ambitions. Debate on

nuclear options in the overall context of the country's foreign policy became "more widespread and transparent," there was consideration of the costs and benefits of a weapons program, and after President Bush consigned Iran to the "axis of evil" in his 2002 State of the Union Address the nuclear option was viewed as a deterrent or a bargaining tool.⁵¹ Iranian commentary has generally

There exists in Iran a set of informal networks that are in important ways more influential than the formal policy-making structure.

been against developing a weapons capability, because this would have a negative impact on Iran's relations with its immediate neighbors, possibly lead to inter-

national sanctions, and serve as a pretext for greater U.S. involvement in the region.⁵² Consideration now is given to whether Iran should leave the Nuclear Non-Proliferation Treaty or adhere to the Additional Protocol of the NPT.

Formally and constitutionally, Iran's Supreme Leader, Ayatollah Ali Khamenei, is at the top of the foreign-policy and national-security structure, and he makes the final decisions. He is tasked with supervising the executive, legislative, and judicial branches of government (Article 57 of the constitution). His duties include making general policy for the country, in consultation with the Expediency Council, and supervising its execution (Article 110). Personnel appointments made by the Supreme Leader that affect security issues include the chief of the joint staff, the commander of the Islamic Revolutionary Guards Corps, and the supreme commanders of the conventional armed forces. He also has the power to mobilize or assume command of the armed forces and to declare war and peace. A 1989 revision of Article 110 allows the Supreme Leader to delegate duties and powers to another person.

Khamenei was appointed Supreme Leader of the Islamic Republic in June 1989 after the death of its founder, Ayatollah Ruhollah Khomeini. Born in Mashhad in 1939, Khamenei pursued religious studies briefly in Najaf before relocating in 1958 to Qom, where he studied with Khomeini and Ayatollah Mohammad Hussein Tabatabai Borujerdi, the source of emulation at the time. He was arrested several times in the 1960s and 1970s for his antiregime activities. Khamenei was appointed the Tehran Friday Prayer leader in 1980 and was elected to the legislature in the same year. He served as president, an elected position that is subordinate to the unelected supreme leader, from 1981 to 1989.

Today Khamenei is a vocal advocate of Iran's right to a nuclear capability, but he also proclaims opposition to nuclear and other weapons of mass destruction. Nuclear know-how, Khamenei said in March 2003, is different from a nuclear bomb:⁵³ "We are not interested in an atomic bomb. We are opposed to chemical weapons. . . . These things are against our principles." He said in October 2003, "We have repeatedly declared that we do not need nuclear weapons, because we

never believe that the possession of such weapons would provide the ground for the country's strength and authority."⁵⁴

Khamenei reportedly has issued a religious decree, or *fatwa*, against nuclear weapons. "We believe that the use of nuclear weapons is religiously forbidden," a Foreign Ministry spokesman said in September 2004;⁵⁵ "this is the leader's *fatwa*." A Supreme National Security Council official has explained, "The religious verdict of our leader is that using weapons of mass destruction is forbidden, is *haram* ['unlawful' in Islam]. . . . For Iranians, this verdict is much more important than the NPT."⁵⁶ Iran's permanent representative to the United Nations has used the same terminology. He has referred to "serious ideological restrictions against weapons of mass destruction, including a religious decree issued by Ayatollah Ali Khamenei, the leader of the Islamic Republic of Iran, prohibiting the development and use of nuclear weapons."⁵⁷

Regardless of such disavowals, Iran appears to be pursuing a nuclear weapons capability, and its dedication of the resources necessary for such an effort indicates that Khamenei has given it his stamp of approval. It was during Khamenei's presidency that the civilian and military aspects of the nuclear program were revived, and given his closeness with Ayatollah Khomeini at the time and his status as commander in chief of the armed forces, it is extremely unlikely that he was ignorant of this program. In light of Khamenei's extensive system of Supreme Leader's Representatives, it is similarly unlikely that he would not be aware of an ongoing weapons program now.

The thirty-eight-member Expediency Council, which does not have a formal national security function, considers issues submitted to it by the Supreme Leader, and the Supreme Leader appoints all its members (Article 112).⁵⁸ Ex officio members of this body are the president, speaker of parliament, judiciary chief, and the six clerical members of the Guardians Council. The Expediency Council adjudicates when the Guardians Council and the parliament cannot resolve their differences over legislation. Former president Ayatollah Ali-Akbar Hashemi-Rafsanjani is the chairman of this body, and former IRGC commander Mohsen Rezai is its secretary.

Hashemi-Rafsanjani, who is seventy years old, has served in most of the Islamic Republic's top jobs. He was the parliamentary speaker and then the president (1989–97), and aside from the chairmanship of the Expediency Council, he is deputy head of the Assembly of Experts. He is disparaged as a political opportunist, but his every move is watched closely—witness the hostile and vociferous reformist reaction to his run for parliament in 2001 and the political discourse regarding the possibility of his running for president in 2005. Networks connected with Hashemi-Rafsanjani are based on his family and its financial holdings, his professional positions, and his connection with two technocratic

political groups—the Executives of Construction Party and the Moderation and Development Party. He is not an advocate of conducting foreign policy openly: he was closely involved with the arms-for-hostages deal of the mid-1980s, and in spring 2002 there were reports that he dispatched a relative or Expediency Council colleagues to Cyprus to negotiate with the United States.⁵⁹

Hashemi-Rafsanjani's public stand on the nuclear issue has evolved with time. In 1988, when he was speaker of parliament, he described chemical and biological weapons as easily produced "poor man's atomic bombs."⁶⁰ "We should at least consider them for our defense," he continued. "Although the use of such weapons is inhuman, the war taught us that international laws are only scraps of paper." After becoming president, Hashemi-Rafsanjani was even less guarded. He asserted that the experience of the war showed the potential of WMD and further that Iran had learned that when war gets to a certain stage the international community ignores violations of international law.⁶¹ Therefore, he declared, "We should fully equip ourselves in the defensive and offensive use of chemical, bacteriological, and radiological weapons."

Hashemi-Rafsanjani's more recent public comments on nuclear issues mirror those of the Supreme Leader and other conservative officials. He criticizes what he sees as an American bias against Iran and claims that Iran has the right to exploit domestically developed technological knowledge. However, he made a rather controversial statement in a December 2001 sermon: "If one day this Islamic world is also equipped with weapons like those that Israel possesses now, then the imperialists' strategy will reach a standstill because the use of even one nuclear bomb inside Israel will destroy everything."⁶² "However, it will only harm the Islamic world," he added.

The country's top foreign policy body is the Supreme National Security Council (Article 176 of the constitution). It determines national security and defense policy within the framework of the general policies specified by the Supreme Leader, and it coordinates all activities related to national security. The president (currently Mahmud Ahmadinejad; Hojatoleslam Mohammad Khatami from 1997–2005) chairs the Security Council; Hojatoleslam Hassan Fereidun Rohani was its secretary from 1989 to 2005; and the current secretary is Ali Ardeshir-Larijani. Its other members are the speaker of parliament, the judiciary chief, the chief of the armed forces' Supreme Command Council, the officer in charge of planning and budget, two representatives of the Supreme Leader, the top officers from the regular armed forces and the IRGC, and the heads of the Foreign Ministry, Ministry of Intelligence and Security, and Interior Ministry. The Supreme Leader must confirm Security Council decisions before they can be implemented.

The Iranian Security Council took the lead on the nuclear issue in September 2003, according to Rohani.⁶³ Until then the council had not been involved, because “Iranian authorities said the country’s nuclear programs were purely peaceful and they were not a cause of any concern.” The “emergency conditions” that arose in September 2003 necessitated the council’s involvement; Rohani did not explain what he meant by “emergency conditions,” but he was probably referring to the 12 September 2003 IAEA Board of Governors resolution urging Iran to accelerate its cooperation with the agency and calling on Tehran to “remedy all failures identified by the agency.”⁶⁴ The resolution called for unrestricted access to all locations and provision of complete answers to any questions posed by inspectors and of all information required to resolve outstanding issues.

Rohani, a former vice president and five-term legislator who was born in Semnan in 1948, also serves on the Expediency Council. A conservative figure and member of the Tehran Militant Clergy Association, he is identified with Hashemi-Rafsanjani and does not appear to have an independent political base. His role on the Security Council situated Rohani where he can wield significant influence in terms of diplomacy, policy, and public outreach. When the foreign ministers of France, Germany, and the United Kingdom visited Tehran in October 2003 in an attempt to encourage Iran to address the international community’s concerns about its nuclear activities, it was Rohani with whom they met. Subsequently, Rohani had to defend the agreement he reached with the Europeans in a meeting with Tehran Province Friday Prayer leaders.⁶⁵

Rohani has been quick to note he is not the sole decision maker in this area, that “a group of high-ranking officials make the final decision.”⁶⁶ Indeed, a committee consisting of Rohani, Minister of Intelligence and Security Hojatolislam Ali Yunesi, Minister of Defense and Armed Forces Logistics Ali Shamkhani, Foreign Minister Kamal Kharrazi, and Supreme Leader’s Representative Ali-Akbar Velayati met in October 2003 to discuss Iran’s reaction to the IAEA resolution within the context of the international climate.⁶⁷

The most important decisions continued to be made by the Council of Heads—for example, whether or not to negotiate with the European Union or cooperate with the IAEA. “In fact, all of the important and strategic principles and decisions that were the foundation of work were ratified in the Council of Heads,” Rohani said.⁶⁸ “The decisions that were made on the second level, which means in the Committee of Ministers, were also reported to the leader and the president before being executed.” Every committee agreed, Rohani said, that the complete nuclear fuel cycle is Iran’s “red line.” In other words, Iran might be willing to suspend some of its nuclear activities temporarily, but it would never forsake mastery of the fuel cycle—uranium extraction and enrichment; fuel

production; loading the reactor with fuel; and then unloading, reprocessing, and storing the spent fuel.

Ali Ardeshir-Larijani succeeded Rohani as secretary of the Security Council in August 2005. Prior to his appointment, Larijani served as the Supreme Leader's Representative to the Security Council. Larijani dismissed Iran's November 2004 agreement with the European Union's "Big Three"—France, Germany, and the United Kingdom—voluntarily to "continue and extend its suspension to include all enrichment-related and reprocessing activities."⁶⁹ In his view, Iran had made concessions in exchange for nothing tangible, effectively exchanging a "pearl" for a "bonbon." Uranium enrichment, he argued, should not be halted without securing economic concessions—the European promise of assistance in gaining World Trade Organization membership, furthermore, was a one-time deal, whereas suspending uranium enrichment was an ongoing commitment.

Hojatoleslam Mohammad Khatami, former chairman of the Supreme National Security Council, was elected president of Iran in May 1997 and reelected in June 2001. Born in Yazd Province to a clerical family in 1943, he began his religious studies in Qom in 1961. He also earned a bachelor's degree in philosophy at Isfahan University. Khatami served as a legislator from 1980 to 1981 and as the Islamic Culture and Guidance Minister from 1981 to 1982 and again from 1989 to 1992. From 1980 to 1988 he chaired the War Propaganda Headquarters. He headed the national library from 1992 to 1997, during which years he was also an adviser to President Hashemi-Rafsanjani. His younger brother, Mohammad Reza Khatami (born 1959), was deputy speaker of the sixth parliament (2000–2004); another brother, Ali Khatami (born 1953), heads the presidential office.

Khatami is closely involved with Iran's aggressive pursuit of a nuclear capability. Shortly after his election he created the Supreme Council for Technology, in order to complete the nuclear reactor at Bushehr as well as other activities needed to master the nuclear fuel cycle.⁷⁰ Khatami also took steps to ensure that an adequate budget was available. Khatami reportedly wanted Iran to have access to nuclear energy "for peaceful purposes," including the production of electricity.

As Iran's president at a time when the nuclear issue has been an increasingly public issue, Khatami has frequently defended what he sees as the country's right to exploit the complete nuclear fuel cycle. He also defended the Iranian position in talks with foreign leaders during his travels in Europe. Khatami always denied that Iran is interested in weaponization, but as the president he was almost certainly aware that his protestations were untrue. There is a remote possibility that he was not aware of how extensive the nuclear weapons program is; Khatami's relations with the leaders of the IRGC, which allegedly handles clandestine aspects of the Iranian nuclear program, are poor.⁷¹

Mahmud Ahmadinejad—born in 1956 or 1957 in Garmsar, a city near Tehran—succeeded Khatami in August 2005. The Iranian government made efforts beforehand to show that nuclear policy would not change, publicizing a meeting of the newcomer Ahmadinejad with his predecessors—Khamenei, Hashemi-Rafsanjani, Khatami, and former prime minister Mir-Hussein Musavi.⁷² Nevertheless, there were organizational and personnel changes in the Security Council.⁷³ In addition to Rohani's replacement, former diplomat Javad Vaidi succeeded Hussein Musavian as head of the foreign policy committee, and Ali-Asqar Soltanieh, who once represented Iran at the IAEA, succeeded Cyrus Nasserri on the negotiating team.

The Islamic Revolutionary Guards Corps arose from distrust of the regular officer corps after Iran's 1979 revolution; a Revolutionary Guards Ministry existed from 1982 until 1989.⁷⁴ That means that in parallel to the regular ground forces, navy, and air force, there exist IRGC ground, naval, and air forces. Furthermore, the two institutions have different functions. According to the constitution, the regular military must guard the country's independence and territorial integrity (Article 143), whereas the IRGC is tasked with protecting the revolution and its achievements (Article 150). On the basis of this praetorian function, and also through less formal ties, IRGC officers wield considerable influence in policy issues. According to one study, the corps "routinely exploits its access to the Supreme Leader's office, volunteers advice on national and foreign policy matters to the Leader and his key staff, and actively aims to influence policy and debate on security issues."⁷⁵ The IRGC also exploits its links with conservative clerics and uses Friday Prayers to influence the policy debate.

The head of the IRGC from 1981 to 1997 was Mohsen Rezai, who now serves as secretary of the Expediency Council and was a hard-line candidate in the 2005 presidential election until dropping out of the race. Rezai has repeatedly objected to the course of Iran-EU nuclear negotiations, criticizing Iranian diplomats and Hassan Rohani.⁷⁶ The current head of the IRGC is General Yahya Rahim-Safavi, who was Rezai's deputy. Rahim-Safavi is fairly discreet on the nuclear issue; he said in October 2004, "It is better if military personnel don't express their views on Iran's nuclear file."⁷⁷

The deputy commander of the IRGC, General Mohammad Baqer Zolqadr, has nonetheless commented on the nuclear issue, although his statements have dealt more with military issues than with state policy. In July 2003 Zolqadr recommended caution before signing the Additional Protocol of the NPT, because it could make Iran vulnerable to foreign intelligence services; a year later he defended Iran's development of nuclear technology as a requirement for progress.⁷⁸ The next month, in August 2004, Zolqadr emphasized that Iran has a right to develop and use nuclear technology.⁷⁹ Zolqadr has declared that Iran would

retaliate against Israel were it to be attacked: “If a missile is fired at the Bushehr power plant, Israel must say goodbye forever to the Dimona nuclear center which is the place where nuclear weapons are produced and kept in that country.” He revisited this theme in November 2004: “In case of an attack against our nuclear installations, there will be no restraint in jeopardizing the interests of the invading country in any corner of the world.”⁸⁰

In the Ministry of Foreign Affairs, the major figures with respect to nuclear issues are the foreign minister, Manuchehr Mottaki, who succeeded Kamal Kharrazi in August 2005; Mohammad Javad Zarif-Khonsari, Iran’s permanent representative at the United Nations in New York; and Piruz Husseini, Iran’s permanent representative to the IAEA. Nonetheless, the ministry appears to play a minor part in nuclear decision making, although its diplomatic function is important in reassuring other countries. One Western journalist ascribes an Iranian diplomat’s “patently absurd explanations for Iran’s undisclosed nuclear facilities” to the possibility that he “may have been kept in the dark about the nuclear program, and then did his best to brazen it out.”⁸¹ International Atomic Energy Agency inspectors have said that Foreign Ministry officials were frequently as amazed as they were by what the IAEA discovered.⁸²

A former Iranian ambassador to the IAEA has recalled that initially it was unclear who would have the last word on the nuclear issue, because top officials all had “equal footing” and because of excessive secrecy.⁸³ The ambassador tried to break through the impasse by leaking information to the press; he was relieved of his duties in late 2003. It was a time when the international community’s concern about Iranian nuclear activities was rising; Foreign Minister Kharrazi asked that the Supreme National Security Council take responsibility for the nuclear issue.⁸⁴

Iran’s Atomic Energy Organization is headed by Qolam Reza Aqazadeh-Khoi, Vice President for Atomic Energy (succeeding Reza Amrollahi). By bragging, bluffing, and exaggerating, he has tried to portray himself as the “father” of the Iranian nuclear program.⁸⁵ In fact, there is no such individual, least of all Aqazadeh-Khoi. He has not had a significant role in Iran’s nuclear negotiations with the European Union, in contrast with officials from the Supreme National Security Council, which alone indicates that he is not a significant player.

Other Foreign-Policy Stakeholders

These individuals and agencies do not operate in a vacuum. In addition to those we have mentioned, a number of other official bodies are stakeholders in the foreign-policy process by virtue of the complex system of checks and balances delineated by the Iranian constitution.

The Assembly of Experts, an elected body of eighty-six clerics, selects and supervises the Supreme Leader. Its biannual meetings are held behind closed doors, but the official statements from the assembly's opening and closing sessions reveal an increasing interest in foreign affairs. Ayatollah Ali-Akbar Meshkini-Qomi is the speaker of the Assembly of Experts, and his deputy is Ayatollah Ali-Akbar Hashemi-Rafsanjani.

The Guardians Council vets all legislation for compatibility with Islamic law and the constitution (Article 91).⁸⁶ This twelve-member body consists of six clerics (appointed by the Supreme Leader) and six lawyers (approved by the legislature from a list submitted by the head of the judiciary). Ayatollah Ahmad Jannati heads this body; the other clerical members are Ayatollah Mohammad Daneshzadeh-Momen-Qomi, Hojatoleslam Sadeq Ardeshtir-Larijani, Ayatollah Qolam Reza Rezvani, Ayatollah Mohammad Hassan Qaderi, and Hojatoleslam Mohammad-Reza Mudarissi-Yazdi.

The Guardians Council secretary, Ayatollah Ahmad Jannati, is also a member of the Expediency Council and Assembly of Experts, the Supreme Leader's Representative for Bosnia Affairs, and the Supreme Leader's Representative to the relief headquarters for Kosovar Muslims. He also has provided the hard-line Ansar-i Hizbullah vigilante group with theological justifications for killing.⁸⁷ In late 2003 he advocated withdrawal from the NPT: "What is wrong with reconsidering this treaty on nuclear energy and pulling out of it? North Korea pulled out of it and many countries have never even entered it. It would have been much better if we had not entered it at all. But now that we have entered, we are free to reconsider. Why should we not reconsider this?"⁸⁸ Conceding that the final decision rests with the Supreme Leader, Jannati nonetheless argued, "The Additional Protocol would impose an extraordinary humiliation on us and we should not accept it under any circumstances."⁸⁹ He later expressed unhappiness over the decision to suspend uranium enrichment: "Of course, I felt very bitter when I heard that all [nuclear] activities have been postponed. This was as bitter as poison to me."⁹⁰

The 290-member Iranian parliament's role in determining nuclear policy relates to its responsibility to approve all international treaties, protocols, contracts, and agreements (Article 77). Moreover, the president or a cabinet member must respond when at least a quarter of the legislature poses a question on any issue (Article 88). The current speaker is Tehran representative Gholam-Ali Haddad-Adel; deputy speakers are Tehran representative Mohammad Reza Bahonar and Qazvin representative Mohammad Hassan Abutorabi-Fard. At first glance, the parliament appears to be little more than a rubber stamp. For example, when British, French, and German foreign ministers visited Tehran in October 2003, the two sides announced that Tehran "has decided to sign the

IAEA Additional Protocol and commence ratification procedures [and] will continue to cooperate with the [IAEA] in accordance with the protocol in advance of its ratification.” By law, the legislature had to approve the signing of the protocol; asked if such approval would be forthcoming, the government spokesman said that all the negotiations related to the Additional Protocol were “in line with the views and approval of” Supreme Leader Khamenei.⁹¹ He continued, “Given the fact that what has been accomplished so far has been approved by the highest authority in the land, it is not likely to face any difficulty.”

Yet there have been voices of dissent in the legislature. Isfahan parliamentary representative Ahmad Shirzad has warned that “contrary to its claims, the regime is secretly preparing to produce weapons of mass destruction.”⁹² Shirzad has also charged that the regime did not believe that its activities would be discovered and that the appearance that Iran had covered up its nuclear activities during the last eighteen years undermined Iran’s position as a peaceful member of the international community.⁹³ (The speaker of parliament and other legislators condemned Shirzad, and a demonstration against him took place in Isfahan.)⁹⁴

The current legislature, convened in June 2004, supports Iran’s development of a nuclear capacity and in some cases has questioned and criticized officials for making concessions on this issue. When Tehran and the European Union agreed that Iran would voluntarily “continue and extend its suspension to include all enrichment-related and reprocessing activities,” the legislature summoned Supreme National Security Council secretary Hojatoleslam Hassan Rohani. After the meeting Rohani told reporters that the Iran-EU agreement was a preliminary document that will determine future activities and so did not need parliamentary approval, but that “once long-term agreements are finalized, they will have to be ratified by the parliament.” Even that statement did not satisfy the parliamentarians, and Rohani had to return for another closed-door session.⁹⁵

General legislative dissatisfaction persists with the international community’s stand on the nuclear issue. Speaker Gholamali Haddad-Adel has said that the parliament demands access to nuclear technology;⁹⁶ his deputy has asserted that the legislature “does not regard as positive the strict policies pursued by the European states in the recent draft resolution issued by the [IAEA] Board of Governors and interprets it as a reflection of the U.S. political attitude towards Iran’s nuclear program.”⁹⁷ In November 2004, legislators drafted a bill banning the production of nuclear weapons. One of them explained, “Since the officials of the Islamic republic have always stressed that Iran is not after nuclear weapons, legislators want to legalize the banning of access to nuclear weapons with their bill and at the same time show Iran’s goodwill to the world.”⁹⁸ At least one

parliamentarian opposed this measure on the ground that Iran is in a region of proliferators: “Our enemies today have armed themselves with all kinds of weapons. What is wrong for a country to have deterrent weapons and—even though it does not need them—to use them as a deterrent to scare the enemy and prevent it from attacking?”⁹⁹

In addition to agencies and officials having direct or collateral involvement with nuclear policy, prominent individuals have expressed strong opinions on the issue. The system of networks enables these figures to influence the debate. One influential actor is Mohammad Javad Ardešhir-Larijani, Ali Larijani’s brother, born in Najaf, Iraq, in 1950. He is the judiciary chief’s foreign affairs adviser, an Expediency Council member, and head of the Center for Research on Theoretical Physics. In August 2004 he asserted that prior to Iran’s taking on any commitments, the West should build for it four nuclear reactors.¹⁰⁰ Larijani recommended leaving the NPT if pressure on Iran increased. A month later, he said Iran has the right to acquire a nuclear weapon: “From a defensive point of view it makes no sense for our enemy to have nuclear weapons while we deprive ourselves of these weapons. . . . We have a certain and indisputable right to possess nuclear weapons. . . . Israel possesses nuclear weapons, and because of this, no one has the right to deprive us of the possession of these weapons.”¹⁰¹

Hussein Shariatmadari, the Supreme Leader’s Representative to the Kayhan Institute and the managing director of the newspaper *Kayhan*, served with the IRGC in the early 1980s. He has regularly called for Iran to withdraw from its international nuclear obligations and denounced related agreements. “The final solution is surely withdrawal from the NPT,” he wrote in 2004, but before that Iran had to renounce the October 2003 agreement with the EU.¹⁰² He wrote of Iran’s November 2004 agreement with the EU to suspend temporarily uranium enrichment, “What appears to be emanating from the whole affair is the stench of giving in to illegal, illegitimate and excessive demands made by the European Union (EU) troika (read the U.S. and its allies).”¹⁰³ Two months later he declared that Iran must resume uranium enrichment in order to gain concessions from other countries.¹⁰⁴

Finally there should be mentioned Ali-Akbar Velayati, the Supreme Leader’s international affairs adviser, a member of the Expediency Council, and foreign minister from 1981 to 1997. He was a member of the committee that met in October 2003 to determine Iran’s future relationship with the IAEA. He has since declared support for Iranian negotiating tactics and advocated continued cooperation with the IAEA.¹⁰⁵ However, he advocates an ability to exploit nuclear energy, as a means of guaranteeing the country’s independence when it runs out of oil.¹⁰⁶

Aside from these individuals, it is asserted, there seems to be a “sacred cow” within the nuclear constituency of Iran. The former manager of the Bushehr nuclear facility has charged that the legislature and the head of the Atomic Energy Organization know the facility consumes too much money and is not economical but that the government insists on completing it for reasons of prestige.¹⁰⁷ “This project has become something on which our prestige depends, and the officials intend to finish it no matter what the conditions are in which that might happen.” The former manager holds that for this reason, budgeting for the project is growing without any accurate evaluation of progress. He observed that high-ranking officials at Bushehr receive very high salaries, implying that nepotism is involved in such appointments.

Pragmatism and such issues as economics and geopolitics have surpassed ideology and nationalism as the main determinants of Iranian foreign policy in the quarter century since the Islamic revolution. Nevertheless, leading officials’ statements make it clear that ideology continues to be a factor. There is a continuing emphasis on “third worldism,” and nationalism is associated with the nuclear debate as well. The role of these factors in any policy debate is unpredictable—as a result in part of the theocratic system’s traditional emphasis on secrecy, dissimulation, and expediency. This uncertainty goes some way toward explaining the seeming irrationality of the Iranian government’s actions.

This article has sought to cut through this obscurity by means of the quasi-official networks that influence the policy debate in Iran, and the factors that hold such networks together—religious status and education, political affiliation, kinship, military service, and wealth. One social-network analysis that used the Iranian government as a case study has found “social closeness” and “secondary group membership” more important than straightforward administrative connections.¹⁰⁸ Such research is not an exact science, however; for example, the authors of that case study warned that its weighting of individuals’ and groups’ influence was questionable because its source of data was an opposition organization.

We have, however, gone somewhat beyond the discipline of network analysis, by addressing certain prominent individuals who have taken stances on the nuclear issue. These are individuals upon whom outsiders can focus when trying to influence nuclear decision making in Iran.

What is more difficult is identifying the lower-level individuals who could serve as links to these figures. In general, gaining access to the networks and individuals discussed here is not easy for outsiders to the system—not least because accusations of contacts with Americans have been used as ammunition in the

country's political squabbles. However, Iran's nuclear ambitions are sufficiently worrisome and potentially dangerous to justify the investment of time, effort, and other resources that the attempt would require.

NOTES

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U.S. FOREIGN POLICY IN CENTRAL ASIA

Risk, Ends, and Means

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Located in the heart of Central Asia are five weak states: Kazakhstan, Kyrgyzstan, Turkmenistan, Tajikistan, and Uzbekistan. Structural factors such as small populations and geographic remoteness, combined with a failure to provide adequate levels of “political goods,” are the sources of their weakness.¹ The governments’ failures are due in large part to the political and economic development paths they have followed since independence at the breakup of the Soviet Union in 1991. The governments in Central Asia are largely authoritarian and ruled by former Communist Party officials. The ruling elites of each Central Asian state have gradually consolidated power into their own hands, by repressing political opponents, free speech, and the media, and by funneling the proceeds of their states’ economies to their personal benefit or that of the apparatuses that keep them in power. As a result, political institutions are generally very weak, corruption and “rent seeking” are rampant, and economic management is poor.² The ability of citizens to effect peaceful change is very limited, and economic benefits typically do not trickle down. In summary, the governments of Central Asia have failed to provide for the needs of their people and are sowing the seeds of unrest.³

The general political and economic weakness of all five countries makes them

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candidates for state failure and conflict. With state failure comes increased criminal activity, corruption, poverty, civil strife, radicalism (of which terrorism is one of many forms), and economic and environmental devastation.⁴ As a scholar has reminded us, failed states like Afghanistan and “their associated problems simply do not go away. They linger, and they generally

get worse.”⁵ The negative side effects of state failure can and do easily spread in today’s rapidly globalizing world and thereby impact U.S. interests.⁶ The possibility that one or more Central Asian states could fail and become havens for terrorists, international criminal activity, and other sources of instability is a matter of concern not just for Russia, Pakistan, and China but for the United States and the West generally.⁷

Central Asia’s strategic importance is based on three factors: location, human rights, and energy. The first factor, location, is important because of who lies upon the borders. The second factor, human rights, is a major U.S. national interest and an objective of the George W. Bush administration’s foreign policy.⁸ The last factor, energy, is important not because Central Asian oil will free the West from dependence on OPEC oil but because of its impact on corruption and other indicators of state failure.

Central Asia presents several formidable challenges to American policy makers. Foremost among them is the ability of the United States to effect positive change and reform in the region’s governance and economic conditions. Progress to date has been limited. The primary reasons have been the nature of the regimes in power, regional geopolitics, resources devoted, and misalignment of ends and means on the part of the United States. Additional factors include the remoteness of the Central Asian states and a general lack of coordination among the many governments, international organizations (IOs), and nongovernmental organizations (NGOs) that are providing assistance. The significance of all these factors and weaknesses is that there is little likelihood that the United States or the West as a whole will be able to stimulate representative governments, free markets, adherence to human rights, etc., in Central Asia in the short or medium term.⁹ The only real opportunity to effect major change in the next ten to fifteen years will arise when the current leaderships change. If it is to take advantage of this opportunity, the United States (and the West generally) should pursue two courses of action: first, focus on long-term objectives and advance agendas that will set the stage for the eventual rise of new leadership favorable to Western goals and objectives; and second, avoid piecemeal and uncoordinated projects that do not offer rewards for broadly based, sweeping reforms.¹⁰ Such a strategy is not risk free, but neither is the current U.S. approach.

The goal of this article is to provide analysis and policy recommendations that could reduce American strategic risk. Strategic risk can be lowered only if the mismatches between ends and means are reduced and strategy is made subservient to policy.

WHY THE WEST AND THE UNITED STATES SHOULD CARE

The most pressing source of Central Asia’s strategic importance is the fact that it borders Russia, China, Iran, and Afghanistan, and is near Pakistan and India. It



is in the U.S. interest that the neighbors of China, Russia, Iran, and Afghanistan be peaceful, prosperous, and strong.¹¹ The possibility that one or more Central Asian states could fail and become sources of regional instability and transnational threats is very real. Weak states, especially anocracies (that is, states that are neither clearly democratic nor authoritarian), are inherently unstable and highly susceptible to failure.¹² The region's two autocracies, Turkmenistan and Uzbekistan, seem now to be politically stable, but their stability is not likely to be sustainable over the long run. The May 2005 riots in Uzbekistan and the political unrest that brought down the Askar Akaev presidency in Kyrgyzstan are recent examples of the kinds of instability that could lead to state failure.

Misrule and economic mismanagement have allowed radicalism and corruption to take root in Central Asia, which over the long term are likely to become severe impediments to regional development and security. In Central Asia "dire poverty—combined with despair and outrage over rampant corruption, repressive policies, and governments' failure to address local needs—could lead to outbreaks of localized unrest with the potential to spread into a wider regional conflict."¹³ None of the states that surround Central Asia, least of all Russia or Afghanistan, can afford to have failed states on their borders. The frontiers of Central Asian states are very porous, and there is no reason to believe that such unstable elements as terrorists, criminal organizations, drugs, etc., will not cross

them. The international community has already seen the impact of state failure in Afghanistan—a million dislocated people, refugees, terrorist training camps, and human rights abuses.¹⁴ Should a Central Asia state fail, Russia or another regional power will likely intervene to restore order.

The second U.S. interest in the region is human rights, which lie at the core of American values and beliefs and have traditionally been a major national interest. As President Bush has stated on numerous occasions, the United States believes strongly in human rights and the dignity of all people.¹⁵ Not only do Americans believe that supporting human rights is morally the right thing to do, but doing so also benefits American national security in today's globalized world.¹⁶ Congressionally mandated programs like the State Department's annual Country Reports on Human Rights Practices and newer initiatives like the Millennium Challenge Account are examples of how the United States uses foreign policy to advance the national interest of human rights.¹⁷ Therefore it is likely that the U.S. government will continue to concern itself with abuses of human rights in Central Asia.

The last reason why the United States should pay attention to what occurs in Central Asia is energy. Many, like Vice President Dick Cheney and former secretary of energy Spencer Abraham, see Central Asia as a region where the West can access non-OPEC-controlled energy. Energy underpins the global economy; therefore economic growth and prosperity are tied to energy security: "Our energy security is linked directly to the energy supplies of our trading partners."¹⁸ When the United States talks about energy in the Central Asian context it means oil in Kazakhstan, especially the Kashagan oil field, and natural gas in Kazakhstan, Turkmenistan, and Uzbekistan.¹⁹

However, the ability of the three energy-rich states to extract and export oil and gas has been limited by underdevelopment, aging infrastructure, and the cost of transport to markets. The region's remoteness and geopolitics are also serious impediments to the export of gas and oil. If Central Asia is to become a significant energy exporter, it will need substantial investment in its energy infrastructure, investment that can only come from abroad.²⁰ Chinese national oil companies have already spent \$1.3 billion on oil infrastructure and promised in November 2004 to spend another \$9.5 billion on pipelines and oil fields in order to transport oil from Kazakhstan to China.²¹ The Kashagan oil field, it is estimated, will cost twenty-nine billion dollars to develop (Kazakhstan's gross domestic product in 2003 was only \$29.7 billion).²² In general, tens of billions of dollars of foreign direct investment (FDI) are required to develop fully the region's energy reserves, a fact that makes energy from Central Asia much more costly than that from the Middle East and elsewhere.

Additionally, according to the Energy Information Agency (a branch of the U.S. Department of Energy), Caspian Sea (that is, Azerbaijan, Kazakhstan, and Turkmenistan, as well as parts of Russia and Iran) “production levels, even at their peak, will pale in comparison to OPEC countries’ production levels. Production levels are expected to reach 4 million barrels per day (bbl/d) in 2015, compared to 45 million bbl/d for the OPEC countries in that year.”²³ This means that oil from Central Asia will not only cost more but be exhausted sooner and in the meantime will be able to provide the West only a small percentage of the energy it requires. Central Asia will not be able to free the West from its reliance on OPEC oil. The real importance of the region’s energy reserves is in their impact on corruption and other indicators that lead to state weakness and possible state failure.

Kazakhstan, Kyrgyzstan, Turkmenistan, and Uzbekistan all rely heavily on a few nonrenewable resources—oil, natural gas, and gold (see table 1). This dependence makes them vulnerable to the “resource curse,” or “resource trap.”²⁴ Natural resources can become a burden if their net effect is to reduce economic growth, increase the likelihood of civil war or authoritarian rule, or impede the development of democracy.²⁵ Specific economic aspects of the “resource curse” include an increase in a country’s real exchange rate due to a large influx of foreign currency, which results, in turn, in “Dutch disease,” low employment opportunities and inability to absorb laid-off workers from other sectors due to the capital- vice labor-intensive nature of the gas and oil industries; a rise in subsidies and corruption; and increased foreign debt.²⁶ Central Asian governments can avoid these outcomes if they improve the accountability, transparency, and public oversight of the development of their resources.²⁷ Unfortunately, however, the indications are that they are already suffering from the effects of the resource curse. Specifically, the repression effect is apparent in all of them, as are high levels of corruption and lack of transparency and accountability in the management and use of the profits earned from their natural resources.²⁸

PROSPECTS FOR CHANGE

Can Central Asian states change and develop into strong states? The short answer is, not soon. Of course, anything is possible, and it can be argued that things are improving, at least economically. However, the conditions required to drive the fundamentally needed reforms are absent. The main reason is the nature of the regimes. All five states, with the possible exception of Kyrgyzstan since March 2005, and the political elites that support them, generally resist change that does not reinforce their hold on power.²⁹ External pressures that run counter to this aim are also resisted. As has been observed, “These governments

TABLE 1
2003 ECONOMIC DATA

	Kazakhstan	Kyrgyzstan	Tajikistan	Turkmenistan	Uzbekistan
GDP U.S.\$ billions	29.7	1.9	1.4	6.2	9.9
Natural resources	Energy (gas, oil), uranium (1/4 of world)	Gold, other minerals	Aluminum processing and cotton	Energy (gas)	Cotton (12% of world 2001/02), gold, energy (gas)
Agriculture as % of GDP in 2003	7.8	38.7	23.4	19.7	35.2
Imports as % GDP	30.8	43.2	63.0	40.7	25.8
Exports as % GDP	45.6	39.2	57.0	58.9	31.0
Exports U.S.\$ millions	12,900	745	798	3,465	3,065
Imports U.S.\$ millions	8,300	821	881.3	2,521	2,554
Fuel & oil products % of total export trade	59.8	0	0	30.4	0
Products as % of total export trade 2003	Base metals 11.6%	Gold 44.1%	Aluminum 49%, electricity 23%, cotton 12%	Natural gas 54% cotton 3%	Gold 34.7%, cotton 28.8% (4th-largest producer in world)

Source: All data either from World Bank, *World Development Indicators 2004*, available at www.worldbank.org/data/wdi2004/; "World Bank Country at a Glance" data sheets available at web.worldbank.org/; U.S. State Department Country data sheets available at www.state.gov/p/eur/ci/.

constantly seek to evade foreign relations that entangle them in a perceived web of dependency that prevents the unbridled exercise of powers at home."³⁰ This is one of the main reasons why efforts to foster regional cooperation have largely been ineffective. All of these governments are highly suspicious of outside institutions and organizations. They see the domestic political climate as more anarchic than that of the external world; therefore, they strive to prevent outside actors and factors from stimulating internal forces that could weaken their control or diffuse their power.³¹ This political atmosphere has resulted in a decade-long process of the consolidation of economic and political power in the hands of small ruling elites. Whether this will continue to be the norm in Kyrgyzstan is hard to tell, but since the new leadership largely comprises members of the former regime, this is not out of the question.

The net result of all this has been a weakening of democracy and the rule of law in general. Institutions like the judiciary and legislative branches of government are extremely weak and have very limited ability to effect change; therefore it will be very difficult to alter the current distribution of power via elections and democratic processes. The leadership in the region has in effect created a situation where the ability of the states to meet their obligations to their citizens is very limited, if not absent. This in turn has produced economic stagnation (except in Kazakhstan), human rights violations, pervasive corruption, high levels of poverty, and a further weakening of social and political institutions. These trends have contributed to a gradual erosion of the legitimacy of Central Asian

governments in the eyes of their citizens. Once a government loses its legitimacy, as happened in Kyrgyzstan, violence erupts and leaders fall.

From this we can draw three conclusions about the prospects in Central Asia. First, governance is not likely to improve significantly on its own. Second, real political reform will require a change in leadership and governing institutions. Regime change will probably not happen on its own through normal political processes, such as elections; some other significant event will be needed to catalyze change.³² Aside from a major revolt from within or invasion from without, the best opportunity will arise when the current presidents move on. The presidents of Uzbekistan, Turkmenistan, and Kazakhstan are all in their mid-sixties; their deaths or departures from office for reasons of health are probably not far off. Reformers may not replace them, but the transitions will present opportunities for a fresh start. Central Asian states do not have the strong institutions and civil societies needed to manage the peaceful transfer of power. It is quite possible that an internal power struggle could result in unrest, even chaos, or, just as easily, elevate a member of the former president's immediate family or clan who would continue where his predecessor left off.

Short of regime change, change will be slow and uneven through the medium term. Over the long term, the general weakness of Central Asian states will make their peoples susceptible to a host of negative forces. Globalization, as it gradually encroaches, will lend greater impact to outside sources of conflict and instability like radicalism (terrorism and Islamism) and criminal activity. The criminalization of Central Asian society is likely to continue, then, as a result of poor governance, corruption, and a growing nexus between criminal elements (drug traffickers, smugglers, etc.) and political elites.³³ Unless these trends are reversed, Central Asia's future will be one of continued state weakness and growing possibility of failure.

IMPLICATIONS FOR U.S. POLICY

Central Asia presents many challenges for American policy makers. The most severe is that the United States will continue to find it difficult to influence the regimes and people of the region.

Limits on American Influence

American influence there has increased over the last several years, but it is still very limited.³⁴ Four factors limit U.S. influence: geopolitics, regime characteristics, history and culture, and structural issues.

Regional Geopolitics. The Central Asian states and their neighbors are largely authoritarian. In such a neighborhood, democracy, human rights, and other Western concerns do not dominate the agenda. The regional powers (Russia, China, and Iran) are concerned about their influence over their weaker

neighbors. They, especially Russia, desire regimes that are stable but follow their lead, politically and economically. No action the United States might take can be viewed in isolation; Washington must weigh the impact of any decision on the regional powers.

Russia and China often see the United States as an outsider intruding on their spheres of influence. President Vladimir Putin and numerous Russian officials have expressed concern at U.S. presence in the region. In 2004, Putin suggested that Russia, China, and India should work together economically and politically to counterbalance U.S. hegemony.³⁵ Essentially, he was advocating a new axis, or “strategic triangle,” to offset Russia’s own weaknesses. Greater American and other Western involvement in the region is likely to be resisted by the regional powers and to fuel competition, not inspire cooperation.

A further geopolitical issue is the general failure of the regional cooperation needed to solve many of Central Asia’s most pressing issues, especially economic development and poverty, drug trafficking, transregional criminal activity, water and border disputes, and terrorism. Regional cooperation has improved somewhat over the last few years, but it still continues to be weak and ineffective. Most of the improvement has been in antiterrorism. Overall regional cooperation can be expected to remain weak as long as current regimes are in power.³⁶ Unless Central Asian states can create a common security and economic identity, intraregional cooperation will likely suffer.

Afghanistan is another geopolitical factor. As long as Afghanistan remains unstable and weak, its problems will continue to reduce Central Asian stability. Further, Afghanistan impacts American ability to influence Central Asia in two ways. First, it tends to dominate attention and allocation of resources in the region; time and money spent on Afghanistan means less of either for Central Asia.³⁷ Secondly, Afghanistan serves as a haven for and source of radicalism and criminal activity. The drug trade undermines governance in poor states like Tajikistan, which worsens corruption—administrators are poorly paid, judges and border guards easily corrupted, etc. The institutions of Central Asia are not well equipped to deal with the forces emerging from Afghanistan.

The Nature of the Regimes. As we have seen, the regimes that control Central Asian governments are not inclined to change or reform, and if they do not want to change, it is very difficult for the American government to make them. Even U.S. bases and seeming agreement on terrorism have not increased American influence. Central Asian regimes do not see terrorism as the United States does but as a factor through which they can use the United States against each other and to legitimize the suppression of domestic political opponents. This is especially true in Uzbekistan and, to a lesser degree, in Tajikistan and Kyrgyzstan.

A good example occurred in Uzbekistan on 13 May 2005, when President Islam Karimov used deadly force to crack down on a protest by relatives of twenty-three jailed businessmen. He justified his actions by calling the protestors Islamic extremists and terrorists.³⁸ Uzbekistan and other Central Asian states have legitimate concerns about terrorism, especially the Islamic Movement of Uzbekistan (IMU), but not to that extent—in any case, the United States destroyed the bulk of the IMU in Afghanistan in 2002.

For the United States, this means that influence must be exercised in subtle and indirect ways. Washington has many such ways and does try to use them, but so far it has achieved only limited results. American “soft power” and support of international and nongovernmental organizations are two of its better tools.³⁹ As countries become more integrated into globalization, international and nongovernmental organizations have greater opportunities to influence foreign audiences. Unfortunately, many of the positive aspects of globalization do not penetrate Central Asian society to any great extent. The lack of Internet access or truly free media, low levels of development, and high poverty rates inhibit the effectiveness of American soft power. NGOs and IOs are very active in the region but have been unable to get much done.⁴⁰ NGOs are largely foreign funded, have a limited base outside big cities, and are often suppressed by local governments.⁴¹ These factors severely hamper their ability to foster a vibrant civil society.

Cultural Norms and Historical Legacies. Unlike the societies of Eastern Europe, those of Central Asia are not predisposed toward liberal modes of governance or life. The ruling elites have the same mentality they had prior to independence in 1991. Cultural norms like obedience to the clan and local leaders reinforce the authoritarian nature of their governments. Most people in the region do not have the cultural basis or experience needed to mature such liberal concepts as federalism, democracy (especially a genuine party system), free trade, or freedom of the press.⁴² This does not mean they cannot adopt liberal forms of governance, but it does mean that liberal institutions and ideas will require time and considerable effort to take hold. The conservative nature of the power structures in the region will continue to obstruct Western organizations, institutions, and ideas; therefore, the ability of Washington to use them as levers for reform will be limited.

Structural Issues. Geography, small and disconnected populations and economies, poor transportation networks, and weak institutions, combined with a generally hostile investment climate (pervasive corruption, weak rule of law, and ineffective economic structures), make it very hard for one of the West’s best tools, capitalism, to penetrate. Access to the world’s markets would likely lead to more and deeper interaction; given greater economic interaction, other Western norms might penetrate that could improve governance and the overall quality of life.

However, the region's remoteness and the fragmentation of its markets tend to discourage investment, outside of the gas and oil sectors. These factors, combined with the influence of authoritarian neighbors like Russia and China, tend to impede the positive potentials of globalization and to restrict American influence.

Closely related is Central Asia's human rights record. The U.S. government and other Western entities have achieved modest success in this area, but human rights abuses seem to be standard operating procedure, especially in Uzbekistan. A case in point is that of Ruslan Sharipov, an Uzbek journalist and human rights activist convicted of what his supporters considered politically motivated and fabricated charges in August 2003. Torture, sexual assault, and other forms of abuse are common in the Uzbek penal system.⁴³ The U.S. State Department, the Organization for Security Cooperation in Europe (OSCE), Freedom House, and numerous other organizations continue to document similar problems throughout Central Asia. External pressure and response to high-profile cases like Sharipov's will help individuals, but wholesale change in the region's poor human rights performance is unlikely any time soon. Until greater internal pressure for reform is forthcoming, the human rights outlook in Central Asia will be poor.

The final implication for U.S. policy deals with the likelihood of conflict. It is unlikely that resource competition, drugs, poverty, radicalism, the criminalization of Central Asian society, the return of great-power rivalries, or other such trends will in themselves cause interstate conflict;⁴⁴ however, one of them or a combination could catalyze fighting. The regimes themselves are the key factor—whether or not conflict occurs depends primarily on their ability to withstand the discontent and instability that are likely to arise in each state. Should one or more of these five states fail, conflict is likely to erupt, first within but then beyond the borders of individual countries.

Means, Ends, and Risks

Gaps between ends and means increase strategic risk. In order to achieve its long-term goals in Central Asia, U.S. policy needs to reduce risk arising from mismatches between ends and means. Are the means being employed by the United States likely to promote the ends it desires in Central Asia? Only time can definitively answer this question. However, it is possible to make reasonable predictions as to whether American goals can be achieved in Central Asia.

The ultimate goal of American foreign policy in Central Asia is to create stable states on Russia's southern flank. Stability from the American perspective is more than the absence of conflict. It means peaceful and prosperous states that can integrate themselves into today's globalized world. According to President Bush:

It should be clear that decades of excusing and accommodating tyranny, in the pursuit of stability, have only led to injustice and instability and tragedy. It should be

clear that the advance of democracy leads to peace, because governments that respect the rights of their people also respect the rights of their neighbors. It should be clear that the best antidote to radicalism and terror is the tolerance and hope kindled in free societies. And our duty is now clear: For the sake of our long-term security, all free nations must stand with the forces of democracy and justice.⁴⁵

American policy makers believe this can happen only if the Central Asian states adopt representative forms of government, embrace the free market, respect the rule of law, protect human rights, and allow freedom of the press, religion, and other personal freedoms. Former Deputy Secretary of State Richard Armitage declared on 27 April 2004 that the “region is a lynchpin in global peace and prosperity” and that therefore stability in Central Asia “is of paramount importance and of vital national interest to our nation.” The key to regional stability, he stated, is “to have successful and fully independent states, which, in the long term, will depend on open economies and representative governments.”⁴⁶ American foreign policy and strategy, then, in their broadest sense, are primarily about producing states that can deliver political goods adequately to their citizens—because such states will be reliable trading partners, respect human rights, and refuse to become havens for transnational threats like terrorism. This logic and strategy are sound; states that effectively deliver political goods to their citizens are less likely than others to weaken or fail, lessening potential security threats to American and Western interests.

In order to achieve this broader stability in Central Asia, American policy makers need to unify the elements of national power—diplomatic, military, economic, informational, and cultural—in a comprehensive strategy. Each element needs to reinforce the others, and short-term objectives should undermine long-term ends as little as possible. Recent U.S. Central Asian policy has not achieved this synergy or consistency. To many, it has seemed overshadowed by short-term military requirements and objectives.⁴⁷ The establishment of military bases and the signing of the United States–Uzbekistan Declaration on the Strategic Partnership and Cooperation Framework increased security-related assistance (especially in 2002), and the American focus on terrorism moved security and military concerns to the forefront of the U.S. agenda in the region. In many ways, these actions were necessary correlatives to the war in Afghanistan; increased U.S. military presence in the region has had the benefit of increasing American influence, and some argue that American military presence in itself will likely generate positive results.⁴⁸ However, the recent focus on traditional security concerns may undermine long-term U.S. strategy and fail to create the level of stability needed.

The reason can be found in the political realities on the ground. For the regimes and the elites who support them, the point is to stay in charge, to maintain their hold on power. The war on terrorism furthers these goals; exaggerating the

terrorist threat justifies repressive measures and diverts attention from internal problems. The United States is still concerned about real reform, but the regimes see a shift in the American message, away from concern with real reform; they now see a United States prepared to deal with them on their own terms in return for military cooperation in the war on terror. The secretary of defense, chairman of the Joint Chiefs of Staff, and other Defense officials have reinforced this message. For example, in August 2004 the chairman of the Joint Chiefs criticized a State Department cutoff of aid to Uzbekistan due to a lack of progress in human rights; the cutoff, he declared, reduced U.S. military influence.⁴⁹ The chairman announced an increase in nonproliferation aid and the transfer of fourteen patrol boats to Uzbekistan. Such mixed signals are dangerous because it allows local leaders to choose the messages they want to hear and ignore other critical aspects of American policy.

This overemphasis on traditional security measures is the first of the six strategic risks the United States faces in aligning its Central Asian goals with its means. The key challenge is not to let short-term actions determine policy. Should this happen, and the current strategy ends up helping Central Asian regimes consolidate their hold on power, we are likely to see an exacerbation of existing tensions and structural problems that could lead to state failure.

A second and closely related risk deals with how the United States categorizes local terrorist groups. American policy tends to see all terrorists as inherently evil and as enemies of the West. It does not distinguish between truly transnational groups and those existing largely in response to local conditions. Radicalism in Central Asia, however, is not the same as radicalism in the Middle East or Afghanistan. Some terrorists, like the IMU, have links to transnational groups, but Central Asian radicalism is firmly embedded in local realities: lack of political participation, poverty, poor governance, corruption, and government oppression. Because local governments, especially in Uzbekistan, tend to classify anyone who opposes them as criminals or terrorists, the United States could end up being viewed as backing oppressive and corrupt regimes. The populations of the region might turn away from democracy, trade liberalization, and other U.S. goals and start to see the models of China or Russia as attractive alternatives to Western-style governance. A second outcome might be a rise in anti-Americanism, as Central Asian youth, unable to express their dissatisfaction with their governments, turn their anger toward the United States. Such an outcome would only play into the hands of extremists.

Another risk for the United States and the West generally is that Western ideals and support may fail to meet the high expectations of local populations. Many understand only poorly the nature of international power relations and the limits on the ability of Western institutions to influence their governments.⁵⁰ Combine

seeming failure with governments that spout empty words about democracy and fail to deliver basic political freedoms or reform, and the result could be a discrediting of democracy and Western institutions in the eyes of Central Asians.

A fourth risk factor is a potential lack of resources. If U.S. policy is to succeed, it must not only be the right strategy but be properly supported by resources. Resources fall into two broad categories: attention of senior decision makers and funding. Contrary to the hopes of some commentators, Central Asia has not moved to the center of American foreign policy; it is not even a significant focus. Senior policy makers from the president on down spend the majority of their time on the Middle East, Europe, China, Iran, East Asia (Japan and the Koreans), Pakistan, Mexico, Russia, and whatever the crisis of the moment is.

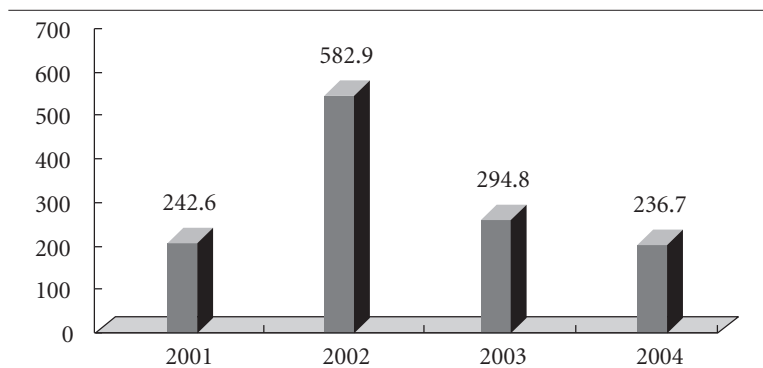
This is to be expected. As the world's sole superpower, the United States has interests everywhere. The attention and focus they demand exceed the capacity of a handful of key decision makers.⁵¹ A distant region like Central Asia is therefore bound to be on the periphery of their concerns—with the result that American Central Asia policy is likely to be captured by other policy agendas and subjected to gross oversimplification. For this reason American policy in the region is, and will likely continue to be, full of inconsistencies and contradictions. Greater regional expertise would help but would not totally mitigate this risk.

The second half of the resource problem, funding, directly relates to the first. Policy makers who misunderstand Central Asia politics and events are not likely to devote the right resources to the region. Even if they do, resources are always finite; policy makers have to prioritize. As figure 1 shows, prior to 9/11 American assistance to the region was \$242.6 million (fiscal year 2001).⁵² In fiscal year 2002, U.S. assistance more than doubled to \$582.6 million, in connection with fighting al-Qa'ida in Afghanistan. Two years later, the figure had decreased to \$236.7 million, slightly lower than in 2001 (1.14 percent of total foreign assistance, 1.47 percent in 2001).

Apparently, then, the amount of money the United States is willing to spend on the region is very small, compared to the three billion dollars the United States gives in military aid to Israel and Egypt every year.⁵³ This is a poor region, with many needs; this level of funding might not support the desired ends. Also, if the money available is spent on one tool at the expense of others, the objectives advanced could overshadow, even negate, the effectiveness of those others.

Further, studies indicate that if aid is to be effective, recipient countries must be moving toward sound policies and institutions.⁵⁴ Financial and economic aid generally does not work well in a bad policy environment; governments that do a poor job of allocating and delivering services to the public generally do not use aid effectively. By that measure, any aid or assistance given to a Central Asian government is liable to be used ineffectively or siphoned off by corrupt

FIGURE 1
TOTAL U.S. ASSISTANCE TO CENTRAL ASIA (U.S.\$ MILLIONS)



Sources: Jim Nichols, *Central Asia's New States: Political Developments and Implications for U.S. Interests*, Congressional Issue Brief IB93108 (Washington, D.C.: Congressional Research Service, April 1, 2003), p. 16, table 1; U.S. State Department Bureau of European and Eurasian Affairs fact sheets, available at www.state.gov/p/eur/rls/fs/.

individuals or agencies. The risk the United States runs in providing aid to the region is that it may fail to reach the intended recipients or generate needed reform, instead supporting oppressive regimes.

American bases and increased involvement in the region could create a fifth risk, the return of great-power rivalry in the

region. As already discussed, Russia and China have over the last couple of years taken steps to counter U.S. moves. Each sees the United States as an intruder in its sphere of influence; it is quite possible that American actions in the region could impede interests more vital to the United States than Central Asia. In any case, should great-power competition arise in the region and the United States decide to play, it will have to devote more resources there—resources that may not be available.

The last risk the United States could face is that its policy may only strengthen the current regimes' hold on power, not generate the reform needed to achieve U.S. objectives. Politically stable governments in the states of the former Soviet Union, one scholar has found, have generated the least economic reform and democracy, whereas in the least politically stable governments (Poland, Bulgaria, and three Baltic states), vested interests were not allowed to gain control of the government, and so economic reform and democracy were able to grow.⁵⁵ Central Asian states being not inclined to economic and political reform, American actions that foster the status quo may only inhibit the achievement of U.S. objectives. Political chaos, once it comes, may be all the more risky, because the radicalism built up in the meantime by political repression or economic stagnation could produce state failure.

POLICY RECOMMENDATIONS

The desired end state of United States and Western policy in Central Asia should be reformed governments capable of delivering adequate levels of political goods. Such states will be stable and economically prosperous, have good human rights records, enjoy some form of representative governance, and resist terrorists, drug traffickers, or other transnational threats. American strategy

must be balanced with an understanding of the limitations of U.S. influence in the region. It must better align all instruments of national power to ensure that each reinforces the others. The departments of State and Defense and other U.S. agencies must not send mixed messages to the governments and people of Central Asia. The Defense Department should ensure that its security objectives support overall policy. The State Department needs to be the coordinating point of all U.S. policy so that the region receives a unified message from Washington. In addition to a unified American strategy, there needs to be a coordinated Western strategy between the United States, Western aid agencies, international organizations like the OSCE and NATO, and international NGOs.

A second element of this coordinated strategy must be with regional powers. NGOs, international institutions, and individual Western governments, working singly, have only limited ability to induce change in current Central Asian governments. However, if they can combine their efforts and develop a common strategy with the United States and other regional powers, the ability of the international community to influence Central Asian regimes will be dramatically improved. This should also reduce the ability of regimes to play off one power against the other; that in turn could lessen great-power competition and dramatically improve the effectiveness of aid and other policy tools. The United States and regional powers will not agree in all areas, but there are enough areas of mutual concern to generate cooperation. Areas of common interest include economic development, border control, poverty alleviation, strengthening of the institutions of governance, financial reform, development of human capital, counternarcotics, and transportation infrastructure. By focusing on areas of common value, all sides will be able to advance their interests in a mutually beneficial manner, with a positive effect on stability. This will also make it much easier for the United States to convince other powers that it is not trying to dominate the region. The United States will never be able to eliminate Russian and Chinese unease, but through careful diplomacy and policy it can reduce suspicion to a level that does not impede cooperation.⁵⁶

A key element of a coordinated regional strategy will be finding a way to increase cooperation between the five Central Asian states, the West, and regional powers. One avenue would be existing regional organizations, like the Shanghai Cooperation Organization, as mediums for confidence building and cooperation. However, these organizations have generally been ineffective at generating real cooperation between Central Asian states and have largely been vehicles for regional powers to maintain or increase their influence.⁵⁷ A better solution would be for the United States, OSCE, regional powers, and Central Asian states to form a new regional multilateral organization focused on building cooperation. The institutions it created would allow for greater interaction and create

forums where the interests of all involved states could be advanced. A new regional multilateral organization backed by the great powers could produce collaboration in areas where it is currently lacking, such as economic reform, governance, and border control—which in turn would improve trade, counter-narcotics enforcement, and counterterrorism. Likewise, institutions and mechanisms to handle water distribution, especially in areas such as the Kyrgyz Batken Valley and Tajik Sogd Province, could reduce cross-border conflict over water rights.

Such an entity might also be able to deal with political instability should one or more of the regional governments fail. Such a structure could help Central Asian states peacefully and collectively manage political turmoil in the region. An independent, multilateral organization would also be a natural forum in which major powers could confer and pool resources with which to respond to such a contingency; individual powers would thereby be less likely to take action on their own.

However, a coordinated regional strategy, though it offers many benefits, will not totally eliminate the need for bilateral engagement by the United States. For some areas, such as military assistance, bilateral relations may prove more effective. The challenge for Washington will be to ensure that the bilateral and cooperative approaches reinforce each other. If not carefully designed, bilateral economic and military aid can undermine a coordinated strategy. Effective management between the bilateral and cooperative means that one agency—the State Department—will have to coordinate all actions and ensure that the various agencies involved stay focused on the big picture and long-term strategic objectives. If Central Asian states do not see American policy as united and consistent, they will be able to play off one agency against the other.

The next key element of policy must be a realization that Central Asia states are all weak states and could fail. Some are less likely to than others, but all have significant difficulties in delivering political goods to their societies. Weak states or not, however, they are highly resistant to change. In terms of policy, this means that reform is likely to be achieved only through political instability—the best hope for the creation of alternative centers of power and breaking the hold of entrenched interests. U.S. policy must therefore be ready for, and help lay the groundwork for, leadership change; as already noted, the best opportunity for that will occur when the old Soviet-era leadership moves on. When it does, the transition is likely to be ugly, due to the weakness of political institutions. Therefore, helping create an environment that allows for legitimate alternatives to the current governments, on one hand, and Islamism, on the other, needs to be a central element of U.S. strategy.

Helping create an environment that can weather the storm of regime change and political instability is a strategy focused on preventing state failure. This strategy has two elements. The first involves the use of diplomacy and other means to create political space for civil action. The key here is to find ways to constrain state violence and repression in order to give nonviolent groups the opportunity to develop and mature. This may involve targeted sanctions against the economic interests of government officials and ruling elites or the withholding of military and economic assistance.

The second component of this strategy would be helping societies develop tools and ways of thinking that will allow them to reform themselves politically, socially, and economically when given the chance. This component is about creating and investing in the human capital needed to handle the transition from authoritarianism to democratic rule. Substantial civil societies focused on non-violence historically have been able to manage this transition.⁵⁸ Encouraging such conditions will require the United States and other donors to invest in and support student organizations, anticorruption groups, election-monitoring and voter-education organizations, independent media, political party training and building, trade unions and worker organizations, women's groups, and think tanks.⁵⁹

Such strategy carries considerable risk and will be difficult to institute in the region, especially in Uzbekistan and Turkmenistan. However, the alternative is likely to be chaos, violence, and reduced chances that good governance will emerge from the eventual regime transition. For instance, civic life had not fully developed in Kyrgyzstan when the government fell in March 2005. As a result, violence occurred during the ensuing Kyrgyz Tulip Revolution, some of it organized by criminal elements in the southern part of the country.⁶⁰ It is still too early to tell whether Kyrgyzstan will finally achieve representative rule, but history demonstrates that if it does, it will have been largely because of the ability to tap the human capital created prior to the fall of the Akaev regime.⁶¹ Civic life in Uzbekistan and Turkmenistan is considerably less developed than Kyrgyzstan's; should those regimes fall, the Uzbek and Turkmen states are more likely to fail.

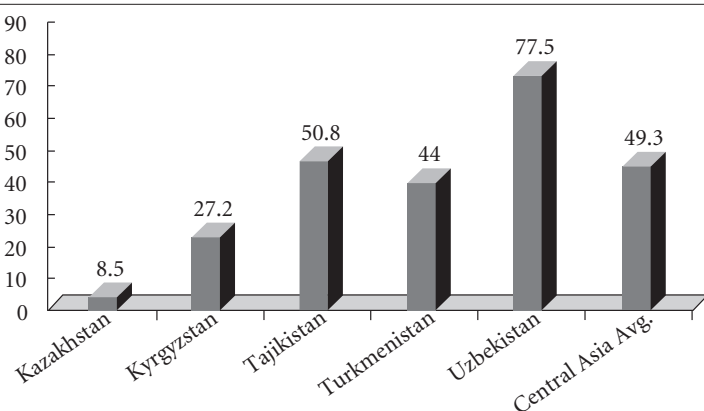
The fourth element of U.S. policy must be to discourage Uzbekistan's desire for regional hegemony. Since independence, Uzbekistan has generated mistrust in and poor relations with its neighbors. Its economic policies, border control, and security policies have worsened the political and economic climate of Central Asia. The challenge for policy, then, is how to encourage the kind of political and economic reform needed to create a strong and free Uzbekistan without being seen as favoring or promoting Uzbek ambitions.

The fifth element of U.S. policy should be a focus on economic reform and the alleviation of poverty. Over the last few years most Central Asian states have

seen double-digit growth in gross domestic product. This is an encouraging sign, but it hides underlying economic weaknesses. A large segment of the region is not seeing the benefits of economic growth; 49 percent of the population in Central Asia lives on less than two dollars a day (see figure 2). Instead, a disproportionate amount of those benefits are being captured by ruling elites and their supporters, producing, as we have seen, corruption, rent seeking, and illegal activity. Recent initiatives such as the Trade and Investment Framework Agreement are positive steps, but ways need to be found to raise the standard of living of the average Central Asian.⁶² Corruption prevention, aid, and structural reform measures must break the pattern of poor economic governance and endemic corruption. Specific U.S. policy measures that might promote this end are listed in table 2.

How can the United States and the West in general improve economic conditions in remote, landlocked countries with fragmented markets, poor economic governance, corruption-ridden societies, and uncertain futures? Foreign direct investment (FDI) in such an environment will be sparse, except in high-payoff industries like oil and gold extraction. Liberal economic policies, while welcome, would not compensate for the absence of commercial opportunities. The keys to improving regional economic conditions are market expansion and rein-

FIGURE 2
2003 POVERTY LEVELS
(PERCENTAGE OF POPULATION LIVING ON LESS THAN \$2/DAY)



Poverty data from World Bank Group, *2004 World Development Indicators* (Washington, D.C.: 2004), table 2.5, available at www.worldbank.org/data/wdi2004/pdfs/table2-5.pdf.

tegration, which can happen only if borders are opened more widely, adequate dispute-resolution mechanisms are put in place, and the rule of law (in such areas as banking and private-property reform) is dramatically strengthened. Increased trade with the United States and the European Union will also help, but geography and other structural factors limit the possibilities there. Ac-

cordingly, American economic strategy should aim primarily at increasing intraregional trade and the institutions that support it (see table 2).

Energy extraction in itself, however, should not be the focus of Washington's regional economic engagement strategy. Only three of the states have significant quantities of oil and gas, of which the economic benefits go largely to the elites. The only viable exporter of energy over the next ten years will be Kazakhstan.

TABLE 2
RECOMMENDED POLICY

Economic Measures (aid, trade agreements, loans)	Human Capital and Civil Society Development
• Trade harmonization • Currency convertibility • Diversification of trade away from primary commodities (i.e., gold, oil, gas, cotton) • Agricultural reform to include: • Improving irrigation infrastructure • Outreach and other training designed to shift agricultural production from cotton to less water-intensive crops • Tax reform (simplification and enforcement) designed to move more of the region's economic activity from the gray economy into the legal economy • Auditing of Central Asian government and corporate finances by outside agencies (improve transparency) • Work with Asian Development Bank to provide micro loans to small and medium-sized businesses • Fund building of transportation infrastructure.	• Building of educational infrastructure, including funding to pay for teachers • Fund translation of English texts into local languages and make readily available to libraries and community centers • Fund independent printing presses • Fund independent news media • Increase cultural and educational exchanges (students, lawmakers, military, police, and businessmen) • Fund scholarships for up-and-coming leaders to attend U.S. institutions (Harvard's Kennedy School of Governance, etc.) • Provide access to modern information technology at the local level (NGOs, schools, community centers).

The American concern with respect to Central Asian oil and gas should not be more FDI but greater transparency in the management and distribution of profits from Kazakhstan's energy wealth. "The need for improved transparency applies not only to the government, but also to foreign and domestic oil companies."⁶³ Regulation could require American companies to be completely transparent in their payments to regional states and companies; it should also urge greater openness in the oversight of the National Fund of the Republic of Kazakhstan (created in August 2000).⁶⁴ FDI will naturally flow as soon as the region is seen as a good investment and credit risk—and that can result only from economic stability and good governance.

The sixth policy recommendation deals with how aid is used in the region. As we have seen, American aid is fairly small; therefore, it is likely to influence decisions only in areas that regimes consider of low importance. Humanitarian aid to the sick and poor is one of those areas. Second, since current conditions dilute aid effectiveness, it should be limited to items that will promote economic and political reform and the development of a vibrant civil society. To this end, it should be limited to the modest and patient roles of disseminating ideas, transmitting experiences of other countries, educational and leadership exchanges, media reform, legal and economic technical assistance for banks and other economic institutions, and projects that support civil society at the grassroots level. Most importantly, aid projects must be viewed by locals as helping them and not supporting corrupt governments. Conflict-prevention projects in Uzbekistan

are a good example; funding Kyrgyzstan's only independent printing press is another.

The United States cannot, however, leverage its soft power or effectively deploy its information tools if the region's leaders and citizens are not persuaded that the security aspects of American policy cannot be separated from its nonsecurity aspects. Therefore, human rights and the promotion of human dignity must be given a central role in U.S. policy. Torture in prisons and suppression of political opponents must have costs. The United States may not be able to effect a complete reversal of the human rights record in the region, but it can keep the issue visible. Every political dissident freed through U.S. pressure will be a victory for American soft power and its ideals. Real progress in human rights and freedom will only occur with internal reform; Washington's job is to keep the pressure on and show the people of the region that there are alternatives to their current situation.

U.S. policy should also promote broad-based reforms; political gradualism only makes real reform less likely, resulting perhaps in liberal autocracies like those of the Middle East.⁶⁵ Liberal autocracies in Central Asia would be no more likely than those of the Middle East today to be strong states or prevent the propagation of radicalism and other transnational threats. Such a transformation could make permanent the underlying weaknesses that currently exist. Encouraging broad-based reform risks alienation of elites and even instability. Even so, short-term political instability and frequent, if peaceful, changes in government would be better than a collapsed state.

Lastly, success in Afghanistan will enhance Central Asian security more than anything else American action could achieve. A properly functioning, prosperous Afghanistan will secure the region's southern border and largely eliminate the threat posed by transnational threats. Destroying the bulk of the Islamic Movement of Uzbekistan in Operation ENDURING FREEDOM was the first step in the process. Political and economic stability followed by good governance in Afghanistan is the next step; because the United States has not been able to achieve it, Afghanistan still threatens Central Asian security. Notably, the expansion of the opium trade is destabilizing, especially in Tajikistan. It will likely be many more years before Afghanistan will effectively govern itself and be able to control its borders. In the meantime, the international community—specifically NATO, which took over the International Security Assistance Force in that country in 2003—needs to find a way to secure Afghanistan's northern border with Central Asia.

LIMITED LEVERAGE, LONG-TERM GOALS

Central Asia is a region populated by weak states. This weakness is largely a result of the inability of the region's governments to deliver political goods equitably and adequately. Endemic corruption, weak civil societies, government harassment of citizens, subversion of democratic norms, breaches of the rule of law, severe poverty, and other indicators of state weakness are all present.

The rise of instability and radicalism in Central Asia has largely resulted from the failure of governance. Military power and foreign aid by outside powers will not reverse that failure. The United States is limited in its ability to effect change in the region by geopolitics, the nature of the local regimes, and a lack of leverage. American policy must therefore use what leverage it has more effectively, through better understanding of the regional dynamics. In general, it should focus on Central Asia as a whole, while realizing that each of its states is different. Further, the United States should act as a promoter and sponsor of a unified regional cooperative strategy—one that seeks unity among all actors and promotes economic prosperity, regional cooperation, civic life, and good governance.

Specifically, American Central Asian policy should embrace the seven elements elaborated above. First, Washington needs to develop a unified strategy that will align all the elements of national power. All U.S. government agencies should focus on two goals: ensuring that Central Asian states do not fail and improving their ability to deliver political goods to their citizens. Policy and strategy needs to be coordinated not only within the U.S. government but also with other Western institutions and agencies working in the region. Second, a coordinated strategy should be developed with regional powers, one aimed at a regional cooperative architecture that will ultimately produce an independent regional multilateral organization. Third, policy should be grounded in the fact that though all Central Asia states are weak and could fail, their regimes, with the possible exception of the new Kyrgyz government, are highly resistant to change; therefore, political instability will likely be one of the only ways to break existing power structures and generate reform. Western strategy should lay the groundwork for such a possibility, by supporting nonviolent resistance by broadly based civic coalitions and pressuring governments to expand the political space for nonviolent civic action. Fourth, Uzbekistan's aspirations to regional hegemony should be discouraged. Fifth, policy and aid should focus on improving regional trade and institutions that support it, to foster economic reform and alleviate poverty. Sixth, because U.S. foreign aid devoted to the region is limited, it needs to concentrate on projects that support long-term objectives that will not

be seen as directly supporting corrupt regimes or ruling elites. Last, and perhaps best, to promote stability in Central Asia, the United States and NATO must succeed in Afghanistan.

America's current Central Asia policy is far from perfect. New and creative thinking is needed if it is to have a chance of overcoming the challenges it faces. In particular, American Central Asian policy can succeed only if the tools of policy and the goals are related more closely. There can be no guarantee of success, but strategic risk can be reduced by a better understanding of U.S. limitations and a better alignment of ends and means.

NOTES

1. According to Robert I. Rotberg, "Political goods are those intangible and hard to quantify claims that citizens once made on their sovereign and now make on states." He argues that "nation-states exist to provide a decentralized method of delivering political (public) goods to persons living within designed parameters (borders)." Political goods include security, education, health services, economic opportunity, environmental surveillance, a legal framework of order and a judicial system to administer it, and fundamental infrastructural requirements such as roads and communications facilities. Robert I. Rotberg, "The Failure and Collapse of Nation-States: Breakdown, Prevention and Repair," in *When States Fail: Causes and Consequences*, ed. Robert I. Rotberg (Princeton, N.J.: Princeton Univ. Press, 2004), pp. 2–3.
2. Rent seeking refers to nonproductive activities that are designed to generate personal wealth. Generally, rent seeking is accepted as the use of public office for private gain. Olga Oliker and Thomas Szayna, eds., *Faultlines of Conflict in Central Asia and the South Caucasus: Implications for the U.S. Army* (Santa Monica, Calif.: RAND, 2003), pp. 90–92.
3. International Crisis Group, *Incubators of Conflict: Central Asia's Localized Poverty and Social Unrest*, ICG Asia Report 16 (Brussels: 8 June 2001), pp. ii–iii; Martha Brill Olcott, Anders Åslund, and Sherman W. Garnett, *Getting It Wrong: Regional Cooperation and the Commonwealth of Independent States* (Washington, D.C.: Carnegie Endowment for International Peace, 1999), pp. 234–45.
4. Radicalism has many variants. All typically "break from standard analytical norms and conventions while simultaneously demanding sweeping and often violent change in the global political process." Anarchism, nihilism, terrorism, and Islamism are all forms of radicalism. Thomas F. Lynch III, "Foundations of Radicalism," in *Strategy and Force Planning*, ed. Security, Strategy, and Forces Faculty, 4th ed. (Newport, R.I.: Naval War College, 2004), pp. 88–89.
5. Robert H. Dorff, "Strategy, Grand Strategy, and the Search for Strategy," in *The Search for Security: A U.S. Grand Strategy for the Twenty-First Century*, ed. Max G. Manwaring, Edwin G. Corr, and Robert H. Dorff (Westport, Conn.: Praeger, 2003), p. 132. Afghanistan, after the Soviet occupation, became a haven for radicalism (Islamic Movement of Uzbekistan and al-Qa'ida), narcotic trafficking, and general instability. Its instability has had a destabilizing impact on Central Asian states due to large refugee flows, breakdowns in economic relations, spillover effects of drug trafficking, and terrorism.
6. "State failure opens the way to terrorism, mass violence, and insurgency, which then could create the opportunities to threaten both American forces and vital American interests in security, energy, and democratization of the region." House of Representatives, testimony by Professor Stephen Blank, in *Central Asia: Terrorism, Religious Extremism, and Regional Stability*, hearing before the Subcommittee on the Middle East and

- Central Asia of the Committee on International Relations, 108th Congress, 1st sess., 29 October 2003, serial 108-71, p. 44.
7. These factors could be called “the dark forces” of globalization. They include drug trafficking, trade in persons, money laundering, refugee migration, spread of diseases like AIDS/HIV, depletion of natural resources due to overexploitation, and radicalism. Three U.S. national interests—favorable world order, promotion of values, and economic well-being—are impacted by this possibility.
 8. George W. Bush, *The National Security Strategy of the United States of America* (Washington, D.C.: White House, September 2002), pp. 3–4; Second Inaugural Address, 20 January 2005, available at www.whitehouse.gov/news/releases/2005/01/20050120-1.html.
 9. American strategic interests in Central Asia are: security, including our fights against terrorism, proliferation, and narcotics trafficking; energy, involving reliable and economically sound transit of Caspian oil and gas to global markets, and the use of energy revenues to foster sustained and balanced economic growth; and internal reform, encompassing democratic and market economic transformations in these countries that can support human rights and expand freedom, tolerance, and prosperity in these countries. House of Representatives, testimony of Beth Jones, Assistant Secretary, Bureau of European and Eurasian Affairs, U.S. Department of State, in *Central Asia: Terrorism, Religious Extremism, and Regional Stability*, hearing before the Subcommittee on the Middle East and Central Asia of the Committee on International Relations, 108th Congress, 1st sess., 29 October 2003, serial 108-71, p. 10.
 10. “The recent progress of these states [Poland, Hungary, other former Soviet states in Eastern Europe] suggest that the domestic institutions of countries that are not initially predisposed to liberalization are more likely to be changed by broad-based, sweeping reforms and the promise of full membership in the institutions of the West than by piecemeal and often uncoordinated projects.” Alexander Cooley, “Western and Domestic Choices: The Influence of External Actors on the Post-Communist Transition,” in *Nations in Transition 2003: Democratization in East Central Europe and Eurasia*, ed. Adrian Karatnycky, Alexander Motyl, and Amanda Schetzer (Lanham, Md.: Rowman & Littlefield, 2003), p. 36.
 11. Strong states are states that are able to deliver a wide range of political goods to their citizens. Strong states adhere to their end of the social contract between the state and the people. By providing security, economic opportunities, rule of law, and the ability to participate in the political process, they achieve legitimacy in the eyes of their citizens.
 12. “Anocracies are a middling category rather than a distinct form of governance.” Monty G. Marshall and Ted Robert Gurr, *Peace and Conflict 2003* (College Park, Md.: Center for International Development and Conflict Management, 2003), pp. 9, 19–20.
 13. “Many parts of Central Asia are waiting for a spark to ignite them, thanks to a complex array of problems including the spread of underground Islamist activism, rebel incursions, tense ethnic relations, border frictions, geopolitical ambitions, and simmering disputes over land and water.” International Crisis Group, *Incubators of Conflict*, p. ii.
 14. Conflict-ridden countries export refugees, armed conflict, and insecurity to surrounding countries. Marshall and Gurr, *Peace and Conflict 2003*, p. 8.
 15. President Bush stated in his 2002 State of the Union Address, “America will always stand firm for the non-negotiable demands of human dignity: the rule of law; limits on the power of the state; respect for women; private property; free speech; equal justice; and religious tolerance.” State of the Union Address 2002, 29 January 2002, available at www.whitehouse.gov/news/releases/2002/01/print/20020129-11.html. Also see Address to the United Nations General Assembly, 12 September 2002, available at www.whitehouse.gov/news/releases/2002/09/20020912-1.html.
 16. According to the Program on International Policy Attitudes, most Americans believe “promoting and defending human rights in other countries” should be an important goal for U.S. foreign policy. Poll data available at www.americans-world.org/. According to the U.S. Human Rights and Democracy Strategy, “the United States is persuaded that regimes

- that violate the human rights of their own citizens are more likely to disrupt peace and security in their region and to create a reservoir of ill will that can accrue to the detriment of the United States. The best guarantor of security and prosperity at home and abroad is respect for individual liberty and protection of human rights through good governance and the rule of law." U.S. State Dept., *Supporting Human Rights and Democracy: The U.S. Record 2003–2004* (Washington, D.C.: Government Printing Office [hereafter GPO], 2004), p. vii. Similar statements are also contained in the *National Security Strategy of the United States*, pp. 1–4, and Second Inaugural Address.
17. The Millennium Challenge Corporation uses numerous indicators to determine eligibility for aid. Two categories, "Ruling Justly" and "Investing in People," focus on human rights issues. Millennium Challenge Corporation, *Report on the Criteria and Methodology for Determining the Eligibility of Candidate Countries for Millennium Challenge Account Assistance in FY 2004* (Washington, D.C.: 2004), p. 2, available at www.mca.gov/countries/selection/methodology_report.pdf.
 18. Spencer Abraham, "Kazakhstan: Investment and Trade," remarks by the Secretary of Energy at Conference on Kazakhstan. Overland Park, Kansas, 1 July 2002, available at www.state.gov/p/eur/rls/rm/2002/11635pf.htm.
 19. Kazakhstan oil reserves are estimated to be on the order of 9–17 billion barrels of oil, which is only 0.75 percent of the world's proven reserves. Natural gas reserves in Kazakhstan, Turkmenistan, and Uzbekistan equal 3.4 percent of the world's reserves. U.S. Energy Dept., *International Energy Outlook 2004* (Washington, D.C.: Energy Information Agency, April 2004), p. 50.
 20. The costs are so high that it usually takes a consortium of oil companies to finance oil extract projects. Paul Roberts, *The End of Oil: On the Edge of a Perilous New World* (New York: Houghton Mifflin, 2004), pp. 172, 251.
 21. Michael Lelyveld, "China's Mounting Influence in Central Asia: The Battle for Oil," Eurasianet.org, 20 November 2004, www.eurasianet.org/departments/business/articles/pp112004.shtml.
 22. Oil production is not expected to start until 2008. U.S. Energy Dept., *Kazakhstan Country Analysis Brief*, Country Analysis Briefs (Washington, D.C.: Energy Information Agency, December 2004), available at www.eia.doe.gov/emeu/cabs/kazak.html.
 23. Kazakhstan oil exports in 2004 were only one million barrels per day. U.S. Energy Dept., *Caspian Sea Region*, Country Analysis Briefs (Washington, D.C.: Energy Information Agency, December 2004), available at www.eia.doe.gov/emeu/cabs/centasia.html.
 24. Michael L. Ross, "Does Oil Hinder Democracy?" *World Politics* 53 (April 2001), p. 357; Svetlana Tsalik, "Overview and Recommendations," in *Caspian Oil Windfalls: Who Will Benefit?* ed. Robert Ebel (West Haven, Conn.: Herlin, 2003), pp. 7–8.
 25. "Authoritarian governments may be less able to resolve domestic conflicts and hence more likely to suffer from civil war. Slow growth may make domestic unrest tougher to resolve; civil wars, in turn, wreak economic havoc. There is nothing inevitable about the resource curse: states like Malaysia, Chile, and Botswana have done relatively well despite their oil and mineral wealth. Yet most others have found—like King Midas—that their resource wealth can be an unexpected source of grief." Ross, "Does Oil Hinder Democracy?" p. 357. Also see Paul Collier, "The Market for Civil War," *Foreign Policy* (May/June 2003), pp. 39–45, and Michael L. Ross, "What Do We Know about Natural Resources and Civil War?" *Journal of Peace Research* 41, no. 3 (May 2004), p. 352.
 26. "Dutch disease" is the term economists use to describe the less desirable effects oil and natural gas revenues have on exchange rates, trade balances, domestic production, and the availability and cost of credit. Open Society Institute, "Overview and Recommendations," p. 7.
 27. *Ibid.*, p. 5.
 28. "Repression effect" occurs when governments build up internal security forces to ward off democratic pressures; Ross, "Does Oil Hinder Democracy?" p. 356. Kazakhstan's oil fund, which is supposed to alleviate some of the effects of the resource curse, suffers from "governance flaws, including the lack of accountability and transparency." Open

- Society Institute, "Overview and Recommendations," p. 10.
29. It is still too early to tell if the new regime in Kyrgyzstan will take a new path toward greater democracy and better governance or revert to the old ways of consolidating power in the hands of the few for their personal benefit.
 30. Stephen Blank, "Democratic Prospects in Central Asia," *World Affairs* 166, no. 3 (Winter 2004), p. 140.
 31. Ibid.
 32. President Akaev's fall from power was largely a result of his lack of popularity due to his failure to build state institutions and to corruption that surrounded his family, resentment that manifested itself during the 27 February 2005 parliamentary election. With new leadership, Kyrgyzstan may be the one exception, in that there is a possibility that the current political process could find new leadership favorable to reform. International Crisis Group, *Kyrgyzstan: After the Revolution*, ICG Asia Report 97 (Brussels: 4 May 2005), pp. 1–2.
 33. Maral Madi, "Drug Trade in Kyrgyzstan: Structure, Implications and Countermeasures," *Central Asian Survey* 23, nos. 3–4 (December 2004), p. 249–50, 268; Phil Williams, "Criminalization and Stability in Central Asian and South Caucasus," in *Faultlines of Conflict in Central Asia and the South Caucasus*, ed. Olikier and Szayna, pp. 71–107.
 34. An example of the limits of U.S. influence occurred in February 2004, when Kyrgyzstan turned down the American request to operate Air Force AWACS aircraft from the base in Kyrgyzstan. *Air Force Times*, 14 February 2004, available at www.airforcetimes.com.
 35. Sergei Blagov, "Putin's Push for a Strategic Triangle," *Asian Times*, 8 December 2004, available at www.atimes.com/atimes/Central_Asia/FL08Ag02.html.
 36. Niklas Swanström, "The Prospects for Multilateral Conflict Prevention and Regional Cooperation in Central Asia," *Central Asian Survey* 23, no. 2 (March 2004), p. 51.
 37. It can be argued that time and money are not a zero-sum game, but current political and fiscal realities (rising national debt and war expenditures in Iraq and Afghanistan) will for at least the near term ensure that Afghanistan remains much more important to U.S. policy makers.
 38. Gulnoza Saidazimova, "Uzbek President Blames Group for Unrest," Radio Free Europe/Radio Liberty, 14 May 2005; "Uzbek Officials Claim Terrorists behind Violence," Radio Free Europe/Radio Liberty, 17 May 2005; both available at [available at www.rferl.org](http://www.rferl.org).
 39. "Soft power" is about getting others to want what one wants. It co-opts people rather than coerces; it rests on the ability to set the political agenda in a way that shapes the preferences of others. Soft power arises in large part from values. Joseph S. Nye, Jr., *The Paradox of American Power* (New York: Oxford Univ. Press, 2002), p. 9.
 40. These institutions have the least influence in postcommunist societies, due to their inability to enforce change on governments not predisposed to change. Cooley, "Western and Domestic Choices," pp. 26–27.
 41. Central Asian governments generally view NGOs and IOs more as threats than as positive forces for change. Swanström, "The Prospects for Multilateral Conflict Prevention and Regional Cooperation in Central Asia," p. 49.
 42. Michael A. Weinstein, "Kyrgyzstan's Chronic Complications," *Power and Interest News Report*, 18 March 2005, available at www.pinr.com/.
 43. Sharipov spent ten months in the Uzbekistani penal system, most of the time in a prison camp, before recently being granted political asylum in the United States. Ruslan Sharipov, "Special Report: Uzbek Prisons—A Survivor's Guide," *Institute for War and Peace Reporting*, 10 December 2004, available at www.iwpr.net.
 44. Olikier and Szayna, eds., *Faultlines of Conflict in Central Asia and the South Caucasus*, pp. xix–xxii.
 45. "President Discusses War on Terror," speech to National Defense University, 8 March 2005, available at www.ndu.edu/nduspeeches/PresidentDiscussesWaronTerror.html.
 46. Richard L. Armitage, remarks at the U.S. Kazakhstan Business Association Conference at the Ronald Reagan International Trade Center Washington, D.C., 27 April 2004, available at www.state.gov/s/d/rm/31870.htm.

47. Institute for War and Peace Reporting, *Will U.S. Policy Backfire in Central Asia?* (London: 30 March 2004), available at www.iwpr.net/; Pauline Jones Luong, "The Middle Easternization of Central Asia," *Current History* (October 2003), pp. 333–34; House of Representatives, Fiona Hill testimony, in *Central Asia: Terrorism, Religious Extremism, and Regional Stability*, hearing before the Subcommittee on International Relations, 108th Congress, 1st sess., 29 October 2003, p. 67; Ahmed Rashid, "As New Term Approaches, Bush and Administration Confronts Old Problems in Southwest and Central Asia," *Eurasia Insight*, 14 December 2004, available at www.eurasianet.org/departments/insight/articles/eav121404_pr.shtml.
48. David J. Trachtenberg, "Finding the Forest among the Trees: The Bush Administration's National Security Policy Successes," *Comparative Strategy* 23, no. 1 (January/February/March 2004), p. 6.
49. Jim Nichols, *Central Asia's New States: Political Developments and Implications for U.S. Interests*, Congressional Issue Brief IB93108 (2004 update) (Washington, D.C.: Congressional Research Service, November 2004), p. 10.
50. Intentional Crisis Group, *Is Radical Islam Inevitable in Central Asia? Priorities for Engagement*, ICG Asia Report 72 (Brussels: 22 December 2003), p. 23.
51. Eliot A. Cohen, "History and Hyperpower," *Foreign Affairs* 83, no. 4 (July/August 2004), p. 57.
52. Jim Nichols, *Central Asia's New States: Political Developments and Implications for U.S. Interests*, Congressional Issue Brief IB93108 (Washington, D.C.: Congressional Research Service, 1 April 2003), p. 16, table 1.
53. This figure does not include economic or other forms of aid.
54. World Bank, *Assessing Aid: What Works, What Doesn't, and Why* (New York: Oxford Univ. Press, 1998), p. x; Jim Kolbe, "Lessons and New Directions for Foreign Assistance," *Washington Quarterly* 26, no. 2 (Spring 2003), p. 193; Congressional Budget Office, *The Role of Foreign Aid in Development* (Washington, D.C.: GPO, May 1997), pp. 21, 31.
55. Anders Åslund, *Building Capitalism: The Transformation of the Former Soviet Bloc* (Cambridge, U.K.: Cambridge Univ. Press, 2002), pp. 384–86, 394–95.
56. The legitimacy of the presence of American military forces in the region in the eyes of Russia and China will probably be the most problematic. The United States has stated its forces will remain in Kyrgyzstan and Uzbekistan only as long as needed to deal with the terrorist threat and instability in Afghanistan. However, there are indications that the Defense Department might like to make the bases more permanent. The longer U.S. forces are stationed in the region, the greater their illegitimacy in the eyes of Russia and China. This situation may require Washington to set limits on military activities or on how long American forces will remain, in order to get cooperation on items of common interest. Zhao Huasheng, "China, Russia, and the United States: Prospects for Cooperation in Central Asia," *CEF Quarterly* (February 2005), p. 34, available at www.chinaeurasia.org/Newsletter.html.
57. SCO members include Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan, China, and Russia.
58. Adrian Karatnycky and Peter Ackerman, *How Freedom Is Won: From Civic Resistance to Durable Democracy* (Washington, D.C.: Freedom House, May 2005), p. 2, available at www.freedomhouse.org/research/specreports/civictans/index.htm.
59. *Ibid.*, p. 10.
60. Svante Cornell and Niklas Swanström, *Kyrgyzstan's Revolution: Poppies or Tulips?* (Washington, D.C.: Central Asia–Caucasus Institute, 18 May 2005), available at www.cacianalyst.org/.
61. Karatnycky and Ackerman, *How Freedom Is Won*, p. 7.
62. On 1 June 2004 the United States and all five Central Asian states signed a Trade and Investment Framework Agreement (TIFA). According to the agreement a TIFA council would be formed that would meet once a year to discuss policy issues and ways to cooperate. This approach is not likely to lead to much improvement in the economic climate in the region, due to the infrequency of its activity. The TIFA Council should meet at least quarterly and build a staff that meets at least

monthly in order to focus all the players on ways to improve economic cooperation.

63. Ebel, ed. *Caspian Oil Windfalls*, p. 143.

64. For specific recommendations on the current status of the fund and how to increase transparency, *ibid.*, pp. 145–57.

65. An effective argument can be made that Kazakhstan has already become a liberal autocracy. For

a good discussion on the negative impacts of liberal autocracies see Daniel Brumberg, *Liberalization versus Democracy: Understanding Arab Political Reform*, Carnegie Paper 37 (Washington, D.C.: Carnegie Endowment for International Peace, May 2003).



U.S. POLICY ON SMALL ARMS AND LIGHT WEAPONS

Loretta Bondi

This article reviews the development of U.S. policy on controlling the proliferation of small arms before, during, and after the 2001 United Nations Conference on the Illicit Trafficking of Small Arms and Light Weapons in All Its Aspects. It chronicles the policy's evolution from the formulations of the William J. Clinton administration to those of its successor. It argues that despite this changing of the guard, the main tenets of the policy have remained largely unchanged, and that the United States has failed to take leadership on this issue, adopting instead a minimalist approach—and correspondingly small expenditures. This policy choice has disappointed allies and partners, as well as large sectors of the nongovernmental community, affecting their views and weakening their confidence that major weapons producers will invest what is necessary to control the spread and misuse of small arms in areas of conflict, where it matters most. In this regard, the article points out aspects of U.S. law and practice that could have offered rallying points and models but were instead obfuscated by U.S. pugnacious rhetoric. This discussion also assesses how the aftermath of the 11 September 2001 attacks largely stalled, rather than stimulated, global progress and suggests that the connection between small arms proliferation and

transnational threats, such as terrorism, has not been properly addressed. The article then turns to areas in which active U.S. involvement has, in contrast, proved fertile and yielded concrete results, including proposals aimed at fostering effective and enduring change—measures that, if properly developed and expanded, may offer a viable blueprint for a 2006 UN

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Review Conference on this issue. The article goes on to weigh the role and resonance of American domestic policies on gun control and to examine how the new national security doctrine is affecting, and will likely affect, the international debate on small arms. Finally, it looks at how the influence of American interest groups and policy circles has shaped and may continue to underpin U.S. perspective and interaction at the multilateral and bilateral levels.

ATTITUDES AND MAGNITUDES

At around midnight on 20 July 2001, the president of the UN Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects “stopped the clock.”¹ This action allowed the mammoth, ten-day-long negotiations a chance to hammer out the many controversial issues that, on the very last day of the first global consultation on small arms, were still unresolved.

The UN Conference

At stake were measures to curb the spread and misuse of small arms and light weapons, identified by the United Nations as the weapons of choice in forty-seven out of forty-nine conflicts that had erupted during the preceding decade.² The massive human toll in lives and livelihoods exacted by assault-rifle-toting military forces, militia, and gangs needed a commensurate and global response. As the UN noted, “small arms are responsible for over half a million deaths per year, including three hundred thousand in armed conflict and two hundred thousand more from homicides and suicides.”³ However, the document the conference finally delivered—*Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects*—was heavy on rhetoric and light on actual commitment.⁴

The primary merits of the conference’s outcome resided in the fact that it put the dangers posed by the proliferation and abuse of small arms on governmental radar screens and created a consultative framework for the next five years. Indeed, its most important legacy is that for the first time it framed this issue, which had been long neglected as a minor disarmament topic, in terms beyond those of arsenal reduction and destruction. The conference had sidestepped human rights and international humanitarian law considerations, but the debate would now embrace a wide spectrum of concerns, from intrastate conflict to sexual violence and the devastation of communities.

The multilayered aspects of small arms proliferation and their implications for national and international policy had induced countries to negotiate the *Programme of Action*—a political document—with a fervor, attention to semantics, and rigidity of parameters usually reserved for treaties and legally binding agreements. As a case in point, the American delegation drew up and fiercely

defended a set of “red lines,” thresholds that Washington would not allow the conference to trespass and that remain central to U.S. policy on small arms today. The final document and subsequent initiatives, the United States insisted, were not to include:

- Any definition encompassing any non-military-style weapons or lethal weapons of war
- Any restriction on civilian possession of arms
- Any clause banning transfers to nonstate actors
- Any calls for negotiations on legally binding international instruments.⁵

The then Under Secretary of State for Arms Control and International Security Affairs (and now U.S. Representative to the United Nations) John Bolton also took issue with the involvement of large sectors of international civil society. “We do not support the promotion of international advocacy activity by international or nongovernmental organizations, particularly when those political or policy views advocated are not consistent with the views of all member states,” Bolton asserted. “What individual governments do in this regard is for them to decide, but we do not regard the international governmental support of political viewpoints to be consistent with democratic principles.”⁶ These words might have soothed American pro-gun lobbyists, who in fact exulted, but activists of the International Action Network on Small Arms (IANSA)—a coalition of hundreds of human rights, humanitarian, democracy, community, church-based, and arms control organizations—found them unduly peremptory.⁷

Many countries resented the notion that the narrow interests of U.S. pro-gun groups should prevail at an international forum and supersede global concerns.⁸ A result was widespread scrutiny of the American posture on small arms and comparison with other expressions of U.S. “unilateralism,” as reflected in Washington’s stands on the land mines treaty, the International Criminal Court, and the Kyoto Protocol.

Setting the Stage

If the stark articulation of the American small arms policy made jaws drop at the conference, the approach itself should not have come as a surprise. Save for some notable differences in levels of engagement, style of presentation, and choice of interlocutors, U.S. policy on small arms has been remarkably consistent since its original formulation in the mid-to-late 1990s.

That period witnessed the convulsions of the African Great Lakes region, triggered by the Rwandan genocide, and the exacerbation of violent strife elsewhere in Africa (as well as in Latin America and Asia) over control of natural resources, drugs, and contraband.⁹ Virtually all these conflicts were fought mainly

with small arms and light weapons, and they illustrated the extent to which perpetrators, enablers, and targets had become “privatized.”¹⁰ Ruthless nonstate actors were increasingly joining the ranks of belligerents and acquiring weapons from government-held arsenals; fresh arms supplies were also procured in the illegal market.

Further, in the 1990s the downsizing of the military forces of former Warsaw Pact countries released a cascade of excess weapons to warring parties in Africa

In these arenas U.S. law has much to teach, and it would seem to be in the interest of the United States that others follow the same path.

and elsewhere. In their quest for hard currency and market niches, ex-Eastern bloc governments and private sellers were less than fastidious about the human-rights

credentials of buyers. For their part, buyers accepted weaponry that, while hardly state of the art, was efficient, cheap, and abundant.¹¹

In such ways, commercial considerations consistently took precedence over the need to discipline a trade that, by its international nature, increasingly chipped away at the ability of governments to control exports of military equipment and technology, verify the bona fides of recipients, or identify end users. On this fertile ground private traffickers mushroomed, trading in arms, endangered animal species and products, gemstones, minerals, and other valuable commodities.¹² Such operators often acted on their own, but they also offered their services to governments and official agents.

Tragically, the victims of those conflicts fueled by such arms transfers were also increasingly nonstate actors, usually the most vulnerable elements in a society. These included civilians, who were deliberately targeted, and child soldiers, who became a feature of violent confrontations and massive human-rights abuses.¹³ The ubiquity and lethality of small arms and light weapons in the battlefield, in villages, and on streets from Johannesburg to Mexico City also highlighted the contiguity of the legal trade with the illegal market, as well as the inability or unwillingness of governments to establish or enforce controls to stem the flows.¹⁴

As the world’s largest holder of small arms stockpiles and their largest exporter and importer, the United States bore, and bears today, a major responsibility for controlling the possession and transfer of these weapons.¹⁵ The Small Arms Survey, a nongovernmental think tank, calculated that as of 2003, with more than 270 million civilian and police firearms and similar military holdings, the United States was the most armed country in the world. It now accounts for almost half of all known firearms in the world, with annual imports of a million firearms and domestic production of four million units.¹⁶ As of 2001, the survey noted, authorized U.S. exports were valued at \$741.4 million.¹⁷

Domestically, during the 1990s Washington faced mounting concern about the misuse of firearms. The 1993 Brady Handgun Violence Prevention Act required licensed firearms dealers to conduct background checks on purchasers.¹⁸ Further progress was achieved a year later with the ban of so-called assault weapons, prohibiting domestic sale and holding of nineteen types of semiautomatic assault weapons. (That ban expired in September 2004, on which more below.)¹⁹

Internationally, President Clinton voiced a heightened awareness of the problem of small arms proliferation before the fiftieth UN General Assembly in October 1995, presciently illustrating a link between, on one hand, the “gray market” that fueled terrorism and criminality and, on the other, the availability of firearms.²⁰ In 1996, on the basis of this realization and in response to congressional and public pressure, the United States pioneered a statute on arms brokering that brought a significant but previously unregulated portion of the arms market under control (discussed below).²¹ During the same year, in a move to expand transparency and accountability, Congress amended the Foreign Assistance Act of 1961 to require a detailed annual report on commercial arms exports below the previous reporting threshold for arms transfers, which traditionally had captured only major weapons sales.²² On the multilateral stage, the Clinton administration signed the seminal 1997 Convention against the Illicit Manufacture and Trafficking of Firearms, Ammunition, Explosives, and Related Materials. Mexico had spearheaded this Organization of American States (OAS) agreement, designed to control the illicit flow of arms from the United States across the border.²³ This convention, in turn, offered the basis upon which to negotiate a global firearms agreement; it later became a protocol to the 2000 Convention on Transnational Organized Crime.²⁴ (To date, the United States has ratified neither of these conventions.)

As this movement toward international action gathered traction in 1996–99, the U.S. government began to formulate for itself a comprehensive approach to small arms. The policy that emerged included a set of priorities and “no-go areas” that, by and large, stand today. Presenting a “U.S. Initiative on Small Arms” before a UN Security Council ministerial meeting on 24 September 1999, Secretary of State Madeleine K. Albright gave priority to such actions as:

- Adopting a voluntary moratorium on arms sales to regions of conflict not already covered by arms embargoes, particularly in Africa
- Committing the United States to work with other states to crack down on illegal brokering activities
- Mobilizing allies and partners to develop principles of restraint and a joint action plan on small arms transfers

- Devoting resources, training, and expertise to the destruction of weapons stocks worldwide.²⁵

In parallel, red lines were defined along the parameters previously mentioned, in order both to accommodate domestic constituencies, such as the arms industry and the pro-gun lobby—known as the “equities”—and to respond to pressure for action by arms control and human-rights nongovernmental organizations (NGOs), a group of which in 1998 contributed to creating and subsequently launching IANSA.²⁶ Some of these red lines were refined over time. Accordingly, U.S. reluctance to negotiate any additional treaty to control small arms grew apace not only with failure to ratify existing international pacts but also with progressive NGO research and focus on the areas that lend themselves to such legally binding agreements—brokering, marking and tracing weapons, and arms-export criteria respectful of human rights and international humanitarian law.²⁷ These were areas that neither the OAS convention nor the firearms protocol covered in sufficient detail and in which national legislation was direly lacking or unenforceable.²⁸

A similar inadequacy emerged when the havoc wrought by brutal nonstate actors in Afghanistan, Angola, Colombia, Congo, Liberia, Sierra Leone, and elsewhere made it apparent that after-the-fact international arms embargoes and other sanctions, as well as voluntary moratoria on exports, had failed either to deny these forces the tools of abuse or to restrain their actions. Consequently, activists in civil society and governments like that of Canada started to advocate preventive measures, in the form of a blanket ban on the supply of assault weapons to nonstate actors.²⁹ The United States would have none of this, fearing, as Bolton explained, that “oppressed” freedom fighters would not be able to defend themselves against genocidal aggressors.³⁰ An additional aspect of this proposal that alarmed U.S. interest groups and officials alike was the possibility that such a nonstate-actor ban might become a Trojan horse, ultimately impairing possession of weapons by civilians—who are, by definition, nonstate actors.

A New Course?

The policy was altered only at the margins by the first George W. Bush administration as it sought its own bearings on an issue for which the newcomers felt no particular affinity.³¹ A perceptible, if not substantive, shift did occur, however.

The immediate casualties of the changing of the guard were the sense of urgency and whirlwind activism the outgoing administration had displayed. According to a Department of State official, the senior Clinton bureaucrats who had shaped its small arms policy had felt a deep sense of commitment and had been commensurately engaged. “The policy was personality-driven and hands-on, but [that quality] did not effectively percolate to the lower ranks of

the bureaucracy,” this official observed.³² Clinton’s secretary of state herself had addressed the issue in two pace-setting and passionate speeches.³³ Her successor did not seem inclined to tackle the issue head-on, however. Expectations that Colin Powell would bring insights from his military past to bear on this subject were disappointed. Powell did mention the problem of small arms proliferation during a meeting with President Yoweri Museveni of Uganda in 2001, but their discussion barely touched upon it.³⁴ Subsequent pronouncements on this issue (discussed below) lacked both vision and innovation. As a result, just before and after the 2001 UN conference the U.S. policy on small arms followed a path of least resistance, when it did not seem to be utterly adrift.

Gone was the interagency process that had bolstered coherence and leadership. Instead, policy articulation and evolution was caught up for a while in a tug-of-war between the State and Defense departments, both claiming leadership on the issue.³⁵ In 2003 the State Department gained the upper hand, when then assistant secretary of state Lincoln P. Bloomfield took charge of the small arms portfolio and launched the Office of Weapons Removal and Abatement (OWRA). Even a cursory look at the OWRA website reveals scant information on small arms and a disproportionate focus on land mines.³⁶ Officials claim that this imbalance is due merely to the relative newness of the former concern and fierce competition for scarce resources within the bureaucracy.³⁷ Nonetheless, such a paucity of information is not only regrettable but indicates that the issue of small arms has been given a low priority.

Gone were also regular consultations with the U.S.-based NGOs of the Small Arms Working Group (SAWG), most of which were affiliated with IANSA. In contrast, the pro-gun lobby, which boasted of having an office in the Oval Office,

The U.S. arms export system is one of the most sophisticated and transparent in the world.

took solace in the Bush administration’s ascent to power.³⁸ Civil servants who had been active on the issue in both administrations

remained available for information sharing and comment when approached by SAWG members. But these ad hoc contacts represented an inadequate substitute for the process that had previously underpinned government and NGO interaction.

Moreover, the consultative process with other governments was hampered by the general depreciation that the Bush team had repeatedly voiced concerning multilateral initiatives, particularly those that centered upon or were led by the United Nations. If President Bush in his national security strategy pledged to work with allies and partners and called upon their active engagement, his doctrine of the right of the United States to act preemptively in an open-ended war against the ill-defined threat of “terror” left such partners in no doubt that

Washington would regard cooperation as optional and nonbinding.³⁹ The acrimonious debate over Iraq at the UN Security Council was perceived as a further indication that the United States would invoke and pursue its security interests even at the cost of a deep rift with its historical allies.⁴⁰

THE MISSING LINK: SMALL ARMS AND TRANSNATIONAL THREATS

The areas that suffered from, and continue to be affected by, the Bush administration's outlook concerning small arms were those in which progress—through cooperative security action—was most badly needed, namely, preventing weapons from reaching unstable areas and tackling the connection between the licit and illicit trade in small arms and transnational threats, such as terrorism.

The failure to draw such linkage in the September 2002 *National Security Strategy of the United States of America* was particularly regrettable and may be undermining the ability of partners and allies to respond to global challenges jointly. Two of the main thrusts of the strategy were raising awareness of the unfathomable dangers posed by terrorists acquiring weapons of mass destruction, particularly in failing states, and rallying support for counteraction. However, in the African, Latin American, Central Asian, and Middle Eastern contexts, the real weapons of choice are assault rifles and explosives, while potential participants in “coalitions of the willing” continue to be challenged by armed opponents and to undermine their own governmental legitimacy by egregious state-enforced human-rights abuses.⁴¹ Thus, an opportunity to define an enduring problem and its emerging implications for counterterrorism was lost.

Although the linkage was made in later administration pronouncements, there is no indication that the main rationale of the American approach has been substantially revised.⁴² John Bolton had spelled out that rationale: “We do not support measures that would constrain legal trade and legal manufacturing of small arms and light weapons. The vast majority of arms transfers in the world are routine and not problematic.”⁴³ Yet past U.S. interventions and a series of studies had demonstrated that weapons were routinely diverted by intended end users for unsavory purposes and that governments continued to contravene their own stated policies and international commitments by transferring weapons irresponsibly.

For example, in 1996 the U.S. government instituted a ban on firearms exports for commercial purposes to Paraguay and subjected sales to that nation's government and police to heightened scrutiny, because Paraguayan diversion of arms and ammunition to other countries in Latin America had reportedly become a major regional concern.⁴⁴ Two years later, in an unprecedented move, Washington publicly reprimanded Bulgaria, the Czech Republic, Poland, Russia, and Ukraine for selling arms to warring Ethiopia and Eritrea. It was not clear

whether these transfers included just small arms or major weapons systems as well. In either case, they had occurred despite calls for restraint by the United Nations and the Wassenaar Arrangement for Export Controls over Conventional Arms and Dual-Use Goods (an institution comprising thirty-three major weapons-producing states).⁴⁵ The ability of the United States either to prevent or stop such diversions remains severely constrained, while its own record in monitoring end-user behavior is lackluster at best.⁴⁶

Moreover, private commercial sales in the United States have proven to be a source for the illegal market.⁴⁷ The extent of the risk involved in the ready availability of guns became all too apparent when the Government Accountability Office (GAO) reported in January 2005 that “a total of 44 firearm-related background checks handled by the FBI . . . resulted in valid matches with terrorist watch list records. Of this total, 35 transactions were allowed to proceed because the background checks found no prohibiting information, such as felony convictions, illegal immigrant status, or other disqualifying factors.”⁴⁸ However, these evident perils do not appear to have given pause to the pro-gun lobby and its supporters, like the National Rifle Association. In March 2005, the *New York Times* observed that “the NRA and gun rights supporters in Congress have fought—successfully, for the most part—to limit the use of the FBI’s national gun-purchasing database in West Virginia as a tool for law enforcement investigators, saying the database would amount to an illegal registry of gun owners nationwide.”⁴⁹ To make matters worse, it is estimated that theft from legitimate owners alone injects up to half a million firearms into the black market each year.⁵⁰

AREAS OF PROGRESS

American leadership or active participation has been limited to areas where the United States either has a pressing national interest in achieving progress or already has in place, or is in the process of developing, comprehensive measures. As a result, Washington’s approach has been cautious and incremental. It is marked by neither vision, great burden, nor leadership.

Controlling MANPADS and Destroying Weapons

In the context of the antiterrorism fight, one category of light weapons has received particular attention from the United States—MANPADS, or man-portable air-defense systems. Such a weapon was used in 1994 to down the airplane carrying President Juvenal Habyarimana, an attack that triggered the Rwandan genocide. MANPADS were also used by terrorists in a failed 2002 attack against a charter plane in Mombasa; a weapon from the same stock had previously been retrieved near the Prince Sultan Airbase in Saudi Arabia. The Congressional Research Service reports that “since 1973, nearly half of all air losses in combat

have been attributed to IR [infrared]-guided SAMs [surface-to-air missiles] many of them launched from MANPADS.”⁵¹ GAO estimates that since the 1950s, twenty countries have produced and developed at least thirty different types of MANPADS.⁵² Unlike other categories of light weapons, MANPADS are produced only by countries with sophisticated defense industrial complexes, but they are stockpiled by 105 countries, according the Small Arms Survey.⁵³ These numbers are likely to grow, as developing states seek to acquire these weapons as a cheap alternative to larger anti-aircraft systems. It is not by coincidence, the survey notes, that MANPADS are appearing “in regions where conflict is widespread” and that at least thirteen nonstate groups, some of which are considered terrorist organizations, may already possess them.⁵⁴ Although the United States believes that the vast majority of the more than one million MANPADS manufactured in the world are in national inventories or have been safely destroyed, it acknowledges that many systems are yet to be accounted for and may be outside of government control.⁵⁵

The United States has long sought to mop up these weapons in Afghanistan, from where, of the thousand Stingers transferred in the 1980s in support of the anti-Soviet war, only between two and six hundred have reportedly been returned to the United States.⁵⁶ After the Taliban regime collapsed, the United States managed to retrieve a number of them, and in Iraq it has reportedly offered five hundred dollars in payment for each system surrendered.⁵⁷ As of February 2005, the United States had destroyed 10,500 MANPADS in twelve countries.⁵⁸

Responding to the threat posed by MANPADS to civil aviation, the U.S. government has asked the private sector to study the feasibility of adapting available military defense technology to civilian planes.⁵⁹ The RAND Corporation, however, concludes that it is not cost-effective to spend billions of dollars equipping America’s 6,800 commercial airliners against attack from shoulder-fired missiles. RAND argues that the investment might be justifiable later if antimissile systems become more economical and reliable.⁶⁰

Multilaterally, the United States has worked with allies and partners of the Organization of Security and Cooperation in Europe (OSCE), the Group of Eight,* the Wassenaar Arrangements, and the twenty-one APEC (Asia-Pacific Economic Cooperation) states to implement an action plan aimed at preventing terrorists from acquiring these weapons.⁶¹ It has spearheaded a NATO Partnership for Peace Trust Fund to help Ukraine destroy excess munitions, small arms, and light weapons, including MANPADS.⁶² However, as GAO notes, “multilateral forum members’ compliance with their commitments is voluntary, and the

* Canada, France, Germany, Italy, Japan, Russia, the United Kingdom, and the United States.

forums lack mechanisms to verify that members implement their political commitments or to analyze participants' reported data on arms transfers."⁶³ A February 2005 bilateral agreement signed with Russia to foster cooperation in the control of MANPADS may present similar challenges.⁶⁴

American initiatives on MANPADS dovetail with two long-standing American priorities for controlling the spread of small arms: destruction of excess or illicit stocks to hamper weapons recirculation and stockpile management to prevent leakage from arsenals. Since 2001, the United States has spent eleven million dollars to destroy 841,277 weapons (including MANPADS) and more than seventy-five million rounds of ammunition in at least thirteen countries, including Angola, Guinea, Liberia, Lesotho, Mozambique, and Senegal.⁶⁵ Moreover, the budget for surplus weapons destruction has increased to seven million dollars for 2005 from three million allocated in the previous fiscal year.⁶⁶ To facilitate progress, the United States—in concert with Canada and the Netherlands—has also drafted an OSCE best-practice guide for destruction of weapons. Washington has extended similar assistance to discourage theft and leakage and to account for and secure weapons in government stockpiles of such countries as Ecuador and El Salvador, as well as former Warsaw Pact members.⁶⁷

Enhancing Transparency

The U.S. arms export system is one of the most sophisticated and transparent in the world. Since the 2001 UN Conference, the United States has implemented or taken the lead on three important initiatives that may enhance accountability, information sharing, and confidence building in small arms and light weapons transfers.

The first involved provisions related to small arms and light weapons in the 2002 Security Assistance Act, which was promoted by Senator Dianne Feinstein and advocated by SAWG members.⁶⁸ Sections 206 and 241 lower the reporting requirements on exported small arms and light weapons from fourteen million dollars to one million. This innovation is of particular importance, because most small arms exports fall below the former threshold. The act also mandates, among other provisions, annual reporting of the activities of registered arms brokers, implementation of end-user monitoring, and investigations by the Bureau of Alcohol, Tobacco, and Firearms (ATF), in order that the United States not be a source of hardware for criminal and terrorist activities. These unprecedented measures may serve as a model for other countries, and they allow a considerable degree of public scrutiny.

Internationally, the United States has been instrumental in including certain categories of light weapons in the UN registry of arms transfers, which previously covered only seven major weapons types.⁶⁹ The registry is compiled

exclusively, however, from voluntary inputs; willful holdouts need not provide detailed information, or any at all. Nor is it clear what leverage Washington could have to encourage recalcitrant governments to report fully to the registry. Nonetheless, this initiative—long advocated by arms-control NGOs—has the potential to enhance state cooperation, as well as accountability, through peer pressure.

Moreover, in December 2002 the United States led other members of the Wassenaar Arrangement to agree on nonbinding guidelines concerning exports of small arms and light weapons, including MANPADS. These voluntary guidelines list the criteria for states to use in assessing transfers; they detail grounds upon which transactions ought to be refused, including considerations of human rights, fundamental freedoms, and international humanitarian law.⁷⁰

Reining in Arms Brokers and Tracking Weapons

The United States has also achieved progress in an area where its legislation had pioneered international efforts and stimulated attention—the control of brokers, transportation agents, and financiers involved in arms transactions. These middlemen are largely unregulated, and they have taken advantage of this lack of control to conduct transactions with a variety of unsavory clients in Africa and elsewhere, often in violation of arms embargoes.⁷¹

In 1996, the United States enacted a comprehensive brokering statute as an amendment to the 1976 Arms Export Control Act.⁷² This amendment was an effort to address critical aspects of the arms brokering problem and end the impunity with which illegal traffickers were operating. The new statute requires American brokers living anywhere and foreign nationals residing in the United States to register and obtain licenses for all arms deals they transact. The law not only empowers U.S. agencies to keep tabs on the number of brokers and their operations but subjects violators to American jurisdiction wherever an offense has been committed.

To date, however, only twenty-five states have enacted similar laws regulating arms middlemen, and these controls vary widely in the range of activities covered. This enfeebls the extraterritorial reach of the U.S. statute, since absence of, or variations in, definitions and statutory scope in other countries can hamper investigations and extradition of offenders. However, Washington has consistently resisted efforts to realize the full potential of its own law, failing in particular to support an international treaty that would offer uniform and enforceable standards.⁷³ Due in part to American opposition, the UN Programme of Action is notably weak on this crucial issue.

The United States instead has chosen to take an incremental and region-oriented approach—for example, by promoting, in concert with Canada, model

regulations at the Organization of American States. Other regional organizations and groupings have followed a similar path. U.S. engagement in this effort is crucial, but so limited a framework is rife with pitfalls. Regional arrangements do not cover enough territory to counter a phenomenon that knows no national or regional boundaries. Moreover, enforcement that is not shored up by the force of law or by formal mechanisms for verification faces a variety of hurdles. Absent a mutually agreed legal basis, judicial cooperation in conducting investigations overseas, obtaining extradition of suspects, and initiating prosecutions are problematic.⁷⁴ Further, the American approach on brokering risks diluting international focus by creating an illusion of action and follow-through where in reality there is none.

Finally, in an attempt to tackle the connection between licit and illicit transfers, the United States has actively participated in a UN Open Ended Working Group, designed to create consensus on an international instrument in time for a UN Conference review scheduled for 2006, to mark and trace small arms and

U.S. policy on small arms has been remarkably consistent since its original formulation in the mid-to-late 1990s.

light weapons. The consensus document that emerged from these consultations is expected to be adopted by the UN General Assembly in late 2005. This too is an

area where the United States excels. All American-licensed manufacturers and importers are required to mark weapons.⁷⁵ Since the UN Conference, the U.S. agency for the control of alcohol, tobacco, and firearms (ATF) has established specific height and depth marking requirements for licensees to import and manufacture firearms. In addition, commercial manufacturers are required to maintain permanent records on their production or acquisition of firearms; and records of licensed importers and exporters of defense articles must remain available for six and five years, respectively.⁷⁶ However, as an observer pointed out, the substance of this agreement is disappointing in several respects. For example, the document is “politically rather than legally binding; it does not include ammunition within its scope; and the mechanisms for promoting implementation and further development of the instrument are weak.”⁷⁷ Regrettably, the United States has resisted a legally binding and more comprehensive outcome.⁷⁸

THE WAY FORWARD

By its very nature, small arms trafficking is a phenomenon that involves more than one state; in fact, it has global repercussions. Consequently, a multilateral approach—comparing experiences, strengthening government responses where they are weak, and bolstering controls where they are inadequate—is eminently

suited to addressing small arms proliferation and its consequences. Thus far, however, states, including such major weapons producers as the United States, China, and Russia, have chosen a minimalist and largely rhetorical approach to the problem, steering clear of legally binding commitments that would bolster international responses, the legitimacy of state action, and the sustainability of governmental and nongovernmental effort.

Moreover, the United States has reportedly contributed to the weakening or scrapping altogether of important language on small arms and light weapons in the outcome document presented at the September 2005 world summit of leaders.⁷⁹ IANSA registered its disappointment by noting that an earlier draft of the document “represented some progress towards an international Arms Trade Treaty and a legally binding agreement controlling arms brokers. The U.S. proposed huge cuts in the draft agreement on many issues, and in the following frantic negotiations the opportunity to make progress on reducing gun violence was lost.”⁸⁰

The UN Review Conference in 2006 will offer participants an opportunity to overcome differences and devise action, particularly regarding brokering, marking and tracing, and criteria for arms exports. The pressing matters lend themselves to international codification that, in turn, may stimulate and channel cooperation as well as promote enforcement effectiveness.

Because it is the world’s largest exporter of small arms and light weapons, what the United States does domestically in this area influences, informs, and often guides international action. In contrast, U.S. neglect discourages and possibly undermines multilateral initiatives. Congressional failure to renew the assault-weapons ban in 2004 did nothing to reassure allies and partners that the United States has a genuine commitment to putting its own house in order. Such weapons, when misused, are no less lethal on the domestic scene than they are elsewhere. Moreover, absent stringent restrictions, they spill over national borders. Yet Congress chose to allow the ban to expire, and the White House, not following up its initial signals in favor of the ban, remained silent.⁸¹ This occurred despite the fact that, according to a survey conducted by the Consumer Federation of America and the Educational Fund, a majority of gun owners in all but two states, as well as a majority of current and former military personnel and law enforcement officials, supported a renewal of the ban.⁸²

Failure to extend the assault-weapons ban was undoubtedly interpreted outside the United States as yet another example of self-invoked exceptionalism, by which Washington exempts itself from rules that it would like to see applied elsewhere. The U.S. emphasis on weapons destruction, the centerpiece of American international small arms policy, is predicated on the notion that the risk of the misuse of weapons is directly proportional to the ease of their availability. The expiration of the ban undermined that notion and its self-evident rationale.

To many observers and many of its partners, U.S. resistance to codifying in international treaties the best and most innovative aspects of its own law is equally puzzling. IANSA and the communities it represents around the world advocate immediate action on three specific fronts of the struggle against small arms proliferation: establishment of arms export criteria based on human rights and international humanitarian law; more stringent controls on arms brokering; and a universal regime to track weapons. In all three arenas U.S. law

The massive human toll in lives and livelihoods exacted by assault-rifle-toting military forces, militia, and gangs needed a commensurate and global response.

has much to teach, and it would seem to be in the interest of the United States that others follow the same path. Global application of American laws and norms in this area would not only strengthen the

nation's enforcement capacity but minimize the adjustments required to existing U.S. statutes. On arms exports criteria, for example, the Arms Export Control Act and its implementing regulations, the International Traffic in Arms Regulations, and section 502(b) of the Foreign Assistance Act of 1961 contain the kind of provisions for human rights, peace, and security that NGOs would like to see in an international arms exports treaty.⁸³ These principles were reiterated in the 1999 International Arms Sales Code of Conduct Act, which was part of the 2000 State Department Authorization Act, requiring the president to support negotiations of a multilateral regime on arms transfer criteria.⁸⁴

By the same token, the U.S. statute on arms brokering and practice in weapons tracking should also be incorporated in legally binding international commitments. Granted, and as noted above, regional organizations have already taken steps in this direction, in Africa, the European Union, and the Organization of American States. In 2001, countries of the Southern Africa Development Community signed a legally binding protocol with strong and expansive controls on arms brokering.⁸⁵ Similarly, in April 2004 countries in the Great Lakes region and the Horn of Africa agreed on a protocol encompassing wide-ranging measures to prevent, deter, and reduce illicit arms trafficking, including requirements for the transaction and mediation of arms deals.⁸⁶ At other latitudes, the European Union has passed a "common position" concerning arms brokering.⁸⁷ However, if regional solutions are reasonable first steps, they need to be expanded globally. History has shown that illegal operations are easily relocatable to places where controls are lax, and regions are just as porous as the nations that regional barriers were conceived to protect. Wider international cooperation and coordination, then, enhances both domestic and interstate efforts. Moreover, a binding international legal framework would not prevent stricter

domestic or regional standards, should states or regional groupings wish to enact them.⁸⁸

The reluctance of the U.S. administration to pursue such treaties stems in part from fear that failure of the Senate to ratify them would undermine international action. Officials point out, for example, that the Senate has still not given the green light to the 1997 OAS Convention or to the 2000 Firearms Protocol, exposing the United States to criticism and questioning of the seriousness of its commitments.⁸⁹ As a result, the U.S. administration prefers to “foster good behavior” through peer pressure and norm building rather than legally binding agreements. However, officials admit that there is no proof that such measured and gentle prodding has yielded meaningful results or that the persuasion and leadership alone have changed the minds of willful holdouts.⁹⁰ Also, and despite what Washington maintains, it is equally doubtful that voluntary agreements have prompted the timely action that might have been delayed by lengthy ratification processes. Moreover, absent minimum legally binding standards, progress might evaporate, since successive administrations in signatory nations might not feel compelled to adhere to commitments undertaken by their predecessors.

Norm building has been an important component in a debate that for too long was treated as the Cinderella of arms control. After a decade of discussion, however, it is high time to back up national and international commitments with enforceable obligations, a declaratory intent with accountability that can come only through the force of law.

U.S. policy to prevent and control the spread of small arms and light weapons has changed little over the past ten years and is unlikely to evolve dramatically in the foreseeable future. Incremental and parsimonious since its inception, the policy has hinged upon discreet limited interventions, such as destruction of weapons in regions of conflict, as well as capacity building and norm development. The Bush administration has showed little enthusiasm for multilateral initiatives under the aegis of the United Nations, which has taken the lead in confronting the problem of small arms proliferation. The sheer magnitude of this phenomenon in Africa and elsewhere has, however, grave implications for U.S. security, particularly when a nexus forms between arms trafficking and terrorism. Although the United States has recognized the perils of this nexus, it has not devoted commensurate resources, focus, or expertise to tackle it. The influence of the pro-gun lobby, which has many allies in the White House and Congress, has increased over the past four years. Such influence has ensured that the United States does not deviate from its minimalist path either at home or abroad. Failure to renew the domestic assault-weapons ban has cast doubts on

commitment to weapons reduction in a nation that contains half of the world's small arms and light weapons. Both abroad and at home, prevention is preferable to injecting more weapons in areas of instability, where belligerents (be they government forces or nonstate actors) can perpetrate human rights abuses and criminal networks can wreak havoc upon entire communities. This is why it is crucial to control and keep track of arms supplies.

American leadership and example in fostering and supporting legally binding commitments aimed at keeping transfers in check, and in tracing weapons throughout their itinerant lives, is essential but long overdue. Finally, failure of the United States to build on the United Nations Conference has the potential to undermine the collaboration and support of allies and partners in an array of other fields of security cooperation.

NOTES

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3. Ibid. See also "Secretary-General Calls for Redoubled Efforts to Curb 'Global Scourge' that Kills 60 People an Hour, as Biennial Meeting Opens on Small Arms," Press Release, UN Document DC/2872, 7 July 2003, available at www.un.org/News/Press/docs/2003/dc2872.doc.htm.
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5. "Statement by John R. Bolton, United States Under Secretary of State for Arms Control and International Security Affairs, UN Conference on Illicit Trade in Small Arms and Light Weapons in All Its Aspects," Plenary, 9 July 2001, available at usinfo.org/wf-archive/2001/010709/epf103.htm.
6. Ibid.
7. See Loretta Bondi, "Disillusioned NGOs Blame United States for a Weak Agreement," *SAIS Review* 13, no. 1 (Winter–Spring 2002), pp. 229–33.
8. Ibid.
9. On the connection between arms, conflict, and illicit trafficking see, on Angola, UN Security Council, letter dated 14 October 2002 from the chairman of the Security Council Committee established pursuant to Resolution 864 (1993) concerning the situation in Angola, addressed to the president of the Security Council (transmitting the Additional Report of the Monitoring Mechanism on Sanctions against UNITA, S/2002/1119, 16 October 2002); and on Liberia, letter dated 28 October 2003 from the chairman of the Security Council Committee established pursuant to resolution 1343 (2001) concerning Liberia, addressed to the president of the Security Council transmitting the report of Panel of Experts on Liberia in accordance with paragraph 25 of resolution 1478 (2003), S/2003/037, 28 October 2003, available at www.un.org/Docs/sc/committees/INTRO.htm. See also Douglas Farah, *Blood from Stones: The Secret Financial Network of Terror* (New York: Broadway Books, 2004), esp. pp. 47–62.
10. See Loretta Bondi and Elise Keppler, *Casting the Net? Implications of the U.S. Law on Arms*

- Brokering* (Washington, D.C.: Fund for Peace, 2001).
11. See Loretta Bondi, *Arsenals on the Cheap: NATO Expansion and the Arms Cascade*, Short Report, vol. 11, no. 4(D) (New York: Human Rights Watch, April 1999), and "Arms Embargoes: In Name Only?" in *Smart Sanctions: Targeting Economic Statecraft*, ed. David Cortright and George A. Lopez (Lanham, Md.: Rowman & Littlefield, 2002).
 12. See UN Security Council, letter dated 10 March 2000 from the chairman of the Security Council Committee established pursuant to Resolution 864 (1993) concerning the situation in Angola, addressed to the president of the Security Council, S/2000/203, 10 March 2000.
 13. International Committee of the Red Cross, *Arms Availability and the Situation of Civilians in Armed Conflict: A Study Presented by the ICRC*, ref. 0734 (Geneva: 1999), available at www.icrc.org.
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 15. "Rights at Risk," *Small Arms Survey Yearbook 2004* (Oxford, U.K.: Oxford Univ. Press, 2004), pp. 101–109.
 16. "Fewer Blanks: Global Firearms Stockpiles," *Small Arms Survey Yearbook 2003* (Oxford, U.K.: Oxford Univ. Press, 2003), p. 61; Ian Davis, "United States," in *Disposal of Surplus Small Arms: A Survey of Policies and Practices in OSCE Countries*, ed. Sami Faltas and Vera Chrobok (Bonn: Bonn International Center for Conversion, British American Security Information Council, Saferworld, and Small Arms Survey, 2004), p. 17.
 17. "Rights at Risk," p. 106.
 18. *An Act to Provide for a Waiting Period before the Purchase of a Handgun, and for the Establishment of a National Instant Criminal Background Check System to Be Contacted by Firearms Dealers before the Transfer of Any Firearm*, Public Law 103-159, HR 1025, 103d Congress.
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 21. *An Act to Amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to Make Improvements to Certain Defense and Security Assistance Provisions under Those Acts, to Authorize the Transfer of Naval Vessels to Certain Foreign Countries, and for Other Purposes*, Public Law 164, 104th Congress, 2d sess., 21 July 1996, sec. 151; *Arms Export Control Act*, U.S. Code, vol. 22, sec. 2778(b)(1976).
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 31. Interview by author with a U.S. official, Washington, D.C., 18 July 2004.
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86. "The Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa," Nairobi, 21 April 2004. The relevant provision binds parties to the protocol to "establish a national system for regulating dealers and brokers of small arms and light weapons." Such a system of control "shall include: (1) regulating all manufacturers, dealers, traders, financiers and transporters of small arms and light weapons through licensing; (2) registering all brokers operating within their territory; (3) ensuring that all registered brokers seek and obtain authorisation for each individual transaction taking place; (4) ensuring that all brokering transactions provide full disclosure on import and export licenses or authorisation and accompanying documents of the names and locations of all brokers involved in the transaction; and (5) licensing, registering and checking regularly and randomly all independent manufacturers, dealers, traders and brokers." The full text is available at www.saferafrica.org/DocumentsCentre/nairobi-protocol.asp.
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BOOK REVIEWS

SINS OF OMISSION

Dallaire, Roméo. *Shake Hands with the Devil: The Failure of Humanity in Rwanda*. New York: Carroll and Graf, 2004. 562pp. \$16.95

Interventions by the United Nations for the purpose of establishing and maintaining peace have a mixed record. Some have been reasonably successful, such as in East Timor, while others, such as Rwanda, have not. Roméo Dallaire, the author, a retired lieutenant general in the Canadian army, suggests that efforts by the United Nations Security Council largely depend upon the location of the problem area. East Timor, just to the north of Australia and on the flank of major shipping routes, met the requirements. Rwanda, in his opinion, did not.

Under the Charter of the United Nations, interventions may be governed by Chapter 6, which stipulates that the peacekeeping contingent is not to use force but to separate the warring sides, all the while maintaining a neutral stance. However, under Chapter 7, UN troops are authorized to use force to keep the antagonists apart. Dallaire speaks of a Chapter 6½, a hybrid of the two without official UN sanction. When the decision was made to send a Chapter 6 mission to Rwanda, the Canadians, whose army had had considerable

experience in the peacekeeping field, offered to provide a commander, some of the staff, and logistic support.

Dallaire, who had recently been promoted to the rank of general and whose tour in Canada had come to an end, leaped at the opportunity to go to Rwanda when the command was offered. Upon reporting to UN headquarters in New York, Dallaire was told that his resources were limited and that the mission had to be small. He was ordered to design the mission to fit those parameters and not the demands of the actual situation. A devout Catholic, he was particularly interested in protecting human life. Such commitment, not uncommon among military personnel, can turn conventional wisdom on its head.

Belgium had acquired Rwanda from Germany in the 1920 League of Nations Mandate and in 1925 united it administratively with the Belgian Congo, which lay to the west. Like most European powers with colonial dependencies, Belgium staffed much of its governing apparatus with native civil servants—the Tutsis—who for the most part were better educated than other Rwandans

and in many ways resembled Europeans. The Tutsis also captured the top jobs in commercial enterprises. The other principal tribe, the Hutus, were not happy with this development. When Rwanda achieved its independence from Belgium in 1962 and promptly installed a Hutu-dominated government, they were in a position to exact revenge on the formerly elite Tutsi population.

Many Tutsis fled to neighboring Uganda, Burundi, and Zaire. The Tutsis slowly gathered strength in those havens and developed (by African standards) a first-class army. By the early 1990s the Tutsi army was prepared to invade Rwanda and install a Tutsi government. Threatened by the imminent return of their enemies, the Hutus quietly encouraged the formation of vigilante groups to drive out or murder remaining Tutsis, as well as moderate Hutus. Matters had reached this stage when Dallaire arrived in the Rwandan capital, Kigali, in August 1993.

In addition to being the military representative of the UN, Dallaire was also temporarily assigned the position of political representative. When no one was immediately assigned to replace him in the latter post, the Canadians should have sensed the general lack of interest on the part of UN authorities. Naive in the ways of the UN bureaucracy, however, Dallaire was optimistic that he could perform his mission to the fullest extent. Eventually, in late October 1993, the United Nations sent a political representative with the somewhat improbable name Jacques-Roger Booh-Booh, former Cameroonian foreign minister and a friend of the UN secretary-general, Boutros Boutros-Ghali. Interested primarily in the

“perks” of the office, Booh-Booh was to prove useless. Further, the forces provided for the mission (known as UNAMIR, for United Nations Assistance Mission to Rwanda) were grossly inadequate. Its troops, Ghanaian and Tunisian, were brave, well trained, and professionally led, but they arrived without equipment. Pleas by Dallaire to UN headquarters for equipment and logistic support from the major powers fell on deaf ears. The United States, Britain, and France had no interest in the mission, although France did send aircraft to evacuate Europeans caught in Rwanda by the hostilities; requests by Africans for rescue were denied.

Not long after Dallaire arrived, an informant in the Rwandan government told him of weapon caches hidden by the extremist militias. The general immediately requested permission to find and destroy them but was refused on the grounds that such action would violate the neutrality of the mission under Chapter 6; nor was Dallaire permitted to engage in intelligence operations. Instead, he was directed to identify the informer to the Rwandan government. Dallaire honored the order not to destroy the arms, but he refused to betray the informant. In any event, the source’s information soon dried up when the futility of the situation became unmistakable.

The corruption of the extremist government authorities, the elimination of the moderates, and the subsequent mass murder, amounting to genocide, is too involved to discuss adequately in this review. Suffice it to say that approximately eight hundred thousand Africans—men, women, and children, nearly all of them innocent civilians—were killed, some after severe torture.

Dallaire is especially hard on France, Britain, and the United States for their refusal to provide assistance or authorize the UN to take timely measures to block the massacre. He attributes their inaction in part to France's other interests in the region (the president's son is said to have had business interests in Rwanda) and to fear in the Clinton administration of another Somalia debacle. (Although Dallaire does not mention it, the Clinton administration's lack of response was to have severe consequences for the United States when Osama Bin Laden interpreted its unwillingness to act as American weakness.) Dallaire is not easy on Canada either. He refuses in his book to place blame on anyone within the UN leadership; however, in a later interview with a San Francisco radio talk-show host, Dallaire thoroughly castigated Boutros-Ghali as having been more responsible than anyone else for the genocide.

Command of UNAMIR had profound effects on the Canadian general, among them post-traumatic stress disorder. When he was relieved and returned to Canada, he was offered, and he accepted, the number-two post in the Canadian army. Haunted by his experience in Rwanda, he retired before his term ended.

This is an excellent example of a good and highly competent man deeply disturbed by international failures and the Machiavellian tactics of world powers. His experience with the United Nations raises the question of how far a military commander should go in honoring orders from civilian authority. The precedent of the Nuremburg trials provides military officers with sanction to refuse orders that would produce sins of commission. But what about the "sins of omission"? There are no precedents,

which arguably prevented Dallaire from taking measures to block the genocide.

In the book's preface, Dallaire recounts how a retired army chaplain asked him if he still believed in God after his African experience. His reply was "yes, because he had shaken hands with the Devil." The work has had wide success in Canada but not as yet in the United States. (The American reader should note that morning or evening "prayers" refers to staff consultations, not religious observances.) *Shake Hands with the Devil* is an important book and should be read by every military officer and senior noncommissioned officer.

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Record, Jeffrey. *Dark Victory: America's Second War against Iraq*. Annapolis, Md.: Naval Institute Press, 2005. 205pp. \$49.90

Jeffrey Record is one of the nation's most experienced and respected defense analysts. His latest critique of the 2003 Iraq war, *Dark Victory*, provides many important insights into the reasons for the war and for its successes and failures. More generally, this work is a case study of the challenges of transforming military victory into a victory with meaningful and lasting strategic impact. In many ways this book focuses on the critical difference between "war fighter" and "war winner," and on the fact that conflict termination and its aftermath are at least as critical as any phase of battle proper.

Record, however, writes as a critic of a war he does not believe in, and of a nation-building process he sees as a

nearly disastrous failure. His book is a policy argument, not a dispassionate analysis, and needs to be read as such. There are also times when his focus on the argument gets in the way of his analysis.

Chapter 1, for example, contrasts the invasion of Iraq in 2003 with the 1990–91 Gulf war. It raises a number of valid arguments about the difference between the consensus building in the first war and the somewhat unilateral nature of the second, but it also implies that the United States could have toppled Saddam’s regime by extending the war long enough to destroy the Republican Guards or by some undefined actions to support the Kurdish and Shi’ite uprisings. It does not really address the fact that the U.S. and coalition forces were even less prepared for stability operations and nation building in 1991 than was the Bush administration for the invasion of Iraq in 2003.

More importantly, chapter 1 raises problems that as yet no analyst of war and its aftermath has convincingly addressed for either Iraq wars or other modern conflicts. Like the chapters that follow, it does not discuss the practical challenges in moving from limited war to total war or the problems inherent in the unpredictable nature of stability operations and nation building.

Record’s analysis of the failures of both Bush administrations to deal with the aftermath of military victory is remarkably insightful, but it is far from clear that the postwar situation in Iraq was in fact controllable or that a successful process of conflict termination and nation building could have been put in place. As Record points out in many other areas of his discussion, the fact that the United States is a superpower does not mean that

severe limits do not exist on what it can and cannot do; the broader question that surrounds the current nation-building effort in Iraq is whether any such effort on this scale can work.

This same issue pervades Record’s criticism of neoconservative ideology, theory, and practice in chapter 2 and thereafter. It simply is not clear that “realists,” pragmatists, or “neoliberals” would ultimately be able to achieve lasting strategic success. Certainly, remembering the arrogance and failures of the Rostow brothers (Walt and Eugene), McGeorge Bundy, and Robert McNamara, this reviewer had a horrible feeling of déjà vu when reading through Record’s discussion of the failures of the policy makers of the George W. Bush administration. The impact was strikingly similar to that of the conclusion of George Orwell’s *Animal Farm* (originally published in 1945): The leaders of the Bush administration’s war on Iraq became difficult to distinguish from the leaders of the Kennedy-Johnson administrations’ war in Vietnam. It also became painfully clear that the aptness of the phrase “lions led by donkeys” has long outlived World War I.

Record’s analysis of the practical problems in how the administration has handled conflict termination, stability operations, and nation building is extremely useful. To know what needs to be done right you have to know what has been done wrong, and Record does an excellent job of addressing the weaknesses in the “Bush doctrine,” the differences between Saddam Hussein and Osama Bin Laden, the problems with U.S. war aims, the rationale for the war, and the failure to size or shape the invasion force for nation building. Record’s critique may not be balanced or objective,

but it is all the more useful for this. Record presents a clearly defined thesis that is to be rejected or accepted, and that makes the reader focus on the major strategic issues of the war.

The last two chapters deal with the “peace” that followed Saddam’s fall and its broader implications for the future exercise of American power. Anyone interested in the transformation of the U.S. military, future grand strategy, and dealings with conflict termination should read these chapters. One way or another, the United States is going to have to deal with such issues again and again, as long as it is the world’s preeminent military power. Even if the United States can eventually meet some definition of “success” in Iraq, it will still have to deal with the lingering impact of political and strategic mistakes that Record describes so well at the end of *Dark Victory*.

In short, this is a remarkably insightful book, one that raises precisely the issues that need to be resolved when assessing the Iraq war and shaping an American strategic posture for the future.

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Ganor, Boaz. *The Counter-Terrorism Puzzle: A Guide for Decision Makers*. New Brunswick, N.J.: Transaction, 2005. 334pp. \$39.95

Among a cacophony of authors on terrorism writing since September 2001 is a small but refreshing group who offer specific, pragmatic, and tested solutions. Boaz Ganor joins this select few with a book aptly subtitled *A Guide for Decision Makers*. Ganor splendidly

captures inescapable fundamental truths. First, defining terrorism is fraught with politics, emotion, and legal quandaries; however, the world must reach a consensus in order to move toward solutions. Second, democracies are uniquely vulnerable to terrorism, and they are struggling with the question of whether to treat terrorism as a crime or as a method of war. Third, efforts to counter terrorism must be multigenerational. Finally, decision makers can and must take steps to inoculate society against the effects of terrorism, through a comprehensive education campaign.

This book is based on Ganor’s doctoral dissertation, *Israel’s Counter-Terrorism Strategy*, written for the Hebrew University. Israel is the only liberal democracy in the Middle East. Using the Israeli model, Ganor observes that democracies are uniquely vulnerable to terrorism where government must defend itself yet maintain principles of transparency, rule of law, and representative governance while remaining mindful of world opinion. Ganor explores ten explicit dilemmas that face democratic nations: defining the threat; defining counterterrorism; employing intelligence; deterrence policy; choosing offensive and defensive actions; public opinion and ethics; legislative and punitive policies; media coverage; damage to societal morale; and finally, dilemmas concerning international cooperation.

Ganor warns that if terrorism remains a subjective concept influenced by one’s point of view, solutions will be similarly amorphous. Without consensus on the definition of what constitutes terrorism, global efforts to defeat it will fail. Ganor begins with a well considered definition of terrorism, including a rigorous analysis of why

definitions matter. "Terrorism," he writes, "is a form of violent struggle in which violence is deliberately used against civilians in order to achieve political goals (nationalistic, socioeconomic, ideological, religious)." Ganor offers three elements upon which his definition relies. *Violence* is a key factor; it eliminates nonviolent protests, strikes, and tax revolts from discourse on terrorism. The goal is always *political* (e.g., to change the form of governance, to revise economic or social policies). Finally, if an act is to be called terrorism, its targets must be *civilians*. Terrorism does not include random injury inflicted on civilians who happen to find themselves in areas of conflict; it is, rather, violence intentionally and specifically directed at civilians.

One of the many unique strengths of this book is its personal interviews with pivotal Israeli authorities. These include Prime Minister Ariel Sharon; former prime ministers Yitzhak Shamir, Shimon Peres, and Benjamin Netanyahu; a former adviser, Rafi Etan; former members of Mossad Meir Degan and Shabtai Shavit; a former member of Shin Bet, Yaakov Perry; and former defense minister Moshe Arens. These sources and others of equal prestige give Ganor unprecedented insights into the heart of Israeli decision making. This book is an authoritative accounting of Israel's struggle against terrorism. However, Ganor's exclusive analysis of the Israeli experience is also a weakness.

Without question, the Israeli government and citizens have endured a level of deadly terror unprecedented in modern times. Israelis are sought worldwide as experts on airline security, physical security, and intelligence. Yet often there is global criticism of Israeli methods

for dealing with terrorism. Israel swirls dizzily in a historical, emotional, and political whirlpool that shapes the opinion of those who live outside its borders. Putting politics aside, the discerning reader is offered a practical analysis of how a liberal democracy is seeking a win-win-win scenario against terrorism by maintaining a domestic moral conscience based on rule of law, response to a critical international audience, and insistence on keeping terrorism from "affecting the public's day-to-day affairs and the essence of life in Israel."

Another fascinating discussion concerns the power of education as a tool of counterterrorism. According to Ganor, Netanyahu advocated strengthening public resistance to the corrosive effects of terrorism through education designed to inoculate the population against the impulse to give in to protracted terrorist pressure. In 1997 the Herzilya-based International Policy Institute for Counter-Terrorism started an aggressive program of lectures and educational activities aimed at strengthening the Israeli public's ability to cope with terrorism. Ganor asserts that public education contributes to solutions by reducing the fear and paralysis that terrorism can cause. Furthermore, public information, particularly in a liberal democracy, reinforces trust and disarms terrorists, who seek to undermine society's stability.

Perhaps the most stunning revelation in the book comes in the final chapter, as Ganor says, as did most Israeli policy makers whom he interviewed, "Israel does not have—nor did it ever have—a written, structured and unambiguous counter terrorism policy." What then, were the underlying principles by which decisions were made across numerous

political administrations? Why does the Israeli experience offer solutions for a way ahead? *The Counter-Terrorism Puzzle* provides the answers.

To paraphrase the author, the book is intended to serve as a guide to the perplexed, a tool for decision makers at all levels of government, industry, military, police, academics, and the public at large. Ganor succeeds in this intention. The book is highly recommended for all readers in his intended audience.

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Sheehan, Michael. *International Security: An Analytical Survey*. Boulder, Colo.: Lynne Rienner, 2005. 199pp. \$49.95

National security students and practitioners commonly dive into esoteric debates on the merits of various grand strategies and foreign policies, having spent little or no time pondering the contemporary meaning of the term that drives the discussion—"security." Michael Sheehan, professor of international relations at Swansea University in the United Kingdom, and author of a number of authoritative texts on related subjects, was driven to write this book by a felt need to shed more light on this "contested concept." *International Security* does an admirable job of illustrating the myriad ways in which scholars have used the term since the advent of the discipline. More significantly, Sheehan offers thoughtful commentary on how contemporary scholars should take into account new forces in international relations that demand broader thinking on "security."

The book's main challenge is to develop some consensus as to what constitutes a security issue. If considered broadly, anything that affects the well-being of humans might be included, but so inclusive a discourse might be meaningless. Sheehan sides with those who propose to limit the debate to the human-inspired dangers of a life-threatening nature to collectives. Thus all traditional military threats are counted, along with global warming (but not earthquakes) and the Kosovo genocide of 1999 (but not the disappearance of the Gaelic tongue). This system works.

After a clear and understandable discussion of security as initially set forth by the realist school of international relations, Sheehan devotes a chapter to each of the elements of what he calls today's "broader agenda" of security: security communities, economic, societal, environmental, gender, postmodern, and critical security. In each case, he draws on the seminal articles and arguments for each element and then offers his personal critique of what each adds to the debate.

Sheehan makes it clear that all of these schools are reactions to realism and that each new element of the "broader agenda" offers its antidote to the traditional perspective of viewing states, rather than individuals, as the consumers of the benefits of security. However, he insightfully shows that each element itself has an element of realist thinking. That is, ameliorating the tensions caused by intrasocietal (tribal) rivalries not only reduces danger to the people but also advances the relative power of the state by showcasing its stability. The case is equally well made for economic and environmental policies. Sheehan is at his best, however, when he illustrates in each chapter how these new topics go

beyond this obsession with the state and military power and contribute to the development of what is now commonly called *human security*.

Unfortunately, many of his observations and conclusions are both obvious and repetitive. He chides the realist (and neorealist) school in nearly every chapter of the survey for being mesmerized by the *military*, *statist*, and *power* correlates of security. The first of his several suggestions that the world had changed markedly since the end of the Cold War should have sufficed. His thesis that individuals as well as states must be the referents of security can be found in every chapter.

While the book has an academic tone and is well footnoted, it remains readily digestible for the layman. It is particularly well suited for midcareer national security professionals embarking on the study of national security issues, since it will induce them to develop personal interpretations of the meaning of international security. Our national security establishment needs more of this.

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Moore, John Norton, and Robert F. Turner. *National Security Law, Second Edition*. Durham, N.C.: Carolina Academic, 2005. 1,424pp. \$110

In 1990 John Norton Moore and Robert F. Turner, along with Frederick S. Tipson, published a *National Security Law* casebook covering a “new field in American law and legal education,” a work designed for “use in law schools, advanced degree programs in international relations and national security, and the nation’s war colleges and

service academies—as well as to serve as a handy desk reference for professionals and practitioners.”

Since the publication of that first edition the U.S. national security landscape has undergone a radical transformation. Over the last fifteen years the United States has been to war in the Persian Gulf, Europe, and Afghanistan. Moreover, the world has witnessed mass executions in the name of ethnic strife in Africa and Europe, the onset of the “information age,” the rise of China as a military and economic power, an increased proliferation of weapons of mass destruction, and a tremendous surge in non-state-sponsored terrorism. Perhaps the most critical turning point relevant to U.S. national security law was 11 September 2001, when the radical Islamist terrorist group al-Qa’ida killed thousands of American civilians. The resulting U.S.-led Global War on Terrorism has redefined how Washington and Americans view national security.

Not surprisingly, the turbulent nature of the post–Cold War and post-9/11 eras led to a significant evolution in the now established field of national security law. Moore and Turner have gone to great lengths to create in the second edition of *National Security Law* an up-to-date casebook that covers not only the fundamentals of national security law but also new areas in the law that are burgeoning as we enter the twenty-first century. The authors have assembled some of the world’s leading experts in their respective fields of law and policy. Most notably, they place a clear emphasis on national security issues that have arisen in the post–Cold War era. In addition to adding several new chapters, such as “Domestic Terrorism,” “Information Warfare,” “Homeland Security,” “Outer Space Law,” “Drugs as a

National Security Issue,” and “Operational Law,” Moore and Turner have deleted material that was more relevant to the Cold War. Additionally, many other chapters have been revised and updated to reflect important advances in national security law and policy.

Perhaps what sets this casebook apart from others in the genre is its extensive scope. Its thirty-two chapters cover not only “some of the central public preoccupations of our time—military force, arms control, free speech, and terrorism—but also a number of more esoteric corners of the law,” which at times have gained wide attention and scrutiny. Indeed, every conceivable aspect of national security law and policy, from “The Use of Force in International Relations: Norms Concerning the Initiation of Coercion” to “War Crimes and Tribunals” to “The Control of International Terrorism” and “Immigration Law and National Security,” is included.

The second edition of *National Security Law* sets the standard in its field and will no doubt facilitate “an interdisciplinary understanding” of what Moore and Turner “believe to be one of the most important public policy developments now facing the nation.” Without question, Moore and Turner have succeeded in producing a comprehensive, well organized, extremely well written casebook filled with seminal cases, insightful commentary, and stimulating questions for discussion. *National Security Law* is likely to rapidly become a staple at law schools and advanced degree programs across America and will no doubt be relied on by scholars, students, and practitioners for years to come.

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Hook, Steven W. *U.S. Foreign Policy: The Paradox of World Power*. Washington, D.C.: Congressional Quarterly, 2005. 487pp. \$54.95

Steven Hook’s textbook of American foreign policy offers a sweeping array of issues that put contemporary American politics in clearer perspective. The preface lays out this paradox: the very sources of American strength have increasingly become sources of vulnerability, among them a sclerotic bureaucracy that cannot “effectively manage the dynamic world order that, to a considerable extent, is of its own making.” For Hook, the United States is threatened by forces such as globalization, which it so vigorously promoted and which gave it strength. This work explores the impact of this paradox on the process of making U.S. foreign policy.

The book examines the setting of U.S. foreign policy, touching on the rise of American power and on various views and theories of how decisions are made. It then explores the governmental sources of foreign policy, including the various branches of government and the bureaucracy, and nongovernmental sources of foreign policy, such as public opinion, interest groups, and intergovernmental organizations. Finally, it examines policy, including defense and economic statecraft, and transnational problems such as population growth, global warming, and the proliferation of weapons of mass destruction. The result for the reader is a good understanding of contemporary American foreign policy.

Hook offers interesting point-counterpoint debates on subjects ranging from the realist-liberal debate on war to nuclear deterrence versus just war. There

are also sections in which such figures as Fidel Castro, Ted Koppel, and Theodore Roosevelt speak in their own words, as well as many useful graphs and tables that clearly illustrate important developments in world politics. The extensive glossary should prove very helpful.

No book, alas, is without its shortfalls, and I offer two. First, Hook works with a theme; he puts forth an argument about the current state of American affairs and shapes his textbook around it. It is an interesting theme and a good tool for learning, but because textbooks are often devoid of editorial comment, in this one argument may pass as fact. Overall, the approach is effective, but teachers will need to emphasize to their students that the book is thematic.

Second, the scholarship needs updating in certain sections—for instance, in the discussion of cognitive psychology and decision making. It is true that much of the important literature in this area is dated, and that a book of this kind should not overwhelm the student. However, more could have been done to incorporate new work.

Overall, this is one of the best texts on American foreign policy. Hook, an associate professor of political science at Kent State University, has a strong record of publication on this subject and is a veteran textbook author. This work will be of interest not only to college students but also to members of the Naval War College community. While it is not yet clear that the United States is caught in a grand paradox the likes of which Hook addresses, it is certainly a vital, even defining, theme to consider, and one that he frames effectively. Certainly, it is an issue with which

students, scholars, and policy makers will be grappling in the coming years.

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Carpenter, William M., and David G. Wienczek, eds. *Asian Security Handbook: Terrorism and the New Security Environment*. 3rd edition. New York: M. E. Sharpe, 2005. 365pp. \$84.95

In March 2005 Secretary of Defense Donald Rumsfeld released *The National Defense Strategy of the United States of America*. In the foreword Rumsfeld sends a clear message about America's security concerns: "We live in a time of unconventional challenges and strategic uncertainty. We are confronting fundamentally different challenges from those faced by the American defense establishment in the Cold War and previous eras. The war on terrorism has exposed new challenges, but also unprecedented strategic opportunities to work at home and with allies and partners abroad to create conditions favorable to a secure international order." Indeed, as witnessed by the summer terrorist bombings in London and earlier attacks in Madrid and Bali, countering these deadly "unconventional challenges" requires imaginative thinking and expert geopolitical knowledge. *The Asian Security Handbook: Terrorism and the New Security Environment* aims to assist in meeting these challenges in the Asian setting.

The Asian Security Handbook, strongly reflecting the post-9/11 environment, presents a series of political and security assessments of twenty-three Asian countries. True to its subtitle, the editors

begin with an excellent chapter on terrorism, which includes thought-provoking photos, maps, and a figure depicting the “Southeast Asia terror network.” Noting that today’s threats come in a myriad of identities, Carpenter and Wiencek include insightful discussions on “security issues and trends independent of the events of September 11.” This section includes well crafted assessments on piracy, U.S.-Chinese strategic competition, and weapons of mass destruction (WMD). The detailed tables on piracy and WMD developments in Asia are also very helpful.

Our electronic media, the latest information erupting fast and furious from computers, radio, and television, create relevance and timeliness issues for any traditionally published reference material. Lengthy publication time lines and the ever-changing international situation exacerbate the problem. Here, the *Asian Security Handbook* shows both value and weakness. The chapter on terrorism addresses events well into 2004. The authors ask the right questions and present thoughtful arguments that should stand the test of time. The information in many of the country-profile chapters, written by a wide range of government, academic, and private-sector specialists, is more dated. Indeed, a quick review discloses that most of these articles are supported by sources written no later than 2003. The section on Japan has a mere two endnotes, citing publications of 2001 and 2002. Perhaps more alarming is the coverage on Singapore, which consists of only five pages of text (Brunei is allotted thirteen pages), no endnotes, and just three dated suggested readings. Surely Singapore deserves much more attention. Also, the seventeen contributing

authors, while most welcome for their diverse viewpoints, represent a wide range of writing and research abilities. The coverage on China, for example, is divided into brief, mostly unsupported statements of questionable consideration and depth. Subtitles range from “Spies” to “Farmers, Rural Areas.” (The introductory chapter’s discussion on China, although brief, is much more useful.) The style is similar to that of a U.S. Army area handbook, and there are but three endnotes; two are official U.S. government publications, the other a Chinese government website. Other country profiles, such as that on India, are more polished, scholarly, and thorough.

Is the *Asian Security Handbook* a useful reference? The U.S. national defense strategy sets forth a plan to defeat America’s adversaries by “countering ideological support for terrorism,” or CIST. CIST—and how it can be used—has quickly become a hot topic within Department of Defense professional military education circles. Clearly, academic courses that provide students with a greater knowledge of our incredibly diverse world, including relevant languages, culture, economic, and political factors, are key components in the building of sorely needed understanding and expertise. Unquestionably, Asia is a critical area for study and assessment, and the *Asian Security Handbook* provides the nonspecialist with a single reference for most of it. While the writing and timeliness are uneven, the *Asian Security Handbook* presents a starting point for those interested in studying this critically important region.

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Hersh, Seymour. *Chain of Command: The Road from 9/11 to Abu Ghraib*. New York: Harper-Collins, 2004. 394pp. \$36.95

Seymour Hersh continues with his latest work his journey as a man with an agenda. Released in September 2004, it is a compilation of articles published in *The New Yorker*, with additional information intended to present a congruent, as well as compelling, story about the Bush administration's efforts to wage a worldwide war on terrorism. That Hersh is a fan neither of the president and his closest aides nor of the Iraq war is made abundantly clear from the opening pages. As a consequence, *Chain of Command* has drawn heavy criticism from those who are either administration loyalists or ideologically supportive of the Global War on Terror despite its unconventional and violent nature. Conversely, the president's political opponents and others who oppose war on any number of grounds have heralded Hersh's book as the latest efforts of a quixotic protagonist sworn to bring truth into the light. The former have assailed the book for its perceived inaccuracies and lack of credible sources, while the latter have lauded it for exposing programs and decisions that appear inimical to deep-seated American beliefs about decency and honesty.

This book is clearly a polemic, intended to draw attention to Hersh's concerns over what he sees as an abuse of power at the highest levels of a government seemingly obsessed with a vision for Iraq and its Muslim neighbors that may be out of step with traditional American ideals. Whether you agree or disagree with Hersh's assessments and

conclusions, *Chain of Command* is a work every serious student of U.S. national security should read, because he raises important fundamental and somewhat disquieting questions: Who is ultimately accountable for the prisoner abuses that occurred at Abu Ghraib and Guantanamo Bay? What are the moral and ethical obligations of those in uniform to adhere to international norms of behavior when national guidance appears at odds with, if not in complete contradiction to, accepted global standards?

Hersh also challenges his readers to contemplate the effects of the secretary of defense's domination over the military conduct of the war on terror and its ramifications on the future of civil-military relations. Secretary Rumsfeld bent the military to his will in almost every phase of the war on Iraq, with what Hersh describes as disastrous results both in Iraq (where an insurgency rages on) and in the greater war on terror (in which the architect of 9/11 remains free). The reader is left to contemplate what the obligations of senior military leaders were and why they were not more effective in making their voices heard on strictly military matters. Further, what salient ethical issues arise from *jus ad bellum* and *jus in bello* considerations of the Iraq war?

Hersh reserves much of his vitriol for the Bush administration's handling of the intelligence used to justify war on Iraq. In a chapter titled "Who Lied to Whom?" he recounts much of what has come to light about the way intelligence was "manipulated" to build a case. For Hersh, the inability of U.S. intelligence organizations to collect accurate intelligence about Iraq and al-Qa'ida is nearly as egregious as the manner in which

that intelligence was analyzed and interpreted. He is clearly disturbed by the apparent usurpation of national intelligence activities by the Department of Defense. The reader is left with the nagging suspicion that further such consolidation may not be in the best interests of the country's leadership, since opposing opinions already appear to have no voice.

Hersh concludes *Chain of Command* by posing a troubling set of questions. "How did eight or nine neo-conservatives who believed that a war in Iraq was the answer to international terrorism get their way? How did they redirect the government and rearrange long-standing American priorities and policies with so much ease?" Discerning readers must look past the author's bias and answer for themselves. While it is arguable whether this book will earn the stature of *My Lai 4*, Hersh succeeds in confronting us with important questions that force us to look harder at ourselves and our country.

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Pierce, Terry C. *Warfighting and Disruptive Technologies: Disguising Innovation*. New York: Frank Cass, 2004. 265pp. \$115

Captain Terry Pierce is a serving naval officer who has studied innovation at the John F. Kennedy School of Government at Harvard, under the supervision of Stephen Rosen. This book appears to be the author's dissertation, written as part of a series on strategy and history edited by Colin Gray and Williamson Murray.

Beyond that, nothing about this book is clear or straightforward, including the title. The title leads one to think that the book will examine how revolutionary technologies have transformed warfare, but the subtitle, "Disguising Innovation," should serve as a warning—nothing is as it first seems. This work is a sociological study of how the U.S. Navy and Marine Corps have achieved what the author terms "disruptive innovations" (new ways of combining technologies that create new forms of warfighting) and sustaining innovations (those that improve existing forms). Technology plays a distant second fiddle to doctrine. Pierce's major thesis is that the catalysts for disruptive innovation are senior military officers. How these officers manage the disruptive innovation process is key. He shows that they establish small groups to define the tasks that must be carried out to conduct a new form of warfare, ensure that like-minded officers are promoted, and most intriguingly, disguise the disruptive innovation as merely improvements to existing modes, in order to avert ruinous opposition from entrenched interests. In support of his thesis Pierce offers a number of case studies, including amphibious warfare, Japanese and American carrier warfare in World War II, and Marine maneuver warfare. A nice twist is the inclusion of more recent case studies like surface-land-attack warfare and the Tactical Collaboration Network.

After a promising first chapter in which the author generally defines his terms and surveys the existing literature on disruptive innovation, however, comes a nearly disastrous attempt to establish a theoretical framework to support the

analysis of the following case studies. Chapter 2 is almost unreadable, apparently due to the failure of anyone actually to read or edit it. Apart from turgid and sloppy language, the chapter's most egregious defect is the author's nonsensical adaptation of charts from Clay Christensen's *The Innovator's Dilemma*, a standard in the innovation literature. Pierce employs his own versions of Christensen's charts but leaves out certain key elements, with the result that the reader has no hope of making sense of them. This will give the knowledgeable reader serious doubt regarding the validity of the book.

However, things get better as Pierce swings into the case studies. He contrasts successful attempts to institutionalize disruptive innovations, like the Marine Corps shift to offensive amphibious warfare doctrine in the 1930s, with such failed efforts as Admiral Elmo Zumwalt's Project 60, an attempt to refocus the Navy on sea control. Pierce also compares the management methods used to promote sustaining innovations, such as continuous-aim gunfire, with those successful in promoting disruptive innovations, and he finds significant differences. In the end, a degree of clarity is attained, and by the final chapter the reader can with some effort understand and even agree with the author's main arguments. In fact, people engaged in military innovation efforts will likely find some practical insights.

If, then, this book, despite its flaws, can be useful for the knowledgeable military officer, academic, or defense industry manager, it is most definitely not for the uninitiated or casual reader. Ultimately, it is too hard to follow and contains too many editing errors to be

recommended as a worthwhile investment for the general reader. It is too bad that neither Pierce's advisers nor his publisher extended the effort to review and edit his dissertation properly; it could have had far wider appeal and value.

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Gladwell, Malcolm. *Blink: The Power of Thinking without Thinking*. New York: Little, Brown, 2005. 277pp. \$15.57

Among the many attributes desired in professional military officers is the ability to make extremely rapid decisions under conditions of extreme stress and peril, and for the highest imaginable stakes. Decisions may even have to be made in less time than is available consciously to weigh the alternatives and select a course of action. Although not unique—others, including doctors, law enforcement officials, and firefighters, face similar situations and under equivalent expectations—such demands are not a common part of most people's work experience.

In *Blink* Gladwell examines rapid, almost instantaneous, decision making—decisions made in the “blink of an eye.” The book advances an intriguing and seductive proposition, that people can be trained to make nearly instantaneous decisions using minimal amounts of data and yet achieve remarkable percentages of successful outcomes. If reading *Blink* could produce such a result, the book would represent one of the most significant advances in the field of decision making in decades. Unfortunately, such is not the case.

Blink is not going to transform its readers into paragons of successful, instant decision makers, however much the dust-jacket hype might imply it will. However, this does not mean *Blink* should be completely written off. There are insights worth thinking about and lessons to be gleaned from Gladwell's work.

For the most part, *Blink* is an extremely reader-friendly volume. Gladwell introduces concepts and follows up with deeper illumination and understanding through a variety of well documented anecdotes. During the first half of the book, the author seems about to deliver on the implied promise of better decision making as he explains how some people seem to master what might be called the "art of snap decisions." He does this in graduated steps, providing convincing evidence for each component of his argument.

Drawing on data from a study of gambling, Gladstone demonstrates that decision making occurs in both the human conscious and the subconscious mind. The gambling study found that at least in some people subconscious decision making occurs more rapidly than conscious decision making. *Blink* also provides convincing evidence that distilling, rather than increasing, information may result in not only faster but better decision making. The combination of subconscious data processing and the use of very limited data is known as "thin-slicing," defined as "the ability of the unconscious to find patterns in situations based on very narrow slices of experience." A related illustrative anecdote comes from the medical community. Doctors have determined that confining an examination to four key observations results in significantly higher percentages of correct diagnosis

of heart attack in the emergency room than do more comprehensive diagnostic protocols.

Blink identifies experience as another key component in the ability to make rapid and accurate decisions. Deep familiarity with one's subject, be it ancient Greek statues, professional tennis, marriage counseling, or, one may assume, battle displays, is an essential component to making correct fast decisions. To demonstrate this point Gladwell offers the example of Vic Braden, a noted tennis coach who apparently has a supernatural ability to predict when a professional tennis player is going to double-fault. Yet Braden cannot explain how he knows the double fault will occur. Clearly decades of coaching tennis have left him with a predictive ability that functions either so rapidly or so subconsciously that he himself does not understand it.

Gladwell also explores the negative aspects of thin-slice decision making. Everybody makes lightning decisions, all of us work off hunches and feelings, but all too often the decisions are influenced by images and stereotypes that have bombarded us from birth. One of the most powerful questions raised in *Blink* concerns the degree to which our attitudes on such fundamental questions as racial equality are answered through snap decision making. According to Gladwell the answer is "to a very large extent," so much so that people who sincerely believe they are not biased carry embedded subconscious attitudes that affect their perceptions of others. Interestingly, *Blink* suggests such attitudes do not have to be permanent, that exposure to positive images can result in measurable changes to subconscious perceptions. If true, these

findings would seem not only to give significant ammunition to those who claim the nation's children are excessively influenced by what they see on television but to have importance in efforts to counter terrorist attempts to popularize their ideologies.

Another reported pitfall to good snap decision making is the power of the first impression. Gladwell tells the story of Warren Harding, a man whose bearing and voice so impressed all who met him with their presidential quality that it seemed only right he should attain the Oval Office. Unfortunately, Harding's capabilities did not match his image, and his time in the White House was thoroughly undistinguished. In one of the book's more interesting anecdotes Gladwell explains the success behind the so-called "Pepsi Challenge," a blind taste-test designed to help the Pepsi Cola Company achieve a victory over its primary competitor, Coca-Cola. Being sweeter tasting than Coke, Pepsi was overwhelmingly favored when individuals sampled small amounts of each soda. The results were reversed, however, when the sample size was increased to an entire can. The Coca-Cola Company failed to realize this fact and diverted significant resources into a variety of failed attempts to meet the "challenge."

Much of *Blink* is devoted to the performance of retired Marine general Paul Van Riper as the commander of opposition forces in the MILLENNIUM CHALLENGE war game of 2002. This game simulated a massive U.S. military response to a rogue military leader in the Persian Gulf. General Van Riper reportedly scored an impressive victory against U.S. forces early in the game by a variety of innovative and unexpected tactics. Gladwell argues Van Riper was

victorious because his team, unencumbered by excessive information and overanalysis, retained the power of rapid cognition. In other words, rather than relying on technology and analysis to eliminate the fog of war, General Van Riper's team had been trained to work in the fog; his unexpected tactics plunged the U.S. military and political analysts into the very fog they had intended to dispel. Once both sides were operating in conditions of reduced clarity, Van Riper's team was able to triumph.

The remainder of the book examines in some detail the death of Amadou Diallo, a Guinean immigrant who was shot to death by members of a New York Police Department street-crime unit in 1999. Gladwell walks the reader through the shooting, presenting the police officers not as slaving racists or sociopaths but as victims of their own physiological responses to stress and a lack of training under high-stress conditions. According to Gladwell's research, as stress reaches extreme levels, such as in "shoot/don't shoot" situations, the human body changes the way it processes and perceives data. Under these conditions, signals, perhaps especially facial expressions, no longer carry the impact they would otherwise; humans enter a state the book identifies as "mind-blind," a condition that might also be described as temporary autism. The odds skyrocket that the affected individual, robbed of the ability to process key data rapidly, will opt to shoot a perceived threat. However, Gladwell explains, with training these automatic responses become less severe, allowing individuals to make accurate and appropriate decisions. *Blink* argues that an even more desirable outcome of proper training is to prevent such high-stress situations from developing in the first place.

Surprisingly, Gladwell concludes his book with a story that showcases the negative side of first impressions, thin-slicing, and stereotypes—the impressive increase in the number of women in professional orchestras. This growth, especially in sections of the orchestra traditionally thought of as masculine, is attributed less to a growing awareness of women's rights than to the introduction of “blind auditions,” in which the applicants perform out of the judges' sight. Deprived of immediate decision cues, the judges are forced to base their decisions solely on musical merit. Artificial or nonmusical impediments are removed, and women musicians are free to rise to their level of competence. As examples go, this is compelling in the extreme.

The merits of *Blink* are many. It is well written, lively, and engaging. Gladwell both explains the power of first impressions and demonstrates that there are indeed people who can make very successful decisions based on minimal data in next to no time. He also convinces that such talents can be acquired, or at least improved. Yet it is here that the book loses cohesion and momentum.

Having recognized that “blink” decision making can be both positive and negative, Gladwell offers no clear way by which the former can be improved and the latter minimized. Furthermore, the people he identifies as good “blink” decision makers are all *experts*. In many cases they have been mastering their fields for decades. For example, General Van Riper's success was due at least as much to his expert knowledge of U.S. military procedures, strategy, and tactics as it was to his ability to make snap decisions. It is a pity Gladwell did not pursue the question of experience

a little deeper as, at least upon the surface, his findings would seem to have applicability to such issues as officer-training pipelines and criteria for command.

The fact that training can reduce the negative impacts of stress in snap decision making is nothing new, especially for those in the military. Whether it is the Marines reacting to a convoy ambush or a warship's combat systems team responding to an air attack, realistic training is a critical component of success. Gladwell's work simply reinforces what soldiers and sailors have long known: You fight the way you train.

While *Blink* will not make its readers experts at snap decisions, it remains a work of interest. For one thing Gladwell rather conclusively demonstrates that our individual personalities, our unique experiences, and beliefs and values, form an integral part of human decision making. Models that fail to take this aspect of decision making into consideration are almost certain to be flawed, and leaders who fail to understand the power of these attributes are almost certain to be disappointed. *Blink* may not provide all the answers, but the questions it raises are most definitely worthy of consideration.

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Miller, Steven E., and Dimitri V. Trenin, eds. *The Russian Military: Power and Purpose*. Cambridge, Mass.: MIT Press, 2004. 241pp. \$25

The study of the Russian armed forces has, like those armed forces themselves, fallen upon hard times in the contemporary world. Therefore, this study is most welcome. The editors and authors—

Americans, Europeans, and Russians—are all acknowledged experts, so it is not surprising that all the essays are of uniformly high quality. The editors also deserve praise for including a chapter on the defense economy; its evolution is a telling indicator of Russia's defense policy and overall political economy. The editors' purpose is to illuminate the conditions under which Russia's rulers have responded to the challenges for reforming their armed forces.

Thus the chapters on defense reform (by Pavel Baev and Alexei Arbatov) and on the military's sociopolitical conditions (by Alexander Golts) paint a devastating picture of an unreformed military that instead of providing security has itself become a source of insecurity for Russia. That outcome stems from underinvestment, politicization, corruption, official neglect, and refusal to attack the perquisites of the military establishment's leadership. Vitaly Shlykov's chapter on the defense economy rightly points out that the regime has failed to break free of either the Soviet Union's "structural militarization" or the heavy hand of state control. Roy Allison's overview of Russian military involvement in regional conflicts suggests that even after painful lessons that military has only begun to learn what contemporary warfare is all about. Rose Gottemoeller ably traces both the debate over the role of nuclear forces in Russia's military structure and policy through 2003 and the implications of that debate as they had been revealed at that point. Dmitri Trenin's conclusion reassesses the reasons why defense reform had failed through 2003 and addresses the paradox that though many are calling for reforms, many others

correctly observe that the system itself is unreformable.

No one interested in tracing the evolution of Russian forces and defense policy through 2003 can go wrong with this book. It is too bad that it was published when it was. Because this work is part of a distinguished multivolume series on Eurasian security issues, its publication was part of a larger program and could not be delayed, but beginning in 2003 and conclusively in 2004, the logjam that had blocked reform began to give way. Defense spending and training, including exercises, increased substantially, and by 2004 the effects were visible. Likewise, new operational and doctrinal principles were introduced and accepted in 2003–2004. The General Staff, which had frustrated many reforms, was now firmly subordinated to the Ministry of Defense, and the chief of the General Staff, General Anatoly Kvashnin, a tenacious bureaucratic operator but disastrous military leader, was finally sacked. Major force-structure reforms began and are still continuing today. Had the authors known of these trends, they could have provided first-class assessments of their significance.

However, some things are already clear. Current reforms are occurring under the rubric of the Russian term "reform of the armed forces"—that is, changes in force structure. These reforms, while extremely consequential, do not constitute a total transformation. Indeed, the defense economy remains too much of a Soviet-like character and is subject to excessive state control. All the armed forces, including those of the Ministry of Interior and intelligence agencies, are unaccountable democratically, representing instead indispensable pillars of

Putin's neo-tsarist, authoritarian system. In addition, the Ministry of Defense, rather than embracing a professional army, insists upon expanding conscription and enserfing thousands of men as their ancestors were enserfed over a century ago. Thus, until and unless defense reforms are carried out beyond mere reorganizations of the force structure, Russia cannot have effective armed forces, security, or democracy. Until then it will remain tempted by imperialism and military adventurism, as in Chechnya, and fail to retrieve its European vocation or achieve true integration into Europe. Under the circumstances, then, it would be a good idea if the authors could be prevailed upon to write a second edition that incorporates the most recent trends. Then we could derive maximum benefit from this splendid book that was published too soon.

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Mallmann Showell, Jak P. *German Naval Codebreakers*. Annapolis, Md.: Naval Institute Press, 2003. 160pp. \$29.95

In the almost thirty years since the public revelation that the Allies in World War II broke substantial portions of the German ENIGMA cipher system, Allied codebreaking has become a staple of our understanding of the Battle of the Atlantic. Less understood are the parallel efforts of the German navy to break Allied naval codes. The historical record of German codebreaking is comparatively fragmentary, many records having been destroyed during or immediately after the war. German naval

intelligence was smaller than its Allied counterparts and left a smaller trace. Still, the influence of these German efforts on the pivotal convoy battles of the war has remained an important unanswered question. In *German Naval Codebreakers*, Jak Showell, author of more than a dozen books on German U-boats, has attempted to provide an account of signals intelligence in the German navy in World War II.

The German Naval Radio Monitoring Service (or Funkbeobachtungsdienst, commonly abbreviated B-Dienst) worked with some success against British and American naval codes. During the early period of the war until 1943, the B-Dienst could read large parts of the Allied merchant ship and convoy codes, which provided important insights into convoy operations and routing. In addition to codebreaking, B-Dienst operated a network of direction finders that fixed the approximate locations of radio transmissions in the Atlantic.

Whatever its success at codebreaking, the German navy in World War II failed at the critical second step of intelligence analysis. Showell creates the impression that B-Dienst personnel were separated from key operational commanders and were not permitted access to information about their own forces' operations. The B-Dienst was therefore reduced to passing raw messages to senior commands, feeding the complaint that radio intelligence served only to provide a flood of useless information. This arrangement stands in marked contrast to the intimate relationship between commanders and operational intelligence centers in Britain and the United States.

From the outset, the book suffers from an unfortunate organization. Attempting to avoid a chronological history of the war at sea, the author has arranged his material in a series of short vignettes, separated by ship type and area of operations. Lost in this organization is the common thread of the B-Dienst itself. Showell, for example, touches on the question of how intelligence support was provided to German units at sea in several sections but never ties them together to address the critical question of information dissemination across the German navy. Showell attempts to circumvent this problem by a series of appendixes on organization, but these are too brief to serve the need, and the result is confusing and unclear.

Within these sections there are historical gems. For example, the author discusses a February 1943 incident in which the B-Dienst intercepted a British message containing German submarine locations—potential evidence that the German code was itself being read by the Allies. Ultimately, the German navy convinced itself that its operational information had been compromised through other means and that its codes were secure. However, this gem, like all others mentioned, suffers from the second major failing of the book—an almost complete lack of documentation. While the work contains a list of recommended reading and mentions at the outset that it is largely based on work found in private archives in Germany, there is no further reference to the evidence.

The third and perhaps most important failing of the book is a failure to explore the full implications of German successes and failures. The fundamental historical question is how the German

navy set out to provide intelligence information to its commanders, and how and why it succeeded or failed in that effort. That question is never answered, leaving the book at best titillating but unsatisfying.

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McCullough, David. 1776. New York: Simon and Schuster, 2005. 386pp. \$32

David McCullough has written yet another enormously enjoyable and informative narrative history. Compared to his monumental Pulitzer Prize-winning biographies of Harry Truman and John Adams, *1776* is only a snapshot of a crucial moment in time, although it is every bit as engaging. It covers the events of the seventeen months between King George III's October 1775 announcement to Parliament of unrelenting war against his American colonies and the arrival in Britain of the news of George Washington's victory at Trenton in March 1777. A story of overcoming adversity, *1776* focuses on the early battles of the War of Independence, which were mainly retreats for the ragged and often exhausted Continental Army.

Based on McCullough's expert research in American and British archives, the story is packed with rich descriptions drawn from both sources. At age forty-four, Washington is at the moral center of the drama. Although he had never before led an army in battle and is (as McCullough bluntly declares) "indecisive and inept" in the early New York campaigns, Washington learns

from his mistakes and somehow keeps his frayed army intact and unbroken. He also proves to be resolute as well as resilient, living up to his later reputation as the “indispensable man” of the founding era.

McCullough vibrantly describes other indispensable characters as well. On the American side there are Henry Knox, a “town-born” Boston bookseller turned accomplished soldier at age twenty-five, and Nathaniel Greene, a “fighting Quaker” who became the youngest brigadier general in the army at age thirty-three. Both these men proved to be outstanding military leaders and steadfastly loyal to Washington. Leaders from the British side are also crisply portrayed. King George III, his primary military commanders General William Howe and Admiral Lord Richard Howe, and other diligent subjects of the Crown are sketched, in a fresh and balanced treatment.

The Howe brothers, who were directed by King George to extend the “olive branch” as well as fight (perhaps explaining some of their dawdling maneuvers), are painted as courageous and dedicated professionals. They commanded an awesome force, and the vivid descriptions of raw British power—an armada of four hundred ships anchored off Staten Island, the ferocious British bombardment at Kips Bay that began the battle for New York—are truly daunting. The fighting was vicious and large in scale, and many readers will have to be reminded that forty thousand people took part in the battle for Long Island, a fight that stretched over six miles through present-day Brooklyn.

McCullough solidly grounds his narrative at the individual level. Utilizing

firsthand accounts from diaries and letters, and writing in a graceful style, he humanizes the stories of the lesser characters of those times that did indeed “try men’s souls.” Volunteer farmers, artisans, backwoodsmen, tradesmen, boatmen, and mere boys, all accustomed to hardship and labor, make up the cast. There are patriot “shoemakers, saddlers, carpenters, wheelwrights, blacksmiths, coopers, tailors and ship chandlers,” as well as their counterpart Loyalists—and the splendidly trained but equally human redcoats and Hessians. McCullough’s colorful story includes drunks, deserters, spies, prostitutes, traitors, and no-accounts, along with the accompanying bad teeth, smallpox scars, casts in the eyes, open “necessaries” (latrines), and “camp fever” (dysentery and typhus). The story also describes instances of astonishing dedication, ingenuity, energy, heroism, and self-sacrifice for the “glorious cause.”

McCullough’s story ends with Washington’s crossing of the Delaware and the victory at Trenton, the battle that gave the first great hope for the cause after the British evacuation of Boston in 1775. It was the “brilliant stroke” that Washington had sought. Fate and chance played a weighty role; a slight change in the wind, the arrival of fog, the amount of gunpowder, or in the timing of British pursuit could have doomed the rebellion. The eventual victory was even then far from inevitable and was to be indeed a near-run thing.

The British historian Sir George Trevelyan once wrote of the astounding turnaround after Trenton, “It may be doubted whether so small a number of men ever employed so short a space of time with greater and more lasting

effects upon the history of the world.” McCullough’s superb book will convince the reader of this view; the author himself concludes that the outcome seemed “little short of a miracle.”

Perhaps Washington said it best when he wrote, “perseverance and spirit have done wonders in all ages.”

WILLIAM CALHOUN
Naval War College

FROM THE EDITORS

OUR NEW EDITOR

Carnes Lord, professor of military and naval strategy in the Strategic Research Department of the Center for Naval Warfare Studies, U.S. Naval War College, has recently been appointed editor of the Naval War College Press. Dr. Lord is a political scientist with broad interests in international and strategic studies, national security organization and management, and political philosophy. He has held senior positions in the U.S. government, most recently as assistant to the vice president for national security affairs (1989–91), and has taught political science at the University of Virginia, the Fletcher School of Law and Diplomacy, and elsewhere. He is the author of, among other works, *The Presidency and the Management of National Security* (1988) and *The Modern Prince* (2003). He takes over the Press with this issue and Newport Paper 25.

VICE ADMIRAL ARTHUR K. CEBROWSKI (1942–2005)

The editors deeply regret to inform our readers of the death of Vice Admiral Arthur K. Cebrowski, USN (Ret.), the forty-eighth President of the Naval War College and later director of the Office of Force Transformation, in the Office of the Secretary of Defense. Admiral Cebrowski recently passed away after a long battle with cancer. A graduate of Villanova University, he was a career naval aviator and a passionate advocate of transformation.

TWO NEW NEWPORT PAPERS

The Naval War College Press is proud to announce two additions, the twenty-fourth and twenty-fifth, to its Newport Papers monograph series. Both are available now from the editorial office and online.

Newport Paper 24

Number twenty-four is a selection of especially valuable articles from the *Naval War College Review*, entitled *Naval Power in the Twenty-first Century: A Naval War College Review Reader*. Dr. Peter Dombrowski, former editor of the Press, has assembled not a “best-of” collection but “a number of articles that particularly deserve a second or third look by those who study and practice national security and naval affairs” at this “critical point in [the U.S. Navy’s] history.”

Newport Paper 25

Number twenty-five is *The Regulation of International Coercion: Legal Authorities and Political Constraints*, by James P. Terry. Colonel Terry (U.S. Marine Corps [Ret.]) is chairman of the Board of Veterans' Appeals in the Department of Veterans Affairs, having served until early 2005 as the Principal Deputy Assistant Secretary of State in the Bureau of Legislative Affairs. His new monograph is an assessment from a U.S. policy perspective and in an international-law framework of "representative instances where force has recently been used in international relations, the circumstances under which it was used, the instructive international policy and legal constructs that can be applied, and the relationship of these policies to the minimum world order system established in . . . the United Nations Charter."

ERRATUM

On page 16 of James Holmes's "Why Doesn't America Have a Nelson?" in our Autumn 2005 issue appears the phrase, "high-profile triumphs at the Battle of Santa Cruz de Tenerife, Corsica (1796)." An alert reader has pointed out that Santa Cruz was in fact a British defeat; further, an editorial error gives the impression that Tenerife (in the Canary Islands) is on Corsica. We regret the errors and have corrected the online versions of the article.

STATEMENT OF OWNERSHIP, MANAGEMENT, AND CIRCULATION

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Pelham G. Boyer, Managing Editor

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