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From the Editors

Each year, approximately six hundred future leaders depart operational tours to attend the United States Naval War College. Throughout the academic year, students are challenged on a vast array of topics ranging from the strategic lessons of the Peloponnesian War, proper operational planning in today's joint and coalition force environments, and how the United States military interacts with the executive and legislative branches of the U.S. Government. Students from each branch of the U.S. armed services, civilian federal agencies, and international naval forces interact every day to discuss and learn from each other, and also to challenge each other's thoughts and ideas. Additionally, for those unable to physically attend in Newport, Rhode Island, the College of Distance Education enables them to participate in seminars at their current locations. All students come away from these interactions with a renewed perspective on current and historical issues while building enduring personal relationships across the joint force, interagency, and international spectrum.

As part of this rich educational experience, students provide critical analysis of key national security and military issues impacting events at the operational and strategic levels of war through papers and essays designed to meld rigorous academic requirements with real-world operational experiences. Each year, the best student writing is recognized by various associations and organizations affiliated with the U.S. Naval War College through the annual essay competition.

With this special issue, the editors of /luce.nt/ would like to highlight and congratulate some of the winners of the 2013 – 2014 NWC essay competition. We encourage all students to continue refining their thoughts in anticipation of the 2014 – 2015 essay competition.

- **ADM Richard G. Colbert Memorial Prize**
Major Christopher J. Kirk, United States Army
"The Demise of Decision Making: How Information Superiority Degrades our Ability to Make Decisions"
- **B Franklin Reinauer II Defense Economics Prize**
Lieutenant Colonel William R. Glaser, United States Army
"U.S. Rare Earths Policy: Digging Out of the Rare Earths Quandary"
- **George C. Kenney Award**
Major Marty T. Smith, United States Air Force
"Airpower in Hybrid War: Ethical Implications for the Joint Force Commander"



- **Jerome E. Levy Economic Geography and World Order Prize**
Lieutenant Colonel Kevin H Hutchison, United States Marine Corp
“Oft-Forgotten Mexico: The United States’ Indispensable Strategic Partner”
- **Naval War College Foundation Award (two awards)**
Lieutenant Commander Tom Clarity, United States Navy
“Does the Tail Wag the Dog? Mission Command, Technology, and C2 in the U.S. Navy”

Colonel Robert M. Klein, United States Army
“The Underappreciated Strategic Genius of George B. McClellan”
- **Robert E. Batemans International Prize (two awards)**
Lieutenant Colonel Alex Eduardo Ramirez Ramos, Colombian Navy
“Balancing Interests in the SCS”

Commander Lee Taegseon, Republic of Korea, Navy
“U.S.-Vietnam Military Relations in 2013 and Beyond: The Impact and Solutions for Maintaining a Good U.S.-PRC Relationship”
- **The LT Michael P. Murphy Counterterrorism Prize**
Lieutenant Colonel Michael E. Conley, United States Air Force
“Intervention through Counterterrorism: The Challenges of the Trans-Sahara”
- **The Interagency Partnership Prize**
Hermann G. Hasken III, United States Department of Defense
“Beyond Find, Fix, Finish: Establishing a Counter-Network Interagency Organization to Combat the Convergence of Globally Connected Threat Networks”
- **VADM James H. Doyle, Jr., Military Operations and International Law Prize**
Colonel Katherine Graef, United States Army
“The European Court of Human Rights: Implications for United States National Security”
- **Zimmerman-Gray NSC International Prize (two awards)**
Lieutenant Commander Ilkay Arslanoglu, Turkish Naval Forces
“A Worse Case Scenario: Guerilla Type War in the Littorals”



Photo courtesy of flickr

A Worse Case Scenario: Guerilla Type War in the Littorals

Lieutenant Commander, Ilkay Arslanoglu
Turkish Naval Forces

“Our Contrary to common belief, most naval actions have taken place not on the open ocean but close to the shores, bordering the open ocean and in adjacent seas.¹ This explains the reality that lands are the source of life and even the states’ sovereign rights over the seas is based on the possession of those lands. Moreover, because islands, shores, ports, choke points are objectives of most wars, naval forces tend to secure littorals, narrow seas and ocean approaches of the land. Subsequently, future naval operations will also likely to take place in the littorals. Compared to the open seas, littorals are unique by means of its geographical characteristics and constraints. This paper is focused to define the possible challenges that the navies face, when tasked to control the littorals, today and in the future.

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The U.S. National Military Strategy-2011 states that, "States are developing anti-access and area-denial capabilities and strategies to constrain U.S. and international freedom of action. These states are rapidly acquiring technologies, such as missiles and autonomous and remotely piloted platforms that challenge our (U.S.) ability to project power from the global commons and increase our operational risk."² Although it has been attracting more attention recently, sea-denial is not a new concept and its tools are not limited to new technologies or remote piloted platforms. In fact, weapons that have been used since WWI can be the most challenging threats for contemporary blue water navies in the littorals.

Historical cases like Gallipoli Campaign show that each belligerent has a say in the outcome of a war, in the littorals of its country if not in the open seas. This paper argues that in future naval operations; 1) Undersea threats (mines and submarines), 2) Guided Missiles fired by small-fast boats and shore-based launchers, 3) Increased presence of non-military ships or boats will be the main challenges of obtaining and maintaining sea-control in the littorals (including narrow seas). Finally, the paper draws conclusions; by utilizing these tools (mines, submarines (SSKs), small-fast missile boats and non-military ships and boats) that a weaker belligerent will be able to protract the sea denial period.

Features of Littorals, Narrow Seas and Shallow Seas

Despite some similarities, naval warfare in the littorals has many differences from that of the open sea. While examining the factor "space," naval planners should understand that, oceanographic and hydrographic features, existence of offshore islands, naturally protected bays, weather, distances to important land-based points, and depths are some of the differences that littorals may contain. Also containing heavier maritime and air traffic makes littorals not only different, but also more challenging environment for the stronger belligerent, whose aim is typically the control of the sea. The significance of the space factor in the planning and execution of tactical naval actions and major naval operations in the littorals cannot be overemphasized. Blue-water navies need to pay more attention to the physical features of the littorals if they intend to employ their forces most effectively in such sea areas. Obviously, there is a world of difference between operating in the open and waters much closer to the continental landmass. Enclosed and semi-enclosed seas present especially difficult environments for operations of large surface combatants and nuclear submarines.³

Although Prof. Milan Vego explains littorals as "coastline of both the land and near-shore waters" and narrow seas as "enclosed and semi-enclosed seas in which either shore might be controlled by different states," for the purpose of this paper, littorals and narrow seas together will be used to define the maritime areas other than open seas and oceans.

Another term, shallow waters, might be confused with littorals and narrow seas. However, it is more distinctive and a rigid term, which will be used to define the waters less than 200-m depth. The most significant factors directly influencing the employment of one's surface ships and submarines, and their weapons, in littorals are the water's depth, the characteristics of the seabed (or sea bottom), the tides, and the water's transparency.⁴

Obtaining and Maintaining Sea Control in the Littorals

The term "sea control" is simply being used to express the condition that a naval force can operate freely in a limited area within a limited timeframe. Today the main objectives of the substantially powerful contemporary navies' are "sea control," while before World War I it was "the Command of the Sea." The use of the term "sea control" was a result of a gradual realization that the new technological advances, specifically mines, torpedoes, submarines, and aircraft, made it difficult, even for a stronger navy, to obtain full command of the sea for any extended time over a large part of the theater.⁵ Gallipoli Campaign is the best example of this perception shift. Although one or two German submarines were operating in favor of them, the Ottoman Empire naval forces were so modest

that they rarely dared to sail out of Canakkale Strait. Nevertheless, while British and French Forces' unprecedented maritime supremacy allowed them to control the Aegean Sea, a couple of mines hinder them from commanding it. If improved underwater threats were able to convert the naval perception from "command" to "control" in the past, can a new approach of sea denial change it to "disputed"?

As an operational environment, littorals, have all three-dimensional, (subsurface, surface and air) threats simultaneously, heavier than open seas. Mines and submarines, modern coastal defense systems (comprising radar, electronic surveillance systems and anti-surface missiles) high-speed surface combatants, and land-based airplanes; regardless of their technological level, can pose substantial risks to blue water navies. The small size of the battle space and local knowledge of littorals enables the defender on the coast to coordinate and concert these options.⁶

Underwater Threats

All mines, regardless of their design, pose potential threats to the survivability of surface ships and submarines operating in littoral waters shallower than 300 feet.⁷ Taking some examples into consideration that the average depth of the North Sea is about 300 ft or in the Persian Gulf water is rarely deeper than 300 ft, contemporary navies' would be more likely to encounter mine threats over the shallow parts of the littorals. Moreover, aimed rising mines, which have an anchor depth of about 3,300 feet, could enlarge the contested area of operation for stronger navies.

During WWI, out of 132 submarines sunk, 89 were lost to mines and out of 166-destroyers, 110 were lost to mines. During WWII, British lost 577 ships (280 of them were warships) while Germany lost 1600 ships to mines.⁸ This shows that thousands of mines laid by both sides during WWI and WWII proved itself as an important means of defense. USS Samuel B. Roberts' 96 million in damages, caused by an Iranian contact mine in 1988 shows how efficient and effective the contemporary mines are for the weaker states' navies operating in the littorals.⁹

Underwater threats are not limited to mines. In fact, submarines, supported by their very nature of secrecy and mobility, are also effective means of sea-denial. Surface warship based fleet perception both in WWI and WWII started to change after WWII. German U-boat's successes arguably affected this mindset shift. Today, submarines are becoming more important parts of the contemporary navy. The Turkish Navy has 14 SSK –also started to build 6 AIP submarines¹⁰- whereas it has 16 frigates.

Contrary to the technological improvements of surface and air radars, the underwater environment, by its very nature, have not let dramatic successes in subsurface detection systems like sonars or sonobuoys. The main limitations of the performance of sonar sets in shallow water, especially those fitted onboard surface ships, are due to the great variations and general unpredictability of the sea's temperature, salinity, surface conditions, tides, currents, sound reflection capability, and absorption caused by the diverse character and configuration of the bottom and background noise.¹¹ Thus, diesel-electric submarines -having more effective sonar's, being more silent than nuclear submarines and being able to hide in the underwater layers mainly caused by temperature changes in depth- have the upper hand in the littorals. On the other hand, their effectiveness could be challenged in the areas where air supremacy allows helo or MPA operations.

Despite many advantages, one might argue that mines and submarines have their own tactical, operational and even strategic limitations, but they will not be the biggest challenges in the littorals. In order to have effectiveness, littoral states have to lay mines covertly before the war or conflicts starts. The main problem with that is laying mine is an act of war and also may give way to a quick escalation of the situation. Moreover, customary law oblige the states to declare the mine fields right after laying, and clean the area after the war. So with these considerations in mind, one may assert that mines would be used only when a littoral state finds itself on death ground. But it would be naive to expect all the states –or terrorist organizations– to follow the international law of armed conflict. Also, littoral states

may use mines to show their determination and deter the massive enemy forces gathering into its littorals.

Poor of communication features and vulnerability against ASW air assets are some limitations of the submarines. While AIP technology may decrease the vulnerability against ASW air assets by decreasing the snorkel needs, SATCOM systems may improve communication capabilities of submarines in snorkel depth if not operation depth. Despite these weaknesses, submarines will remain useful as a sea denial asset, just like a guerilla in jungle, operating independently and camouflaged perfectly.

Anti-Surface, Anti-Aircraft Guided Missiles (G/M)

Up to the end of the WWII era, the main surface to surface or surface to air weapon of naval warfare was different caliber guns. G/M's became the main sources of fires of the navies' right after WWII. Modern G/M technology allows more than 100 NM firing distances. A shore based anti-surface missile fired from a 15-NM distance gives a surface ship less than 2 minute warning time. Only 1-2 G/M can neutralize a frigate. Although it hasn't been used intensively in major battles so far, G/M's has the potential to change the operational aspects of naval battles by increasing the range and fatality rate and decreasing the warning time for the enemy. G/M will be the game changer of the future maritime conflicts just as the naval aviation was in WWII.

G/M's, not only serve as the primary fires for stronger navies but also a means for sea-denial efforts of a weaker coastal defender. It might not be as cost-efficient as mines but definitely cost effective. INS Eylat, sunk in October 1967 by Egyptian Styx (SSMs) launched practically from within the harbor of Port Said, offers a perfect example of the relative advantage the defender holds. USS Stark, hit by an Iraqi Exocet in the Persian Gulf in 1987, is another example.¹² Small-fast missile boats and mobile shore-based missile launchers, especially in an island-rich maritime environment, can increase the magnitude of "range-fatality-warning time" effect and be highly challenging for the blue water navies, by utilizing their camouflage and surprise nature.

One might assert that, fast-small boats and land-based SSM launchers cannot be considered as a dependable sea denial tool, despite they promise a lot of advantages. Small-fast boats are hardly operational above sea-state 5. Moreover, the lack of air defense measures leave them vulnerable to air attacks. Need for frequent logistic support is also one of the weak features of small-fast boats. Likewise, land-based missile launchers are also vulnerable to not only air attacks, but also special forces covert attacks which may occur before or after the war starts. Despite all these downsides, being comparatively low-cost, operated by less crew, makes small-fast boats and land-based missile launchers suitable for sea denial operations.

Historical Cases

One of the best examples of a successful sea-denial operation was Canakkale Defense. The unorthodox way (Picture-1) of laying the last 26 mines by hand was a tactical action but had a decisive operational and theater-strategic effect. While WWI era Ottoman Navy budget was 1/54 of the British Navy's¹³, British naval superiority made them believe in a quick, decisive victory. But a realistic littoral defense changed the faith of the war for the Turks.

Unable to stop the enemy in the Mediterranean, far from their mainland, the Ottomans main means for defense on 18 March 1915 were mine fields and shore artillery. In addition to the strong surface currents complicating the mine sweeping efforts, by anticipating that the enemy warships would have to maneuver inside the widest southern entrance of the Canakkale Strait (Karanlık Liman) during the bombardment of the shore artilleries, the unorthodox way of laying the mines in this area northeast bound caused unexpected and unprecedented losses for the Allied Naval Forces. These mines were the last 26 mines, which were captured from the Russian minefields in the Black Sea. The low-cost mine laying operation cost a lot for the enemy.

Despite British aerial ISR capabilities, gathering the information about the regular mine fields and the securing them with mine sweepers, Allied Operational command British failed to imagine the northeast bound mine line, demonstrating that there is always enough room for creativity of the coastal defense forces.

While the Canakkale War provides a successful practice of sea-denial, cases like Japanese failure in Leyte Gulf Battle and Argentines in Falkland War shows the consequences of ignoring or miscalculating the strength of the enemy and trying to defy it instead of denying. What if Argentine would have laid mines in the AOR more effectively in order just to buy some "time," the time which was vital to an opponent operating through external lines. What if Japan, recognizing its enemy's capabilities, changed its strategy from sea control to disputing or even denying it? What if Japanese Imperial General Headquarter had come up with a comprehensive synchronized joint -land, air and navy- defensive approach? Although it is hard to answer a "what if" question isolated from other operational factors, sea-denial approach would be more challenging for the stronger opponent. In the Korean War, Rear Admiral Allen E. Smith, lamented after the mining of the Wonsan area by the communist north: "We have lost the command of the sea to a nation without a navy, using pre-World War I weapons, laid by vessels that were utilized at the time of the birth of Christ"¹⁴

Emerging Trends (Most Likely Scenario)

While post cold war, unsustainable uni-polar world transcending to a world with new global and regional emerging powers, the operating environment is increasingly enabled by technology, which provides the types of capabilities once largely limited to major powers to a broad range of actors.¹⁵ Today it's easier to build innovative weapon systems with small budgets than it was a decade ago. Also, in the coming years, countries such as China will continue seeking to counter U.S. strengths using anti-access and area-denial (A2/AD) approaches and by employing other new cyber and space control technologies.¹⁶ While technological superiority can somewhat bring success in air and space domain, it is hard to assert the same in surface and subsurface maritime domain.

Following WWII, it was perceived by many of the navies that, large surface ships are not only vulnerable but also expensive. But this perception hasn't deeply affected the tendency to acquire large ships. Russians heavily invested in large surface ships such as the Kirov nuclear battle cruisers and Kiev and Kuznetsov class carriers. But at the same time the Russian Navy, has started to renew its USSR origin old navy with Steregushchy class corvette project. US Navy is investing in DD-100 and LCS projects concurrently. Smaller navies such as Singapore are turning their fast attack craft (FAC) into corvettes. Turkish Navy keeps investing in its frigates, building its own corvettes and small-fast attack boats. Briefly, modern navies can neither relinquish their large dream ships nor operationally required smaller ones. The question is what type of platforms will be more challenging for the navies trying to gain control of the littorals? For the following reasons, it is guided missile suited fast attack crafts or boats.

While fast attack crafts (FAC) comparatively small RCS (Radar Cross Section) decrease their detection distance, having a shallow draft enable them to operate inside a wavy, island and bay rich areas, which make them -more or less- immune to surface threats. Also, their speed and shallow draft provide them almost certain immunity against submarines. Beside these factors, their tonnages are just enough to station the modern weapon systems, such as guided missiles.

Another existing trend is sea mines. It is still a key anti-access/area-denial or even sea-control mean for the regional navies. Since 1958, PRC designs its own indigenous mines.¹⁷ Ongoing research confirms that China is keenly interested in developing and enhancing the effectiveness of deepwater rising mines. They began to develop rocket rising mines in 1981 and produced its first in 1989.¹⁸ It's not just PRC interested in mines. Today, around a million mines of more than three hundred types are in the inventories of more than sixty navies in the world. More than thirty countries produce mines, and twenty countries export them; highly sophisticated weapons are available in the international arms

trade. Worse, other than proper sea mines, mine-like devices can be fashioned from fifty five-gallon drums, other containers, and even any other floating objects.¹⁹ Also, improved detection systems of modern mines allow the mine laying navies to operate inside their own minefields. Subsequently, mines may be used as a means for not only anti-access but also area-denial and sea control efforts.

Although defense budget cuts are becoming a global trend, most of the states are building up their military capabilities. The increasing number of diesel-electric submarines, especially AIP (Air independent Propulsion) types are creating a more challenging threat environment for surface fleets. Today, countries like; Israel, Sweden, Germany, France, Greece, Pakistan, Russia, Singapore, PRC, South Korea, and Japan have AIP submarines. Turkey has started to build its first AIP out of the initial plan of 6, in Golcuk/Turkey. AIP technology, by reducing the need to "snort," in some ways provides the SSK with some of the stealth advantages to the SSN.²⁰ Longer endurance time together with its prominent silent nature strengthen the AIP diesel-electric submarines role in sea-denial concept.

“Guerilla Warfare at Sea”-Sea Denial (Most Dangerous Scenario)

Beyond the above mentioned and historically success proved aspects of sea denial, a new approach of defending the littorals may be the worst-case scenario for the stronger navy. China already shows signs of this approach. China's 2008 defense white paper explicitly mentions that reserve forces are likely to be involved in mine warfare (both laying and sweeping). In December 2004, PRC Navy mobilized six civilian ships and conducted a drill that involved (among other activities) reconnaissance, "mine laying by fishing boats," and non-pier and at-sea supply of naval vessels in battle. July 2006, the PLAN's first-reserve minesweeper squadron, established in Ningbo, Zhejiang Province, in September 2005, conducted a month of training in the East China Sea. Following an "emergency recall order," two hundred PLAN reserve officers and enlisted personnel prepared sixteen requisitioned fishing boats within half a day.²¹

Given the increasing number non-military ships (fishing boats, yachts, M/V etc.) sailing worldwide and the idea of using them as a military asset, modern fleet's efforts to generate the recognized maritime picture (RMP) is becoming more and more challenging and complicated. Today, it's not enough to define a contact as a fishing boat; naval assets also need further investigation on whether the contact is a military asset, camouflaged as a fishing boat. Moreover, low tempo, low-visibility contemporary conflicts make operational spaces more complicated. Today, States have a tendency not to declare war while they are engaged in one. During 2014 Crimea Crisis, Russia and Ukraine have an "undeclared" war, resulting in territorial changes in favor of Russia. It is a fair assumption that, during this kind of low density future conflict, defining the boundaries of the AOR will not be as easy as it was before, and moreover, naval and air forces will be struggling with not only enemy forces but also a daily routine civilian traffic.

A maritime version of North Vietnamese “*Dau Tranh (Struggle)*” may be the worst-case scenario. The people were the weapons of the struggle during the Vietnam War, in this maritime version, any floating or submerged object will replace the people. Fishing boats, Ro-Ro ships, Yachts, submerged oil barrels, anything a terrorist or guerrilla mind can imagine and use for not only a means to attack the enemy but also acquire target information without being noticed.

Moreover using conventional forces together with maritime *Dau Tranh* assets might be more challenging even for the strongest contemporary navies. While conventional forces are dragged towards littorals, asymmetric maritime *Dau Tranh* assets could acquire more targets easily. It is called "Hybrid Warfare": “Any adversary that simultaneously and adaptively employs a fused mix of conventional weapons, irregular tactics, terrorism, and criminal behavior in the battle space to obtain their political objectives.”²² Hybrid type of war approaches are not new, but what makes today's hybrid war unique is, cheap and easy access to lethal technologies by mass populations. The ability to adapt systems, and in

particular information systems and structures, and strategies often allow hybrid forces to outmaneuver conventional forces.²³

Balancing Operational Factors in Littorals

Operational factors, time, space and force, should also be considered differently in the littorals than it is in open seas. In the open sea, time and space favor the stronger navies with large maritime units –possibly nuclear-, long durability and capable surveillance radars and systems. In the littorals, a shore state navy can;

- Leverage its knowledge of space.
- Deny easy access to its territories by using unorthodox methods and assets
- Use land-based air assets, fast-small missile boats effectively and efficiently with shorter lines of communication.
- Buy the much-needed time for homeland defense, by laying mines or announcing minefield without laying mines.
- Conduct surprise attacks under camouflage of islands, archipelagos' or protected bays.

While operating in contested littorals, stronger navies should consider trading space in order to protect its forces or not to risk too many of them. Otherwise, the magnitude of the force loss may give way to space loses. A stronger navy may overcome the challenges of leaving more space to a littoral navy, by extending its ability to project power from further offshore.

Conclusion

Contrary to common belief, most naval battles take place in the littorals. Future naval conflicts are also expected to occur in the littorals. Naval planners should keep the unique and challenging features of the littorals in mind. Operational planning and execution in the littorals may be more challenging for the blue-water navies than it is in the open ocean. Taking the lessons from historical cases, underwater threats, fast-small missile boats, will preserve its place as the most challenging threats in the littorals. Ambiguous AOR boundaries together with increasing routine daily naval and air traffic create further challenges to constitute an acceptable MRP and thus difficulties to control the sea.

Considering that it is possible to acquire a mine for as low as \$1000, mines are still one of the most cost-effective A2/AD and even sea control tool for the weaker belligerent, causing the stronger side to lose time (sweeping and hunting), force and space. Given the comparatively modest improvement of subsurface detection systems, SSKs, especially the AIP SSKs, will be the other half of underwater threats. What makes underwater threats more challenging than the others is the scientific facts of underwater propagation that creates constraints for long range, accurate detection by sonars or sonobuoys.

Another major challenge that the navies would face when operating in the littorals is the combination of; increasing presence of non-military ships, ambiguous boundaries of battle space and a new approach, which may be called, Maritime Dau Tranh. In this approach, the defending littoral state would use any floating object at hand against its enemy. This guerilla type war at sea would harm the efforts to acquire the RMP and the self-protection of the blue water navy assets.

The open ocean permits large blue water navies to spread out and operate freely, in the littorals, the space factor is in favor of the defending side. With a comprehensive defensive approach of combining land, air and maritime assets, littoral states have the opportunity to leverage the usage of its own shores, islands and bays freely. Moreover, by implementing a Fabian type strategy and using sea-denial means it could wage war.

Recommendations

This paper is prepared to advocate neither sea-denial concept nor control or command of the seas. The main aim of this paper is to put the major challenges in the littorals, so with that, both blue

water and littoral state navies adjust its force structures, doctrines, education, command and control structure and logistics accordingly. Also, there might be some takeaways for the medium size regional navies that can dispute the control of the seas in its littorals against stronger navies and may have to control the regional seas against a weaker navy.

Blue-water navies should either choose to trade space with force and operate further offshore or constitute and use proper force structure compatible with the ones that littorals navies have. Other than this, regional alliances may assist a blue water navy with the kind of assets like SSKs and fast attack boats, which fit littorals.

Littoral navies should use classical sea-denial assets like mines, submarines and fast attack missile boats and also devise creative guerilla tactics using any floatable object at hand to deny a stronger enemy. Medium size navies should prepare their forces to face an enemy who might be weaker, equal or stronger, which would lead them to have a wide range of force structure.

¹ Vego, Milan. *Joint Operational Warfare: Theory and Practice*. (Newport, RI: Naval War College, reprint, 2009). p. IV-35.

² Chairman of the Joint Chiefs of Staff, National Military Strategy 2011, p. 3, <http://www.army.mil/info/references/docs/NMS%20FEB%202011.pdf>, (accessed 6 May 2014).

³ Vego, Milan. *Joint Operational Warfare: Theory and Practice*. (Newport, RI: Naval War College, reprint, 2009). p. II-46.

⁴ Vego, Milan. *Joint Operational Warfare: Theory and Practice*. (Newport, RI: Naval War College, reprint, 2009). p. II-40.

⁵ Ibid, p. II-48.

⁶ Rear Admiral Yedidia "Didi" Ya'ari, Israel Navy, *The Littoral Arena A Word of Caution*, Naval War College Review, Spring 1995, Vol. XLVIII, No. 2

⁷ Vego, Milan, *Fundamentals of Mine Warfare*, US Naval War College October 2012, p.1

⁸ Ibid, p.4

⁹ Vego, Milan, *Fundamentals of Mine Warfare*, US Naval War College October 2012, p.5

¹⁰ Air Independent Propulsion, which may provide an approximate 2 weeks of subsurface operation period without snorkelling.

¹¹ Vego, Milan. *Joint Operational Warfare: Theory and Practice*. (Newport, RI: Naval War College, reprint, 2009). p. II-41.

¹² Rear Admiral Yedidia "Didi" Ya'ari, Israel Navy, *The Littoral Arena A Word of Caution*, Naval War College Review, Spring 1995, Vol. XLVIII, No. 2

¹³ Onder Kacaturk, *Notes About Ottoman Fleet*, p.261

¹⁴ Scott C. Truver, *Taking Mines Seriously, Mine Warfare in China's Near Seas*, Naval War College Review, Spring 2012, Vol. 65, No. 2, p.31

¹⁵ Quadrennial Defense Review 2014,

http://www.defense.gov/pubs/2014_Quadrennial_Defense_Review.pdf, reached on April 29, 2014. P.25

¹⁶ Quadrennial Defense Review 2014,

http://www.defense.gov/pubs/2014_Quadrennial_Defense_Review.pdf, reached on April 29, 2014. P.28.

¹⁷ Andrew S. Erickson, Lyle J. Goldstein, and William S. Murray, *Chinese Mine Warfare A PLA Navy 'Assassin's Mace' Capability*, Naval War College China Maritime Studies, p. 7.

¹⁸ Ibid, p. 22.

¹⁹ Scott C. Truver, *Taking Mines Seriously, Mine Warfare in China's Near Seas*, Naval War College Review, Spring 2012, Vol. 65, No. 2, p.31.



²⁰ Geoffrey Till, *Sea Power-A Guide for the Twenty-First Century*, P.125

²¹ Andrew S. Erickson, Lyle J. Goldstein, and William S. Murray, *Chinese Mine Warfare A PLA Navy 'Assassin's Mace' Capability*, Naval War College China Maritime Studies, p. 35.

²² Richard M. Crowell, *Analyzing Hybrid Warfare*, US Naval War College November 2013, p.2.

²³ *Ibid*, p.3.



Photo courtesy of Navy Live

Balancing Interests in the SCS

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After the Vietnam War in 1975, the process of reunification between North and South Vietnam was implemented. While it was happening, the Socialist Republic of Vietnam government faced the expansionism of the Republic of China and its frictions with URSS (Communist supremacy). This resulted in the appearance of different kinds of frictions in the South China Sea (SCS), a relevant maritime space because of its geographic location, interconnecting the east and west of Asia, the Pacific, Europe and Africa; conferring it a high international, political, economic and social influence.

In the beginning of 1976, Vietnam exercised its foreign policy within the context of ideological alignment (USSR and China), leading to slow socio - economic development. It was in the year 1986 that influenced by economic globalization, the Communist Party of Vietnam (PCV) approved commercial reforms of Doi Moi (renovation), which allowed greater economic growth, modernization and extension of diplomatic relations among Vietnam and members of the Association of Southeast Asian Nations (ASEAN).

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Therefore, the economic growth in the Asia Pacific region, the overlapping national interests, and the territorial disputes in Southeast Asia are components for the destabilization risk in the SCS. These issues include new actors, as the ASEAN, which is a multilateral organization that was established in 1967, whose political support is aimed at seeking bilateral agreements based on international legal parameters (maintenance of the status quo, economic and social SCS development).

Consequently, ASEAN is a multinational organization that can achieve a high impact on the determinations of its circumscribed countries, in relation to economic, political and sociological processes. However, it has not been effective concerning the enforcement or implementation of systematic or arranged solutions related to territorial disputes in the SCS.

To Vietnam, China and other various actors, such as Brunei, Cambodia, Indonesia, Malaysia, Singapore and Taiwan, have national interests engaged in the mentioned maritime regions. Thus, they have developed methods to strengthen military capabilities, of which the greatest increase has been represented in the People's Republic of China (PRC).¹

This essay focuses its attention on the possible factors of balance, the impact of the United States, the possibility of reaching agreements and a preponderance of leverage by Vietnam. In the short term, ASEAN can "press" a safe environment (stability in the South Sea of China) in the exercise of navigational rights, economic exchange and enjoyment of the property and resources generated by the sea; but, in the medium and long term, it must incorporate the international order (the International Court of Justice [ICJ] and UN) for reaching agreements to settle the territorial disputes.

Considering the increase of the military investment in Southeast Asia, the expanding of interest in the named spaces, and the economic environment, the author's thesis is that ASEAN and Vietnam cooperative strategies by themselves will not exert a decisive effect on the security, the mutual interests, and the stabilization of that region.

GENERALITIES

To begin this work, the South China Sea is located in Southeast Asia, stretching from Singapore to the Strait of Taiwan, and the islands of Borneo and the Philippines archipelago, comprising an area of approximately 3,500,000 km square, and is the confluence point to 230 islands, islets, rocks and reefs, called the Paracel and Spratly Islands, which are the subject of disputes between China, Vietnam and many ASEAN members.²

This region is defined as the world's second most valuable zone, because about 66% of crude imports from South Korea, 60% of oil supplies from Japan and Taiwan, and approximately 80% of China's energy importations passes across the South China Sea.³ Moreover, its geographic position supports an important annually estimated trade flow of U.S. \$ 5.3 trillion, of which U.S. \$ 1.2 trillion accruing directly from the United States.⁴

Additionally, the discovery of oil in the year 1976 on the coast of Palawan (Spratly Islands) introduced the possibility of significant sources of energy resources in the SCS, adding a new element of interest; in the medium and long term it may lead to instability. The above is based on high energy dependence of developing countries. Vietnam's and China's daily oil consumption are estimated at 321,500 barrels and 9,400,000 respectively.⁵ A question arises: Will the rising energy needs kick off many conflicts in the future decades?

THE ROLE OF VIETNAM

Vietnam argues that there is sufficient background to ratify the rights of sovereignty over the Spratly and Paracel islands. It has historical records, maps and documents, including geographical studies of the islands in the seventeenth century. On the other hand, in the year 1933, France annexed those spaces to its territory⁶ and, also, during the Second World War (1939), Japan decided on the importance of controlling sea lines of communication in the SCS. Based on this, it ventured to conquer the Spratly islands with immediate opposition from France, the ruler of that time

After the Second World War, the peace treaty of San Francisco was agreed on in 1951, in which the Japanese empire expressly waived the right over the islands in dispute with France (Spratly and Paracel). The treaty, however, was vague and did not specify to whom the legal right existed to exercise sovereignty in that space, leading to different interpretations and ambiguities.⁷

Over the past 70 years, the SCS has been the scene of occupations, offensive actions and naval exercises by many countries. The most significant actions, are listed below: a) 1946, China captured Itu Alba in the Spratly and Paracel Phu Lan; b) January 19, 1974, the PRC made an offensive on South Vietnamese troops stationed in the Paracel Islands; c) on February 8, 1987, March 14, 1987 and February 14, 1988, there were clashes of low and high intensity between naval units of the PRC and Vietnam in the Spratly Islands Area, causing losses of ships and human resources, with greater affect on the Vietnam Armed Forces.⁸

Therefore, the search for the prevalence of China in those maritime areas and their offensive approach had increased tension in the area, bringing the struggle to a new level. Despite interest from Vietnam, it didn't serve as a catalyst for the direct intervention of a world power against China (USA and the Soviet Union were in the middle of the Cold War, and the arisen divergences between the two communist countries).⁹

In 1975 the political government of Vietnam set up the political goal to exercise g the sovereignty in areas considered historically and geographically theirs by deploying occupation forces to the islands and increasing its presence in Southeast Asia (segments of Spratly islands).¹⁰ It also reorganized the political distribution, annexing the islands to the province of Khanh Ha.¹¹

In 1982 UN member states agreed to the United Nations Convention on the Law of the Sea (UNCLOS). UNCLOS is a legal order for the seas and oceans to facilitate international communication and would promote peaceful uses such as the equitable and efficient use of resources and the study, protection and preservation of the marine environment and its living resources.¹² It also established legal regulations over territorial seas, exclusive economic zones (EEZ), contiguous zones (CZ), and continental shelves (PC).

Since 1988 Vietnam and China have increased interaction processes and the exercise of sovereignty in the areas obtained through political or military force. In parallel ways, they have implemented different levels of dialogue and negotiations to search for joint solutions to achieve agreements to the delimitation of the sea, EEZ and continental shelves in the Gulf of Tonkin. On December 25, 2000, an agreement was accepted by both sides.¹³

In 1995, Vietnam joined ASEAN and created a paradoxical circumstance of balance in favor of Vietnam, by turning the disputes from the bilateral concept to the multilateral process when it involved regional diplomatic efforts (incorporating various actors to that topic) and seeking to restore confidence and to achieve decisive agreements in such disputes. Nonetheless, there is no consensus among the members of ASEAN. It lacks significant credibility, and actually it is not running effective conflict resolution mechanisms.

Of late, Vietnam has increased investment in defense (2.27 million in 2012),¹⁴ and through diplomacy has strengthened political and economic cooperation (the Doi Moi reforms also brought about a rise of the Vietnamese economy). Vietnam is also expanding its cooperation with ASEAN and the United States, creating both a deterrent and a stabilizing effect in the SCS.

On June 21, 2012, the National Assembly of Vietnam passed the Law of the Sea, in which it reaffirmed the sovereignty over the Spratly and Paracel Islands, resulting in a series of claims by China, creating a problematic catalytic effect. Vietnam seized the opportunity to be assisted by outside arbitration, in the same way as the Philippines came to the UNCLOS, in order to integrate an international justice and dispute settlement mechanism to settle territorial disputes with China (Japan supported that initiative).¹⁵ Ultimately, Vietnam is facing a problem where possible sources of solutions

are linked to external support (USA, UN, and ASEAN, among others); therefore, the intent of the VN government aims to strengthen its international and diplomatic relationships.

THE IMPORTANCE OF THE SOUTH CHINA SEA (CHINA VISION)

During the course of history, by diverse factors, the PRC has lost many sea and land areas, among them the Japanese conquest of Manchuria and the Shandong Peninsula. The extraterritoriality agreements and various treaties with Great Britain, France, Japan and Russia, among others, have caused loss of space.¹⁶ In addition, the problem of disparity with Taiwan, are matters of national interest and convergence (Chinese nationalism) that shape China's foreign policy. Consequently, the recovery of lost spaces and reunification between China and Taiwan are a national priority.¹⁷

For Beijing, the ancient presence of the PRC inferred a historic sovereignty over the entire extension of the SCS, a process that in accordance with its political and economic interests has been the motive of territorial disputes in the South China Sea and its peripheral environment. The PRC Territorial disputes are "a) China, Indonesia and Taiwan over the Northeast Natuna Islands; b) China, Philippines and Taiwan over the Malampaya gas fields Camago; c) China, Philippines and Taiwan on Scarborough Reef; d) China, Vietnam and Taiwan over waters west of the Spratly Islands and e) China, Vietnam and Taiwan disputes over the Paracel Islands."¹⁸

Over the past 40 years, China has achieved four major strategic outcomes: the first, being admitted as a permanent member of the UN in 1971; the second, the opening of miscellaneous methods of economic development, which "positioned it in 2011 as the second largest economy"¹⁹ (during 2013, the GDP of China has increased to U.S. \$6.3 trillion);²⁰ and third, the development of strategic capacities due to the rising defense budget (for example, in 2012, it was US\$106,400 million, equivalent to 1.28 % of Gross Domestic Product);²¹ and fourth, the developing political will of the Chinese nation, aimed at safeguarding the named territorial integrity and national unity.

China's dependence on the SCS is rising: 50% of its economy depends on international trade, and 80 % of China's energy imports cross by the South China Sea. Its exports to the U.S. have reached the amount of U.S. \$ 237.1 billion, and to Japan U.S. \$100 billion, and for EU U.S. \$ 239.7 billion²². Therefore, the PRC in accordance with its political will has outlined its sea vision and projected its hegemonic role in the SCS.²³

Beginning in 1974, China carried out military offensive actions against the Vietnam Army in the SCS (already registered in the vision of Vietnam), which shows a more accurate reading of "the maritime vision of China" leading it to changes in China's strategic doctrine.²⁴ Also, the development, strengthening and modernization of the PLA Navy, has given them more flexibility, deterrence and exponential growth of resources. An example of this is the modernization and refit of the Aircraft Carrier Liaoning, the future project for manufacturing Chinese aircraft carrier, and the process of consolidation of deterrent forces through the activation of a nuclear submarine fleet.²⁵

Although China is a political and economic power, the former military offensive actions against Vietnam in the Spratly Islands, the conducting of naval exercises in the SCS and the collected military power, among other factors, have undermined the credibility of and confidence in China. However, these factors did not move PRC away from the realization of its national objectives: recovering territory and reunification of Taiwan, achieving a hegemonic position, continued strengthening of its military capabilities and fulfilling central political influence inside the ASEAN.

Therefore, the SCS acquires full significance in political and economic vital national interest." That is why, in 2009, Beijing (legitimization strategy) handed to the UN the document entitled "Nine Dashed Lines" (not validated by the International Hydrographic Bureau of the UN),²⁶ in which the entire SCS appears as a China maritime extension, and where PRC stands out "there is not discussion about sovereignty in those points as those marine areas belong to PRC from facto."²⁷

The multilateral concerted agreements are not an option for the Chinese view as it would indicate a turning point as opposed to national interests (it may cause the onset of multiple legal trials and incorporate divergent actors, including India, Japan, Vietnam and Philippines). Thus, their vision is oriented to design and achieve bilateral agreements, through deterrence, in order to create the way for the region's hegemony recognition, and, in fact, ensure compliance of national objectives.

THE ASEAN, THE INTERNATIONAL COOPERATION AND THE UNITED STATES GENERAL VIEW

The Association of Southeast Asian Nations (ASEAN) was established in Bangkok on August 8, 1967, originally formed by Indonesia, Philippines, Malaysia, Singapore and Thailand. In 1984 Brunei was annexed; Vietnam in 1995; Laos and Myanmar in 1997; and Cambodia in 1999. The overall goal is to promote economic development in the region and to work together for the promotion of peace and political stability of its member countries.²⁸

ASEAN, only nine years after its creation began to play a more decisive role. In 1976 it made the first summit of Heads of State in Bali, signing the first Treaty of Amity and Cooperation. Thereafter it developed periodic summits for analyzing regional concerns. The fundamental principles of the organization stresses "respect for the independence, sovereignty, equality, territorial integrity and national identity, the right of every state to lead its national existence free from extreme interference, subversion or coercion, noninterference in internal affairs, the solution of differences or disputes by peaceful means, the renunciation of the threat or use of force, and effective cooperation."²⁹

Globalization has caused the rise of new alliances, developing regional and international interaction; for ASEAN the challenge is to achieve a significant leadership for setting the course, the participation rules, and the availability to impose sanctions and exercise greater authority in the SCS. The ASEAN, as an Association of Nations must become a multidimensional system, creating decisive and desired effects in the political, economic, social, and security dimensions, such as the SCS. Also, externally it should be the pivot for cooperation to other countries like the USA, Japan, or Russia; and consequently, a reliable cooperation element with homologous structures such as the UN, IAEA, and other multilateral organizations.³⁰

Amid all these territorial disputes, the principle of ASEAN has been in seeking agreements, through dialogue, diplomatic approaches and receiving any complaints of violations of the agreements reached at the ASEAN summits. For example, the statement of conduct for peace, which since 2002 is a matter of dialogue and consensus;³¹ although, in the 12 years since accepted, it has not been tangible and effective. Additionally, when ASEAN is probing about SCS disputes, it leads to the appearance of divisions inside ASEAN.³²

Similarly, China and ASEAN signed measures of confidence building. However, the measures and summits are not mandatory and have had limited impact.³³ For example, historical interactions to this date record 23 ASEAN summits, 16 ASEAN summit – China, one summit of ASEAN +3 (three partners in Northeast Asia: China, Japan and Korea);³⁴ though, the overarching outcomes have been minimal.

Although the main actor on arbitration (the Law of the Sea) is the UNCLOS, the International Court of Justice, depending on the type of litigation is another option available (Vietnam and the Philippines attended the ICJ in 2012). Then ASEAN can be constituted as the catalyst in territorial claims. Unfortunately, the lack of consensus among its members and the development of agreements without tangible results on the SCS undermine the ASEAN credibility (Cambodia case).

The development of bilateral cooperation represents a significant advance in terms of regional stability as it is becoming feasible to reach agreements. Four constituent successful examples are the 2009 Singapore - Vietnam Defense Cooperation Agreement, the 2009 Australia - Vietnam Comprehensive Partnership, the Gulf of Tonkin agreement between China and Vietnam, and the establishment of an investigation company and oilfield service between China and Brunei.³⁵

On the other hand, legal considerations, which are the responsibility of UNCLOS (not supported by the USA, but signed by China, the Philippines, Indonesia, Malaysia, Thailand and Vietnam), included

covenanted laws which add more precise definitions about delineation of the territorial sea, the contiguous zone, the exclusive economic zone, the continental shelves, islands, archipelagoes, and freedom of navigation. It may serve as the starting point for the UN intervention, which can be leveraged by ASEAN, through an indirect approach of the USA.

Hence, ASEAN may be the thread needed to integrate SCS multidimensional efforts, only if there is a linear approximation or an indirect coercion by the United States in its ability for influencing the ASEAN (through Japan, the Philippines, Singapore, and especially Vietnam). Such a partnership would be oriented to achieve a chameleonic transformation, enabling it to arrive at solutions and consensual agreements about the exploration and exploitation of potential energy resources, the integration of efforts against various and globalized threats, and to address the course and keep the status quo in the SCS.

Besides ASEAN, other mechanisms or international organizations, which have the potential to influence the above purposes, are: The Summit of East Asian regions, the meeting of defense ministers of ASEAN and the Dialogue of Shangri - the Southeast Asian Treaty Organization or SEATO and the Five Power Defense Arrangements or FPDA.

However, the presence of the United States, by its strategic role conferred for the United States Pacific Command (USPACOM) through the deployment of forces in the Asian region, is constituted as a deterrent force, which currently limits the escalation of the conflict as a stabilizer pivot impacting on SCS and adjoining maritime spaces. There is a confluence of maritime interests; it can be inferred, "the close relation between sea control and the fate of war on land, and inside the oceans will determine the future of the powers (A. Mahan)."³⁶

The strategy of USPACOM in the region is set as "its efforts contribution to rebalancing the region, the desired end state is: in accordance with national guidance the D.E.S is that Asia - Pacific is secure and prosperous, underpinned by U.S. leadership and a rules-based international order, to obtain that goal, is necessary strengthen alliances and partnerships, and maintain an assured presence in the region."³⁷

Then, the question arising is: How can the USA have more interaction in ASEAN, so as not to affect the sensitivity of China and its deeply rooted nationalism without destabilizing the SCS? The answer from the academic point of view is aligned with the cooperation opportunities, to reach bilateral agreements, develop combined operations, and other practices and actions needed to address the multilateral global threats presented in this geographic area (terrorism, piracy, weapons of mass destruction, trafficking, smuggling, and climatic change).

Consequently, the USA's desired goal is the maintenance of the status quo in the SCS; therefore, the military presence of the United States is essential and imperative, and it is also supported by the mutual defense agreements among USA, Japan, South Korea and the Philippines, and for some treaties which have had prevalence since the Cold War. Otherwise, China would most likely be exercising additional political pressure and trying to become deterrent in that area.

Additionally, the presence of nuclear threats in adjacent areas, the potential processes of scientific research on plutonium and highly enriched uranium are worldwide concerns. The BBC News wrote: "Among Pyongyang's recent inflated threats, and the announced intention to (readjust and restart) its nuclear facilities is the most worrisome."³⁸ On the other hand, the nuclear submarine training of the PRC in the SCS and the capabilities of the Russian and Indian fleets, induce the support of the United States in stabilization processes in the SCS.

The other influencing and stabilizing elements are the trade dependence among states interacting in the SCS. "In fact, \$5.3 trillion of trade passes through the South China Sea."³⁹ This condition is fully influenced by the economy; in this order of ideas, despite the various differences, there is a strong economic link. This means that staggering the conflict in the current period would directly affect the International system. As a reference of that old type of threat is "the events of the

year 1997, the devaluation crisis in Asia affected the entire Asian community, creating negative impacts on the whole region and beyond its borders."⁴⁰

Finally, besides the different threats, the economic factors are very compelling, "the Chinese estimates the potential oil reserves in the SCS as high as 213 billion barrels - 10 times the proven reserves of the U.S. But American scientists have estimated the amount of oil at 28 billion barrels."⁴¹ Then, regarding the different disputes and interest, and the imperative of keeping the SCS long term status quo, it is necessary to turn the ASEAN leadership into being more effective and influential. So while the U.S. has become a SCS stabilization factor, the sensitivity of China in that area compels the U.S. to implement a strategy of indirect approximation which most probably levers up the region into an stage of peaceful coexistence.

CONCLUSIONS

The South China Sea has been characterized by the convergence of several territorial disputes, where the PRC is the greatest antagonist. The fact is China has demonstrated a more aggressive attitude; it has strengthened its military capabilities and is determined resolutely to recover the said historical belongings. On the other hand appears Vietnam, which has experienced direct pressure from China, and it perceives the ASEAN, UNCLOS and the U.S as the opportunity to be assisted and multilaterally supported against China and its hegemonic interests.

In consequence, maintaining stability in the SCS requires the direct interplay among the ASEAN and the USA (PACOM is the stabilizing pivot). For the ASEAN, the challenge is to achieve a higher level of leadership in Southeast Asia; and for the United States, the priorities are maintaining and strengthening its global authority, increasing its cooperation projects and agreements in the SCS, and counteracting emerging and global threats. However, the USA should always take into account China's susceptibility and the possibility of future echeloning of disputes.

The Chinese economy is highly dependent on the SCS; accordingly, in the short term, PRC is not interested in generating factors of instability, as this would affect the economy and its growth. However, their historical actions have demonstrated that they will not give up on their reunification interests over Taiwan; and Beijing will not allow discussions concerning those spaces of sovereignty (Nine Dashed Lines). In the mid-term, some friction may appear as the interest in exploration or exploitation of resources may be a catalyst to the development of disputes. However, China's immediate actions are geared towards attaining greater regional power and achieving bilateral agreements in favorable terms.

For the international system, (the ASEAN, the UN, among others) the maintenance of the status quo in the SCS is extremely necessary; therefore, the political goal is aimed at reaching agreements for the intervention of the international legal instruments (the UNCLOS, ICJ) in order to achieve potential resolution of disputes; to Vietnam, an effective communication within ASEAN (supported by USA), can influence the association of nations, leading to reaching the spirit and guidance needed in the SCS.

Finally, the ASEAN and Vietnam cooperative strategies by themselves will not exert a decisive influence in the mutual interest protection and region stabilization. Furthermore, the interaction of the United States is required in that process, increasing the confidence level inside the ASEAN and the implementation of new mechanisms, reforms and improvement of regional integration processes.

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Does the Tail Wag the Dog? Mission Command, Technology, and C2 in the U.S. Navy

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In a white paper published in 2012, General Martin E. Dempsey, Chairman of the Joint Chiefs of Staff, established Mission Command as a central tenet of future military operations in an uncertain environment.¹ With an emphasis on decentralized execution, disciplined initiative, and independent and aggressive actions from subordinate commanders, General Dempsey believes that Mission Command will best position the U.S. military to conduct operations in a chaotic and rapidly changing operating environment.² Much of the Joint Force 2020 charged with adopting Mission Command is accurately characterized as having been “shaped by a decade of lessons learned in war.”³

However, neither Operation Iraqi Freedom nor Enduring Freedom presented the U.S. Navy with major opposition at sea. Furthermore, communications and data networks that facilitate centralized control have proliferated throughout the fleet. Historical analysis of the Command and Control (C2) organizations of western navies suggests a link between advances in communication technologies and an initial tendency to centralize C2, resulting in a loss of initiative and combat effectiveness. Some may

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argue that the technological advancements of the Information Age have made centralized C2 an appropriate and effective framework for naval operations. However, the U.S. Navy's success in future major combat operations may well be determined by its ability to reject centralized C2, establish tenets of Mission Command as official doctrine, and train toward its employment.

Choices and Limitations: Mission Command on Land and at Sea

To understand the future of Mission Command in the maritime domain, it is important to first understand its genesis on land. Mission Command was codified after the crushing military defeat of Prussian forces by Napoleon during the Battle of Jena in 1806.⁴ Recognizing the inherent limitations of rigid command and control, the Prussian military developed *Auftragstaktik*, or "mission type tactics."⁵ *Auftragstaktik* linked the subordinate's tactical initiative towards the commander's operational end and eventually defined the culture of the Prussian and German militaries.⁶ The fog of war became an accepted constant, best countered and exploited by the tactical initiative of the subordinate commander positioned to assess the situation. As a result, advances in communications facilitated *Auftragstaktik* during German combat operations in the Second World War.⁷ The "why" and "when" of a mission order could now be relayed over greater distances via wireless communications. The "how" remained the purview of the subordinate. That *Auftragstaktik* was a doctrinal choice, shaped in part by the identified failure or limitations of a centralized C2 model, may echo the United States' adoption of Mission Command today.

In contrast, Mission Command in the maritime domain developed through the negation of a viable alternative. Early naval commanders did not possess the technical capabilities to convey orders to subordinates beyond visual range, forcing them to rely on the subordinate's judgment and initiative. Until the invention of the wireless telegraph in the early 1900s, a ship conducting independent operations could potentially operate for weeks, if not months, without receiving direction from a senior commander.⁸ While this initiative based approach to tactical execution should logically translate to greater autonomy during major fleet actions, the history of communications advancements at sea and the character of navies as technologically driven organizations often proved otherwise.⁹

Better C2 Through Technology? British Centralization and Nelson's Rebuttal

Early communications technologies, such as the British Navy's development of codified visual signals that conveyed specific tactical orders, indicate that communications advancements have often had a shaping effect on naval C2 organization vice an adaptive one. Rather than determining how these advancements could facilitate existing tactics, enhanced communications changed the British Navy's C2 organization. Following the Seven Years War, the British admiralty adopted the signals books of their hated (and recently defeated) French enemy and developed a "state of the art signaling system [that] offered the comfortable prospect of centralized control from the quarter-deck of the flagship."¹⁰ Centralized control became widely adapted and remained the hallmark of British and French naval actions throughout the late 1700s in fleet actions near the American colonies, the Caribbean, and the Indian Ocean.¹¹



Even while centralized C2 possessed numerous proponents throughout both the French and British fleets, one of its principal dissenters led the British to the most lopsided and decisive victories in the age of sail. Lord Admiral Nelson's embrace of decentralized C2 was likely borne of a naval engagement off the coast of Cape St. Vincent, Portugal.¹² Throughout the course of the battle, Nelson repeatedly ignored the signal orders of his commander in light of his interpretation of the best course of action to defeat the Spanish fleet.¹³ Nelson would later put his telescope to his blind eye in action against the Dutch after receiving an order to leave off action, saying, "Damn the signal. Keep mine for close battle flying. That's the way I answer such signals! Nail mine to the mast!"¹⁴ During both engagements, his refusal to follow orders that did not accurately reflect the tactical situation proved critical to British victory.¹⁵ While these actions, in and of themselves, could be dismissed as simple insubordination, they were aligned with his commander's intent. Had he disregarded his commander's orders and failed, he would have likely ended his naval career in disgrace. His victories, during both engagements, instead shaped Nelson's decision to decentralize C2 while in command of fleet actions at the Nile and Trafalgar.

Like the Prussian fathers of *Auftragstaktik*, Nelson adopted decentralized C2 at the Nile and Trafalgar after experiencing the failures of the alternative. At both Cape St. Vincent and off of Copenhagen, British commanders issued orders that did not accurately reflect the tactical situations of their subordinates. If Nelson attributed the fleet's failure to achieve a decisive victory in either engagement to the individual senior commanders, he would have likely pursued the same model of centralized C2 once in operational command. Rather, he faulted the model itself and developed trusted subordinates capable of understanding and executing his intentions in battle.¹⁶ At Trafalgar, he would transmit a solitary maneuvering command via signal; his transmission to "engage the enemy more closely" was more flourish than actual command.¹⁷

Moreover, his understanding of the benefits of decentralized control allowed him to develop a revolutionary plan for the conduct of the engagement. Rather than arrange his fleet into a conventional line that would sail in parallel with the enemy, trading broadsides and seeking an advantage in the weather gauge, Nelson broke his line into three separate elements and relied upon the initiative and independent actions of his subordinates to achieve a decisive result.¹⁸ The "Nelson Touch" was a product of his acceptance of chaos as a wartime constant that could not be mitigated by technology but could be exploited through decentralized C2.¹⁹

"Going to sea used to be fun, and then they gave us radios." (Admiral Arleigh Burke)

Unfortunately, the "Nelson Touch" did not endure in practice for either the British or American fleets in the face of communications advancement. By the early 1900s, the effectiveness of the wireless telegraph in the maritime domain was validated by its contributions to the Japanese victory over the ill-trained Russian fleet at Tsushima Straits, where it was used to pass tactical directions and relay the Russian fleet's position.²⁰ Its ability to also function as a paralytic to individual initiative was evident during the British fleet's actions at Jutland during the First World War. With over 100 surface vessels to command, the wireless telegraph provided Admiral Jellicoe, Commander-in-Chief of the British Grand Fleet, with a mechanism for centralized control that would have been impossible prior to its



incorporation.²¹ Accordingly, individual initiative and aggressiveness from subordinate commanders declined “for fears their superiors knew something they did not (or had intentions for which they were unaware).”²² The Grand Fleet failed to achieve victory against the German Navy in large part because the British admiralty allowed emergent communications technology to determine their C2 organization and operational philosophy, rather than treating the wireless telegraph as an additive technology toward Mission Command.

The role of communications advances towards centralizing C2 in the British fleet continued into the Second World War. In one particularly egregious example of technology facilitating centralized C2, the British Admiralty ordered a convoy to scatter due to intelligence indications that the German battleship *Tirpitz* would sail against the convoy.²³ The escort commander possessed the on scene situational awareness and argued that clear skies in the local area would prevent the German’s from exposing the *Tirpitz* to aerial attack.²⁴ The Admiralty, however, possessed the decision-making authority in a centralized C2 organization. The convoy was scattered and subsequently slaughtered by submarines. The *Tirpitz* did not sail.²⁵

The U.S. Navy’s experiences in the early stages of the Second World War demonstrated similar problems with centralized command. An After Action Report (AAR) of the Battle of Guadalcanal performed by W.S Pye, former President of the Naval War College, detailed the attempts by the Officer in Tactical Command (OTC) of Task Group (TG) 67.4 to maintain control of the assembled TG through a flurry of radio commands during a fleet on fleet action.²⁶ The OTC’s issuance of multiple maneuvering and firing commands in quick succession effectively splintered his fleet, reduced their striking power, and contributed to incidents of fratricide.²⁷

The Commander-in-Chief of the Pacific Fleet, Admiral Chester Nimitz, would commit the same sins of micro-management on a grander scale during Admiral Halsey’s raid on the Marshall Islands.²⁸ Without any direct knowledge of the course of the engagement, Nimitz directed Halsey to “exploit the situation,” and “expand his operations.”²⁹ While Halsey chose to ignore those orders, it is likely that other subordinate commanders would have followed them and exposed the depleted U.S. carrier fleet to unacceptable risk for a limited gain.

Nimitz’ actions and the C2 failures of TG 67.4 were neither an aberration nor unpredictable. Instead, they were the inevitable by products of the U.S. Navy’s cultural failures preceding the Second World War. The tendency to micro-manage subordinate commanders, facilitated by over the horizon communications technology, had come to dominate the service. In an admonishing message sent on January 21st, 1941, Admiral Ernest King, Commander in Chief, Atlantic Fleet, addressed the over-centralization of C2 throughout the Navy, stating,

I have been concerned for many years over the increasing tendency - now grown almost to ‘standard practice’ – of flag officers and other group commanders to issue orders and instructions in which their subordinates are told ‘how’ as well as ‘what’ to do to such an extent and on such detail that the ‘Custom’ of the service’ has virtually become the antithesis of that essential element of command – ‘initiative of the subordinate’...We are preparing for...those active operations (commonly called war)



which require the exercise and utilization of the full powers and the capabilities of every officer in command status. There will be neither time nor opportunity to do more than prescribe the several tasks of the several subordinates...expecting and requiring of them – the capacity to perform the assigned tasks.³⁰

King, who would serve as the Chief of Naval Operations during the Second World War, understood that Mission Command was an essential cultural philosophy and doctrine for successful combat operations. Additionally, creating a force capable of executing Mission Command in war required a significant investment in training and the willingness to accept additional risk at the tactical level of war to achieve operational ends.

Had U.S. Navy forces at Leyte Gulf failed to embrace Mission Command, it is unlikely that it would have achieved victory in the last major surface engagement of the war. Success during the Battle of Surigao Strait depended on the ability of subordinate commanders to aggregate their tactical decisions towards an operational end. Admiral Jesse Oldendorf, left to cover the Japanese fleet's approach to Leyte, possessed a makeshift Allied fleet comprised of over 40 major surface combatants, 39 torpedo boats, and 2 scout submarines.³¹ The submarines, *USS Darter* and *USS Dace*, independently made the decision to delay their attacks against the Japanese to report the position and composition of the enemy fleet.³² Furthermore, the commander of Destroyer Squadron 54, Captain J.G. Coward, coordinated his plan of attack with Oldendorf, despite not being under his command: "At 1950 October 24 he sent 'Oley' this message: 'In case of surface contact to the southward I plan to make an immediate torpedo attack and then retire to clear you. With your approval I will submit plan shortly.' Fifteen minutes later, Oldendorf radioed his approval. At 2008, Captain Coward sent the Admiral his basic plan, details to follow shortly. Coward did not merely volunteer; he announced that he was going in."³³ Coward's actions are only one example of the displayed initiative and decentralized decision-making and execution that was the hallmark of the U.S. Navy's fleet employment at Surigao Strait. Senior commanders used communications technologies to establish their intentions and subordinate commanders understood their operational objective and coordinated their tactical actions towards that end.

The decentralized C2 organization used by the U.S. Navy in its victory at Surigao Strait resulted from its informal adoption throughout the fleet throughout the war. The "intelligent initiative displayed" by subordinates characterized the U.S. Navy's operations in the Gilbert Islands and was noted as a redeeming feature of the long naval campaign of Guadalcanal.³⁴ However, by November 1944, the U.S. Navy's tacit adoption of Mission Command was formalized in the War Instructions provided to the fleet.³⁵ Specific provisions emphasized the senior commander's responsibility to ensure subordinate commanders understood his intent, a subordinate commander's responsibility to deviate from orders to better meet the senior commander's intent, and the value of initiative.³⁶ The U.S. Navy's communications capabilities had not changed significantly throughout the war; its understanding of centralized C2's inherent limitations in a dynamic battle-space had.

Seeing Through the Fog: Establishing the Common Tactical Picture



Centralized C2 models failed in the past because advances in communications offered an incomplete solution to a complex problem; how can a commander both communicate and see through the fog of war? Our historical decentralized C2 models valued the proximity of the subordinate toward understanding the tactical problem, primarily because there was no way to adequately expand that understanding into a common tactical picture readily available to the senior commander. However, attempts to fuse data from individual platforms and sensors into a consolidated picture have shaped the past several decades of the U.S. Navy's technological development.³⁷

Efforts to establish a distributed network of sensors aimed toward providing a naval commander with an accurate tactical picture were first undertaken by the British Royal Navy in the early 1900s.³⁸ Admiral Sir John Fisher placed intelligence agents in various foreign ports and intercepted the sailing orders of enemy fleets in order to plot and track the location of enemy fleets.³⁹ By determining a rudimentary tactical picture of the enemy, the British fleet could concentrate and steam along a vector likely to result in a decisive battle.

Plotting the position of friendly and enemy forces later shaped naval engagements during the First and Second World Wars, though significant technological problems limited their effectiveness. Radio limitations and the varying availability and quality of radar sets preserved the chaotic nature of naval engagements, particularly when fought at night or in mass.⁴⁰ Consequently, the ability to ensure an accurate plot of friendly and enemy forces typically ended at the start of the engagement.

The high cost of the U.S. Navy's actions against the Japanese at Guadalcanal, while attributed to the inherent limitations of centralized C2, actually resulted from the U.S. commander's failure to understand the impact of technology on C2. Prior to the night battle of 11 and 12 November, Rear Admiral Daniel Callaghan failed to shift his flag from the USS San Francisco to the USS Helena, which possessed advanced surface-search radar.⁴¹ The surface picture attained by the Helena during the battle thus could not quickly translate into a coherent tactical picture for Callaghan, but required transmission to the bridge of the San Francisco before its final incorporation into Callaghan's flag plot.⁴² As a result, time delays degraded the accuracy of the tactical picture and contributed to a series of poor tactical decisions that resulted in both fratricide and unnecessary losses.⁴³

Callaghan's failure was not the result of his decision to centralize C2 but to do so from the San Francisco. Helena's radar provided him with the ability to build a tactical picture previously available only through proximity. He possessed the technological capability to cut through the fog of war, and simply failed to use it properly.

No Longer Choice, But Necessity

Although Callaghan did not understand how technology offered commanders an equivalent to proximity, the U.S. Navy's focus on over the horizon communications, networked detection, and targeting systems in the modern era suggests that its modern leaders clearly do. In 1979, Chief of Naval Operations (CNO) Admiral Thomas Hayward led the Navy's early efforts toward developing an integrated and largely automated tactical picture through data networking.⁴⁴ After experiencing significant growing pains throughout the 1980s, surface fleets and aircraft now possess a common

tactical picture that provides a senior commander with the ability to execute centralized C2 over a vast array of widely distributed surface, subsurface, and air platforms.⁴⁵ Furthermore, if technological advances in data networking provide commanders with the capability to centralize C2, the weapons and platforms of modern naval warfare employed by, or against, a peer competitor provide the necessity to do so. The Chinese Luzhou class destroyer’s C-802 has an effective range of 65 nautical miles.⁴⁶ In contrast, the most capable surface-to-surface weapon fielded by the Imperial Japanese Navy, the Type 93 Long Lance torpedo, had a maximum range of less than 19 miles.⁴⁷ When considered in concert with a near peer competitor’s ability to conduct naval operations in multiple domains (surface, air, subsurface, and cyber), the increased range and lethality of naval weapons require a centralized C2 model to effectively aggregate the actions of individual vessels in both attack and defense towards an operational end.

The U.S. Navy’s current Composite Warfare Commander (CWC) model reflects that need to mass effects and efforts through centralized control. While Naval Warfare Publication 3-56, the governing document for the CWC concept, praises decentralized command, the CWC model is best understood as a framework for layered centralized control.⁴⁸

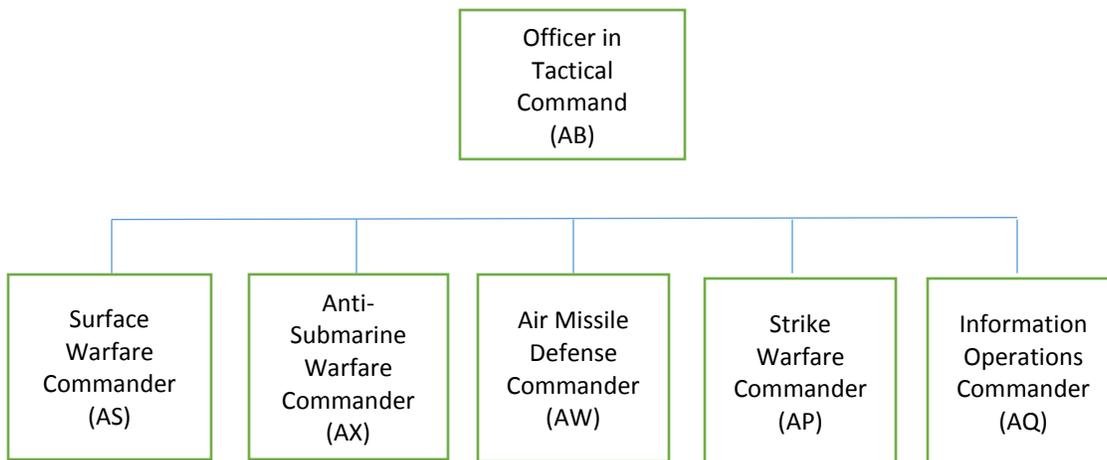


Figure 1

Derived from NWP 3-56

The Officer in Tactical Command exerts overall command over the assets in his or her battle group or surface action group, with Composite Commanders executing control over various assets as dictated by asset capabilities and the tactical situation.⁴⁹ For example, an AEGIS- equipped cruiser may act in support of the Surface Warfare Commander, Strike Warfare Commander, or Air Missile Defense Commander, either sequentially or simultaneously, during the course of a sea engagement. That same cruiser, however, requires specific authorization from a Composite Commander to either initiate action or deploy weapons and sensors.⁵⁰ This preservation of centralized control within the CWC model prevents redundancy in targeting and defensive actions, or the inadvertent escalation of a conflict.

The CWC model provides both the OTC and Composite Commanders with the necessary framework to exploit the advantages conferred by several centuries of communications advances and multiple decades of advances in computer networking. Furthermore, the centralization of control



present within the CWC model provides an effective method for coordinating naval actions across multiple domains. Having overcome the technological limitations that prevented previous attempts to execute centralized C2 in naval combat, the U.S. Navy should not carelessly abandon a functional model in favor of decentralization.

While the range and capabilities of the U.S. Navy's weapons and sensors have improved significantly during the past several decades, the size of the fleet has declined precipitously. In 1980, the U.S. Navy possessed 191 surface combatants.⁵¹ By 2007, that number fell to 115 and the Navy possessed the fewest number of total vessels (to include submarines and auxiliaries) in its history since the start of the First World War.⁵² If the U.S. Navy faces a near-peer competitor with its reduced fleet, efforts to establish sea control will likely be heavily synchronized across platforms and domains to achieve any chance at success.

The decision to centralize control throughout the U.S. Navy's fleet operations will only become more likely as communications and weapons technologies advance. As both the range and lethality of naval weapons improve, the risk of inadvertent major conflict increases if they are not tightly controlled. During the Cold War, the U.S. Navy pursued increasingly centralized C2 to avoid sparking a nuclear exchange.⁵³ A similar course of action may prove necessary to avoid an inadvertent war with a rising China.

Kill TV, Satellites, and Tactical Admirals

Although technology provides commanders with a means for centralizing C2, the decision to centralize or decentralize C2 and to what degree to do so is ultimately the commander's. Accordingly, that decision should be shaped from a thorough understanding of both the operating environment and strategic, operational, and tactical objectives. Additionally, commanders need to understand the limitations and vulnerabilities of the technologies that enable centralized control. Finally, commanders must understand the longrange implications of centralized C2 on the development of future operational commanders.

The networks and space-based technologies that provide U.S. Navy commanders with the ability to centralize C2 are vulnerable to attack and will likely be high-priority targets for China in potential future combat operations.⁵⁴ Accordingly, the fleet's ability to network data for force disposition, detection, and targeting is both a critical strength and a critical vulnerability. If centralized control is rigidly enforced throughout the fleet, the successful disruption or destruction of Low Earth Orbit (LEO) satellites and computer networks by the People's Liberation Army (PLA) may severely limit the U.S. fleet's combat effectiveness.⁵⁵

Yet even if the U.S. Navy constructed a network architecture that was impervious to attack, the second and third-order effects of rigid centralization should be considered. Technological innovations coupled with a lack of trust in the judgment of subordinates can invert the commander's role in war, leading to what Peter W. Singer, director of the Center for 21st Century Security and Intelligence, has coined as the rise of "the tactical general": "The four-star general proudly recounts how he spent 'two hours watching footage' beamed to his headquarters. Sitting behind a live video feed from a Predator



unmanned aircraft system (UAS), he saw two insurgent leaders sneak into a compound, openly carrying weapons...Having personally checked the situation, he gave the order to strike. But his role didn't end there; the general proudly tells how he even decided what size bomb his pilots should drop on the compound."⁵⁶ In the two hours that the general spent at the tactical level of war, what analysis and consideration did he pay to the operational and strategic levels of war?⁵⁷ The U.S. Navy faces the same danger of a loss of focus at the higher levels of war if commanders spend time and energy on tactical events.

Furthermore, rigid centralization destroys the subordinate's ability to develop their decision making at the tactical level. Without the experience of decision making at the tactical level of war, what lessons will they draw on to make decisions at the operational or strategic level?⁵⁸ How will the U.S. Navy even identify the subordinates able to lead at higher levels of war without a clear evaluation of their ability to function at lower levels with a degree of autonomy? In "Role Making and the Assumption of Leadership," Bruce T. Caine, a former U.S. Army officer and current professor of organizational psychology, states that there is an explicit linkage between autonomy and leadership development.⁵⁹ The progression of a subordinate to a leadership position relies upon the continuous assessment of their ability to perform tasks, with the successful completion of those tasks resulting in a decrease of supervision.⁶⁰ Implicit in this model of command organization is a concept for leadership renewal. Subordinates are provided with the opportunity to build the experience that they will need to move into a leadership role at a higher level.

The unintended consequence of a strategic or operational commander making decisions at a tactical level is the inhibition of the development of future strategic or operational leaders. Using Caine's framework for assessment with the example of the four star general and the pilot, to what degree did that pilot learn from the execution of his or her bombing mission? Inhibited from making even the most basic decisions about the weaponing of his or her attack, to what degree will they be able to make more difficult decisions at the higher levels of war? Furthermore, divorced from the responsibility inherent to autonomous decision making at the tactical level, how can their commander even determine their suitability to serve as a decision maker at the operational or strategic levels of war?

The First Step is Admitting You Have a Problem

In a recent survey of 55 in-resident U.S. Navy officers attending the Naval War College, 38.5 percent of the respondents stated that they believed the U.S. Navy practiced centralized C2.⁶¹ While the sample size of the survey is limited, the results suggest a dissonance between the service's stated preferences for decentralized C2 organization and reality. Senior Navy leadership should survey currently serving officers and senior enlisted personnel to determine the extent of that disconnect, and if it is particularly pervasive in specific warfare communities or combatant types.

Military officers have consistently complained about a "zero defect" mentality that inhibits initiative and independent thought and have heard the same complaints from Flag and General Officers.⁶² To what degree has this perception shaped the decision of commanders to centralize control?



Additionally, if commanders make Mission Command their guiding tenet for C2 organization, to what degree does his or her staff understand how that determines their interactions with the commander's subordinates? In an interview conducted with a U.S. Navy Captain who had previously held command of a surface vessel, a commander's staff was viewed as equally, if not more likely, to "reach into the command" as the commander themselves.⁶³

Mission Command should feature prominently in the professional education of U.S. Navy Sailors and Officers. It is not enough to circulate General Dempsey's white paper on an "all-read" board. The tenets of Mission Command are best considered when set against the chaos of major combat. Historical case studies and expected combat scenarios would provide Navy leaders with the ability to further develop their decision making abilities. Finally, there are likely few documents that provide a more succinct and accessible consideration of the relationship between decentralized command, individual initiative, and success in combat than the United States Marine Corps' doctrinal publication, MCDP-1 "Warfighting." The U.S. Navy should endorse "Warfighting" as a publication applicable to all naval personnel and include it in the professional education of Navy enlisted personnel and officers.

As previously discussed, the communications and computer networking technologies that facilitate centralized C2 organization are vulnerable to attack. While the U.S. Navy should continue its efforts to harden those networks, it should also train in a communications degraded or denied environment. In the event of war with the People's Republic of China, surface vessels distributed throughout the expanse of the Western Pacific may experience a series of pitched and highly localized tactical engagements. Accordingly, survival—much less success—in the initial stages of the next war at sea will rely on the initiative and decision making of individual commanders. If the U.S. Navy does not train towards this possibility in peace, it will pay with blood and ships in war.

A decentralized C2 organization may prove equally necessary to counter an asymmetric or irregular threat. A post-command Surface Warfare Officer in the Sri Lankan Navy, with recent combat experience at sea, identified Mission Command as necessary to their victory over the Tamil Sea Tigers.⁶⁴ His commander issued intent but allowed him to determine how best to meet it.⁶⁵ Faced with swarming attacks, suicide vessels, and the intermingling of civilian vessels and combatants, the commander of the Sri Lankan Navy, Vice-Admiral Wasantha Karannagoda, credited their success to their ability to "improvise and use innovation and ingenuity."⁶⁶ As the U.S. Navy trains to counter the FAC/FIAC threat in the Arabian Gulf, it should closely study the lessons learned by the Sri Lankan Navy.

Net-working is a Capability; C2 Organization is a Choice

The U.S. Navy's surface fleet may find itself engaged in major naval combat in the near future. While the modern fleet possesses highly advanced communications and data-networking technology, centuries of written history suggest that no advance in technology has successfully eliminated the fog of war. In contrast, victory is often gained by the force best able to exploit it. By training and educating its personnel on the tenets of Mission Command and embracing it as a critical component of its service culture, the U.S. Navy can create a human network of initiative, ingenuity, and lethality.



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- ³ *Ibid*, p. 2.
- ⁴ Donald E. Vandergriff, "Misinterpretation and Confusion: What is Mission Command and Can the U.S. Army Make it Work?", *The Land Warfare Papers* No. 94, p. 2, February 2013.
- ⁵ <http://en.bab.la/dictionary/german-english/auftragstaktik>.
- ⁶ Donald E. Vandergriff, "Misinterpretation and Confusion: What is Mission Command and Can the U.S. Army Make it Work?", *The Land Warfare Papers* No. 94, p. 2, February 2013.
- ⁷ *Ibid*.
- ⁸ Timothy Scott Wolters, "Managing a Sea of Information: Shipboard Command and Control in the United States Navy, 1899-1945," p. 49, Doctoral dissertation, Massachusetts Institute of Technologies, September 2003.
- ⁹ Michael A. Palmer, *Command at Sea: Naval Command and Control Since the Sixteenth Century*, p. 123, Harvard University Press, Cambridge, Massachusetts and London, England, 2005.
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- ¹¹ *Ibid*, p. 135, 145, 158.
- ¹² *Ibid*, p. 170, 175-177.
- ¹³ *Ibid*, p. 175-176.
- ¹⁴ *Ibid*, p. 191.
- ¹⁵ *Ibid*, p. 176, 191.
- ¹⁶ *Ibid*, p. 207.
- ¹⁷ *Ibid*, p. 206.
- ¹⁸ John Keegan, *The Price of Admiralty: The Evolution of Naval Warfare*, p. 58-60, Viking, New York, New York, 1988.
- ¹⁹ *Ibid*, p. 13.
- ²⁰ Timothy Scott Wolters, "Managing a Sea of Information: Shipboard Command and Control in the United States Navy, 1899-1945," p. 59, Doctoral dissertation, Massachusetts Institute of Technologies, September 2003.
- ²¹ *Ibid*, p. 94-95.
- ²² *Ibid*, p. 95
- ²³ Norman Friedman, *Network-Centric Warfare: How Navies Learned to Fight Smarter Through Three World Wars*, p. 30-31, Naval Institute Press, Annapolis, Maryland, 2009.
- ²⁴ *Ibid*.
- ²⁵ *Ibid*.
- ²⁶ W.S. Pye, President of the Naval War College, *Comments on the BATTLE OF GUADALCANAL*, Nov, 11-15, 1942, Serial 2238, p. 4, June 5th, 1943.
- ²⁷ *Ibid*.
- ²⁸ Michael A. Palmer, *Command at Sea: Naval Command and Control Since the Sixteenth Century*, Harvard University Press, p. 260, Cambridge, Massachusetts and London, England, 2005.
- ²⁹ *Ibid*.
- ³⁰ Admiral Ernest King, *CINCLANT Serial 053 of January 21, 1941*.
- ³¹ Samuel Eliot Morison, *Leyte: June 1944 - January 1945*, p. 199, 203-210, Little, Brown and Company, Boston, 1958.
- ³² Admiral Frederick C. Sherman, *Combat Command: The American Aircraft Carriers in the Pacific War*, E.P. Dutton and Company, Inc., New York, 1950.
- ³³ Samuel Eliot Morison, *Leyte: June 1944 - January 1945*, p. 203, Little, Brown and Company, Boston, 1958.



- ³⁴ Admiral Raymond Spruance, “Galvanic Operations – Report On”, Serial 06156, p. 4, December 10th, 1943 and Vice Admiral William Pye, President of the Naval War College, *Comments on the BATTLE OF GUADALCANAL, Nov, 11-15, 1942*, Serial 2238, p. 8, June 5th, 1943.
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- ⁴¹ Ibid, p. 46.
- ⁴² Ibid.
- ⁴³ Ibid.
- ⁴⁴ Gordon R. Nagler, *Naval Tactical Command and Control*, p. 105-106, AFCEA International Press, Washington, D.C., 1985.
- ⁴⁵ Ibid, p. 271, 283-384.
- ⁴⁶ Commodore Stephen Saunders, Royal Navy, *Jane’s Fighting Ships 2011-2012*, p. 136, MPG Books Group, 2011.
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- ⁵¹ Naval History and Heritage Command, “US Navy Active Ship Force Levels, 1886-Present”, <http://www.history.navy.mil/branches/org9-4.htm#2000>.
- ⁵² Ibid.
- ⁵³ Michael A. Palmer, *Command at Sea: Naval Command and Control Since the Sixteenth Century*, Harvard University Press, p. 300, Cambridge, Massachusetts and London, England, 2005.
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- ⁶³ Interview with post-command U.S. Navy Officer, 30 April 2014.
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⁶⁵ Ibid.

⁶⁶ Jane's International, "Sri Lanka's Learn to Counter Sea Tiger's Swarm Tactics", p. 21.

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Photo courtesy of The Times

Intervention through Counterterrorism The Challenges of the Trans-Sahara

Lieutenant Colonel Michael E. Conley
United States Air Force

All that we have to do is to send two mujahidin to the furthest point east to raise a piece of cloth on which is written al-Qaida, in order to make the [U.S.] generals race there...

Usama Bin Ladin, 2004¹

In the spring of 1997, Gholz, Press, and Sapolsky suggested “the United States intervenes often in the conflicts of others, but without a consistent rationale, without a clear sense of how to advance U.S. interests, and sometimes with unintended and expensive consequences.”² Almost two decades have passed since this assertion, but it is not difficult to imagine it being penned last year, or even last week. The U.S. Government (USG) choice to engage in complex security issues of other countries can often seem inconsistent, expensive, and seemingly without end. Within the context of America’s increasingly global emphasis on counterterrorism (CT), perhaps no region of the world highlights the ambiguity and difficulties with the U.S. approach to security concerns better than Africa, more specifically, the Trans-Sahara area.

Created in 2005 and led by the U.S. Department of State (DOS), the Trans-Sahara Counterterrorism Partnership (TSCTP) is designed to counter regional terrorism by using a whole-of-government approach to bolster security, promote democratic governance and build bilateral

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relationships.³ Disappointingly, after more than eight years of commitment in the area through the TSCTP, and the establishment of U.S. Africa Command (AFRICOM) in 2007 to address a broad range of security challenges in Africa, real and sustainable progress remains elusive.⁴ In some Trans-Saharan countries, like Mali, the security situation is actually worse now than before the U.S. intervened. Extensive under-governance, over-reliance on CT operations, and gross lack of resources significantly marginalize the current USG strategy in the Trans-Sahara region. This being the case; it is time for the USG to re-assess its strategy for, and interests in, Trans-Saharan security, or it risks diminishing its credibility and squandering shrinking resources, in return for only short-term and marginal security improvements.

A Regional Snapshot

Like many of the diverse and complex aspects of Africa, something as seemingly simple as defining the various regions of the continent can be both ambiguous and overlapping. For example, depending on the context countries in the Trans-Sahara are also identified in other regional groupings such as the Pan-Sahel, Western Africa, North Africa, and the Maghreb. From a USG stance, the TSCTP identifies Mauritania, Mali, Chad, Burkina Faso, Niger, Nigeria and Senegal as the Trans-Saharan countries of interest, with Morocco, Algeria, and Tunisia identified as key regional facilitators.⁵

Even though the TSCTP is a DOS led initiative the respective countries are divided between two separate regional bureaus for all other USG diplomatic affairs. While most of the countries fall within the scope of the Bureau of African Affairs, Morocco, Algeria, and Tunisia are under the purview of the Bureau of Near Eastern Affairs.⁶ Further complicating the USG position, President Obama's comprehensive *U.S. Strategy Toward Sub-Saharan Africa*, released in June 2012, treats Africa as if it is a single entity and fails to identify what specific countries are linked with these USG national interests.⁷

One could argue that the differing regional nomenclature and overlapping sub-groupings are purely academic issues. However, when put into the broader view of regional security, counterterrorism, cross-border conflicts, smuggling routes, tribal/clan alliances, and religion, it is impossible to consider one country without considering each bordering country and its own distinct challenges. For instance, Libya, which lies to the north, is not discussed in any of the previously mentioned groupings. But, its internal revolution and subsequent instability have resulted in the movement of destabilizing forces such as illegal arms, Al Qaeda operatives and experienced foreign fighters through the ungoverned areas of its neighbors.⁸

Regardless of the geographical classification, there is no disputing that the countries contained within and bordering the Trans-Saharan region are faced with extremely difficult and interwoven challenges. This is evident in the *Failed States Index*, which analyzes a country's stability. Of the primary countries included in the TSCTP, all but Senegal was classified in the least stable 25 percent of 178 countries analyzed in 2013. Chad (5th worst) and Nigeria (16th worst) were determined as the least stable of the TSCTP countries. Just as troubling for the TSCTP countries and the international community, neighbors in all directions also scored poorly with the Democratic Republic of Congo, Sudan, South Sudan, and the Central African Republic all holding spots in the bottom ten countries in the world for stability.⁹

A country by country examination of the region quickly highlights the many challenges facing the Trans-Saharan nations. The result is a very unstable region with countries limited in their abilities to give support to their neighbors or, conversely, secure their borders from destabilizing forces transiting from their neighbors. From a USG perspective, these circumstances translate into a strategy that makes it extremely difficult to counter the emergent and shifting terrorism threats without undermining other stability efforts and broader U.S. interests.



U.S. Interests in the Trans-Sahara

A 2011 Congressional Research Service report on U.S. interests in Africa acknowledged that the “U.S. security policy has been driven largely in recent years by counterterrorism efforts, which the Bush and Obama Administrations have both identified as a top national security priority.”¹⁰ However, beyond counterterrorism efforts, it becomes harder to identify why this part of Africa is, in the words of President Obama, “more important than ever to the security and prosperity of the international community, and to the United States in particular.”¹¹

John Campbell and J. Peter Pham maintain that the Trans-Sahara/Pan-Sahel has been “long known as a region of weak, poorly governed, corrupt states,” that face “challenges of radical Islam, narcotics trafficking and other criminal networks, and growing environmental stress...”¹² These problems are fueled by rampant corruption, widespread poverty, growth in disenfranchised youth, and an uptick in violent crime. In its current state, there are few, if any, economic interests for the USG in the Trans-Sahara other than the oil industry in Nigeria, but this oil is only a small percentage of total U.S. imported crude oil.¹³

Consequently, USG interests in the Trans-Sahara seem more tactical than strategic, yet more idealistic than pragmatic. Assistant Secretary of State for African Affairs, Linda Thomas-Greenfield, tried to capture the essence of USG interests in a keynote address to the 2013 TSCTP Conference: “It is in the United States’ interest to build enduring, institutional partnerships with Africa and the Middle East, built on mutual understanding and respect for the rule of law, human rights, and democratic values.”¹⁴ So, considering all of these circumstances, what exactly is the U.S. role in the Trans-Sahara and how does CT tackle these complex issues?

Challenges to U.S. CT Efforts

With the TSCTP as the primary interagency tool for its involvement in the area, the USG is reaping marginal, if any, strategic dividends. Counterterrorism is certainly a reasonable and politically popular means to garner domestic and international support. Nevertheless, using CT as the main effort to promote U.S. interests discounts the root causes and complexity of Trans-Saharan troubles. The inability to improve, stabilize or in some cases, create effective governance significantly undermines the enduring value of any CT efforts. Additionally, the USG’s concentrated focus on Islamic extremists may overstate the role of these organizations in the region and, in turn, diminish support to bigger areas of concern. Finally, although regional partnerships are critical to long-term success, the immense lack of resources and support from partners, both inside and outside of Africa, makes long-term efforts unsustainable.

A Deficit of Governance

Good governance is not a straight-forward endeavor anywhere in the Trans-Sahara. These governments regularly lack popular support, resources, rule of law, and effective law enforcement capabilities. Further complicating the problems, key personnel are frequently corrupt, and government leaders often lack the legitimacy to make positive change. Conversely, even when effective governance exists in the more populated areas, the vast rural geography creates large pockets of space with limited government control. Lack of government presence opens the door to non-state actors who are able to exploit the relative freedom of movement to create safe havens for criminal, anti-government, and terrorist-related activities.¹⁵

Due to the great diversity and conflicting loyalties in the area, even with an effective CT program the TSCTP does little to bolster governance and thus does little to eliminate safe havens or future activities. In addition, along with interstate conflicts such as with Mali and Mauritania there are conflicts between tribes, castes, transnational criminal organizations, government officials, and religious sects.¹⁶ These dynamic relationships make unified local leadership and loyalty almost impossible to maintain, often making CT successes short-lived.



Nigeria, which is one of the USG's strongest partners in the region and a key member of the TSCTP, underscores the challenges to regional governance. Despite holding one of the world's top-ten oil reserves, a democratically elected government, and a strong military it remains one of the world's poorest and most corrupt countries.¹⁷ With more than 250 different ethnic groups and a distinct Muslim-Christian population split, the country has experienced decades of civil violence and is a hub for drug trafficking, piracy, and religious extremism.¹⁸ Accordingly, even if the TSCTP enables the Nigerians to suppress the violence of Islamic extremist groups such as Boko Haram, it does little to address the corruption, ethno-religious divisions, or government corruption.¹⁹ As such, this lawlessness spills across the Nigerian borders and feeds regional instability.

Good governance also requires the rule of law and the ability to enforce laws. Richard Downie asserts that throughout much of Africa, "police are ineffective, unprofessional, corrupt, even predatory."²⁰ As has been witnessed in recent years, poor law enforcement, coupled with poor governance and poverty, has made the Trans-Sahara an ideal location for international criminals.²¹ The resultant high crime rates and unchecked violence further diminish local perceptions of already weak governments. Unfortunately, with trust in state law enforcement so low, the police are, as Downie adds, "often sources of insecurity rather than providers of security."²² TSCTP efforts to bolster CT capacity across the region assume a perceived need for, and buy-in from, not only the national governments, but also the local populace. Without the support of the people, the CT efforts risk disenfranchising the people even further, making strong governance even harder to achieve and sustain.

Al-Qaeda Behind Every Bush?

Even to the most casual follower of U.S. affairs during the last decade, there was absolutely no doubt that countering terrorism is one of, if not the principal, component in many of its domestic and foreign policies. Furthermore, no group associated with terrorism drives America's concern and resolve more than Al-Qaeda (AQ). The USG has made it its mission to monitor, hunt for, and, when needed, kill members of AQ and its numerous regional off-shoots anywhere on the globe. Operating across the northern Sahara, Al-Qaeda in the Islamic Maghreb (AQIM) has established itself as AQ's African affiliate and the USG has made the defeat of AQIM a priority.²³

It is clear that the ungoverned areas of the Trans-Sahara—specifically northern Mali and the border areas between Algeria, Niger, and Libya—have become growing safe havens for AQIM and other Islamist groups such as Ansar al Din.²⁴ It is also clear that preventing the Sahel from becoming the next jihadist breeding ground, like Afghanistan prior to 9/11, is a national security priority for the USG. What is unclear is whether countering this Islamist movement is a priority for the local governments and populace.

Not unlike what the USG has experienced in Afghanistan, Iraq, and the Horn of Africa, the degrees of Islamic extremism, historic alliances, and individual loyalties are varied and dynamic. In Mali, for example, though AQIM may find it relatively secure and offer an attractive alternative to some locals, its ideology and tactics also conflict with the local status quo. During the 2012 rebellion against the government of Mali, AQIM allied with Ansar al Din and the Movement for Unity and Jihad in West Africa to support the Movement for Liberation of Azawad and Tuareg minority in the north.²⁵ However, in the aftermath internal disputes quickly arose between these groups. Many of the AQIM fighters are foreigners and the strict application of Sharia law, especially towards women, was not welcomed in some areas.²⁶

In addition to differences in ethnicity and application of Islamic principles, conflicts have developed over long-controlled smuggling routes and control of criminal, and thus, economic, activities.²⁷ Shifting alliances and unique grievances make it nearly impossible for any element of TSCTP to accurately identify long-term allies or supporters in the region. Moreover, efforts from outsiders risk being interpreted as indiscriminate and threaten to unite seemingly disparate groups and further radicalize the populace.²⁸



The USG is leveraging its desires to counter terrorist ideology through the TSCTP. For the last eight years, the USG has collaborated with its TSCTP partners to gain only a small foothold in the region to counter this growing threat. Using both Department of Defense and U.S. Agency for International Development (USAID) personnel, the effort has focused on training military forces and increasing intelligence sharing in order to improve CT readiness, border security, and outreach programs promoting religious tolerance.²⁹

As already mentioned, wherever AQ appears, the USG is close behind. In 2014, the DOS requested more than \$40 million for African CT assistance, which is more than the same type of aid for Afghanistan and Pakistan combined.³⁰ Moreover, from FY2011-FY2013, Mali was the top worldwide recipient of USG CT assistance, totaling more than \$13 million. During this same time, Chad, Mauritania, and Morocco have also been among the top CT assistance recipients.³¹ Considering the lack of progress in stabilizing the region and the growth, rather than the suppression, of AQIM elements, one has to wonder if it is worth continuing to put good money after bad.

Scarce Resources, Scarce Support

The unifying themes of the TSCTP are counterterrorism, strengthening regional capacities, and mutually beneficial partnerships. But, aside from the woefully under-resourced Trans-Saharan partners and several United Nations (UN) peacekeeping efforts, international support to the TSCTP is almost negligible. Although identified by successive administrations as a region important to U.S. national interests, there has been a justifiable unwillingness to commit substantial military forces to the region. While medical support missions and projects led by USAID certainly add benefit, the current level of USG commitment will do little to effect change anywhere in the region. Additionally, weak intergovernmental organizations (IGO), such as the African Union (AU) and the Economic Community of West African States (ECOWAS), do not have the means, either financially or personnel-wise, to commit to long-term stability efforts.

The Department of Defense is supporting the TSCTP through AFRICOM and Operation Enduring Freedom-Trans Sahara. Consistent with what has been discussed already in this analysis, AFRICOM's top strategic concern is emerging terrorist networks in Africa and its number one command priority is countering violent extremist organizations.³² Yet, CT is not AFRICOM's only priority. Operating with a relatively small command staff and limited, rotational forces, the command is also concentrating on maritime security off both of Africa's coasts, instability across North Africa, and the illegal trafficking of drugs and arms.³³ It has also been active recently with airlift support to peacekeeping efforts in South Sudan and the Central African Republic. It is evident that AFRICOM is simply not resourced to provide a dedicated and sufficient military response to any of these areas.

To its credit, the UN has tried to help where it can, but its resources are also limited. The UN is currently conducting 15 peacekeeping operations around the globe, with eight missions in Africa alone.³⁴ Already engaged in neighboring areas such as Western Sahara, Darfur, and South Sudan, the UN initiated its Multidimensional Integrated Stabilization Mission in Mali in March of 2013 to help suppress widespread violence throughout the country. However, a year later, less than half of the authorized 11,200 personnel are in the country and only 71 of the more than 300 authorized police officers are in place.³⁵ With a limited pool of resources to tap into, the UN is struggling just to keep the populations safe and is not even close to addressing the root causes of the violence.

The AU and ECOWAS are the two most relevant organizations in Africa as it pertains to issues in the Trans-Sahara. Like the UN, however, they lack the resources to be effective contributors to long-term solutions. Unlike the UN, these organizations face a tarnished history when it comes to interventions. Dealing with a lack of legitimacy and struggling with rule of law in their own countries, peacekeepers operating under the auspices of the AU and ECOWAS have been accused of crimes and abuses against the populace during missions in Liberia, Sierra Leone, Somalia, and Sudan.³⁶ In short, the



AU and ECOWAS do not currently have the legitimacy or resources even to attempt to solve the problems of their regional neighbors.

The CT-First Approach: The Best or Only Option?

Proponents of the current TSCTP approach would likely justify the CT focus using two central themes. First, the increased presence of terrorist organizations and growth of Islamic extremism in the Trans-Sahara is a legitimate threat to the United States and its allies. Fueling this position is the confirmed movement of substantial amounts of small arms and weaponry out of Libya into the Sahel after the fall of the Gaddafi government. In testimony to the House Committee on Foreign Affairs, Nii Akuetteh argued that Mali has become the epicenter of terrorism in the Trans-Sahara and can serve as a base for future attacks on African neighbors, Europe, and the United States.³⁷ If Mali is indeed a regional hub of terrorism, then it could be argued that CT may be the most appropriate way to improve security while also addressing U.S. national interests.

A second likely theme from proponents of continued investment in CT is more practical. Considering the breadth and depth of problems in the Trans-Sahara, it could be argued that a CT-focused approach is the only realistic means to actually support USG interests. With no real chance of solving the bigger, underlying problems, a CT approach essentially bypasses any nation-building tendencies and addresses USG priorities first and foremost. Additionally, this small foothold in the region enables the USG to nurture key relationships and eases the diplomatic challenges of conducting unilateral CT missions within the region. If nothing else, the CT effort, even if unsuccessful, positions the USG to avoid having to answer to why it is doing nothing in the region.

As compelling as these arguments may be, in the larger picture it is evident that the use of CT as the unifying force is not working. During the eight years with a direct USG presence in the region, Mali, Mauritania, and Niger have all experienced military coups which, under U.S. law, automatically suspend USG security assistance.³⁸ In addition to these three countries, Burkina Faso, Tunisia, and Senegal were all ranked in the top ten worsening states in the *2013 Failed States Index*.³⁹ In the less governed spaces, as the recent events in Mali highlight, the presence of AQIM does not seem to be lessened, but rather, emboldened. Lastly, as the recent Boko Haram kidnappings have highlighted, extremism in Nigeria is not close to subsiding. In fact, over the last three years, despite U.S. support to Nigeria through the TSCTP, Boko Haram has been involved in more than 4,000 deaths, including more than 1,000 in 2014 alone.⁴⁰

Is CT Success Possible or Sustainable?

As it stands, the heavy emphasis on countering terrorist elements in the Trans-Sahara severely discounts the deeply rooted societal issues that create the existing utopia for extremism and violence. Considering the scant financial and human capital available from local and regional sources, limited governmental capacity of TSCTP partner nations, and negligible U.S. national will to put substantial boots on the ground; the prudent move for the USG is to re-focus its strategy in the Trans-Sahara. Because, without addressing the bigger, deeper grievances throughout the region, the USG's laser-like focus on CT may actually undermine any actual stabilization.

There are no easy or quick solutions to the many problems across the Trans-Sahara. So, how do strategists, planners, and CT operators develop a strategy that is both successful and sustainable over the long term? First and foremost, in the strategic context of the Trans-Sahara, the CT infrastructure should be viewed as a ways and means rather than an ends in itself. In other words, CT should be used as a specialized tool to strengthen regional relationships, not as the main effort. Additionally, while it is unlikely that a perfect strategy exists or can be developed, any future U.S. CT strategy for the Trans-Sahara that stands a chance at being effective and long-lasting should be predicated on the following concepts:



Practical & Realistic Expectations

- Recognize the limitations of sustaining U.S.-backed and funded partner capacity. High-level and sensitive intelligence technology is not viable without a constant U.S. presence. Air assets are limited in number. Mobility assets (air or ground) are restricted by the significant size of the Trans-Sahara and limited forward operating bases. Creating capabilities that rely on these assets will create an unhealthy dependency and decrease self-reliance.
- Resist the urge to “stabilize the Libya-Niger-Mali corridor.”⁴¹ These smuggling routes have existed for centuries and are a key economic driver in the region. Even if the economic activity is illegal or unregulated, it is a key component of the region and culture. Outsiders are conspicuous and are not wanted or welcome. Attempting to shut down these routes will prove to be a futile effort and may actually be counter-productive.

African-Led

- Resources, training, and capacity at the ministerial levels of government will help build legitimacy and allow Africans to lead the fight against African problems.
- Augment the tactical training focus with bolstered training and mentorship for senior military leaders and mid-level government officials. Without stronger governance and oversight tactical successes at the battalion level and below will be fleeting and short-lived.
- Strengthen support and training for AU and ECOWAS officials. Long-term success will depend on the cooperation of regional partners, not force-feeding from U.S. training teams. Interventions using indigenous personnel with better cultural understanding will provide more stability than with U.S. forces.
- Leverage IGO involvement in the region as much as practical. Although some IGOs will refuse to work with CT forces, those that will bring years of relationships, trust, and cultural knowledge with them.

Coalition Supported

- If the terrorism threat does, in fact, threaten our European allies, seek involvement and partnerships from the EU and greater international community to improve law enforcement capacity and training programs in the region.
- Since the instability is a concern of NATO countries, consider leveraging the NATO special operations infrastructure to address CT missions collectively and to train through a collective approach. As country participation increases, so will the legitimacy of the efforts.

Commitment

- The TSCTP covers a lot of countries and an immense amount of territory. To bolster the chances of long-term effectiveness, U.S./coalition commitment cannot be seen as fickle or transient. Any U.S. CT strategy in the region should avoid the temptation to pick up and move from country to country chasing terrorists. Even if the presence is small, the U.S. strategy should show long-term commitment if trust is to be established and sustained.

Concluding Thoughts

Without a doubt, CT is a vital national interest for the United States. However, widespread poverty, rampant corruption, and religious and tribal divisions throughout the Trans-Sahara cannot be improved overnight or with a CT-focused strategy. Despite the initiative and efforts of the TSCTP, along with tens of millions of dollars in aid and equipment, progress has been continually plagued by setbacks and shifting military and political relationships.⁴² Additionally, the number of countries that need support is daunting and impossible to address bilaterally. In short, the current USG approach of dumping money and training into CT capabilities is inadequate and impractical.



Many scholars and diplomats that have offered suggestions for addressing the problems in the Trans-Sahara and many of their recommendations are similar calling for the long-view rather than small tactical engagements. Andre Le Sage sums up the recommendations succinctly, albeit idealistically: “There must be substantial, sustained, and continent-wide investment in capacity building for intelligence, law enforcement, military, prosecutorial, judicial, and penal systems, not to mention their parliamentary, media, and civil society counterparts.”⁴³ In essence, as Le Sage suggests, African society needs to be built anew—a task well beyond the capacity of the TSCTP. Taking all of the available information into consideration, it is readily apparent that the current, CT-led approach is insufficient and possibly degenerative.

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The European Court of Human Rights: Implications for United States National Security

Colonel Katherine Graef
United States Army

“Our moral leadership is grounded principally in the power of our example — not through an effort to impose our system on other peoples...America must demonstrate through words and deeds the resilience of our values and Constitution. For if we compromise our values in pursuit of security, we will undermine both; if we fortify them, we will sustain a key source of our strength and leadership in the world — one that sets us apart from our enemies and our potential competitors.”¹

INTRODUCTION

The National Security Strategy of 2010 (NSS) makes clear that the United States’ adherence to its own values and democratic principles is inextricably linked to its national security. The same document, however, illustrates the complexity of this proposition. The NSS and a variety of other

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strategic documents² consistently emphasize two concepts: the enduring importance of alliances and coalitions³ and the significance of U.S. support to international rule of law. In practical terms, however, these concepts can be deeply contradictory: while the NSS emphasizes partnerships and multi-lateral engagement, there is a widening gap between the U.S. and its traditional partners regarding international law.

The United States, while consistently espousing support for the rule of law, has established a strong trend of abstaining from treaties and other instruments that it perceives will encroach on its sovereignty. There are a wide variety of such treaties, from human rights (Additional Protocols I & II to the Geneva Convention) to climate change (Kyoto Protocols) to arms control (Comprehensive Nuclear Test-Ban Treaty), including those related to national security that seem to be firmly in line with American values. While the U.S. must continue to guard its sovereignty, it must also acknowledge the link between its support of international rule of law and its legitimacy in the eyes of the world. The following cases represent emerging international legal norms that may strain traditionally strong alliances and partnerships enough to limit the U.S.'s ability to achieve its national security goals. The legacy strategy of avoiding international legal engagement, combined with evolving international legal norms, will complicate the U.S.'s ability to address global security concerns multilaterally. The U.S. must incorporate this changing legal landscape in determining its future strategy regarding international law or risk a reduction of American legitimacy and influence, which can impair achievement of national security goals.

International law is represented by a wide variety of institutions, but the European Court of Human Rights (ECtHR or the Court) is unique in that it has multilateral jurisdiction over 47 European nations.⁴ Since 1959, the ECtHR's purpose has been to rule "on individual or State applications alleging violations of the civil and political rights set out in the European Convention on Human Rights."⁵ In 1998, with the adoption of Protocol No. 11, individuals were allowed to petition the court directly, but only after exhausting their case through domestic courts. This development is key to two cases of particular consequence to U.S. national security: *Al Jedda v. United Kingdom (UK)*, and *Smith and Others v. the Ministry of Defence (MoD)*. Before detailing these cases, however, it is useful to examine the context of the relationship between the U.S. and ECtHR member states.

THE UNITED STATES & THE EUROPEAN UNION -- THE INTERSECTION OF SECURITY AND INTERNATIONAL LAW

The United States has expressed the strong preference to operate as part of a coalition if military intervention in foreign affairs is necessary.⁶ Chart 1 shows the primary contributors to the last three major military coalitions. Of the thirteen partner nations on the chart, ten are subject to the jurisdiction of the ECtHR; as expected, this excludes Australia, Canada, and the United States. During operations in Iraq and Afghanistan, the U.S. and its partners worked through many challenges, including differences in international law (see Chart 2 for a comparison of treaty status and more details). Two examples of successful compromise involve rules of engagement (ROE) and land mines. These issues were particularly complex because the most prominent coalition partners have ratified Additional Protocols I and II of the Geneva Convention and the Ottawa Mine Ban Treaty, both of which greatly influence national caveats as well as behavior of coalition military personnel.

All nations enter into, or abstain from, coalitions for a variety of reasons. This is inherent, as is the necessity to compromise when forming coalitions. What may be changing, however, is not only the ability or willingness of future partners to overcome specific challenges at the tactical and operational level like ROE and land mines, but their ability and willingness to cooperate with the U.S. at the strategic level to address global security concerns. The following cases, combined with continued U.S. abstention from key security treaties, will impair cooperation between the U.S. and its traditional, and

presumptively future,⁷ European partners in two critical ways. *Al-Jedda v. UK* further widens the legal gap between the U.S. and ECtHR member states by significantly increasing individual state responsibility for conduct during operations, even when operating under a United Nation (UN) resolution. *Smith v. MoD* complicates coalition interoperability by extending European Convention of Human Rights (ECHR or the Convention) protection and the duty of care concept to Britain's own military forces. In order to preserve the option to form coalitions with ECtHR member states, the U.S. must incorporate the issues represented by these two cases when determining its future approach to international legal engagement.

AL-JEDDA v. UNITED KINGDOM

The *Al-Jedda v. UK* decision complicates the formation and conduct of coalitions between the U.S. and ECtHR member states because it raises the legal divide between these two entities to the strategic level. American abstention from Protocols I & II of the Geneva Convention, as well as a variety of other human rights treaties, results in significantly different international legal obligations by the U.S. and ECtHR member states. The *Al-Jedda* case codifies this legal gap because the Court's decision clarifies how states should consider competing international legal obligations thereby imposing significant responsibility, and therefore restriction, on the operational behavior of ECtHR member states, even when operating under a UN resolution. Since the U.S. is not under ECtHR jurisdiction, these restrictions do not apply to the United States.

The case of *Al-Jedda v. UK* addressed two core issues: the question of jurisdiction and the applicability of Article 5(1) ECHR (Right to Liberty and Security).⁸ Al-Jedda, a dual British/Iraqi citizen, was detained by the UK in Iraq between October 2004 and December 2007.⁹ In June 2005, Al-Jedda petitioned British courts for a review "of the lawfulness of his continued detention"¹⁰; domestic courts did not rule in his favor. As a result, Al-Jedda took his complaint to the ECtHR in June 2008. On 7 July 2011, the Court upheld his case and ordered the British government to "pay damages and costs."¹¹

The *Al-Jedda* case is significant because it established new precedent for jurisdiction and resolution of conflict between international legal responsibilities. Despite the UK's claim that, because their forces were operating under UN resolution, its actions in Iraq were attributable to the UN rather than the ECtHR, the Court (by unanimous vote) rejected this view: "To the contrary, the Court found that in Iraq the UN 'had neither effective control nor ultimate authority and control over the acts and omissions of troops within the Multi-National Force and that the applicant's detention was not, therefore, attributable to the United Nations.'"¹² This is important because it enabled the Court to consider the second issue of whether the UK infringed on the rights of Al-Jedda under Article 5(1) ECHR.

The UK claimed that it did not violate Al-Jedda's Article 5(1) ECHR rights¹³ because its obligation to UN Resolution 1151, specifically to "take all necessary measures to contribute to the maintenance of security and stability in Iraq"¹⁴ superseded its obligation to the Convention. The UK cited Article 103 of the UN Charter as justification. Article 103 states: "In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail."¹⁵ The Court again did not agree (by a 16-1 vote), essentially finding that there was no conflict of international law, therefore Article 103 did not apply, and the UK could be (and was) held responsible for violating Al-Jedda's rights under Article 5(1) of the ECHR. Further, the court concluded:

there must be a presumption that the Security Council does not intend to impose any obligation on Member States to breach fundamental principles of human rights...it is to be expected that clear and explicit language would be used were the Security Council to

intend States to take particular measures which would conflict with their obligations under human rights law.¹⁶

This conclusion by the Court has particularly far-reaching implications for future cooperation between the U.S. and ECtHR member states. With *Al-Jedda*, the Court imposes on ECtHR member states a broader responsibility than the U.S. to safeguard human rights and holds those states responsible for human rights violations even when operating under a UN resolution if that resolution does not explicitly relieve them of ECHR obligations. This will impair future strategic cooperation because the U.S.'s primary partners may be less likely to participate in foreign intervention that is not under "effective control" or "ultimate authority and control" of the UN (as was the case in the Balkans for example). If they do participate in an operation outside of UN control, ECtHR member states may be more risk averse when considering the nature and degree of their involvement. They may, for example, have extremely restrictive rules of engagement, may refuse to take, handle, or inter detainees, and/or may refuse basing or overflight permissions. These are all contributions upon which the U.S. has depended and will continue to depend to achieve its national security goals. While the U.S. will (and should) retain its ability to act unilaterally, this approach is not without risk, primarily because multilateral action is widely considered to be more legitimate and too much unilateral action may actually reduce U.S. influence in global affairs and therefore impair its ability to achieve its national security goals.

It is reasonable to assume that the U.S. will never fall under the jurisdiction of the ECtHR or even subjugate its citizens to the International Criminal Court (ICC).¹⁷ Still, if the U.S. intends to partner with ECtHR member states in the future, it cannot ignore the legal issues presented by the *Al-Jedda* decision. In addition to its discrete consequences, *Al-Jedda* became one of many legal building blocks for another consequential decision two years later by the British Supreme Court in *Smith and Others v. The Ministry of Defence*. While *Al-Jedda* applied the Convention to detainees under British control, *Smith* applied the Convention to the British military itself. Both have far-reaching implications for ECtHR member states and, by extension, the United States.

SMITH AND OTHERS v. THE MINISTRY OF DEFENCE

Smith v. Ministry of Defence (MoD) has significant implications for U.S. national security because it complicates the close historical relationship between the U.S. and the UK in unpredictable and potentially far-reaching ways. While the *Smith v. MoD* case was decided by the British Supreme Court, it drew on precedent in the cases of *Al-Jedda v. UK* and other ECtHR decisions and it is reasonable to assume that the decision by the British Supreme Court will serve as precedent for other ECtHR member states, as it is established practice for the Court to use domestic decisions to influence its logic and vice versa.

The *Smith* case involved two sets of claimants as a result of two separate incidents in Iraq in 2005 and 2006. The first set of claimants asserted that the MoD failed to provide adequate protection to its service members by the deployment and use of Snatch Land Rovers, vehicles designed to withstand small arms fire but not Improvised Explosive Devices (IEDs). The second set of claimants asserted the MoD "negligently failed to provide available technology to protect against the risk of friendly fire and failed to provide adequate vehicle recognition training."¹⁸ The case as a whole claimed the MoD violated Article 2 ECHR (Right to Life) of the soldiers who died and also failed to uphold its duty of care¹⁹ responsibilities.²⁰ The MoD argued that, because both incidents occurred in combat and the victims were British troops, the Convention and duty of care responsibilities did not apply. Eventually, in June 2013, the British Supreme Court ruled 4-3 that the ECHR and duty of care concept did apply to British service members, even while operating on foreign soil outside of established military bases.²¹

The full implication of the *Smith* decision remains to be seen, but the UK has already experienced direct consequences. One of the most predictable has been a surge in legal action against the MoD, so much so that the MoD has almost doubled its legal claims budget in the last five years.²² Some predict the ballooning of legal costs will force the MoD to compromise military procurement or other commitments.²³ Beyond these objective consequences, the *Smith* decision puts at risk the very culture of the UK military. Opponents of the decision fear that commanders at all levels will become risk averse, making decisions in the context of preventing legal action, with regard to human rights violations or duty of care or both, rather than mission accomplishment.²⁴ While the Law of Armed Conflict has long held commanders responsible for giving lawful orders, military commanders had the expectation of being judged by a panel of their peers by court martial if they were suspected of violating international law; only the most egregious violations would fall under the jurisdiction of the ICC. With the *Smith* decision, the way is open for British commanders at all levels to be judged by civilian courts and judges who most likely cannot appreciate the stress and chaos of combat.²⁵

The U.S. military is not bound by the *Smith* decision, but its implications on future cooperation with the UK are obvious. The UK is arguably the U.S.'s closest ally with historically tight military and command integration, from the Supreme Allied Command structure in World War II to the sharing of responsibility as occupying powers of Iraq under UN Resolution 1483.²⁶ The *Smith* decision endangers this tradition. Imagine the challenge of determining a theater strategic coalition command and control structure where the UK is bound not only by existing international law but by the extended application of the ECtHR and duty of care; it is reasonable to conclude the UK will be much less likely to place its forces under U.S. command without such significant caveats that the unity of command principle would be compromised. At the tactical level, it is likely that a British commander would be reluctant to allow his or her troops to ride in an American vehicle or aircraft, or live on a joint base, if it did not meet duty of care standards (which are not — and cannot — be clearly defined; it is impossible to prove a commander could not have done more).²⁷ Similarly, a British commander may refuse to participate in detention operations of the kind that led to the *Al-Jedda* decision or perhaps even contribute intelligence that the U.S. may use for future targeting. The potential list of consequences is endless.

The *Smith* decision is new and the response of the British parliament is unclear. Parliament may strengthen or amend domestic law to address concerns raised in *Smith*. Given the pace of legal and legislative change, however, this is unlikely to happen quickly if at all. In any case, *Al-Jedda* and *Smith* are just two representative cases among many that are transforming international legal norms, especially for ECtHR member states. The U.S., while outside ECtHR jurisdiction, must address these emerging norms when devising its future approach to international law. If the U.S. maintains its current strategy of abstaining from international legal institutions, it will jeopardize its ability to form coalitions, therefore reducing its ability to confront global security concerns multilaterally, a key tenet of its national security strategy. Indeed, it can be argued this has already happened. Two months after the *Smith* decision, the UK Parliament defeated Prime Minister Cameron's attempt to secure initial Parliamentary approval for military action in Syria. In a stunning vote, Parliament refused his request 285-272, due in no small part to its strong desire for a UN resolution, which would confer "a clear legal basis in international law for taking collective military action."²⁸ Dame Tessa Jowell, MP, used the following reasoning in her argument for the opposition:

However, it is also clear that to go to war with Assad - that is what it will be - without the sanction of a UN Security Council resolution would set a terrible precedent. After the mission creep of the Libyan operation, it would amount to nothing less than a clear statement by the US and its allies that we were the arbiters of international right and wrong when we felt that right was on our side. What could we do or say if, at some point, the Russians or Chinese adopted a similar argument? What could we say if they attacked a country without a UN resolution

because they claimed it was right and cited our action as a precedent? Legal rectitude may not amount to much, but it is all we have.²⁹

While this Parliamentary action cannot necessarily be linked to the *Smith* decision, it does serve as a strong example of a staunch U.S. ally conforming to emerging international legal norms with novel and undesirable consequences for U.S. policy. And, in light of recent events in Ukraine and the Crimea, her comments seem eerily prescient.

On the surface, *Al-Jedda* and *Smith* would seem to provide ample justification for those who advocate continuing the legacy, sometimes dogmatic, U.S. strategy of avoiding entanglement in international legal affairs. They might argue these decisions represent a dangerous affront to the sovereignty of ECtHR member states, potentially compromising their national security. The U.S., therefore, should continue to abstain from any and all international legal agreements lest its sovereignty erode as well. The UN Convention of the Law of the Sea (UNCLOS) provides a recent and representative example of this strategy. UNCLOS opponents cite two common reasons for resisting ratification of treaties: customary law and sovereignty. In a letter to the U.S. Senate Majority Leader, dated 16 July 2012, Senators Ayotte and Portman, both members of the Senate Armed Services Committee, stated: "At the same time, even treaty proponents recognize that these provisions primarily clarify rights that the United States already possesses under customary international law and has other means of asserting."³⁰ The Senators concluded the letter: "On balance, we believe the treaty's litigation exposure and impositions on U.S. sovereignty outweigh its potential benefits. For that reason, we cannot support the Law of the Sea treaty and would oppose its ratification."³¹ In other words, these two Senators contend it is not necessary nor in its national interest for the U.S. to subjugate its sovereignty for an outcome that already exists. Thirty-two other U.S. Senators agreed with them, defeating the ratification attempt. While abstention from UNCLOS may indeed maintain U.S. flexibility, it is also representative of how sovereignty does not necessarily translate to influence and power.

While the U.S. should absolutely guard against legal encroachment of the kind represented by *Al-Jedda* and *Smith*, it cannot afford to be dogmatic about avoiding all international legal engagement. There is wide agreement that the U.S.'s refusal to ratify UNCLOS is harming its national security and results in less flexibility for strategic decision-makers, not more.³² In fact, few issues have attracted such diverse collective support as UNCLOS.³³ To address the customary law argument, UNCLOS advocates claim that customary law allows for differing interpretations. In this case, China in particular disagrees with U.S. interpretation of customary law, advancing its own to claim sovereignty in the South China Sea. While the U.S. routinely conducts Freedom of Navigation Operations to mitigate excessive territorial claims, in the South China Sea and elsewhere, it has no legal standing to bring formal complaints to international resolution bodies while China, as an UNCLOS signatory, does.³⁴ U.S. abstention also excludes American businesses from securing sole rights to underwater energy and minerals sources. As a result, UNCLOS signatories are taking advantage of rich maritime resources while U.S. companies are excluded. Regarding the question of sovereignty, a 1994 amendment to UNCLOS included a provision that the U.S. would hold the only permanent seat on the International Seabed Authority (ISA). The ISA makes decisions by consensus which would give the U.S. effective veto power over its decisions. Again, because it has not ratified UNCLOS, the U.S. has no influence in the ISA's discussions or decisions. UNCLOS demonstrates that there are ways to participate in international legal institutions while protecting sovereignty; it is common, in fact, to ratify treaties with caveats. These reasons, among many others, lead UNCLOS advocates to conclude that continued abstention reduces U.S. influence in regional and global affairs and harms U.S. national security.



CONCLUSION

The United States prefers to confront global security concerns multilaterally and in accordance with international rule of law. Recent decisions by the ECtHR, however, widen the legal gap between the U.S. and its traditional partners, impairing the formation of future coalitions. While these decisions may seem to validate the legacy U.S. approach to international law, there is substantial and increasing risk to rigid abstention from any future international legal engagement. In the current international security environment, multilateral action and adherence to international legal norms confer legitimacy. Even though *Al-Jedda* and *Smith* represent increasing barriers to multilateral engagement, the U.S. must recognize that unilateral action and maintaining strict sovereignty may result in a loss of legitimacy and influence; UNCLOS is a timely and cautionary example. Simply put, the erosion of legitimacy caused by avoiding membership in international legal institutions may soon outweigh the benefits of strict sovereignty. Consequently, the U.S. must incorporate emerging international legal norms into its future national security strategy, balancing sovereignty with support to the rule of law in order to preserve its legitimacy and influence, thereby promoting the achievement of American national security goals.


Chart 1: Recent Coalition Composition (Major Contributors)

	OEF (as of 29 Jan 07) [1]	OEF (as of 1 Jun 11) [2]	OEF (as of 1 Dec 13) [3]	OIF (Cumulative/Peak) [4]	Operation Odyssey Dawn / Unified Protector [7]
Australia	500	1,150	1,045	2,400 / 515	N/A
Canada	2,500	2,922	620	N/A	Air; Naval
France	1,000	3,935	212	N/A	Air; Naval
Georgia	N/A	937	1,560	10,000 / 1,850	N/A
Germany	3,000	4,812	3,084	N/A	Abstained; withdrew forces from operations
Italy	1,950	3,880	2,822	7,800 / 2,600	Air; Naval; Basing
Netherlands	2,200	192	200	7,564 / 1,345	Embargo Enforcement
Poland	160	2,560	1,099	13,900 / 2,400	N/A
Romania	750	1,938	1,018	6,600 / 730	N/A
Spain	550	1,552	260	4,100 / 1,300	Air; Naval
Turkey	800	1,786	1,035	N/A	Embargo Enforcement
United Kingdom	5,200	9,500	7,953	102,000 / 46,000	Air; Naval
United States	14,000	90,000	60,000	> 1.5M [5] / 157,800 [6]	Air; Naval; Marine (Air)

References:

[1] First available International Security Assistance Force (ISAF) "placemat"; Source: International Security Assistance Force, NATO, approved 2 January 2007, http://www.nato.int/isaf/docu/epub/pdf/placemat_archive/isaf_placemat_070129.pdf.

[2] ISAF "placemat" at peak troop level of 132,381; ISAF: Key Facts and Figures, NATO, 6 June 2011, [http://www.isaf.nato.int/images/stories/File/Placemats/Revised%2026%20June%202011%20Placemat%20\(Full\).pdf](http://www.isaf.nato.int/images/stories/File/Placemats/Revised%2026%20June%202011%20Placemat%20(Full).pdf).

[3] Most recent ISAF "placemat"; ISAF: Key Facts and Figures, NATO, 1 December 2013, <http://www.isaf.nato.int/images/stories/File/2013-12-01%20ISAF%20Placemat-final.pdf>.

[4] Stephen A. Carney, *Allied Participation in Operation Iraqi Freedom* (Washington D.C.: Center of Military History, 2011), appendix, http://www.history.army.mil/html/books/059/59-3-1/CMH_59-3-1.pdf.

[5] Jim Garamone, "Obama Praises U.S. Troops' Efforts as Iraq Winds Down," American Forces Press Service, 14 December 2011, <http://www.defense.gov/news/newsarticle.aspx?id=66478>.

[6] Reflects Iraq Boots on the Ground reports, not overall US OIF deployments; Amy Belasco, "Troop Levels in the Afghan and Iraq Wars, FY2001-FY2012: Cost and Other Potential Issues," Congressional Research Service, 2 July 2009, <http://www.fas.org/spp/crs/natsec/R40682.pdf>.

[7] Operation Odyssey Dawn contributions listed as capabilities provided compiled from the sources listed below:

Jeremiah Gertler, "Operation Odyssey Dawn (Libya): Background and Issues for Congress," Congressional Research Service, 30 March 2011, <https://www.fas.org/spp/crs/natsec/R41725.pdf>.
 Coalition Maritime Capability Slide, U.S. Department of Defense, 19 March 2011, http://www.defense.gov/news/PAO_DJS_Slides_19Mar11_v3.pdf.
 U.S. and Coalition Maritime Forces Laydown, U.S. Department of Defense, 24 March 2011, <http://www.defense.gov/news/d20110324pptslides.pdf>.
 Libya: Situation Update, U.S. Department of Defense, 28 March 2011, <http://www.defense.gov/news/d20110328slides1.pdf>.

NOTE: Belgium, Denmark, Greece, and Qatar pledged forces to Operations Odyssey Dawn and Unified Protector to various degrees, but there are differing reports on their actual involvement. In any case, primary coalition contributions came from Canada, France, Italy, the UK, and the US.

Chart 2: Treaty Status

Treaty Title	Additional Protocols I & II		Ottawa Mine Ban		Rome Statute		UNCLOS	
Entry Into Force [1]	8 June 1977		1 March 1999		1 July 2002		16 November 1994	
Dates S / R [2]	Signed	Ratified [3]	Signed [4]	Ratified [5]	Signed	Ratified	Signed	Ratified
Australia	7 Dec 78	21 Jun 91	3 Dec 97	14 Jan 99	9 Dec 98	1 Jul 02	10 Dec 82	5 Oct 94
Canada	12 Dec 77	20 Nov 90	3 Dec 97	3 Dec 97	18 Dec 98	7 Jul 00	10 Dec 82	7 Nov 03
France		11 Apr 01 / 24 Feb 84	3 Dec 97	23 Jul 98	18 Jul 98	9 Jun 00	10 Dec 82	11 Apr 96
Georgia		14 Sep 93			18 Jul 98	5 Sep 03		21 Mar 96
Germany	23 Dec 77	14 Feb 91	3 Dec 97	23 Jul 98	10 Dec 98	11 Dec 00		14 Oct 94
Italy	12 Dec 77	27 Feb 86	3 Dec 97	23 Apr 99	18 Jul 98	26 Jul 99	7 Dec 84	13 Jan 95
Netherlands	12 Dec 77	26 Jun 87	3 Dec 97	12 Apr 99	18 Jul 98	17 Jul 01	10 Dec 82	24 Jun 96
Poland	12 Dec 77	23 Oct 91	4 Dec 97	27 Dec 12	9 Apr 99	12 Nov 01	10 Dec 82	13 Nov 98
Romania	28 Mar 78	21 Jun 90	3 Dec 97	30 Nov 00	7 Jul 99	11 Apr 02	10 Dec 82	17 Dec 96
Spain	7 Nov 78	21 Apr 89	3 Dec 97	19 Jan 99	18 Jul 98	24 Oct 00	4 Dec 84	15 Jan 97
Turkey				25 Sep 03				
United Kingdom	12 Dec 77	28 Jan 98	3 Dec 97	31 Jul 98	30 Nov 98	4 Oct 01		25 Jul 97
United States					31 Dec 00 [6]			

References:

[1] For Geneva Convention: Treaties and States Parties to Such Treaties, International Committee of the Red Cross, last modified 14 May 2012, http://www.icrc.org/applic/ihl/ihl.nsf/States.xsp?xp_viewStates=XPages_NORMStatesParties&xp_treatySelected=470. For UN treaties: United Nations Treaty Collection, United Nations, accessed 13 Jan 14, <https://treaties.un.org/Pages/ParticipationStatus.aspx>.

[2] The chart reflects treaty status as shown on the ICRC and UN websites. It is important to note that most countries, including those on this chart, ratified these treaties with associated declarations, reservations, objections, or a combination of all three. The details of these nuances are beyond the scope of this paper, but do illustrate that it is common to ratify treaties with declarations, reservations, objections or all three. Ibid.

[3] The chart reflects treaty status dates as shown on the ICRC website. Additional Protocols I and II are separate, thus the different dates for signature and/or ratification. When there is one date, that nation signed or ratified both Protocols on the same date. Source: Protocol Additional to the Geneva Conventions of 12 August 1949 (Protocol I), International Committee of the Red Cross, last modified 14 May 2012, http://www.icrc.org/applic/ihl/ihl.nsf/States.xsp?xp_viewStates=XPages_NORMStatesParties&xp_treatySelected=470 and Protocol Additional to the Geneva Conventions of 12 August 1949 (Protocol II), International Committee of the Red Cross, last modified 14 May 2012, <http://www.icrc.org/applic/ihl/ihl.nsf/Treaty.xsp?documentId=AA0C5BCBAB5C4A85C12563CD002D6D09&action=openDocument>.

[4] "Signed" is short for "Signature Subject to Ratification, Acceptance, or Approval" which is defined by the United Nations as "Where the signature is subject to ratification, acceptance or approval, the signature does not establish the consent to be bound. However, it is a means of authentication and expresses the willingness of the signatory state to continue the treaty-making process. The signature qualifies the signatory state to proceed to ratification, acceptance or approval. It also creates an obligation to refrain, in good faith, from acts that would defeat the object and the purpose of the treaty." Source: United Nations Treaty Collection, United Nations, accessed 13 Jan 14, https://treaties.un.org/Pages/Overview.aspx?path=overview/glossary/page1_en.xml.

[5] "Ratification defines the international act whereby a state indicates its consent to be bound to a treaty if the parties intended to show their consent by such an act...The institution of ratification grants states the necessary time-frame to seek the required approval for the treaty on the domestic level and to enact the necessary legislation to give domestic effect to that treaty." Ibid.

[6] The note included with the United States' entry on the treaty status list is as follows: "In a communication received on 6 May 2002, the Government of the United States of America informed the Secretary-General of the following: 'This is to inform you, in connection with the Rome Statute of the International Criminal Court adopted on July 17, 1998, that the United States does not intend to become a party to the treaty. Accordingly, the United States has no legal obligations arising from its signature on December 31, 2000. The United States requests that its intention not to become a party, as expressed in this letter, be reflected in the depositary's status lists relating to this treaty.'" Source: United Nations Treaty Collection, United Nations, accessed 13 Jan 14, <https://treaties.un.org/Pages/Details.aspx?src=IND&symbol=XXVIII-10&chapter=10&lang=en>.

¹ Barrack Obama, *National Security Strategy*, (Washington D.C.: The White House, 2010), 10.

² Including the more recent (2012) Department of Defense strategic guidance document “Sustaining U.S. Global Leadership: Priorities for 21st Century Defense” as well as joint doctrine.

³ An “alliance” is different than a “coalition” and, while the US is allies with several nations discussed in this paper, the paper will use the more inclusive term “coalition” for brevity and simplicity. According to JP 1-02, an alliance is defined as: “The relationship that results from a formal agreement (e.g., treaty) between two or more nations for broad, long-term objectives that further the common interests of the members.” A coalition is defined as: “An ad hoc arrangement between two or more nations for common action.” Source: U.S. Office of the Chairman of the Joint Chiefs of Staff, *Department of Defense Dictionary of Military and Associated Terms* Joint Publication (JP) 1-02 (Washington D.C.: CJCS, as amended through 15 Dec 13), 12 & 39.

⁴ It is interesting to note that the ECtHR has jurisdiction over nations outside of the European Union, most notably Russia and Turkey. For the history and more information about the ECtHR, see: European Court of Human Rights, *50 Years of Activity, The European Court of Human Rights, Some Facts and Figures* (Strasbourg: European Court of Human Rights, 2010) http://echr.coe.int/Documents/Facts_Figures_1959_2009_ENG.pdf.

⁵ European Court of Human Rights, *The Court in Brief* (Strasbourg: European Court of Human Rights, accessed 16 Jan 14) http://www.echr.coe.int/Documents/Court_in_brief_ENG.pdf.

⁶ “The foundation of United States, regional, and global security will remain America's relations with our allies, and our commitment to their security is unshakable...Our ability to sustain these alliances, and to build coalitions of support toward common objectives...are a critical component of our global engagement and support our collective security.” (Obama, *National Security Strategy*, 41.)

⁷ In addition to strong cultural and historical ties, it is in the US national interest to maintain close ties to its traditional European partners. The European Union represents the largest economy in the world and its collective defense budget is second only to the US. Its presence throughout the world is extensive, with over 66,000 troops and approximately 57,000 diplomats. Source: Mark Leonard and Hans Kundnani, “Think Again: European Decline,” *Foreign Policy*, May/June 2013, 1 (of NSDM Strategies 12-3).

⁸ Laura Henderson, “With (Great) Power Comes (Great) Responsibility: A Move Toward Greater Responsibility for States Exercising Power Abroad,” *Merkourios* 28, no. 74 (2012): 52-53, HeinOnline (no accession # shown).

⁹ Henderson, “With (Great) Power Comes (Great) Responsibility,” 51.

¹⁰ Henderson, “With (Great) Power Comes (Great) Responsibility,” 51.

¹¹ Misa Zgonec-Rozej, “Al-Jedda v. United Kingdom. Application No. 27021/08. 50 ILM 950 (2011),” *The American Journal of International Law* 106 (2012): 832, HeinOnline (no accession # shown).

¹² Henderson, “With (Great) Power Comes (Great) Responsibility,” 53, quoting *Al-Jedda v. the United Kingdom* [GC] Appl No 27021/08 (ECtHR, 7 July 2011), (n 2). para 8.

¹³ The full text of ECHR Article 5(1) states: 1. Everyone has the right to liberty and security of person. No one shall be deprived of his liberty save in the following cases and in accordance with a procedure prescribed by law:

- (a) the lawful detention of a person after conviction by a competent court;
- (b) the lawful arrest or detention of a person for non-compliance with the lawful order of a court or in order to secure the fulfillment of any obligation prescribed by law;
- (c) the lawful arrest or detention of a person effected for the purpose of bringing him before the competent legal authority on reasonable suspicion of having committed an offence or when it is reasonably considered necessary to prevent his committing an offence or fleeing after having done so;
- (d) the detention of a minor by lawful order for the purpose of educational supervision or his lawful detention for the purpose of bringing him before the competent legal authority;
- (e) the lawful detention of persons for the prevention of the spreading of infectious diseases, of persons of unsound mind, alcoholics or drug addicts or vagrants;
- (f) the lawful arrest or detention of a person to prevent his effecting an unauthorised entry into the country or of a person against whom action is being taken with a view to deportation or extradition.

Source: European Court of Human Rights, *European Convention on Human Rights* (Strasbourg: European Court of Human Rights, accessed 17 Jan 14) http://www.echr.coe.int/Documents/Convention_ENG.pdf.

¹⁴ Henderson, “With (Great) Power Comes (Great) Responsibility,” 52, quoting *Al-Jedda* (n 2), para 79 and para 13 of Security Council Resolution 1151.

¹⁵ Charter of the United Nations, United Nations, accessed 17 Jan 14, <https://www.un.org/en/documents/charter/chapter16.shtml>.

¹⁶ Henderson, “With (Great) Power Comes (Great) Responsibility,” 53, quoting *Al-Jedda* (n 2), para 102.

¹⁷ This is, in fact, implicitly stated in the NSS: "Although the United States is not at present a party to the Rome Statute of the International Criminal Court (ICC), and will always protect U.S. personnel, we are engaging with State Parties to the Rome Statute on issues of concern and are supporting the ICC's prosecution of those cases that advance U.S. interests and values, consistent with the requirements of U.S. law." (Obama, *National Security Strategy*, 48.)

¹⁸ Thomas Tugendhat and Laura Croft, *The Fog of Law* (London: Policy Exchange, 2013), 29.

¹⁹ "Duty of care" is defined as "a moral or legal obligation to ensure the safety or well-being of others" Source: Oxford Dictionaries, Oxford University Press, accessed 22 Jan 14, <http://www.oxforddictionaries.com/us/definition/english/duty-of-care>.

²⁰ Tugendhat and Croft, *The Fog of Law*, 29.

²¹ *Ibid.*, 30.

²² Tugendhat and Croft, *The Fog of Law*, 35.

²³ *Ibid.*, 36.

²⁴ *Ibid.*, 32.

²⁵ *Ibid.*, 18.

²⁶ The preamble to UN Resolution 1483 states:

Noting the letter of 8 May 2003 from the Permanent Representatives of the United States of America and the United Kingdom of Great Britain and Northern Ireland to the President of the Security Council (S/2003/538) and recognizing the specific authorities, responsibilities, and obligations under applicable international law of these states as occupying powers under unified command (the "Authority"),

Noting further that other States that are not occupying powers are working now or in the future may work under the Authority,

Welcoming further the willingness of Member States to contribute to stability and security in Iraq by contributing personnel, equipment, and other resources under the Authority

Source: United Nations Security Council Resolution 1483, United Nations, 22 May 2003,

<http://www.uncc.ch/resolutio/res1483.pdf>.

²⁷ Tugendhat and Croft, *The Fog of Law*, 33.

²⁸ Opposition Manuscript Amendment, UK House of Commons, 29 August 2013,

www.parliament.uk/documents/news/2013/manuscript-amendment-29aug13.pdf.

²⁹ Syria and the Use of Chemical Weapons Debate Transcript, UK House of Commons, 29 August 2013,

www.publications.parliament.uk/pa/cm201314/cmhansrd/cm130829/debtext/130829-0001.htm#1308298000001.

³⁰ Rob Portman and Kelly Ayotte, Letter to the Honorable Harry Reid, 16 July 2012,

http://www.portman.senate.gov/public/index.cfm/files/serve?File_id=317ccc22-1649-4982-944f-ca1d97e14075.

³¹ *Ibid.*

³² As a representative sample, see:

John B. Bellinger III, "Should the United States ratify the UN Law of the Sea?," *Council on Foreign Relations Blog*, 11 Nov 13, <http://www.cfr.org/treaties-and-agreements/should-united-states-ratify-un-law-sea/p31828>.

Stewart M. Patrick, "(Almost) Everyone Agrees: The U.S. Should Ratify the Law of the Sea Treaty," *The Atlantic*, 10 June 2012, <http://www.theatlantic.com/international/archive/2012/06/-almost-everyone-agrees-the-us-should-ratify-the-law-of-the-sea-treaty/258301/>.

Ernest Z. Bower and Gregory B. Poling, "Advancing the National Interests of the United States: Ratification of the Law of the Sea," *Center for Strategic and International Studies*, 25 May 2012, <http://csis.org/publication/advancing-national-interests-united-states-ratification-law-sea>.

³³ The last two Chairmen of the Joint Chiefs of Staff (at least), the U.S. Chamber of Commerce, Democratic and Republican Presidents, Democratic and Republican Secretaries of Defense, and all of the US military service chiefs fully support ratification of UNCLOS. The author has personally witnessed two four-star flag officers voice their support; the details of those comments are omitted due to the Naval War College academic non-attribution policy.

³⁴ Stewart M. Patrick, "(Almost) Everyone Agrees: The U.S. Should Ratify the Law of the Sea Treaty," *The Atlantic*, 10 June 2012, <http://www.theatlantic.com/international/archive/2012/06/-almost-everyone-agrees-the-us-should-ratify-the-law-of-the-sea-treaty/258301/>.



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U.S. Rare Earths Policy: Digging Out of the Rare Earths Quandary

LTC William R. Glaser
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“The availability of rare earth elements is a challenging international economic issue that could threaten U.S. national security interests. Rare earth elements are a group of 17 elements that have become increasingly important in the production of high-tech consumer and defense-related products. The U.S. Department of Defense (DoD) uses rare earths in a number of military technologies and is dependent on their availability.¹ Some argue DoD’s dependence on rare earths is problematic because China controls an estimated 95 percent of the world’s mining and production capability.² China’s near monopoly in rare earths has the attention of American security experts, the DoD, and the U.S. Congress.

The U.S. rare earths policy is the DoD policy. Since its adoption in 2011, there has been a significant improvement in rare earths markets. The existing policy, combined with natural markets forces, are working together to improve supply, demand, and market prices. U.S. lawmakers need to resist pressures to pass needless legislation that will only disrupt natural market forces, increasing the cost while decreasing long-term availability.

Some interest groups disagree. They argue that China’s near monopoly on rare earths is a national security threat, and the United States needs to do more to ensure access to these scarce but critical mineral resources. This led Congress to legislate two bills (H.R. 761 & S. 1600) that will change U.S. rare

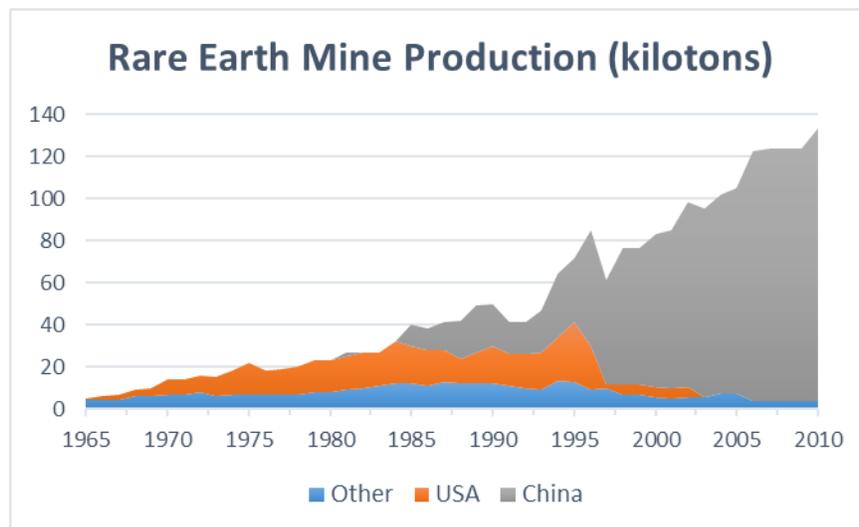
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earth's policy. Congress should reject these two bills because the existing policy is working with natural market forces to improve rare earths markets to the point where they are no longer a threat to national security.

Background

Rare earth elements have grown in importance over the years because of their value in producing advanced technological products. The U.S. Geological Survey (USGS) reports over 200 civilian and defense industry products rely on rare earths.³ Consumer products include cellular phones, DVDs, rechargeable batteries, catalytic converters, and all types of high definition displays.⁴ The renewable, or green, energy industry also depends on rare earths. It uses them to produce wind turbines, electric vehicles, photovoltaic thin films, and energy-efficient lighting.⁵ More importantly, rare earths also play a critical role in our national defense. The DoD uses rare earths in night-vision goggles, precision-guided weapons, lasers, super magnets, GPS equipment, radar systems, and other defense related electronics.⁶ Rare earths are plentiful in the earth's crust, but due to their low concentration in specific areas, the mining process is expensive and damaging to the environment.⁷ In the 1970s, 80s, and 90s the United States was the leading producer of rare earths (see figure 1).⁸ In the 1980s, the Chinese government started aggressively pursuing rare earths markets. The Chinese leader Deng Xiaoping reportedly said, "China's rare earth resources can be likened in importance to the Middle East's oil. They have immense strategic significance, and we must deal with rare earths issues with care, unleashing the advantages they bring."⁹ Since then, Chinese companies have taken advantage of government support, cheap labor, and lax environmental regulations to dominate global rare earth markets.¹⁰ In 1996, China overtook the United States as a leader in rare earth mining and production.

Figure 1: Global Rare Earth Mine Production Rates in kilotons



Source: Compiled from U.S. Geological Survey (USGS) *Rare Earth Elements – Critical Resources from High Technology (1965-2000)* and *Mineral Commodity Summaries (2000-14)*.

Today, China produces an estimated 95 percent of the world's rare earths.¹¹ This went largely unnoticed until China threatened to ban the export of rare earths to the United States and Japan in 2010 in retaliation for a diplomatic spat over fishing rights near the Senkaku Islands.¹²

The ban never occurred, but the United States began taking a greater interest in China's rare earths policies. U.S. policymakers learned in 2005 that China instituted a 10 percent duty on rare earths exported out of China. This duty grew to 15 to 25 percent by 2012, depending on the particular rare

earth.¹³ China also restricts the volume of rare earth exports with a quota system. This quota system has reduced Chinese rare earth exports by 47 percent from 65.6 kilotons in 2005 down to 31.1 kilotons in 2012 (see figure 2).¹⁴ An increase in Chinese domestic consumption has counterbalanced the decrease in exports.¹⁵

Figure 2: Chinese Rare Earth Consumption, Exports, and Total Production (kilotons)

	2005	2006	2007	2008	2009	2010	2011	2012
Export Quota	65.6	61.1	59.6	50.0	48.2	30.3	30.2	31.1
Consumption	53.4	57.9	60.4	70	71.8	89.7	74.8	63.9
Total Production	119.0	119.0	120.0	120.0	120.0	120.0	105.0	95.0

Sources: Pui-Kwan Tse, *China's Rare Earth Industry*, U.S. Geological Survey, Open File Report 2011-1042.

China claims export quotas are necessary to minimize environmental harm, save rare earths for future generations, and promote domestic production up the value chain.¹⁶ Critics claim China is leveraging its near monopoly in rare earths to artificially inflate the price and exert political influence. Akshat Rathi, of *The Economist* agrees, "Slashing their exports of rare-earths has little to do with dwindling supplies or environmental concerns. It is all about moving Chinese manufacturers up the supply chain, so they can sell valuable finished goods to the world rather than lowly raw materials."¹⁷

The combination of export duties and quotas resulted in the United States, European Union, and Japan taking China to the World Trade Organization court for unfair trade practices. In October 2013, the WTO found in favor of the United States but China is expected to appeal the WTO decision. Regardless of the final adjudication, China continues to export rare earths but the question remains, is the US dependence on China rare earths a national security threat?

Rare earths as a Threat to U.S. National Security

Many argue that China's near monopoly on rare earths is a U.S. national security threat. They often cite the Director of National Intelligence's, James Clapper, *2013 Worldwide Threat Assessment* as evidence to support their claim. Director Clapper's Congressional testimony stated competition and scarcity of natural resources are a growing security threat. He specifically addressed the threats presented by food, water, energy, climate change, and rare earths.¹⁸ He was concerned with China's commanding monopoly over rare earths and its policy limiting exports. This export policy caused a spike in 2011 rare earth prices to as much as 600 percent, depending on the type of rare earth.¹⁹ Director Clapper explained how countries developed mitigation strategies in reaction to China's rare earth export policies. These strategies mostly focused on developing domestic production capabilities and finding suitable replacement materials but will have only limited effects in the short-term. Clapper closed by saying new global mining and refining capabilities are expected to be operational in the next five years.²⁰ Advocates for a new rare earths policy used the *2013 Worldwide Threat Assessment* to support their argument that rare earths are a national security threat and are lobbying Congress to legislate a policy to ensure access to these scarce but critical mineral resources.

U.S. Rare Earths Policy Development

In 2011, advocates for a new rare earths policy lobbied Congress to assess if rare earths are a national security threat. This led to a provision in the 2011 National Defense Authorization Act calling for an assessment of the U.S. rare earths policy. The Act mandated that DoD identifies "the rare earths

critical to national defense and those rare earths subject to supply chain interruption” while developing a mitigation strategy.²¹

In March 2012, the Under Secretary of Defense for Acquisition, Technology and Logistics (AT&L) sent a report to the U.S. House of Representatives detailing the DoD policy and outlining a plan for assuring the long-term availability of rare earths. The policy can be summarized as a “three-pronged” approach: “diversification of supply, pursuit of substitutes, and focus on reclamation of waste as part of a larger U.S. Government recycling effort.”²² The document also states the DoD will continue to execute its Defense Production Act Title I authorities that provide the power “to ensure the supply and timely delivery of products, materials, and services to military and civilian agencies.”²³ In addition to these authorities, the plan listed three additional steps to assure rare earths access. The DoD will:

- Engage in continuous monitoring of markets and production levels;
- Undertake reviews of defense industrial base materials supply chains; and
- Prepare for the possible need to establish buffer stocks that are contractor-owned, U.S. Government-subsidized, but only implemented if certain predetermined marked indicators are met.²⁴

The DoD is not the only U.S. Government department with a rare earths policy. As stated earlier, rare earths are also critically important to the renewable energy industry. The Department of Energy (DoE) also published a rare earths policy in 2011. The DoE’s policy is remarkably similar to the DoD’s but with only slightly different wording.

DoE’s policy for addressing the challenges associated with critical minerals and rare earths challenges rests on “three-pillars.”²⁵ First, diversified global supply chains are essential. An increase in global and domestic production facilities will reduce U.S. vulnerability to supply chain interruptions. Second, substitutes must be developed. Research leading to material and technology substitutes will improve the flexibility and help meet the material needs of the clean energy economy. Third, recycling, reuse and more efficient use could significantly lower world demand for newly extracted materials.²⁶ The DOE’s policy is essentially the same as the DOD’s policy.

Some think the U.S. Department of the Interior (DoI) should have a rare earths policy but they do not. The DoI’s U.S. Geological Survey (USGS) collects, analyzes, and disseminates data and information on global rare earths and other critical minerals. This includes research on rare earths consumption, production, and reserves for supply chain analysis.²⁷ They inform policymakers; they do not make policy. The DoI does not have a rare earths policy and the difference between the DoD and DoE policies are mere semantics. Thus, in the absence of a higher policy, the DoD policy serves as the U.S. rare earths policy.

Assessment of the risk presented by Rare Earths

Is the DoD’s dependence on rare earths a serious security risk? The Under Secretary of Defense for AT&L report on rare earths states only seven of the 17 rare earths were critical to the DoD. The report went further to say that current domestic production satisfies the consumption of six of the seven critical rare earths. This is because the DoD consumes only a small fraction, less than five percent, of the total U.S. imports of the seven critical rare earths.²⁸ The only rare earth identified as vulnerable to actions or events outside U.S. governmental control was yttrium.²⁹ Yttrium is used in the production of high-definition TVs, temperature sensors, radars, lasers, digital communications devices, supermagnets, superconductors, and superalloys.³⁰ The report came to this conclusion because only yttrium consumption outstripped the forecasted supply produced in the United States (see figure 3).

Figure 3: DoD Forecasted Consumption of Critical Rare Earths for 2013 (tons)

	Element	U.S. Supply	Consumption	Surplus	Deficit
1	Dysprosium	7	7	0	
2	Erbium	1.2	1.14	0.056	
3	Europium	21	11	10	
4	Gadolinium	42	4	38	
5	Neodymium	2,232	110	2,122	
6	Praseodymium	824	14	810	
7	Yttrium	26	119		93

Source: Frank Kendall, Report to Congress Rare Earth materials in Defense Applications, Under Secretary of Defense for AT&L, March 2012.

Yttrium is the only rare earth identified as critical and subject to supply chain interruptions. The DoD forecasted an 119-ton requirement, 26-ton supply, and 93-ton deficit for Yttrium in 2013.³¹ According to alarmists, the United States is now at the mercy of the Chinese Communist Party (CCP) to get its national yttrium fix, and America needs an aggressive policy to ensure it is never at the mercy of the CCP again!³² While this emotional argument sounds good to the alarmist, it is very shortsighted. Just as the U.S. government does not want to be dependent on China for rare earths neither does the world economy. As you would expect, markets react quicker than governments to market trends. Supply and demand principles run the best markets, not fear mongering.

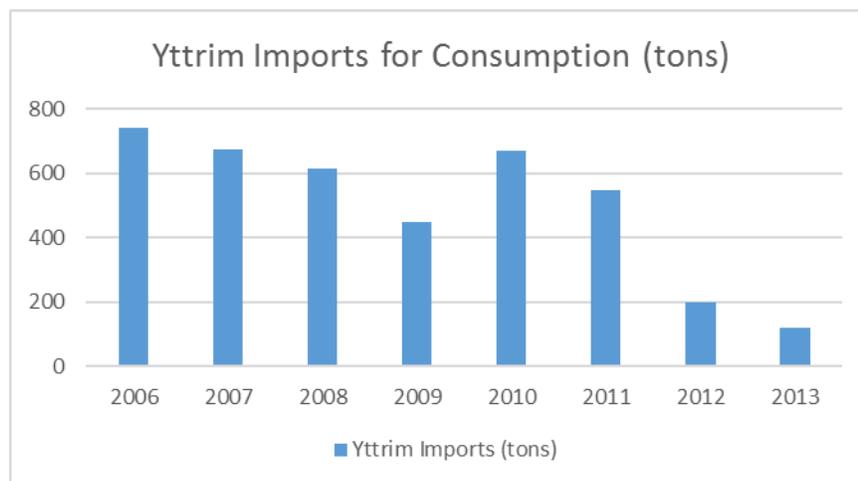
RARE EARTHS SUPPLY, DEMAND, AND PRICING

The existing U.S. rare earths policy is appropriate and requires no modification because supply, demand, and pricing are all improving. U.S. and global markets have responded to market conditions for rare earths with new investments in rare earth mining and production facilities. Technical advances are also increasing the use of alternative materials and increasing reclamation through recycling and reuse. These responses have increased supply and decreased demand. According to the DoD's *Rare Earths Report*, the overall yttrium market is trending positively to assure the U.S. will have future access to yttrium.³³ Some in Congress have called for legislation to develop a more robust policy to deal with rare earths. Yet, the current policy is working, and the United States does not need to legislate a new one. Indeed, government management of these markets will cause more problems than it will fix. The first prong of the U.S. "three-pronged" policy is diversification of supply. The USGS reported the United States returned to the rare earths markets in 2012 by producing 800 kt of various rare earths and increased production to 4,000 kt in 2013.³⁴ This makes the United States the second largest producer of rare earths in the world, with a small but growing 4 percent market share. The USGS expects the United States "to continue to increase its production rate in 2014."³⁵ Additionally, the DoD's *Rare Earths Report* assesses domestic yttrium production will be capable of meeting future U.S. Government demand in 3-5 years.³⁶

There are also other yttrium producers besides China. Brazil, India, and Malaysia also produce yttrium, and their capacity grows every year. If China banned the export of yttrium, Brazil, India, and Malaysia could probably supply the low levels of yttrium required by the DoD. It is the U.S. civilian market, consuming 95 percent of yttrium imports, which is most dependent on Chinese yttrium. Civilian industry is the most vulnerable to market uncertainty, not the DoD. Yttrium supply may be a U.S.

economic problem at large, but the low levels used by the DoD do not make it a national security issue. Special interest groups need to stop using the DoD as an excuse to push through self-serving legislation. The second reason the United States does not need to legislate a new rare earths policy is because U.S. demand for yttrium is decreasing. According to the USGS, the total U.S. demand for yttrium has decreased 84 percent over the last seven years (see figure 4). In 2006, the U.S. consumed a high of 742 tons but dropped to 119 tons by 2013. This trend is expected to continue downward in 2014.³⁷

Figure 4: Yttrium Imports for US Consumption (tons)



Source: U.S. Geological Survey, Yttrium - Mineral Commodity Summaries (2006-13).

The explanation for this decrease in yttrium demand is a combination of two factors. U.S. industry is finding substitute materials, and there is an increase in recycling opportunities. The DoD rare earths policy is committed to pursuing suitable rare earth substitutes. Substitutes for yttrium are available for some applications. In industrial ceramics, yttrium oxide may be substituted with calcium oxide; it is less effective but still useful in many cases.³⁸ Technical advances will increase the number of cases where calcium oxide can be substituted for yttrium oxide.

The second factor is increased reclamation through urban mining. The DoD policy states it will “focus on reclamation as part of a larger recycling effort.” Urban mining is the process of reclaiming compounds and elements from products, buildings, and waste.³⁹ A successful example of urban mining is Honda’s recycling of rare earth materials found in used nickel-metal hydride batteries to make new hybrid vehicle batteries.⁴⁰

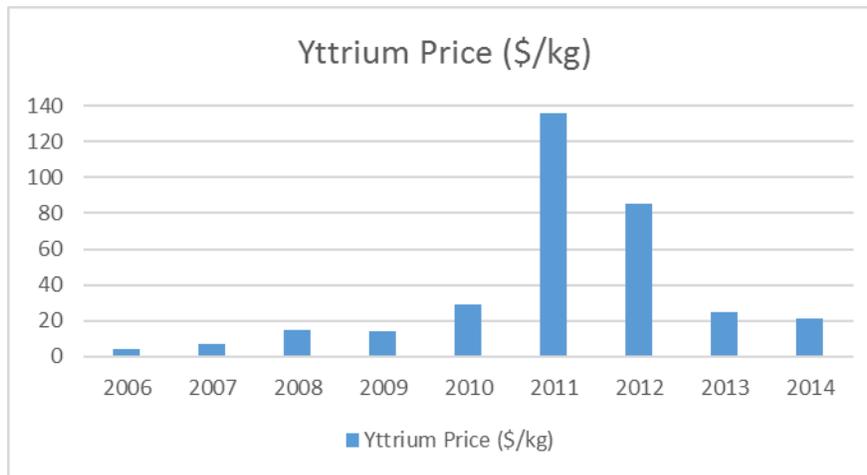
Recycling technology is improving, and urban mining opportunities are increasing. For example, scientists at the U.S. DoE Ames Laboratory identified a process to remove heavy metal rare earths from recycled material while maintaining the critical properties required when producing powerful supermagnets.⁴¹ The USGS also reports a small but growing quantity of recycled yttrium through the reclamation of laser crystals and synthetic garnets.⁴² Advancements in recycling technology are increasing urban mining opportunities and ultimately reducing U.S. demand for all rare earths, specifically yttrium.

Much of the rhetoric calling for more governmental action in the rare earths markets is linked to national security due to DoD’s dependence on rare earths. In reality, the DoD uses a small fraction, less than 5 percent of total domestic consumption of rare earths.⁴³ It is the civilian sector that has far more to gain with government intervention.

The U.S. rare earths policy combined with market forces are solving U.S. rare earths challenges. The combination of increased supply and decreased demand is evident in the yttrium market price (see

figure 5). In 2010, the price of yttrium was only \$29/kg.⁴⁴ When China instituted duties and export quotas in 2011, yttrium prices skyrocketed to \$136/kg.⁴⁵

Figure 5: Average Yttrium Prices (\$US/kg)



Sources: Arafura Resources Limited, Rare Earths Pricing, January 2013

Since the DoD and DoE instituted their rare earth policies in 2011, we have seen improvements in the rare earths and yttrium markets. The yttrium supply chain options are increasing while demand is decreasing. The proof is in the yttrium pricing. Since 2011, U.S. consumption of yttrium has dropped 78 percent while the price for yttrium has dropped 84 percent to \$21.5/kg.⁴⁶ The situation is improving.

The National Strategic and Critical Minerals Policy Act of 2013

If the U.S. rare earths policy was working effectively, then why did the U.S. House of Representatives pass *The National Strategic and Critical Minerals Policy Act of 2013*? The Act requires the Secretary of the Interior to assess the capability of the Nation “to meet our current and future demands for the minerals critical to the United States manufacturing and economic and national security in a time of expanding resource nationalism.”⁴⁷ The intent of the Act is to rewrite the U.S. critical minerals and rare earths policy.

The actors who have a vested interest in the U.S. rare earths policy are varied and substantial. The domestic political actors include Congress, Department of Defense (DoD), U.S. National Research Council (NRC), and the mining industry. The mining industry with the support of the NRC is lobbying members of Congress to pass the National Strategic and Critical Minerals Policy Act of 2013. The legislation authorizes a \$60 million dollar subsidy to support critical minerals and rare earths policy.⁴⁸

The mining industry is pushing for the legislation for a few reasons. First, they hope to change the review process for issuing mining permits on federal lands to make it faster and cheaper to mine.⁴⁹ Second, it authorizes spending \$8 million for the U.S. Geological Survey to conduct a new rare earths study.⁵⁰ The mining industry hopes the new study will lead to subsidies to restart rare earths mining in the United States and recommend relaxing environmental standards when mining and refining rare earths.

If the legislation fails to restart the rare earths mining industry, it might recommend purchasing and maintaining a strategic stockpile of critical rare earths. Congress would then appropriate money for the mining industry to purchase and store the strategic stockpile. Either way, the mining industry stands to win.

The NRC represents the scientific research community. They also support the legislation because it authorizes \$3 million to fund research into critical minerals and material sciences.⁵¹ NRC support for any legislation spending money on research is never surprising. It is their job. That does not necessarily translate into a better rare earths policy.

Regarding the DoD, bill advocates want the DoD to make two arguments. First, rare earths are critical to the production of significant U.S. military equipment. Second, rare earths are vulnerable to supply chain interruption outside U.S. governmental control.⁵² If the DoD made these two arguments, then it would be in U.S. national interest to ensure unfettered access to rare earths. This would lead to either subsidy to restart the rare earths mining industry or authorize the stockpiling of critical rare earths.

The DoD conducted a study and briefed Congress in March 2012, but some special interest groups did not agree with the findings. The report stated “a number of positive developments with regard to both supply and demand within the rare earths markets helped to stabilize overall markets and improved the availability of rare earth materials.”⁵³ The report acknowledged rare earths are an important issue, but the DoD has a mitigation plan and will continue to monitor the situation. In essence, there is no need for Congress to legislate a new solution that the existing policy and market forces are fixing.

Despite DoD’s conclusion, this did not stop special interest groups from campaigning for a change in the U.S. rare earths policy. They continue to paint China as withholding a vital substance that is critical to our national defense. China is not, but this has not stopped the lobbying of the Congress and the House passing of The National Strategic and Critical Minerals Policy Act of 2013. As of April 2014, the bill is in the Senate and in the words of John Kemp, Reuters Senior Market Analyst for Commodities, “The National Strategic and Critical Minerals Policy Act of 2013 is one of those pieces of special-interest legislation that deserves to die in the U.S. Congress.”⁵⁴ I could not agree more.

Conclusion

The United States has a well-conceived policy that understands what it can influence within the global rare earth markets. This policy has seen a reduction in the consumption of rare earths, particularly yttrium. The market has also seen an increase in the availability of rare earths as China is starting to lose market share to other global competitors. The extraction and production of rare earths is very costly on the environment. There are advantages to having the strongest economy and military in the world. One of them is that we should not have to sacrifice our environment to produce a commodity when other countries are ready and willing to produce them for the United States. The DoD’s *Rare Earths Report* demonstrates that availability of rare earths is not a national security threat. The DoD assesses that all rare earth markets are “trending positive for a market capable of meeting future U.S. Government demand.”⁵⁵ The only rare earth that outstripped domestic supply was yttrium but over the last four years yttrium demand decreased significantly. The DoD’s *Rare Earths Report* closes by reiterating its belief that by 2015 the DoD will no longer be dependent on China for any rare earths, including yttrium.

When the Director of National Intelligence testified about the availability of rare earths as a national security threat in 2013 he must have been referring to their availability to the civilian market, not the DoD. Thus, *The National Strategic and Critical Minerals Policy Act of 2013* has nothing to do with national security but domestic economic concerns. Special interest groups need to stop arguing that rare earths are a national security threat and stop using the DoD as an excuse to push through self-serving legislation.

Further evidence can be seen in the recently released Director of National Intelligence’s *2014 Worldwide Threat Assessment*. In the 27-page document, rare earths are not mentioned once. Mr. Clapper reiterates his belief that “competition for and secure access to natural resources (e.g. food, water, and energy) are growing security threats” but rare earths are replaced by the Arctic as the threat du jour.⁵⁶

He has moved on to a different national security emergency and perhaps Congress should heed the Director's assessment.

The United States would be well served to maintain the existing policy that is improving rare earths markets. New investments and technical advances are improving the situation. The new investments in rare earth mining and production facilities are increasing rare earth supplies. Technical advances are decreasing demand by increasing recycling efforts and the use of alternative materials. All these efforts are increasing supply, decreasing demand, and improving market pricing. The existing policy is working and legislating new policy will only disrupt natural market forces and increase the long-term cost and availability these scarce but critical mineral resources.

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- ¹ Valerie Bailey Grasso, *Rare Earth Elements in National Defense: Background, Oversight Issues, and Options for Congress*, Congressional Research Service (CRS) Report R41744, U.S. Library of Congress, (Washington, DC: Office of Congressional Information and Publishing, 17 September 2013), 22, accessed 5 April 2014, <http://www.fas.org/sgp/crs/natsec/R41744.pdf>.
- ² Pui-Kwan Tse, *China's Rare Earth Industry*, U.S. Geological Survey, by, U.S. Geological Survey (USGS) Open-File Report 2011-1042, (Washington, DC: GPO, 2011), 1, accessed 6 March 2014, <http://pubs.usgs.gov/of/2011/1042>.
- ³ Jan Ishee, *Going Critical: Being Strategic with our Mineral Resources*, USGS Open-File Report 2011-1042, (Washington, DC: GPO, 13 December 2013), accessed 21 March 2014, http://www.usgs.gov/blogs/features/usgs_top_story/going-critical-being-strategic-with-our-mineral-resources/.
- ⁴ Hobart King, "REE – Rare Earth Elements and their Uses", accessed 4 March 22, 2014, <http://geology.com/articles/rare-earth-elements/>.
- ⁵ Steven Chu, *Critical Materials Strategy*, U.S. Department of Energy (DOE) / PI-0009, (Washington, DC: GPO, December 2011), 6-7, accessed 21 March 2014, http://energy.gov/sites/prod/files/DOE_CMS2011_FINAL_Full.pdf.
- ⁶ Ibid.
- ⁷ Valerie Bailey Grasso, *Rare Earth Elements in National Defense*, 3.
- ⁸ Wayne Morrison & Rachel Tang, *China's Rare Earth Industry and Export Regime*, U.S. Library of Congress CRS Report R42510 (Washington, DC: Office of Congressional Information and Publishing, April 30, 2012), 1, assessed 21 March 2014, <http://www.fas.org/sgp/crs/row/R42510.pdf>.
- ⁹ Chris Buckley, "China's dream for rare earths rests on grim costs," *Reuters*, November 3, 2010, accessed 21 March, 2014, <http://www.reuters.com/article/2010/11/03/us-china-rareearths-idUSTRE6A13B520101103>.
- ¹⁰ Wayne Morrison & Rachel Tang, *China's Rare Earth Industry and Export Regime*, U.S. Library of Congress CRS Report R42510 (Washington, DC: Office of Congressional Information and Publishing, April 30, 2012), 1, assessed 21 March 2014, <http://www.fas.org/sgp/crs/row/R42510.pdf>.
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Beyond Find, Fix, Finish: Establishing a Counter-Network Interagency Organization to Combat the Convergence of Globally Connected Threat Networks

Hermann G. Hasken III
Department of Defense

T*ransnational illicit networks have grown tentacles that stretch around the world...all elements of our national power must work together in order to address this growing threat.*

Admiral (Ret) James Stavridis

Introduction

The globalization of the world's economies, advancing technologies, increasingly expanding trade routes, and porous borders have, unfortunately, brought with them the murkiness of an interconnected and enterprising underworld. Organized crime, violent extremists, drug traffickers, smugglers, and other non-state actors are moving a wide variety of contraband commodities along near-invisible logistical arteries to serve markets flush with growing clientele. These actors are making governance, safety, and security nearly impossible, particularly in countries with little resources to fight. They are now creating sanctuaries in multiple and dispersed ungoverned and under-governed spaces where law enforcement is outgunned or non-existent.¹ Today, illicit networks are creeping into stable government structures, as cartel leaders, organized crime, and other non-state actors invest millions into

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unwitting legitimate companies and worldwide financial institutions² or steal, hide, and move funds via a labyrinth of money laundering schemes, hawalas, or by cyber theft.³ Financial, logistical, and communications support networks have long been the most critical nodes to the health and vitality of criminal and violent extremist networks.⁴

Money is the oxygen that keeps the brain trust of illicit organizations functioning and alert. Smuggling routes are the arteries, and secure communications its lifeblood. In order to keep resilient and strong, the best financed organizations have recruited technical mercenaries—hired guns with expertise in cyber, intelligence, security, law and finance. Most act as independent contractors, selling their services to the highest bidder to facilitate illicit activities and in return, reap massive profits as well as protection from underground overlords. Governments and international organizations are witnessing the alarming spread of a loosely knit confederation of illicit, criminal, and violent extremist groups, or “dark networks,” giving rise to the threat concept called “convergence.”⁵ The dark network is now spilling over national boundaries, connecting the most unlikely criminal, gang, and terrorist elements across continents as opportunistic partners in an emerging web that the intelligence, law enforcement, and diplomatic communities are just beginning to understand.

“Convergence” is a new twist to drug cartels, terrorists, traffickers, and other criminal enterprises operating inside struggling nations, particularly those weakened by decades of civil war, insurgency, poverty, and corruption. As the Al Qaeda network and its affiliates have become more diffuse, the dark network has equally spread and deepened its presence throughout the international security environment. It has also crept through our own back door. While much of the concern in the United States focuses on the violence in Mexico and along our shared border, national decision makers have been informed of a growing body of evidence indicating that terrorist groups have been operating effectively (albeit quietly) in Canada, taking advantage of liberal immigration and political asylum policies and a porous Canadian-American border.⁶ In 2011, U.S. Border Patrol authorities discovered Tunisian radical cleric Said Jaziri in the trunk of a BMW trying to sneak into the United States with the help of Mexican contract smugglers after previously being deported from Canada back to Tunisia.⁷ The Royal Mounted Canadian Police (RCMP) and Canadian Revenue Agency recently shut down the International Relief Fund for the Needy and Afflicted (IRFAN-Canada) after being implicated in sending over \$15 million to Hamas.⁸ Law Enforcement and Immigration studies have shown the Iranian Qods Force, Lebanese Hezbollah, and other terrorist organizations have found opportunities to slip in and set up equal presence with support groups in the United States.⁹ In one of the most brazen attempts to conduct terror attacks in the United States, an Iranian-backed terrorist attempted to assassinate the Saudi Ambassador to the United States while dining in Washington DC.¹⁰ The FBI Joint Terrorism Task Force website is replete with vignettes that demonstrate how expansive this network has become and how easy it is to conduct human trafficking from our northern and southern borders, as well as our ports.¹¹ In 2014, human trafficking surged to become the highest value commodity smuggled across the southern Californian border, bigger in profit potential than drugs, according to the FBI.¹² The Center for Immigration Studies sees new concerns in the human trafficking phenomena, as many are not Mexican illegal immigrants or kidnapped sex slaves, but actually an increasing percentage of people from the Middle East.¹³

Most developing nations do not place counter-drug programs as a priority effort; their lack of strength against them is a clear demonstration of the national security challenges these networks present. The recent Malaysian Airlines Flight M370 mystery brought new attention to reporting that indicates nearly 40 million passengers have travelled on counterfeit documents (including U.S. passports) with nearly 2.4 million passports having been stolen, reported missing, or copied.¹⁴ Perhaps a dark portent of the future is the FBI’s recent report of American citizens returning to the U.S. after being



radicalized in Somalia and more than 50 believed to have fought in Syria.¹⁵ For those that are identified, they can be added to the No Fly List and denied reentry; otherwise, the fear is they will find ways to slip back into the United States. Since 2001, the dark network of cooperative and enterprising criminals have kidnapped and/or smuggled an estimated two million people via underground trafficking routes and their facilitators.¹⁶ The risks are high, but the financial rewards are staggering. The risks and consequences to the United States may be even higher.

Smuggling illicit commodities (drugs, blood diamonds, weapons, hazardous materials, toxic waste, exotic wildlife, ivory, human beings, and more) is filled with a host of complexities; however, all begin with a product and typically end with delivering payment, trade, or a service. The return cycle now includes wide-ranging types of payments used to acquire the commodities, from cash to weapons and other goods the seller may need or barter, or services rendered by other means.¹⁷ The United Nations Office of Drugs and Crime (UNODC) conservatively estimates the total amount of bulk cash smuggling, illicit finance, and associated money laundering alone to be approximately \$800 billion and perhaps well over one trillion dollars.¹⁸ The U.S. Justice Department and UNODC have competing estimates on the total value of drugs, but conservatively place the cartels' U.S. drug trade at \$39 billion¹⁹ and the total global drug trade at nearly \$400 billion.²⁰ If the combined worth of global illicit activity (excluding cyber crime) were calculated in the same manner as legitimate trade economies, the dark network's value would be in excess of \$1.8 trillion, placing it in the top 10 economies in the world.²¹ However, the UNODC's *2012 World Drug Report* concludes accurate profit amounts are elusive and perhaps higher than current estimates.²² The combined relative wealth of some groups is rising so fast, it rivals or even has underpinned the legitimate economies of the poorest countries in which they occupy.²³ Their ability to entice corrupt government officials (or eliminate them) makes targeting, capture, conviction, and disruption complicated but not impossible. It will require a bold and fresh look at existing capabilities, authorities, organizations and methods to make discovery, intelligence sharing, and evidence based apprehension an effective weapon against this network.

The U.S. has separate national level strategies to combat transnational organized crime, narcotics, human trafficking, and cybercrime. A national counter-threat strategy must be considered and tied to specific national security objectives. The convergence of these threats demands a national reassessment before such partnerships undermine the stability and security not only in ungoverned nations but also threaten the vital national interests of the United States and its allies. This growing activity cuts across legal, economic, political, military, humanitarian, tactical, and strategic lines. U.S. counter-network strategy must be tied to national policy, and national policy to empowered and enabled inter-agency action to achieve national objectives. A counter-network strategy is supported by U.S. National Security Strategy principles of ensuring the safety and security of its citizens and its U.S. allies; fostering a strong, innovative, and growing U.S. economy; promoting respect for the universal value and dignity of human rights; and advancing the ideals of an international community of nations that extends the offer of peace, security, and opportunity through stronger cooperation to resolve global challenges. Counter-threat network efforts cannot be done by separate organizations on independent vectors. National decision makers must consider nesting relevant and mutually supporting laws, activities, and appropriations into a National Counter-Threat Network coordinating body, fully vesting integrated military and law enforcement teams to conduct global counter-network operations abroad.

It is a great feat to steer a policy to a successful conclusion or to overcome one's enemies in a campaign, but it requires a great deal more skill and caution to make good use of such triumphs. Thus we find that those who have won victories are far more numerous than those who have used them well.

~ Polybius of Arcadia, 200-118 BC



What is the U.S. National Strategy to Combat the Dark Network?

Does the United States possess an overarching strategy to combat the dark network? The simple answer is no. Current authorities, resources, and organizations are separated between national counter-transnational organized crime, counter-narcotics, human trafficking prevention, and counter-terrorism strategies—each crossing several federal departments. The President's 2011 *Strategy to Combat Transnational Organized Crime (TOC)*, however, does at least provide a framework from which to build. The TOC strategy calls for enhanced intelligence sharing, protecting the U.S. financial system, strengthening interdiction, investigation and tougher prosecutions, disrupting the flow of drugs, and building international capacity.²⁴ The elements of this strategy, while specific to transnational organized crime, could be expanded to encompass other threats with relevant editing and modification. Additionally, the *National Security Strategy (NSS)* and *National Military Strategy (NMS)*, along with the State Department's *QDDR* and other Department-level strategy and policy documents that relate to illicit organizations must be knitted together, with clarifying language to demonstrate commitment, resources, and a feedback loop to ensure measures of effectiveness are being assessed and reported to national decision makers. Without a coherent strategy, the tentacles of these converging networks will not only continue to pose a foreign policy and national security problem for Washington, it will also increasingly exacerbate several domestic issues facing the United States, including immigration reform, surveillance laws and privacy, defense spending, and a growing prison population.²⁵ A deeper look into the successes of Joint Interagency frameworks may provide clear insight for establishing the right organization to hinder the advancing spread of converging networks and enhance the security posture of the United States. It will, however, also require a new targeting methodology.

The Department of Defense's (DoD) wartime successes in developing and operating Joint Inter-Agency Task Force (JIATF) organizations are unmatched in the history of modern warfare, particularly in counter-terror (CT) and counter-insurgency (COIN) operations conducted by Special Operations Forces (SOF). SOF's Find, Fix, Finish, Exploit, Analyze, Disseminate (F3EAD) targeting cycle was forged, sharpened, and perfected in combat operations in Iraq and Afghanistan. However, the post-OEF/OIF global security environment will be much less conducive to future Direct Action (DA) "find, fix, finish" operations. According to a recent White House press release, the President may only authorize future lethal action against terrorist targets and only as a last resort.²⁶ Authorized use of military force (AUMF) may soon become the least preferred tactic of choice for operations outside designated theaters of armed conflict (OODTAC). It most certainly will be restricted to terrorist targets, eliminating potential to expand these authorities to other actors in threat networks with interests equally harmful to the United States. While offering a fresh start on the legitimacy of global counter-terror operations, this restriction may significantly impede counter-network operations designed to prevent another catastrophic domestic attack in the United States. Concerns of AUMF aside, the United States must move beyond F3EAD and find a complementary detection, analysis, targeting and decision-making cycle that will fit the future global operating environment.

DoD's intelligence and special operations forces (SOF) capabilities, resources, and authorities could provide a baseline from which a new "counter-network" organization and functional defeat approach can emerge. Borne out of the Joint Inter-Agency Task Force (JIATF) concept and based on a mix of Counter-Narcotics, counter-insurgency (COIN) and counter-terror (CT) lessons learned, a newly formed U.S. Counter-Threat Network (CTN) effort would provide a whole of government network vs. illicit network approach to combat the convergence of the dark network in the United States and abroad. Single-agency approaches and disparate national strategies can no longer address convergent threats. It requires the combined resources, authorities, political will, and cooperation among law enforcement, justice, intelligence, as well as our diplomatic corps and military organizations in the United States and



abroad. Much of our successes, some of them quite large, may appear as mere pin pricks in a much broader effort by the convergence of these global illicit and violent organizations. While transnational organized crime is addressed, “convergence” does not receive clear mention in the most recent Defense Planning Guidance. Without the recognition, there will be no strategy, policy, or coordinated action.

Borrowing Stanley McChrystal’s phrase, “it takes a network to defeat a network,”²⁷ the U.S. must team with empowered and enabled international and non-government organizations to understand, discover, and ultimately dismantle or destroy these illicit nodes where their strengths, weaknesses, and dependencies are critical and vulnerable.

The role of grand strategy...is to coordinate and direct all the resources of a nation, or band of nations, toward the attainment of the political object of war – the goal defined by a fundamental policy.

Sir Basil Liddell Hart, 1937, Green Pamphlet

Authorize, Organize, and Act!

Successful government strategy is optimally achieved when three components—authorities, resources, and organization—are effectively combined.²⁸ Above all, a strategy requires national level leadership with mission focus and Presidential directive. National decision makers must consider streamlining relevant and mutually supporting counter-network laws under one organization, empowering and enabling a national counter-network coordinating body, and fully funding a national counter-threat network organization.

The President’s TOC strategy, along with the national strategies for counter-terrorism, counter-proliferation, and prevention of human trafficking can lay a foundation for a more prescriptive Presidential Policy Directive (PPD) for countering the convergence of global illicit and violent extremist networks. A Counter-Threat Network PPD, accompanied by a National Strategy for Countering Illicit and Violent Threat Network, does not have to supersede previous PPD’s or national level strategies for narcotics, trafficking, counter-terrorism or counter-proliferation. The PPD for Countering Global Threat Networks (PPD-CGTN) should set the stage for all supporting documents assigned to each relevant government department. Organizationally, a National CTN organization can be welded to or modeled after several organizations to include the DHS Global MOTR Coordination Center,²⁹ or the National Counter-Terrorism Center.³⁰ It must be mindful of the 1981 GAO report³¹ on the systemic issues of organizing task forces (e.g., DEA and FBI) and avoid repeating those same conflicts regarding the sharing of information that the current FBI-DEA Organized Crime and Drug Enforcement Task Force has experienced.³² An overarching decision making body, like those designed in Joint Inter-Agency Coordinating Groups (JIACG), is most likely the best option.

Joint Inter-Agency Coordination Groups (JIACGs) have proven very successful in previous U.S. government efforts, especially when international collaboration is encouraged, invited, and anticipated. A CTN JIACG, headed by an interagency steering group of senior level decision makers—officially endorsed by the President and given specific authorities by Congress for USG counter-network efforts—would provide the leadership, direction, and mission goals for the U.S. portion of an international counter-network organization. A Counter-Threat Network JIACG consisting of a Defense-Justice-Intelligence triad would be the most effective organization, tying capacity, authority, evidence, and judicial processes to an empowered and enabled counter-network organization. It must be led by senior executives with substantial experience working within the Interagency, particularly with State, Treasury, Justice, and the Department of Defense. As proven in Iraq, Afghanistan, Yemen, Colombia and beyond,



the Special Operations Forces, the Intelligence Community, and the Inter-Agency present a most formidable opponent to any illicit organization, and a willing partner to the international community.

The best ideas in the world are of no benefit unless they are carried out.

~ President Harry S. Truman

A Conceptual Plan for a DoD Counter-Network Operations Coordinating Body

At the DoD level, a Joint Inter-Agency Task Force (JIATF-CTN or a Defense Counter-Network Operations Coordination Center), co-chaired by special operations, law enforcement and defense intelligence senior executives/officers, conceptually would provide the core senior executive team that provides the focus, goals, and objectives for the military's contribution to an overarching national counter-network strategy. This type of organization would enable the interagency to pair their authorities with DoD resources and synchronize global Special Operations activities with legally sufficient intelligence and information to conduct warrant based counter-network operations. As the challenge of the legitimacy to conduct U.S. unilateral actions against terrorist networks increase, USSOCOM, DIA, and law enforcement agencies have the resources, authorities, and global reach to provide presence and expertise to work with partner nations to train, advise, and assist.

USSOCOM's ability to network across the globe by, with, and through partner nation Special Operations Forces (SOF) and other specialized U.S. and foreign capabilities, leveraging Theater Special Operations Command (TSOC) capabilities in each region is unmatched in the DoD. Further, SOCOM serves as the DoD proponent for combating terrorism, illicit finance, and for combating trafficking of weapons of mass destruction.³³

SOCOM is also a partner with the Deputy Assistant Secretary of Defense for Counter-Narcotics (DASD/CN) and transnational organized crime and is a recognized expert in the field of biometrics and document exploitation. SOCOM has the experience and ability to leverage a wide variety of funding streams to build partner nation capacity to join in the fight against the dark nodes, deny sanctuary, and prevent the spread of extremist ideology or public support for illicit groups. With a globally dispersed command totaling nearly 55,000 personnel, SOCOM is America's best positioned resource capable of achieving success against illicit networks. Most of the anticipated counter-network activities are directly related to SOF's core activities and competencies. This CTN concept envisages SOCOM leading planning and coordination, to include leading the Defense Counter-Threat Network Operations (DCTNO) Coordination Center. However, this concept also suggests significant leadership, direction, and authority be vested in the law enforcement community, supported by the Intelligence Community.

Conceptually, the DCTNOC Director would be a flag level military officer from U.S. SOCOM, the Deputy Director, a flag level civilian executive from DHS, and the Executive Director, a flag level executive from the FBI. These three key leaders form the Defense Counter-Network Senior Steering Group and report to the National Advisory Group, which would be chaired by a senior member of the Office of the Attorney General. In order to facilitate key leader engagement across the Interagency, the Defense Counter-Network Coordination Center would be headquartered in the Washington DC area, with exceptions given to already established operations and logistical support locations. The DCTNOC Senior Steering Group would also be supported by senior personnel from DIA, Treasury, State, DEA, and U.S. Marshals.

The Defense Counter-Threat Network Operations Coordination Center (DCTNOCC) creates the hub from which all DoD counter-network activity is coordinated, executed, tracked, and reported. The Director, DCTN Center coordinates and executes operations in accordance with a SECDEF approved CTN



EXORD as part of the Secretary's CTN Campaign Plan, in support of the President's Counter-Network strategy. Under guidance set forth by the SECDEF, the Director, DCTNOCC, would be responsible for publishing an annual Counter-Threat Network Strategic Plan, collect requirements from the GCCs to address the threats, and adjudicate GCC issues and their input to the Counter-Network Campaign Plan. These requirements and responsibilities would be reflected in new language in the Unified Command Plan. The DCTNO Center's activities would ideally be monitored by the USD/P, and managed by ASD/SOLIC. The USD/P or ASD/SOLIC would be a sitting member and deputy chair of the CTN-National Advisory Group.

The Director, DCTN Center, underpinned by Presidential directive, Congressional appropriation, and authorities delegated to him through the SECDEF would conceptually be granted authority to conduct warrant-based operations through a DoD published, Interagency coordinated *Counter-Threat Network Campaign Plan (CONPLAN 7XXX-series)*, and a SECDEF approved CTN EXORD. The National Agency Group (NAG), chaired by a senior representative from the Department of Justice (National Security Division), would serve as the chair for a senior authoritative body that would approve counter-network operations abroad. The NAG would be composed of representatives from Justice, Law Enforcement, State, Defense, Office of National Drug Control and Policy (ONDCP) and Homeland Security. The NAG would provide Executive Summary Operational and Intelligence reports (prepared by the Director, DCTN Center and through USD/Policy) on a quarterly basis to the National Security Staff, much like the Department of Homeland Security's Maritime Global Operations Threat Response Center (MOTR) does today.³⁴ The MOTR serves as a model for efficiency and results-oriented action against maritime threats. The concept behind the DCTN Operations Coordination Center is to expand operations beyond the maritime domain and provide full spectrum defense to the homeland, and to international partners in this effort.

The DCTN Center would also coordinate with U.S. law enforcement entities to ensure they do not compromise active judicial cases in either U.S. or international courts of law unless the node or threat poses a significant and imminent threat to the United States or its allies. The DCTN Operations and Coordination Center will also coordinate with and work through the DOJ/Asset Forfeiture Program in the event significant assets are seized from major illicit networks. The Director's special staff (primarily comprised of senior executives from the law enforcement and justice communities) coordinate with international agencies and offices for the repatriation of foreign seized assets. Those assets that remain would be utilized to purchase equipment for Counter-Network entities or used for training opportunities with partner nations for capacity building and security assistance programs. This incentivizes action and repatriation to regional partners and additional funding otherwise not available through 1200-series funding programs. Remaining funding would otherwise be utilized to support and fund the directorates of the DCTN Center.

The Defense Counter-Threat Network Center would consist of three major directorates – Intelligence, Operations, and Global Support. DIA would provide the bulk of the intelligence support, conceivably from DIA's Defense Counter-Terrorism Center (DCTC). DCTC (and its predecessor Joint Intelligence Task Force – CT) has maintained a high level of cooperation, success, and history with the SOF Community, contributing the highest number of deployed personnel in the CENTCOM AOR since 9-11 to Joint Special Operation Task Forces (JSOTFs). DCTC would be a natural extension for the creation of a counter-network intelligence operations and analysis directorate with DIA's mastery of media exploitation, all source analysis, and HUMINT. The creation of the Intelligence Directorate under the DCTN Center would form a superstructure for a Joint Intelligence Operations Center (JIOC).

SOCOM has already established the Global Mission Support Center (GMSC) in Tampa, Florida. It could serve as a global support facilitator for the Defense Counter-Threat Network Center, much as it envisions doing the same for the TSOCs. The GMSC would provide 24/7 global logistics, communications, and crisis management support not only for SOCOM headquarters, as it does for the TSOCs. It would maintain awareness of all ongoing or planned counter-network operations worldwide. The TSOCs already form the bulk of the forces U.S. available in well over 80 countries annually. This forward presence would assist in providing that “finger tip feel” in forward locations, train host nation forces in countering these networks, and a platform for other interagency train, assist, and build activities. The GMSC would also host and coordinate weekly Operations and Intelligence (O&I) briefings for the Commander, USSOCOM and the Senior Steering Group.

Probably one of the most important interagency capabilities inside SOCOM is its network of highly trained senior liaison officers networked throughout the government as part of the Inter-Agency Partnership Program or IAPP. Special Operations Support Teams, or SOST officers provide the baseline SOF liaison network in the National Capital Region (NCR). SOCOM also maintains an extensive and distinguished list of Interagency LNOs, one of the legacies of the wars in Iraq and Afghanistan that must be sustained. The SOF LNO network now also extends out to partner nation special operations units and includes exchange officers at the headquarters.

SOCOM recently stood up the Special Operations International Collaboration and Coordination Center in MacDill AFB, FL. The center, known as the ISCC, for the first time provides foreign special operations liaisons space in SOCOM headquarters to coordinate on special operations activities around the world.³⁵ This new organization provides promise to inclusivity in Counter-Network activities at the international level.

With its global reach and light presence through the Theater Special Operations Commands, SOCOM is best paired in the Intelligence Community with the Defense Intelligence Agency (DIA), which can provide specialized HUMINT support, national level document and media exploitation, regional threat analysis (country, narco, terrorist, etc.), and functional analysis of geographically specific nodes that are critical to trafficking routes and organizational sustainment.

The Defense Intelligence Agency (DIA) is already configured into analytic centers as well as DCTC. As stated previously, DCTC could form the basis for Counter-Network Intelligence Operations and Analysis Directorate. Tied directly with the DIA's National Media Exploitation Center (NMEC), DIA, in coordination with FBI and the Department of Treasury, could develop information and intelligence that would form the basis of warrant-based operations and U.S. Treasury Department designations against illicit nodes. SOCOM currently serves as the DoD proponent for illicit finance,³⁶ and the DCNOCC's counter-network activities would go far in operationalizing the work already done by SOCOM's Counter-Threat Finance (CTF) office and other interagency efforts. This concept may streamline very well with DoD Directive 5205.14 *DoD Counter-Threat Finance Policy*, which also directs the Defense Intelligence Agency to conduct intelligence support to threat finance. The Defense Counter-Threat Network concept would establish a Center for Seized Assets under the DCTN Center's Assistant Deputy Director for Partner Engagement (ADDO/PE), which would coordinate all claims and adjudication of seized property to 1) ensure proper repatriation of assets to foreign entities, 2) coordinate sales of remaining property on the open market, 3) return claims to the countries of origin, or 4) destroy residual material (primarily all seized drugs and HAZMAT). A portion of the proceeds captured would be used to fund equipment and other costs associated with conducting counter-network operations. This would require changes to the Asset Forfeiture laws currently managed by the U.S. Marshals.³⁷



The Defense Intelligence Agency (DIA) serves as America's strategic warning system with analysts and collectors across the world, experts in their field of socio-cultural analysis, HUMINT, biometrics, foreign weapons, counter-terrorism and counter-narcotics analysis. Gil Kerlikowski, the President's former director for the Office of National Drug Control Policy (ONDCP), and recent appointee as Customs and Border Protection (CBP) at Department of Homeland Security, visited DIA in December 2013 to discuss the close working relationship between DIA and other U.S. government organizations committed to the counter-narcotics mission. It is partnerships like this that portend positive trends towards gaining efficiencies as budgets are squeezed in tight economic times. With an endorsement from national offices like ONDCP and DHS, the White House has an opportunity to take this momentum forward and begin a series of confidence building measures to develop a comprehensive Counter-Network strategy. Through the historical ties between DIA and SOCOM, a Defense Counter-Threat Network Collaboration Center or Cell may prove to be the start of a much more comprehensive and effective "one-stop" organization.

Conclusion

In order to build momentum for a proof of concept, a series of senior level orientation meetings at the national advisory level on the topic of "Illicit Networks - Combatting Convergence," might be in order, modeled after the Proliferation Security Initiative, or "PSI" table top exercise recently hosted by U.S. Southern Command.³⁸ The Miami exercise was the first presentation of this framework and an associated toolkit that provides specific measures to enhance a nation's capability to interdict -- from legal tools and rapid decision making best practices to operational training, in concert with other U.S. government programs like the U.S. State Department's Export Control and Related Border Security Program.³⁹ After three years of negotiation, USSOCOM and NORTHCOM will host a Transnational Organized Crime conference in May 2014, with the intent of bringing this subject to the interagency level. As the proof of concept for Counter-Threat Network Operations grows, a follow on "Countering Illicit Networks" Table Top exercise, with cooperation from representatives of the Organization of American States (OAS), Association of South East Asian Nations (ASEAN), and NATO may be the next step.

A final proof of concept tied to a real world operation could be presented to the White House (through State, Defense, and Justice) for approval based on cooperating nations that request support from the provisional Counter-Threat Network Task Force. Measures of effectiveness must be identified to ensure the U.S. and its partner nations have a list of realistic and achievable goals and objectives. There is much to be done. Up to the present day, there have been multiple conferences and seminars across the globe discussing this growing threat. Several governments, associations, and international NGOs have all recognized the need to bring an end to this human scourge. The question is always resources and authorities. The United States possesses unparalleled capability and reach. SOCOM, tied with DIA has the personnel, subject matter expertise, and historical ties throughout the globe to be an effective partner in this effort. It takes a network to defeat a network. It is time to make that interagency network a reality.

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Of-Forgotten Mexico: The United States' Indispensable Strategic Partner

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The conventional wisdom in the United States is that Mexico and Canada are not important. A cursory reading of the U.S. newspapers in the last decade would lead one to conclude that Iraq and Afghanistan were the most important countries to U.S. national security, China was its dominant trading partner, and Saudi Arabia was its main source of energy imports. All three propositions are false. - Robert A. Pastor, *The North American Idea: A Vision of a Continental Future*, p.40

January 2014 marked the twentieth anniversary of the implementation of the North America Free Trade Agreement (NAFTA), which eliminated numerous trade barriers that existed between the United States, Canada, and Mexico. In light of this significant milestone, pundits and politicians have engaged in a contentious debate on NAFTA's accomplishments, failures, and future. Often lost in these vitriolic exchanges, however, is the serious need to engage in a larger, strategic-level discussion surrounding the U.S.'s relationship with Canada, and even more importantly, *with Mexico*. This strategic reevaluation of our relationships with our North American neighbors, particularly Mexico, proves all the more critical as the U.S. military conducts its drawdown in the Middle East and Central Asia after 13 years of conflict while it simultaneously executes a much heralded "pivot" to the Pacific.

The emergence of China and the "Asian Tigers" as economic dynamos clearly justifies and warrants the U.S.'s greater strategic investment and engagement in the Far East. However, the need for a radical

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strategic reorientation westward has been exaggerated. It also obscures and subordinates the obvious strategic advantages that can be found closer at home. As an economic bloc, North America is “a global economic powerhouse, with the three countries containing 470 million citizens and a \$19 trillion economy, which nearly matches the European Union in population and outpaces it in production.”¹ Unfortunately, the full potential of NAFTA, and more importantly, the enormous rewards provided by greater strategic cooperation between the U.S., Canada, and Mexico remain unrealized. In particular, the U.S.’s failure to fully embrace an emergent Mexico has a strategic partner has proven counterproductive.

Instead, historical animosities, cultural misunderstandings, and exaggerated fears surrounding security continue to stymie trilateral cooperation. The U.S.’s strategic relationship with Mexico remains particularly fractious. In spite of ever-increasing interdependence, the U.S. has often opted to pursue unilateral and contrary economic, security, and immigration policies towards its southern neighbor. In particular, in the wake of the 9/11 attacks, the U.S. shifted its priorities to security on its borders instead of promoting trade. Journalist Thomas McLarty underscores “concerns about terrorism, illegal immigration, and the explosion of drug-related violence in Mexico meant that billions of dollars were spent to stymie the movement of people, which, of course, also inhibited the movement of goods.”² By default, “security has become the continent’s entrenched governance mode. And NAFTA is old and tired.”³

Yet by isolating itself from Mexico, the U.S. continues to commit a grave strategic miscalculation, which inflicts significant economic and social harm to all three North American countries. By viewing Mexico as a problem, rather than as an asset, the U.S. negates Mexico’s unparalleled strategic value in an expansive North American economic and security zone.

The Positive Results of NAFTA

A large part of North America’s economic dynamism stems from its interdependence. Bound together by a shared geography, environment, companies, supply chains, people, community, beliefs, and culture, NAFTA has served as a valuable, albeit flawed and limited, mechanism to promote prosperity in the region. Since the enactment of the treaty, intraregional trade has multiplied from \$290 billion in 1993 to over \$1.1 trillion in 2012. Foreign direct investment in North America has also increased by six times.⁴ NAFTA has undoubtedly created enormous wealth and opportunities, and made the continent more globally competitive.

The degree to which all three countries have become more economically and socially interdependent in the last 20 years is astounding. The statistics speak for themselves. Mexican consumers and companies now support over two million U.S. workers directly, and another four million indirectly.⁵ On a per capita basis, Canadians and Mexicans buy twelve more times from the U.S. than the Japanese and Chinese do. Moreover, the U.S. exports nearly three times more to Canada and twice as much to Mexico than to China. Specifically, the U.S. now exports more to Mexico than to the BRIC countries-Brazil, Russia, India, and China-combined. “An estimated 40% of the content of imports to the US from Mexico, and 25% of what Americans buy from Canada, originated in the US.”⁶ This increased efficiency has sharply driven down the price of consumer goods in the continent. Furthermore, North American companies such as General Motors, Johnson & Johnson, General Electric, and Hewlett-Packard have drawn on comparative advantages in design, technology, labor, and component manufacturing in all three countries to produce high-quality goods that are sought after throughout the global economy.



NAFTA has also served as one of the primary catalysts for the profound amalgamation of the Mexican and U.S. populations. Once again, the numbers underscore the remarkable depth of the demographic changes of the last 40 years. More than 50 million Hispanics now live in the U.S., two-thirds of them are of Mexican heritage. The wider Mexican-American community, including the American-born offspring of immigrants, is over 33 million people.⁷ The U.S. Census Bureau projects that over 66 million Mexicans and Mexican-Americans will live in the U.S. by 2050.

The border has failed to impede this integration. After Mexico City, the largest concentration of Mexican citizens resides in Los Angeles. In fact, one in ten Mexican citizens, 12 million in total, live in the U.S., half of them illegally.⁸ In recent polls, over half of all Mexicans have indicated that they have a relative or friend living in the U.S. Furthermore, in 2011 Mexicans living in the U.S. sent an estimated \$23 billion in remittances to their families at home. However, the migration of peoples is certainly not one way. Over one million Americans now live in Mexico, the largest U.S. community abroad in the world.⁹

As the drafters of NAFTA anticipated, the economic ascendancy of Mexico, coupled with its declining birth rates, has stabilized immigration flows between the two countries. Ironically, this stabilization has occurred *in spite of* flawed U.S. immigration policies and renewed efforts to shut down the U.S. southern border after 9/11. This positive trend underscores the importance of U.S. efforts to assist Mexico's continued economic development. The promotion of expanded free trade within NAFTA contributes to greater prosperity *and* security for all.

Ascent of the "Aztec Tiger"

NAFTA has radically transformed Mexico. As the most undeveloped economy of the three, it has naturally benefited disproportionately from NAFTA. However, Mexico's gains have also benefitted the U.S. and Canada immensely by shoring up the continent's southern flank. In a remarkably short time, Mexico has become a multiparty democracy with a broadening middle class and a competitive export economy.

Advanced manufacturing industries such as aerospace and automotive have invested billions of dollars in Mexico. Companies such as Bombardier, Honda, Nissan, and Volkswagen have made the country a vital leg of their global supply chains. Astoundingly, Mexico is now the world's largest exporter of cars after Germany, South Korea, and Japan. Increased trade and wealth have also given rise to a burgeoning middle class that now consists of over 40 million Mexicans.¹⁰

Reforms within the Mexican government have also contributed significantly to the ascent of the "Aztec Tiger." Since the administration of Vicente Fox, the federal government has supported sound public finances, low inflation, liberal trade policies, and a currency that has been unpegged, and since 1994, never overvalued.¹¹ President Enrique Peña Nieto has implemented an ambitious and laudable series of policy initiatives that address political, labor, and tax reform, dissolution of current monopolies and promotion of economic competition, and foreign investment in energy.¹² The effective implementation of these reforms will certainly bolster Mexico's attractiveness to investors.

China's entrance into the World Trade Organization (WTO) in 2001, unfortunately, decimated Mexico's manufacturing sector, particularly textiles and apparel. Nevertheless, this trend is now reversing, and Mexico looks increasingly attractive for foreign investment. It remains, in essence, an anti-China play. Higher wages in China, combined with higher Mexican productivity, increased energy costs, and worries about intellectual property rights have led a number of U.S. manufacturers to choose Mexico over China.¹³



The Unfulfilled Potential of NAFTA

All of the fundamentals favor a resurgence in North American trade. The region continues to reap the benefits from cheap and abundant energy, a young workforce, and costs that are increasingly competitive with those in China. In fact, the Boston Consulting Group estimates that by 2015 Mexico will have a cost advantage of almost 30% over China. Transport times from Mexico to the U.S. and Canada can be measured in hours and days versus the weeks required to ship products to and from the Far East. Comparatively favorable demographics will persist in the next 15 years as well. Mexico's labor force is expected to grow 58% between 2000 and 2030 while the US will grow by 18%. In contrast, China's will shrink by 3%. The continent's strategic location and abounding resources are incomparable and the envy of the world. For instance, Canada possesses more fresh water than any nation in world.¹⁴ With the rise of shale oil and gas production in the U.S., oil-sands in Canada, and the enormous potential of Mexico's energy sector, the continent's prospects of achieving energy self-sufficiency within the next decade are extremely favorable.

Yet in spite North America's numerous advantages and NAFTA's myriad accomplishments, the region continues to underachieve economically- particularly because Mexico's full potential has not been fully leveraged. From a peak share of world trade in 2000 of 36%, the North American economy has been in steady decline. Currently, it rests at 25% and is forecasted to fall further as it loses market share to China. It is clear that North America has not developed a strategic response to China. Political scientist, Robert Pastor, succinctly summarized, "NAFTA sat down, and China ran over it."¹⁵ Even today, the incredible promise of a larger Trans-Pacific Partnership (TPP) languishes in contentious, and seemingly endless, negotiations between potential candidate nations.

In the interim, the reformulation of NAFTA is clearly necessary. Limited infrastructure investments, higher security hurdles, duplicate regulations, and unnecessary bureaucratic procedures have doubled border delays, inflicting unneeded costs for many North American operations. Our borders remain "dumb and slow," particularly between the U.S. and Mexico.¹⁶ For example, only a single rail bridge exists between Laredo and Nuevo Laredo even though it is one of the most important ports of entry. A low estimate of \$70 billion are lost a year due to inefficiencies caused by divergent regulations, delays, and border security restrictions.¹⁷ Since 2001, the U.S. has spent \$186 billion in border security and only achieved dubious results. Unfortunately, only a tiny fraction, in comparison, has been invested in improving border infrastructure to facilitate the free flow of trade.¹⁸ Dismayed with the U.S.'s counterproductive security measures, which contribute to economic bottlenecks, the Mexican government has similarly failed to make appropriate infrastructure improvements on its side of the fence.

The U.S.'s Disastrous Immigration Policy

Perhaps the greatest impediment to improving NAFTA is the U.S.'s myopic immigration policy. Instead of focusing its efforts on helping to improve the Mexican economy, the primary factor that determines the rate of Mexican migration to the U.S., American policy has wrongly focused upon costly law enforcement. According to the Migration Policy Institute, a think tank, border enforcement costs the U.S. \$18 billion a year, more than all other federal criminal-law-enforcement agencies combined.¹⁹ Fueled by irrational concerns about illegal immigration and unfounded fears of a grossly overplayed terrorism threat, the U.S. Border Patrol's budget has increased 800% since 1998. It has also tripled in size and now boasts a bloated force of over 21,000 agents. Still it is doubtful that these expenditures have appreciably increased the U.S.'s security. Instead, by unnecessarily sealing its border and



restricting the free flow of needed workers, the U.S. has caused significant harm to both countries' economies, the very bedrock of cooperative security.

The militarization of the border has certainly made it easier to catch illegal migrants. Its fortification also clearly deters others from trying to cross. In 2000, the Border Patrol foiled 1.6 million attempts to cross the border. In 2011, that number was just 286,000, the lowest in 40 years. It is now apparent that the world's biggest migration has now reversed.²⁰

Yet the Bush and Obama administrations' attempts to seal the border have created many negative and unintended effects. The human costs of shutting down the border have been weighty. Criminal gangs and drug cartels, for example, now control illegal crossings. Unlike the "mom and pop" coyotes of yesteryear, they charge more and care less for their clients. Guides often obligate migrants to carry drugs to pay for their exorbitant journeys.²¹ In 2013, human trafficking into the U.S. was worth \$6.6 billion. The drug cartels and criminal gangs now make more money trafficking humans than drugs.²²

Surveys of recent deportees report that over 20% had offspring who were American citizens. "Parents separated from their children are unlikely to be put off by extra helicopters or double fencing."²³ Many deported Mexicans are forced into the unenviable position where they must choose between social isolation or death in the desert as they attempt to evade U.S. law enforcement by using evermore remote and treacherous areas of the border to cross. On average, one person dies attempting to cross the border every day.

"Circular migration" in which Mexicans once freely moved between both countries in accordance with work opportunities and harvest schedules has all but ceased. A decade ago, 75% of illegal aliens returned to Mexico within two years. Now it is only 20%. Mexican parents of 5.5 million youths, 4.5 million who are U.S. citizens, continue to hide in the shadows in the U.S. due to their illegal status. Hence, quixotic attempts to construct an impermeable barrier have now achieved the opposite effect. It now keeps illegal immigrants in the U.S. instead of out.

The paradoxes continue. Long term demographic trends suggest that the U.S. will eventually need to dismantle its fortified border to facilitate the entry of direly needed labor (illegal or not) to maintain its economy. Without immigration, the U.S. birth rate is insufficient to support future growth. Yet it is forecasted that the number of 15-24-year-olds in Mexico will start declining precipitously in the next five years. Moreover, fertility rates in Mexico have already fallen below America's. Immigration to the U.S. now stands at a net zero. In the future, substantial incentives may be needed to entice others to cross.

Ultimately, the long-term solution to the immigration problem is to close the income gap between the U.S. and Mexico and increase mutual cooperation by facilitating the legal transit of a fluid labor force in accordance with market demands. If Mexico's economy collapses or violent crime soars again, the pull of higher wages, jobs and increased security across the border will prove too powerful for many to resist regardless of the physical obstacles imposed before them.²⁴ Better U.S. immigration and economic policies towards Mexico can certainly mitigate these risks far better than higher fences.

Resistance to NAFTA and Further U.S. Integration with Mexico

The critics of NAFTA and further social, economic, and political integration with Mexico are many. Baseless prejudices and misinformation about NAFTA lamentably persist in both the U.S. and Mexico. Pastor once complained that NAFTA had become a "piñata for pandering pundits and politicians" in all three countries.²⁵ U.S. trade unionists often raise fears of 'a race to the bottom' for American workers if further U.S. economic integration with Mexico occurs. Meanwhile, many Mexican socialists rile up the



lower classes' historical fears of 'Yankee imperialism' by painting NAFTA as an insidious Gringo design to rob Mexicans of their sovereignty.

Before evaluating the validity of these criticisms, it is crucial to underscore first the limited nature of NAFTA. By design, it is only a restricted trade treaty whose language emphasizes sovereignty more than seamless cooperation. Hence, many criticisms levied against the treaty are simply unfair. For example, NAFTA was never designed to solve emigration problems, yet this is often cited as one of the treaty's central failures. Ironically, many critiques of the treaty underscore not its intrinsic shortcomings, but rather what it is not, and in the future, *should* be.

A somewhat peculiar coalition of the American far left and right to include conservationists, trade unionists, Tea Party members, National Rifle Association members, and neo-isolationists has coalesced around their common opposition to the treaty and further integration between all three countries. On the far left, criticisms against the treaty center on environmental concerns and the loss of manufacturing jobs in the U.S. For example, a "vituperative opposition" to the Keystone XL Pipeline, which would transport tar-sands oil from Alberta, Canada to Texas has emerged.²⁶ The Obama administration has, thus far, proven very reluctant to weigh in on this issue to the dismay of energy boosters and the Canadian Prime Minister, Stephen Harper. Yet most environmentalists' concerns about the pipeline have proven to be unfounded. In fact, a recent Department of State study determined that the pipeline would significantly reduce environmental impacts as much of the Canadian oil is now being transported to the U.S. by trains and trucks. Conservationists' efforts would be better spent ensuring that NAFTA's environmental regulatory measures are improved upon and strictly enforced in Canada, the U.S., and Mexico.

Numerous American trade unions also mistakenly blame NAFTA and the emergence of the Mexican economy for the reduction of America's manufacturing base. For instance, labor advocacy groups such as Public Citizen cite NAFTA as the principal culprit for the loss of more than one million manufacturing jobs. The treaty and cheap Mexican labor, in particular, are also blamed for income inequality and the diminishment of middle-class wages as American manufacturing workers are forced to compete with imports made by lesser paid workers abroad.²⁷

While "globalization has certainly played a major role in the loss of American manufacturing jobs, and, more broadly, the stagnation of U.S. wages and incomes," other market forces have had a far greater impact.²⁸ Advances in technology, automation, and education have been proven to be far more influential in reducing U.S. manufacturing jobs than international trade. Furthermore, the elimination of many U.S. blue collar jobs has been inevitable and desirable. Many outdated, inefficient, and lower-end industries such as textiles have been eliminated in the U.S. due to healthy market forces. International competition has markedly increased efficiency and the availability and variety of consumer goods. The resultant lower costs in consumer goods have also compensated for the lack of wage increases for lower and middle class Americans.

Changes in the composition of jobs available to the 63% of American workers without a college degree have been painful, but necessary.²⁹ Instead of focusing their efforts on lower-skilled jobs that can be filled by others overseas, portions of the labor force can now be concentrated on higher-skilled occupations in which the NAFTA countries possess distinct advantages. The costs of retraining portions of the U.S. workforce will inevitably be expensive; however, the continued investment in a highly skilled workforce will serve as an invaluable impetus for North American innovation and continued competitiveness.



Some economists have also criticized NAFTA for favoring Canada and Mexico to the detriment of the U.S. For example, the average annual growth of the U.S. trade deficit has been 45% higher with Mexico and Canada than with countries that are not party to a NAFTA-style pact. Additionally, the U.S. trade deficit with Canada and Mexico has risen from \$27 billion in 1993 to \$181 billion in 2012.³⁰ However, these statistics do not tell the full story. As stated earlier, all three countries are so interdependent that goods exchanged between all three often contain components of all three. Hence, very little unilateral trading occurs that distinctly favors one NAFTA nation at the expense of another. Besides, the U.S. runs a trade deficit with *many* nations. Proponents of NAFTA sensibly argue that if other nations own U.S. debt, it is far more advantageous that they be our strategic partners and neighbors such as Canada and Mexico instead of China.

Mexican illegal aliens are also frequently blamed for increased social costs and criminality within the U.S. Both assertions are baseless. A recent editorial in *The Economist* points out “America has done rather well out of illegal immigrants: many of them pay social-security under a false identity, so they cannot claim the benefits that they are paying for.”³¹ Illegal workers contribute more to the U.S. tax base than they consume. Moreover, multiple studies have shown that Mexican illegals tend to be more law abiding than American citizens. The fact remains that concentrations of Mexican immigrants make communities safer.

American conservatives often bemoan the Mexican threat to “American” (or Anglo-Protestant) culture. These fears are simply overstated and unjustified as well. Unlike most immigrants, Mexicans and their Spanish, Indian, and Mestizo forefathers have been part of the North American landscape longer than the British colonists and their descendants. In many ways, they are more “American” than their Anglo counterparts. Moreover, patterns of assimilation of Mexican-Americans are no different than their German or Italian antecedents. In fact, their integration into American society generally occurs much faster. For example, amongst second-generation Mexican-Americans, fewer than 10% rely on Spanish as their primary language. For the third generation, that percentage is less than 1%.³² The rate of intermarriage between Anglos and Latinos is very high as well.

Nonetheless, it is irrefutable that the dramatic increase of Mexican-Americans in the U.S. is changing the face of “American” culture. This change, however, is irreversible *and* positive. Mexican-Americans have and will continue to make invaluable contributions to the social, political, and economic vitality of the U.S. Moreover, the continued incorporation of Mexicans into the U.S. economy is an absolute imperative in order to fuel future prosperity. By 2030, when all Baby Boomers will have turned 65, fully 18% of the U.S. population will be at least that age, according to Pew Research Center population projections. Without a youthful workforce, the U.S. will not be able to pay for and take care of over 50 million retirees.³³

A Strategic Roadmap for the Future

In order for the U.S., Canada, and Mexico to develop a more meaningful strategic partnership, policy makers should consider a more ambitious path. Most importantly, the U.S. must start viewing the myriad problems and challenges that threaten Mexico’s stability as its own as well. Increased U.S. support in the drug war, the implementation of more sensible immigration policies, and the reformulation and expansion of the parameters of NAFTA will inevitably benefit all three countries. Cooperation between all three countries must be based upon mutual respect and responsibility. For example, the U.S.’s traditional, paternalistic approach of ‘helping’ a hapless Mexico must change to one of ‘supporting and assisting’ an ever increasingly capable nation. Similarly, Mexico must strive to be a better neighbor and solve its own internal problems independently to the greatest degree possible.



One area that demands greater U.S./Mexico collaboration is the drug war. The U.S. must accept its complicity in the ongoing violence south of the border. Americans' insatiable demand for illicit drugs continues to fuel criminality in Mexico. U.S. weapons also contribute significantly to the ongoing violence between warring cartels, which has resulted in over 70,000 deaths since 2006. The U.S.'s failure to stem the iron river of guns flowing southward is shameful. Over 80% of guns seized in Mexico come from the U.S. Currently, there are 6,700 U.S. gun sellers within a few miles of the border, averaging one shop for every third of a mile along the 1,922-mile border.³⁴ Ultimately, drug policy on both sides of the border needs to shift from its law enforcement focus to a social one. Illicit drug use is more a health problem than a criminal one; therefore, more effort needs to be invested in prevention and rehabilitation in both countries.

The implementation of immigration reform is absolutely necessary as well. U.S. and Mexican immigration laws should become more flexible in order to encourage the free movement of labor in accordance with market demands. Congressional Budget Office (CBO) forecasts that a Senate immigration bill would reduce the federal deficit by \$197 billion over the next decade and \$700 billion the following decade due to increased tax revenue, raised American output, and productivity.³⁵

Moreover, the three countries need more of NAFTA, not less of it. Castañeda recommends that "NAFTA 2.0" be more of a comprehensive, EU-style agreement.³⁶ He, and others, endorse resource transfers between the U.S. and Canada to Mexico similar to investments made in Italy, Ireland, Spain, Portugal, and Poland by the wealthier EU countries during the 1960-1990s. Greater collective investment in Mexican infrastructure and its energy sector is in the U.S. and Canada's best interests as well.

Perhaps most importantly, the U.S. must continue to support and encourage Mexico's ongoing internal political and social reforms. The challenges Mexico continues to confront are considerable and varied to include ongoing drug violence, criminal impunity, ineffective judicial system, corrupt police, and bad schools.³⁷ Mexico must obviously take the lead in addressing these internal problems, but the U.S. and Canada must also play a critical, albeit supportive role. Yet these problems are not insurmountable, particularly with a coordinated, continent-wide effort to address them. Ultimately, increased democratic rule of law would alleviate many of today's security worries in Mexico.

Conclusion

In spite of Americans' generally outdated perceptions of Mexico, "its real story today is one of fundamental political, economic, and social transformation: from authoritarianism to democracy, from a closed to open economy, and from a poor society to a middle class nation." However, Mexico's future prosperity and stability are not guaranteed unless the U.S., Canada, and Mexico work together to address their common problems. Political scientists such as Shannon O'Neil rightfully contend "Mexico is the most overlooked U.S. foreign policy challenge of our time."³⁸ It is also one of the most important. It could potentially become a top-ten world economy bolstered by a strong democracy, global voice, and burgeoning middle-class. Or it could fall into a morass of illegality and bloodshed. The U.S. and Canada can either assist Mexico or obstruct it. As the predominant power of the three, the U.S. must exert its role as a protagonist to promote mutual support. If the U.S. chooses to further its integration with Mexico, its oft-forgotten, but indispensable strategic partner, the *entire* continent will reap enormous benefits. Conversely, if the U.S. continues to pursue insular, counter-productive economic, immigration, and security policies, it may lose out on the many gifts that its southern neighbor can bestow. This strategic myopia could cause irreparable harm to all three countries.



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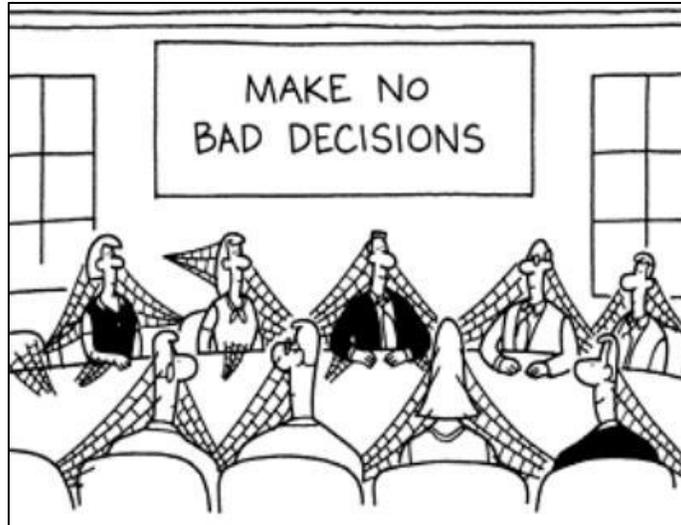


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The Demise of Decision Making How Information Superiority Degrades our Ability to Make Decisions

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IBM estimates that human beings currently create 2.5 quintillion bytes of data every day.¹ For many people, this figure has very little meaning without the requisite context. When stated differently, the amount of data that presently exists in the world is mind numbing. Eric Schmidt, Executive Chairman of Google, simplified the topic when he stated that every two days human beings create as much data as that created from the dawn of civilization through 2003.² He made that assertion nearly three years ago, and it appears that most researchers have stopped counting this enormously exponential growth. With this vast amount of information available, how can any organization sort through the seemingly endless stream of data to provide decision makers with the right amount at the right moment so they may be able to make the best choice? Add to the equation an unknown variable, such as an adversary's intentions, and the problem would appear to be insurmountable.

America's military is very similar to other consumers of information with one important distinction in mind. The failure to make the right decision at the right time with available information could lead to much more severe consequences for military commanders than for leaders in the private

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sector. Certainly, poor decisions can have disastrous affects for corporations just as they would for any organization, but the unfortunate outcome usually is financially related. Conversely, bad or untimely decisions in the military realm could result in a failure to achieve national strategic goals. With the cost of failure so high, it is logical to assume that the United States' military educates and trains its leaders to deal with increased information while at the same time recognizing their own decision making limitations. However, this assumption is dangerously distant from reality in that the military continues to teach, train, and employ linear decision making models and planning processes without addressing the effects of increased information on these methods. This is not to say that these decision making models or planning procedures are obsolete or have no place in today's operating environment. Quite the opposite, these procedures are well established and have proven to be effective in many recent situations. Nonetheless, it is incumbent on the United States military to address a leadership shortfall with potentially harmful consequences.

With that in mind, the intent of this essay is to argue that, in five distinct ways, the quest for information superiority degrades the decision making ability of United States military leaders and will worsen without adjustments to professional military education and training. First, this pursuit of information superiority creates decision paralysis by inhibiting intuitive decision making or *coup d'oeil*. Second, it creates a risk-averse culture because leaders require more data to make a decision in order to avoid backlash if the outcome is negative. Third, information superiority stifles both creative and critical thinking because it produces an overreliance on the analysis of facts and data rather than emphasizing new or reflective ideas. Fourth, it fosters a centralized control and centralized execution atmosphere whereby higher level commanders are making decisions once made at lower echelons. Lastly, and most dangerously, it produces the false belief that the fog of war can be removed and minimizes the importance of focusing on the principle of interaction. For these reasons, the United States military's emphasis on information superiority without corresponding changes to its decision making education creates a disparity that should be addressed.

Background

In general terms, decision making is about selecting between more than one option to produce a specific result.³ The process that people use to arrive at their choice is a subject of much debate. For years, many professionals in this field of study concentrated on what Peer Soelberg found in a 1967 study of job seeking decision making. Soelberg contended that people used a "rational choice strategy" whereby they determined options, identified ways to measure options, weighted their evaluation criteria, scored each option, and then picked the one with the highest score.⁴ This method is strikingly similar to the Military Decision Making Process (MDMP). In fact, Army Doctrine Publication 5-0 defines MDMP as "an iterative planning methodology to understand the situation and mission, develop a course of action, and produce an operation plan or order."⁵ Likewise, Joint Publication 5-0 defines the Joint Operation Planning Process to be "an orderly, analytical process, which consists of a set of logical steps to examine a mission; develop, analyze, and compare alternative COAs; select the best COA; and produce a plan or order."⁶ Thus, considering the similarities, it is apparent that the military has a well-established relationship with rational decision making, one reinforced at military education facilities and training centers worldwide. Some would argue that these processes are sufficient for decision making in all environments and can be tailored to meet the requirements of any situation.

The military appears to be less acquainted with other decision making methods, one of which is the Recognition Primed Decision model created by Gary A. Klein, a well-known research psychologist and a pioneer in the area of naturalistic decision making.⁷ Mr. Klein focused his attention on observing how people make decisions in their natural environment while under difficult conditions. Using experienced decision makers from groups such as firefighters, doctors, and military professionals, naturalistic decision making focuses on problems where the stakes are high, time is limited, and



oftentimes the goals and procedures are ill-defined.⁸ This research allowed Klein to develop the Recognition Primed Decision model which combines two systems at work during a decision: the way people analyze a situation to identify the best course of action and their evaluation of that option by visualizing it.⁹ Klein's model would appear to be nearly antithetical to rational decision making. Instead of considering several courses of action, Klein proposes that experienced decision makers can and do choose a suitable course of action without necessarily going through a linear-type process, especially in a time-limited situation. This essay will use the Recognition Primed Decision model, along with other methods of decision making, as a framework to support the aforementioned reasons for the degraded decision making ability of United States military leaders. It is beyond the scope of this essay to recommend suitable solutions that would address all of the deficiencies. However, it will conclude with a recommendation on how best to view the problem and potential starting points for action.

More is Not Necessarily Better – An Argument for *Coup d'oeil*

The United States military's quest for information superiority creates decision paralysis by inhibiting intuitive decision making or *coup d'oeil*. This desire to know as much information about an adversary as possible is not new. In fact, with respect to information and intelligence, United States military doctrine seems to fall in line with Sun Tzu's proclamation over 2000 years ago: "If you know the enemy and know yourself, you need not fear the result of a hundred battles."¹⁰ This assertion appears to illustrate the way American military leaders structure plans and make decisions. However, much has changed since Sun Tzu first wrote these words. Specifically the amount of information and intelligence readily available to a decision maker is probably unimaginable to those who lived over two centuries ago. Nonetheless, a key question remains. Why would anyone not want to gather as many facts or data points as they possibly could and make the most informed decision possible? The answer is found in numerous examples throughout history where the information existed, but for a multitude of reasons, the right choice evaded decision makers. In some of these cases, decision makers were overcome with information or relied too heavily on intuition. In others, it appears they simply did not understand the limitations and barriers of any decision making process.

Although some recent doctrinal publications and other documents indicate that United States military leaders understand and agree with the notion of *coup d'oeil*, it appears that little has been done to instill this across the force. Indeed, Chairman of the Joint Chiefs of Staff, General Martin Dempsey, spoke of an "inner eye" and referenced Clausewitz's definition of *coup d'oeil*, in his Mission Command White Paper published in April 2012.¹¹ Despite this emphasis from the senior uniformed member in the United States Government, much of the education and training continues to be rooted in developing analytical rather than intuitive skills. Although there is a definite requirement for military leaders to develop sound analytical skills, it is imperative that leaders understand more than one method for decision making and the benefits and flaws of each. Most importantly, education on relatively recent discoveries of how human beings sort through information to arrive at a decision should be included in any professional military curriculum. In these discoveries, scientists determined that the human brain develops "intelligent memory" where analysis and intuition are combined and impossible to separate.¹² This breakthrough had a significant impact because until this moment, many scientists believed that the two systems of the brain operated independently, and humans made decisions using one or the other, but not both. So why is this important for military leaders to learn? A journey to the Battle of Gettysburg during the American Civil War illustrates one potential reason.

Widely considered the culminating point for the Confederate Army during the American Civil War, the Battle of Gettysburg is an excellent case study in battlefield decision making by an extremely experienced leader. In particular, General Robert E. Lee's decision to order Pickett's Charge over open terrain directly at the center of the opposition army has baffled many historians and military professionals.¹³ Some argue that the tactical plan was flawed while others theorize that General Lee



relied too much on his intuition and experience (*coup d'oeil*), failing to apply the correct level of analysis and adaptation. David C. Gombert and Richard Kugler, Distinguished Research Professors at the National Defense University, argue that Lee failed to use adaptive decision making, demonstrated arrogance, and was not self-aware during the Battle of Gettysburg.¹⁴ Regardless of the opinion on the decision making process used by Lee, most historians agree that he had enough information available to make a sound decision. The problem was that Lee did not understand the limitations of his decision making process. His previous and recent experiences in battle with the Union Army influenced his judgment by altering his intuition. Had General Lee understood the two systems at work during a decision and realized some of his own limitations, he might have listened to the advice of his commanders and selected an alternate option. The importance of studying this decision should not be lost on any military leader because it transcends tactics or technology. Lee's reliance on his instinct proved catastrophic for the Confederate Army at Gettysburg. The same could occur today if leaders are not familiar with how people make decisions and the impact of information saturation. General Dempsey recognized the potential of this when he warned of several "things that get in the way of mission command," namely the volume and speed of information that "can easily overwhelm the commander."¹⁵

Risk Aversion

In addition to suppressing intuition, the American military's search for information superiority creates a risk averse culture. This occurs because leaders require more data to make decisions in order to avoid backlash if the outcome is negative. This phenomenon seems to be worsening as leaders at all levels now sometimes have instant access to information that would normally have taken much longer to process and disseminate. The United States military is a networked organization capable of collecting and distributing information across a vast array of digital systems. This alone is extremely beneficial and provides a level of situational awareness unheard of just a few decades ago. However, there are some pitfalls of having relatively easy access to a massive amount of information, one of which is how the military deals with risk and decision making.

Psychologists have long studied the topic of risk in relation to decision making. In fact, Daniel Bernoulli produced findings in 1738 connecting risk aversion to wealth and showing that people, in general, were risk averse.¹⁶ Additionally, many professionals studying this field and correlating risk with chance have used a simple coin toss decision experiment where one side is associated with a monetary loss, the other with a gain. Researchers found that when the difference between the loss and gain is relatively small, losses have a more significant impact than gains, and people are loss averse.¹⁷ Although some have recently called into question the accuracy of determining risk aversion in relation to wealth, the principle remains solid. People oftentimes make decisions based on a cost versus reward mentality. As the gap between cost and reward shrinks, so does a person's willingness to accept risk. The United States military appears to be acutely aware of this based on the amount of references to risk throughout numerous documents on leadership and decision making. Nonetheless, it fails to address how leaders should manage a continuous information stream to make a decision at the right time while avoiding risk aversion.

A simple tally of the word "risk" in two publications governing military planning and decision making will illustrate the emphasis on this topic. Joint Publication 5-0, a 264-page document, mentions "risk" 125 times while Army Doctrine Publication 5-0 uses it 17 times over 30 pages. Army Doctrine Publication 5-0 goes even further, qualifying the word with *prudent* and defining that type of risk as "a deliberate exposure to potential injury or loss when the commander judges the outcome in terms of mission accomplishment as worth the cost."¹⁸ To further muddle the topic, the Chairman of the Joint Chiefs stated "we must collectively promote a culture that values *calculated* risk as the means to generate opportunity," (emphasis added).¹⁹ Are these distinctions simply trivial or do they have greater



meaning? Varying doctrinal terms and definitions for the same topic is a common occurrence in the American military and is not significant or controversial. However, none of these documents address a person's tendency to be risk averse or ways to minimize this inclination. The United States military prides itself on leadership and sound decision making in an uncertain environment but seems to avoid educating and training leaders to overcome challenges associated with risk in this same atmosphere. It can be tempting for a decision maker to wait on more information with the assumption that risk might decrease as more is known about a situation. Additionally, this temptation can certainly increase given the technological capability of the United States military to gather information. Thus, it is incumbent on the United States military not only to educate, but also train its leaders to minimize the possibility of risk aversion.

Stifling creative and critical thinking

Similar to other harmful effects, the American military pursuit of information superiority stifles both creative and critical thinking. It produces an overreliance on the analysis of facts and data rather than emphasizing new or reflective ideas. Although there is some interest in new methodologies intended to foster this type of thinking, much of the military training and education focuses on collecting information, analyzing data, and producing options for a decision maker from which to choose. This type of process can prevent planners and decision makers from developing original ideas or ways to address a situation, especially when combined with other barriers already present in our minds.

Creative or critical thinking is often referenced within the context of problem solving. For many, the distinction between problem solving and decision making is unclear. In fact, some researchers consider decision making to be a subset of problem solving whereas others see the adverse. Regardless, the difference appears to be less important than how human beings approach and solve the various problems they encounter. Klein argues that even when presented with a unique situation, people use two distinct "sources of power" to choose a strategy: "pattern matching (the power of intuition) and mental simulation."²⁰ American military doctrine, education, and training somewhat address these sources of power, but fail to develop a leader's ability to strengthen each source.

The United States military's voyage to creative problem solving appears to follow a road called design. As usual, the various doctrinal publications addressing this topic have different definitions and explanations for design methodology. However, these documents tend to agree that creative and critical thinking are essential components to the process. The Chairman of the Joint Chiefs echoed this point in reference to mission command, stating that our military education system "must place students in situations of uncertainty and complexity where creativity, adaptability, critical thinking, and independent, rapid decision-making are essential elements."²¹ The problem is that American military leaders receive more education and training on iterative planning and decision making processes rather than topics or situations that strengthen their ability to develop innovative solutions to problems. A controversial military war game exercise conducted in 2002 illustrates the perils of neglecting this much needed skill.

Millennium Challenge '02 is memorable for several reasons some of which include the number of forces involved in the exercise, outcome of actions during the exercise, and its similarity to subsequent real-world events. The war game pitted a so-called Red Team led by retired Marine Corps Lieutenant General Paul K. Van Riper against a Blue Team led by the United States Joint Forces Command. What occurred in the opening stages of the war game highlights the need to educate, train, and reinforce creative and critical thinking in the American military. Van Riper's forces were able to significantly damage or destroy superior U.S. warships using speedboat swarming tactics, sinking 16 of the Blue Team's major warships.²² According to Van Riper, "the whole thing was over in five, maybe ten minutes."²³ The Red Team was able to inflict these losses because it developed a somewhat innovative way to attack a superior force that did not anticipate such tactics. Indeed, Van Riper developed the



swarming attack concept by modeling insects or other animals such as ant colonies or wolf packs who usually move in groups to dominate their oftentimes much larger victim.²⁴ In essence, Van Riper used a combination of pattern matching and mental simulation to develop a course of action that addressed the problem he faced. This data was equally available to the Blue Team, and no doubt recalled at the conclusion of the battle. The key is for the United States military to develop this creative ability in all leaders prior to learning it the hard way.

Centralized Control and Centralized Execution

Equally troubling implications of the American military's hunt for information superiority is the creation of a centralized control and centralized execution atmosphere. This environment is contradictory to a key principle of United States military operations, that of autonomy. Because commanders have easy and instant access to a range of information, they are inclined to make decisions that were once made at lower echelons. This phenomenon, also known as micromanagement, can erode the fabric from which the military is structured. In his Mission Command White Paper, General Dempsey warned of this, noting that commanders "can easily penetrate to the lowest level of the command and take over the fight" thereby leading to micromanagement, "a debilitating inhibitor of trust in the lower echelons of the force."²⁵ Although predictive, General Dempsey's counsel seems to be forgotten at times.

It is widely accepted in the military community that higher level command interest will increase proportionally with the stakes of an operation. Sometimes, the only thing prohibiting a commander from managing an operation well below his or her level of authority is the time and capability to do so. What happens when neither of these variables prevents a commander from interceding? Two separate events in Vietnam and one recent American operation demonstrate potential outcomes of what some have called "the misdirected telescope."²⁶

For the American military, the Vietnam War was a turning point for several reasons. Occurring during a time of international stand-off between two superpowers, it was the first war to witness the use of several technological advancements, including those of information collection and communication. It was also the first American war where images from the battlefield were broadcast near simultaneously to households across the United States. Thus, military and political leaders were presented with a unique set of circumstances not encountered by previous generations. Within this context, two examples of "the misdirected telescope" provide an understanding of its consequences. In 1967, during the height of American involvement in the war, Secretary of Defense Robert McNamara was called upon to settle a dispute between the Joint Chiefs of Staff and Office of Systems Analysis on whether two C-141 cargo aircraft would be sent to Vietnam. Additionally, late that same year, President Johnson was asked to decide on sending three more battalions to Vietnam.²⁷ Both of these seemingly inconsequential decisions came at a time when America had nearly a half million troops already in Vietnam. For the President to decide on an additional 1,000 troops and the Secretary of Defense to consider two more airplanes seems ludicrous. However, because of the decision system in place and the new found ability to easily communicate with national level leadership, decisions were made well above the normal level of authority.

Similarly, over 40 years and much technological advancement later, the American military revived "the misdirected telescope" during Operation Odyssey Dawn / Unified Protector in Libya. Although this operation was completely different from Vietnam at every level of war, comparisons in command decision making exist. During this conflict, American military leaders were unable to exercise some level of autonomy because of a rigid approval process and restrictive rules of engagement. Specifically, numerous cases occurred where, due to low fuel, coalition aircrews returned without engaging targets because of a significant delay in engagement approval.²⁸ This extended approval process existed because senior leaders failed to delegate the authority to a lower echelon. Because of their information and communication technology, these senior leaders felt capable of providing a timely



decision to the war fighter. However, this was not the case. Instead, the prolonged process for engagement approval created mistrust within the coalition since rebel fighters doubted that the NATO air campaign was achieving results in reducing regime forces.²⁹ Thus, centralized control and centralized execution not only can affect organic forces, but also allies who rely on American autonomy and responsiveness.

The Fog and Friction Fallacy

Perhaps the most dangerous outcome of the American pursuit for information superiority is that it creates the false belief that the fog and friction of war can be removed. By emphasizing the collection of data to provide a decision maker with the most information possible, United States military leaders inadvertently minimize the importance of focusing on the principle of interaction. The intent to reduce ambiguity and provide leaders with real-time situational awareness is a sound principle. However, some have argued that technology can almost completely remove uncertainty, providing a decision maker with “the Holy Grail of intelligence: accurate and timely indications of exactly when, where, how, and why an opponent will strike.”³⁰ The Battle of Midway during World War II is perhaps one of the best examples where the American military practically achieved this. However, if the Japanese had not been so cooperative in following their revealed intentions, the outcome might have been quite different.

Throughout the past decade, especially as information collection, sharing, and dissemination improved, numerous military professionals and researchers theorized that the fog of war could be lifted or at least minimized to a manageable level. In fact, Admiral Bill Owens, former Vice Chairman of the Joint Chiefs of Staff authored *Lifting the Fog of War* in 2000 where he contended “the technology that is available to the U.S. military today and now in development can revolutionize the way we conduct military operations.”³¹ Granted, the American military conducts war much differently than even a few decades ago. However, the United States military finds itself in the 12th year of a conflict reminiscent of wars fought well prior to the creation of the technology referenced by Admiral Owens. His assertion that military commanders now possess enough information about the enemy and the battlefield “to deliver the coup de grace in a single blow” appears out of place when viewed through the lens of the preceding decade.³² Perhaps Napoleon’s Maxim that “a general never knows anything with certainty” remains valid nearly 200 years later.³³

Another contemporary example that supports the lasting principles of fog and friction can be found in the other American theater of war during the first few years of this century. Regardless of opinions on the decision to go to war with Iraq in 2003, examples of fog and friction during military operations were plentiful throughout all phases of this conflict. Indeed, one only needs to recall the various media reports from embedded journalists and senior military officials during the initial combat phases of Operation Iraqi Freedom to illustrate this point. Even the General in charge of the operation, Tommy Franks, with massive amounts of real-time data projected into his operations center, became a victim of fog or friction at times. While viewing Blue Force Tracker icons during one mission, General Franks was deceived by too much information. Because the tracking map showed elements of the Army’s V Corps with no enemy in front of them and seemingly idle, Franks determined that they were stalled for some reason and not fighting.³⁴ Angry of this unplanned halt and potential loss of momentum, Franks sought answers from his land component commander. After their discussion, Franks learned that the forces were not conducting an unplanned pause, but actually engaged in one of the most significant battles of the invasion against Saddam Fedayeen teams.³⁵ General Franks did not see Iraqi icons because they did not exist on a scale comparable to the much larger American forces.³⁶ This one example could have been repeated countless times during the invasion and subsequent operations. It proves that, regardless of available technology, fog and friction will remain a component of warfare. Additionally, it confirms that forces directly engaged in combat are usually more equipped to make timely, accurate decisions than someone in an operations center far removed from the action.



Conclusion

Anyone with access to the internet can attest to the massive amount of information available with the stroke of a few keys. This technology presents a host of benefits, some of which were discovered numerous times in the course of writing this essay. What formerly required a trip to the library, rifling through a card catalog, and the tedious task of actually reading the material is done much more efficiently today. In fact, one needs not leave the comfort of their home to have access to the data that would probably fill every library around the globe several times over. It is within this extremely responsive environment that the United States military must collect and analyze data to make decisions. How decision makers arrive at a choice is well documented, and new discoveries occur as scientists better understand the human brain. Nevertheless, the United States military appears to remain focused on the rational choice method of decision making. Although recent documents and changes to doctrine indicate a potential shift, changes in education and training are slow to follow. This creates a capability gap in the decision making skills of American military leaders.

Many believe that decision makers can never have too much information because more information equates to a more informed decision. However, this maxim could not be further from reality, and American military leaders are the unfortunate recipients of this misguided concept. The pursuit of information superiority has degraded American military leaders' ability to make intuitive judgments, develop creative solutions, and critically consider a situation. Additionally, this hunt for more information increases a leader's risk aversion and propensity to micromanage subordinate leaders, two trends that can quickly erode trust among the force. Despite the claims of some, information superiority can increase fog and friction for military leaders instead of reducing or removing it. It is because of these reasons that the United States military should address shortfalls in education and training to decrease the chance of self-inflicted decision failures.

Recommendations

Although it would be unreasonable to suggest that leaders simply ignore incoming data to prevent the problems previously mentioned, adjustments to the United States military's approach to decision making should occur. Determining specific solutions for these problems is well outside the scope of this essay and would require a much more in-depth study to be truly valuable. Instead, it would be more beneficial to suggest a framework for approaching the issue, one that may help determine potential starting points for action.

In order to develop leaders who are prepared to make effective decisions with or without information superiority, the United States military should consider and emphasize alternate planning and decision making models. These models currently exist, and some senior military leaders like General Dempsey have indicated their importance. However, aside from cursory coverage, short essays, and changes to phrases in doctrine, there appears to be a lack of tangible implementation. The United States military needs to instruct and train these models from pre-commissioning to retirement. Developing these skills in junior leaders will allow them to improve their decision making ability by being able to reference a host of processes rather than focusing on just one. As researchers continue to increase their knowledge on how the human brain processes information to develop a decision, so too must the American military. The failure to adapt as information continues to multiply could be detrimental to a military built on the foundation of flexibility and sound leadership.

¹ "Big Data at the Speed of Business," IBM, accessed April 5, 2013, <http://www-01.ibm.com/software/data/bigdata/>.



² DanTynan, "Google: Brace Yourselves for the Data Explosion," PC World, last modified August 6, 2010,

http://www.pcworld.com/article/202723/Google_Brace_yourselves_for_the_data_explosion.html.

³ Decision Making Confidence, accessed April 25, 2013, <http://www.decision-making-confidence.com/explain-the-decision-making-process.html>.

⁴ Gary A. Klein, *Sources of Power : How People Make Decisions* (Cambridge, Mass: MIT Press, 1999), eBook Collection (EBSCOhost), EBSCOhost (accessed April 25, 2013), 10.

⁵ Army Doctrine Publication 5-0, *The Operations Process*, Headquarters, Department of the Army, May 2012, http://armypubs.army.mil/doctrine/DR_pubs/dr_a/pdf/adp5_0.pdf, 8.

⁶ Joint Publication 5-0, *Joint Operational Planning*, August 11, 2011, http://www.dtic.mil/doctrine/new_pubs/jp5_0.pdf, IV-1.

⁷ Karol G. Ross, Gary A. Klein, Peter Thunholm, John F. Schmitt, and Holly C. Baxter, "The Recognition-Primed Decision Model," *Military Review* 84, no. 4 (2004): 6-10, <http://search.proquest.com/docview/225314469?accountid=322> (accessed April 25, 2013), 10.

⁸ Klein, *Sources of Power*, 4-6.

⁹ *Ibid.*, 24.

¹⁰ Sun Tzu, *The Art of War*, trans. Lionel Giles (Meneola, NY: Dover Publications Inc, 2002), 51.

¹¹ Martin E. Dempsey, "Mission Command White Paper," Joint Chiefs of Staff Website, Accessed April 25, 2013, http://www.jcs.mil/content/files/2012-04/042312114128_CJCS_Mission_Command_White_Paper_2012_a.pdf, 5.

¹² William Duggan, "Coup d'oeil: Strategic Intuition in Army Planning," accessed March 8, 2013, <http://www.strategicstudiesinstitute.army.mil/pubs/display.cfm?pubid=631>, 1.

¹³ David C. Gompert and Richard L. Kugler, "Lee's Mistake: Learning from the Decision to Order Pickett's Charge," *Defense Horizons*, Number 54 (2006), accessed March 8, 2013, <http://www.ndu.edu/CTNSP/docUploaded//DH54.pdf>, 1.

¹⁴ *Ibid.*, 7.

¹⁵ Dempsey, "Mission Command," 7.

¹⁶ Daniel Kahneman, *Thinking Fast and Slow* (New York: Farrar, Straus, and Giroux, 2011), 434.

¹⁷ *Ibid.*, 284.

¹⁸ ADP 5-0, 13-14.

¹⁹ Dempsey, "Mission Command," 8.

²⁰ Klein, *Sources of Power*, 141-142.

²¹ Dempsey, "Mission Command," 6.

²² Thom Shanker, "Iran Encounter Grimly Echoes '02 War Game," *Pittsburgh Post - Gazette*, Jan 13, 2008, <http://search.proquest.com/docview/390723397?accountid=322> (accessed April 28, 2013).

²³ *Ibid.*

²⁴ *Ibid.*

²⁵ Dempsey, "Mission Command," 7.

²⁶ Martin L. Van Creveld, *Command in War* (Cambridge, MA: Harvard University Press, 1985), 251.

²⁷ *Ibid.*, 246.

²⁸ Jason R. Greenleaf, "The Air War in Libya," *Air and Space Power Journal*, March-April 2013, <http://www.airpower.au.af.mil/digital/pdf/issues/2013/ASPJ-Mar-Apr-2013.pdf>, 41.

²⁹ *Ibid.*

³⁰ Erik J. Dahl, "Why Won't they Listen? Comparing Receptivity Toward Intelligence at Pearl Harbor and Midway." *Intelligence & National Security* 28, no. 1 (2013): 68, <http://search.proquest.com/docview/1312773471?accountid=322> (accessed May 5, 2013), 80.

³¹ Bill Owens, *Lifting the Fog of War*, (Baltimore: Johns Hopkins University Press, 2000), 14.

³² Ibid.

³³ Ibid., 11.

³⁴ P.W. Singer, "Tactical Generals: Leaders, Technology, and the Perils of Battlefield Micromanagement," *Air & Space Power Journal* 23, no. 2 (2009): 78-87,127, <http://search.proquest.com/docview/217805533?accountid=322> (accessed May 5, 2013), 81.

³⁵ Ibid.

³⁶ Ibid.



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THE UNDERAPPRECIATED STRATEGIC GENIUS OF GEORGE B. MCCLELLAN

Colonel Robert M. Klein
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“The stride of a giant” deemed one European observer of the American Civil War’s 1862 Peninsula Campaign.¹ Civil War historians and buffs alike perhaps most remember the Peninsula Campaign for the ascendancy of Robert E. Lee as commander of the Army of Northern Virginia, Stonewall Jackson’s brilliant Valley Campaign diversion, or the timidity of the Union commander of the Army of the Potomac, Major General George B. McClellan. McClellan, who many historians accuse of having an impractical strategy, was actually an astute strategist who employed operational maneuver in a bid to compel his adversary to react from a position

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of disadvantage or quit. McClellan's purpose at operational maneuver was to bring the Confederates to battle on terms favorable to the Union and then through decisive victory bring about conciliation. As the only large-scale operation to take advantage of the strategic mobility conferred by the Union command of the sea, the 1862 Peninsula Campaign stands as one of the Civil War's most truly imaginative campaigns. Although McClellan remains a controversial figure and his battlefield record shaky, his strategic abilities deserve reconsideration. If not an able tactician, McClellan was a superior strategist who appreciated the importance of geography, how to overcome it and use it to advantage. He also was one of the few Civil War generals who recognized early on the changing character of late nineteenth century warfare in favor of the tactical defense. Finally, McClellan understood how escalating levels of violence could harden an adversary's resistance, prolong conflict, make war termination difficult, and create an unsettled peace. Therefore, he sought to avoid inflaming passions on both sides by bringing the war to a quick end through a campaign of decision. The principal failure of the Peninsula Campaign stemmed from poor civil-military relations for which both Lincoln and McClellan were responsible and from the lack of operational execution of a relatively sound strategic scheme.

Genesis of the Peninsula Campaign

As a cadet, and later a faculty member at West Point, McClellan had been exposed to the campaigns of Napoleon under the tutelage of Dennis Hart Mahan. Mahan interpreted the campaigns of Napoleon through the theories of the Swiss military thinker Baron Henri Jomini. Jomini reduced the methods of Napoleonic warfare to rational principles, systems, and geometrical diagrams while avoiding the complex, fungible, and unpredictable nature of warfare recognized by his then unknown contemporary, Karl von Clausewitz. Jomini emphasized maneuver, concentration, and interior lines as the keys to Napoleon's success. Although Jomini's theoretical constructs formed the basis his strategic formulations, McClellan was also not immune to the doctrinal and technological developments taking place in warfare during the mid-nineteenth century.²

Two key influences on McClellan's later Civil War thinking were his experiences as a lieutenant under General Scott in Mexico and as an observer of the last stage of the Crimean War.³ Like McClellan's Peninsula Campaign, General Winfield Scott's campaign on Mexico City featured an amphibious assault followed by careful preparation and a march on the enemy capital. Scott's use of a waterborne invasion route proved much more secure and logistically manageable compared to the relatively harsh desert route facing General Taylor in Northern Mexico. At the outset of the campaign, Scott seized the port of Vera Cruz as a secure base of operations, a fact not lost on McClellan, a student of Jomini. McClellan also noted the problems posed by untrained volunteers, their lack of camp discipline, training, professionalism, and in some cases lack of the will to fight.⁴ Similar to experience in Mexico, the Crimean War (1854-1856) left certain indelible impressions on McClellan. Jefferson Davis, then Secretary of War, sent McClellan as part of a military commission to study European developments. By the time the commission finally arrived in the Crimea, the conflict was nearly over. At this point, the allies had eliminated most of their infamous logistical problems. McClellan undoubtedly noted Sevastopol's extensive entrenchments and the complex allied logistics framework that included supply via sea and rail transport, and hospitals.⁵ The Army of the Potomac's superb organization and preparation—especially in the areas of artillery, engineering, and logistics—caused McClellan to remark shortly after debarkation on the Peninsula, "I do believe that I am avoiding the faults of the Allies at Sebastopol and preparing the way for a great success."⁶

McClellan's "careful preparations" did not reflect timidity on his part but rather a full appreciation that the time spent to train, prepare, organize, and equip would ultimately shorten the war and reduce casualties. In February 1862, McClellan wrote to Secretary of War Edwin M. Stanton, "If at

the expense of thirty days delay we can gain a decisive victory which will probably end the war, it is far cheaper than to gain a battle tomorrow that produces no final results, & may require years of warfare & expenditure to follow up.”⁷

McClellan’s early experiences were reinforced by the engineering curriculum of West Point and the teachings of Mahan. Henry Halleck, Lincoln’s future chief of staff, wrote in his distillation of Jomini entitled *Elements of Military Art and Science* (1846), “[W]hen placed behind a breastwork, they [undisciplined forces] even overrate their security. They can then coolly look upon the approaching columns, and unmoved by glittering armor and bristling bayonets, will exert all their skill in the use of their weapons.”⁸ From Mahan, the pre-Civil War professionals educated at West Point learned that homespun volunteers were no match in the open against well-trained regulars. Contemporary notions held that the place for volunteers was behind barricades like their predecessors at Bunker Hill, Saratoga, and New Orleans. Historian Paddy Griffith’s characterization of the professional education of Civil War generals as “the West Point ideal of a French general looked less like Jomini than like Vauban wearing Napoleon’s hat” was certainly an apropos description of McClellan.⁹ Thus, McClellan’s strategy during the Peninsula Campaign was to be a nineteenth century hybrid combining the seemingly contradictory concepts of the operational offensive with the tactical use of siege craft and entrenchments.

McClellan’s fixation on the siege as the decisive form of conflict was not groundless, at least in the later half of the nineteenth and early part of the twentieth centuries. Significantly, many post 1850 conflicts—those following the advent of the rifled-musket—were decided not on the battlefield but by siege. The Crimean War centered on the siege of Sevastopol. Decisive sieges during the France-Prussian War (1870-1871) included Metz, Belfort, and Paris. The crucial action of the Russo-Turkish War (1877-78) was the siege of Plevna, and the siege of Port Arthur decided the Russo-Japanese War (1904-1905) on land. Similarly, some historians have viewed the First World War (1914-1918) as one giant siege.¹⁰ In the American Civil War, a conflict not noted for its decisive battles of annihilation, the sanguinary sieges of Vicksburg and Petersburg stand out as the only truly decisive actions of the war.¹¹ Petersburg would teach even Grant to respect the brutal but inevitable conclusiveness of siege warfare.

McClellan’s pre-war military experiences undoubtedly fashioned what was to ultimately become the Peninsula Campaign, but these certainly were not the only factors shaping McClellan’s strategic thinking. The geostrategic realities of the Virginia Theater also lent credibility to an amphibious approach via the Chesapeake Bay and the tributaries leading toward Richmond. The most notable terrain feature in Virginia was perhaps the Shenandoah Valley, which cut through the state from southwest to northeast. The valley had the effect of a diagonal reducing the area in which armies could maneuver as it ran further north. Thus, at a line drawn from east to west at Manassas, the distance to the Valley was about 60 miles, while at Richmond it was 100 miles and opened significantly wider after that. Notably, the main watercourses (Rappahannock, Mattaponi, and Pamunkey) ran from northwest to southeast to the Chesapeake Bay, cutting across the avenues of advance from the north to south favoring the defender. In addition, any advance from the north toward Richmond would have to rely on a single railroad as the main route of supply. Railroads were considerably more vulnerable lines of supply, lending themselves to enemy interdiction far more so than waterways. McClellan summed up the perils of the “Washington” approach in a letter to Stanton dated 31 January 1862:

...[A Union victory at Manassas] would be confined to the possession of the field of battle, the evacuation of the line of the upper Potomac by the enemy, and the moral effect of the victory – important results it is true, *but not decisive of the war* [italics added], nor securing the destruction of the enemy’s main Army; for he could fall back upon other positions, and fight us again and again...We would find a very and tedious matter to follow him [the enemy] up there

[Richmond] – for he would destroy railroad bridges and otherwise impede our progress through a region where the roads are bad.¹²

On the other hand, McClellan argued that changing lines of operation to the lower Chesapeake Bay offered an attractive alternative yielding decisive results:

A movement in force on that line [lower Chesapeake Bay] obliges the enemy to abandon his entrenched positions at Manassas, in order to hasten to cover Richmond and Norfolk. He *must* do this, for should he permit us to occupy Richmond his destruction can be averted only by entirely defeating us in a battle in which he must be the assailant. This movement if successful gives us the Capital, the communications, the supplies of the Rebels; Norfolk would fall; all the waters of the Chesapeake would be ours; all Virginia would be in our power; and the enemy forced to abandon Tennessee and North Carolina.¹³

McClellan's plan was one of operational offensive and tactical defense, taking advantage of Union asymmetric advantages in strategic mobility, artillery, and engineering to offset the relative weakness of the volunteer infantry. Confederate General Joseph E. Johnston warned of this strategy: "[McClellan will] depend for success on artillery and engineering. We can compete with him in neither. We must therefore...take the offensive."¹⁴ In early June 1862 with the Army of the Potomac knocking at Richmond's gate, Lee advised President Davis on how the Confederates were being backed into a corner by McClellan's methodical approach: "McClellan will make this a battle of posts. He will take position from position, under cover of his heavy guns and we cannot get at him without storming his works."¹⁵ In 1870, this same strategy would reap huge rewards for the Prussians as they used operational maneuver to place their armies in a tactically advantageous position vis-a-vie the French. The results were Prussian victories at Sedan, Belfort, Metz, and ultimately Paris.¹⁶

Historians continue to debate the political importance of capturing Richmond and other geographical objectives. Upon closer examination, nevertheless, one sees that particularly in the West, the Civil War was a contest over key geographical locations with significant transportation networks and hubs: Henry-Donelson, Nashville, Corinth, New Orleans, Vicksburg, Chattanooga, and Atlanta. The geographical reality presented by the distances involved made these transportation centers vital to the success of any Union invasion of the Confederacy.¹⁷ These geographical locations were not centers of gravity per se, but their threatened capture did cause the armies on both sides to fight. In the east, at least to McClellan, Richmond was not an end unto itself, but rather a means to an end. McClellan was correct in his assumption that threatening the Southern capital would force the Confederates to fight. Throughout the Civil War, Confederate generals invariably interposed their forces between Richmond and advancing Union armies. Richmond was a visible representation of the political viability of the rebellion and the Confederate will to fight.¹⁸ But even more than Richmond's political importance, McClellan noted its military and geographical significance at the mouth of the diagonal formed by the Shenandoah. Possession of Richmond would open up a wide front against the Confederates in the east, too wide in fact for the smaller sized Confederate armies to effectively defend. Contrary to some historical interpretations, this strategic rationale for the Peninsula campaign did not disappear when, in February 1862, Johnston retired from Manassas to positions behind the Rappahannock during the famous "Quaker Guns Incident." Later in the war Union Generals would discover just how difficult the "Washington" approach was: Burnside at Fredericksburg, Hooker at Chancellorsville, Meade at Mine Run, and Grant at the Wilderness, Spotsylvania, and Cold Harbor.¹⁹

Rise of Civil-Military Discord

So it was with sound strategic logic on March 11, 1862, that McClellan embarked on the Peninsula Campaign, although not before he learned by a chance reading in a newspaper that Lincoln had relieved him of his duties as general in chief. By this act, Lincoln relegated McClellan to command only that portion of the Army of the Potomac designated for the Peninsula. Instead of commanding all Union forces in Virginia and North Carolina, now outside of McClellan's span of control were some 35,000 troops under Banks and Fremont in the Shenandoah and an additional 38,000 designated for the defense of Washington.²⁰ The Union base of operations on the Peninsula, Fort Monroe and its garrison of 10,000 men under the command of the uncooperative General Wool, were also independent of McClellan's command. Lincoln's decision to relieve McClellan of his duties on the eve of a major campaign was amateurish. Now without a general-in-chief, the two Midwestern lawyers, Lincoln and Stanton, assumed strategic direction of the war.²¹ Lincoln somehow reasoned that McClellan would be better able to focus his attention on the forthcoming campaign. Another blow to the unity of command of the operation was Lincoln's General War Order No. 3 which, instead of appointing a single commander for the operation, vaguely ordered "that the army and navy cooperate," thus ensuring the lack of joint collaboration so necessary to McClellan's strategy.

By any measure, the task set before McClellan was staggering. Lincoln and Stanton's meddling made it all the more so. At 35 years of age, George Britain McClellan found himself commanding the largest American army ever assembled up to that time. In a remarkable feat of transportation and logistics, from 27 February to 5 April 1862, 113 steamers and 276 other vessels transported 121,500 men, 14,592 animals, 1,150 wagons, 44 artillery batteries, as well as supplies and other materials required for such an army, from the outskirts of Washington to Fort Monroe on the James Peninsula.²² The Union defeat at First Bull Run had occurred in July 1861, and in roughly six months time, McClellan had built this army essentially from scratch. That McClellan was able to organize, train, equip, and deploy such a large army in so short a period of time was a tremendous accomplishment by any standard.

McClellan's original concept had been to conduct amphibious pincer movements along the James and York rivers to bypass, cut-off, and destroy any Confederates barring the James Peninsula from Union advance.²³ To execute these amphibious maneuvers, McClellan had assigned McDowell's I Corps, but on the very day he arrived in Yorktown, McClellan found that the president had withdrawn McDowell's forces from his command. At any rate, the lack of joint command stemming from Lincoln's order, coupled with the navy's fear of shore batteries and the threat of the Confederate ironclad *Virginia*, prevented the plan's execution. Despite these difficulties, it was apparent to many observers at the time (Lincoln included) that McClellan should have immediately made a frontal assault on the ill prepared and undermanned Confederate defenses at Yorktown.²⁴ As it was, McClellan wasted an entire month preparing for a siege that never happened. Johnston, however, realizing that McClellan would eventually prevail by land or water, was compelled to withdraw his army.

The wisdom of Lincoln's decision to hold back McDowell's I Corps of 35,000 men (fully one third of McClellan's striking power) from participation in the Peninsula and deploy it in the defense of Washington is hotly debated among historians. Of the 73,000 troops already mentioned above in the Shenandoah and the vicinity of Washington, only 18,000 admittedly second-rate troops were stationed in the defenses of Washington itself. However, McClellan's concept for the protection of Washington was not a static one but that of the mobile defense. Union forces placed on the various avenues of approach could concentrate and counter any movement by Confederate forces in the direction of Washington. The defenses of Washington contained an elaborate system of fortifications bristling with 408 guns, making it by 1862 the most heavily defended city on the face of the earth.²⁵ Moreover, the 73,000 Union troops remaining in Northern Virginia and the approaches to Washington numbered close

to the entire Confederate army in Virginia at that time. For his celebrated Valley Campaign, Jackson employed at most 18,000 men. Having failed to appoint a single commander for operations in the valley, and in the absence of McClellan, Lincoln played armchair strategist from Washington and attempted unsuccessfully to coordinate the efforts of Banks, Fremont, and McDowell. For the duration of the Peninsula campaign, McDowell's Corps would spend the entire time marching between the Valley and the Peninsula without aiding either Union effort. Jackson's Valley Campaign from May 1 to June 9, 1862, during which his small force stymied over 70,000 Union troops, ranks among one of the most effective economy of force measures ever executed.²⁶ In effect, through their own inexperience and McClellan's inability to gain their wholehearted support for his plan, Lincoln and Stanton had drastically diluted McClellan's operational concept of a hammer blow on the Confederacy.

If Lincoln had misgivings about the forthcoming campaign, he should have decided against it rather than giving his general half-hearted support thus diluting McClellan's confidence as well as his forces. If history is to fault McClellan, it should be for not gaining the full confidence of his commander in chief whom he derided as the "original gorilla," a characterization, in fact, borrowed from Stanton. The fact that Lincoln was in the difficult position of holding together a fragile political coalition ranging from Democrats to Radical Republicans never seems to have occurred to McClellan. The political realities of a democracy made it essential that Lincoln secure public support by answering the constituents' call for military results. His concern for Washington is understandable in light of what capture of the nation's capital by the Confederacy would have symbolized both domestically and abroad. Had McClellan explained the importance of properly training and equipping an army, Lincoln, the consummate politician, could have perhaps calmed the public clamor for action. McClellan could have alleviated Lincoln's concerns about the capital by explaining his defensive concept. Because of Lincoln's inexperience and McClellan's ego, this detailed crosswalk between political aims and military strategy tragically never occurred.

Historians have frequently lambasted McClellan for his inaction due to his claims that he was vastly outnumbered. Certainly these claims were outlandish and did much to harm McClellan's own cause and his relationship with his commander in chief. The question remains: did the watering down of McClellan's forces really matter? To put it differently, did McClellan have sufficient troop strength to *decisively* engage and defeat the enemy? Exacerbating the issue of numbers was Stanton's uncanny decision to halt the recruiting of volunteers on the very eve of the Peninsula Campaign with the inevitable prospect of heavy casualties due to battle and disease. Thus, the steady flow of replacements required to wage a decisive campaign was interrupted by Stanton's recklessness and lack of foresight.²⁷ Unfortunately, McClellan also happened to face the largest army *ever* fielded by the Confederacy, numbering at its zenith during the Peninsula campaign some 85,000 soldiers. By comparison, the army Lee marched into Maryland later in 1862 numbered 55,000. At the Confederate "High Tide" at Gettysburg, Lee fielded a total of 63,000. From July 1863 onward, the Army of Northern Virginia only shrank in size. By 1864, when Grant faced Lee in Virginia, the Army of Northern Virginia had suffered from three years of attrition warfare. With the loss of McDowell's Corps, McClellan simply did not have the manpower needed for a decisive campaign in 1862 given the preponderance of forces necessary for the eventual Union victory in 1865.²⁸

By the time Grant took command in 1864, Lincoln had matured as a commander in chief. When Grant proposed practically to denude Washington's defenses of troops to form replacement units for the badly depleted regiments in the Army of the Potomac, Lincoln readily approved his request.²⁹ Not only did Grant have direct supervision over the Army of the Potomac, but also his position as general in chief gave him control over nearly all Union forces, enabling him to direct pressure on all fronts of the Confederacy, including the protection of Washington by dispatching General Phil Sheridan to deal with

the Confederate threat emanating from the Shenandoah Valley. He also had at least some degree of latitude in appointing and firing generals, a luxury not bestowed on the hapless McClellan. Lincoln, tempered by three years of war, imparted upon Grant a freedom of action and unity of command not experienced by McClellan. That Lincoln denied McClellan the same deference in 1862 was due to the unfortunate relationship that existed between the inexperienced commander in chief and his vainglorious general.

On to Richmond!

After Johnston's withdrawal from the defenses at Yorktown, McClellan advanced methodically up the peninsula and got within eight miles of Richmond. Realizing that the Confederates could not compete with Union artillery and engineering if McClellan put Richmond under siege, Johnston decided to counterattack. On May 31, 1862 Johnston launched his Confederate army on Union forces at Seven Pines. Johnston was seriously wounded during the battle, and subsequently President Davis appointed Lee as the commander of the Army of Northern Virginia. Although outnumbered, Lee acted decisively and aggressively attacked McClellan's army in a series of inconclusive and mismanaged battles (collectively called the Seven Days). While Lee attacked savagely, McClellan managed a fighting retreat that proved very costly to his enemy, finally ending his withdrawal at Harrison's Landing on the banks of the James. Losses on both sides were high with Union casualties at roughly 16,000 (including 6,000 missing) while the Confederates lost some 20,000 killed or wounded.³⁰ McClellan had inflicted higher casualties on the Confederates, but Lee had succeeded in his aim of driving the Army of the Potomac from the gates of Richmond. The Union would not come that close to Richmond again until the city's capture in 1865.

From Seven Pines to Harrison's Landing, McClellan had gotten what he wanted, a series of tactically defensive battles in which his opponent suffered disproportionately. Unfortunately, McClellan never capitalized on his success. On several occasions, the Confederates were thrown off balance through a combination of poorly coordinated staff work and failed assaults, presenting McClellan with excellent opportunities to counterattack. Instead of persevering in his drive toward Richmond, however, McClellan beat a hasty retreat in the face of danger. McClellan's main object seems to have been preservation of his army. In his strategic calculations, McClellan perhaps forgot that the ultimate purpose of the army was to fight and take casualties when warranted. Had McClellan demonstrated determined resoluteness by counterattack instead of withdrawal, it is likely that Lincoln would have reinforced this success. At a minimum, McClellan should have held his ground and maintained a strong defensive position somewhere closer to Richmond.

From its position at Harrison's Landing, a mere 25 miles from Richmond, the Army of the Potomac still remained a threat to the Confederate capital and kept Lee's army in a defensive posture. Toward the end of July 1862, Lincoln sent his newly appointed general in chief, General Henry Halleck, to confer with General McClellan at Harrison's Landing. McClellan characteristically requested reinforcements but also proposed that the Army of the Potomac sever Richmond from its vital rail communications to the south by operating against Petersburg along the James River line. As it happened, McClellan's proposal mirrored Grant's war ending operations two years later in 1864. This time, McClellan's exaggeration of the numbers facing him backfired, and Lincoln instead ordered McClellan to withdraw his army from the James and return to Washington. Lincoln and Halleck reasoned that if such numbers really opposed McClellan, further reinforcement would make no difference. Although McClellan's campaign from start to finish lasted only four months, by 1864 the "On to Richmond" mentality of 1862 was gone and a war hardened Lincoln now reconciled to attrition warfare, permitted Grant ten months to besiege Petersburg. McClellan later summed up this sad state

of affairs in his autobiography *McClellan's Own Story*: It was not until two years later that [the Army of the Potomac] found itself under its last commander at substantially the same point on the bank of the James. It was as evident in 1862 as in 1865 that there was the true defense of Washington, and that it was on the of the James that the fate of the Union was to be decided.³¹ Lincoln's unfortunate decision to withdraw the Army of the Potomac based on McClellan's inflated estimates of his opponent put a premature end to the Peninsula Campaign had the effect of surrendering the strategic initiative to Lee.³² The result was Second Manassas and Lee's first invasion of the North. Historian J.F.C. Fuller remarked: "Thus ended probably the most interesting and instructive campaigns of the war."³³

Conclusion

That history's verdict of McClellan remains generally unfavorable is due in part to Lincoln's deserved place in history as the great emancipator. Lincoln's subsequent iconography has placed him above criticism while his opponents are correspondingly vilified. Therefore, McClellan's place in the historical record owes as much to his Democratic candidacy against Lincoln in the election of 1864 as it does to any military failure. Although he was an excellent strategist, McClellan was no Marshall or Eisenhower when it came to civil-military relationships. A politically astute officer would have taken the time to educate his commander in chief fully gaining his confidence. McClellan's inflation of the numbers of troops opposing him and his lack of operational aggressiveness did more to undermine his standing in the eyes of Lincoln than did anything else. Historian T. Harry Williams was correct when he said, "More than anybody, he [McClellan] was responsible for failure of the Peninsula Campaign."³⁴ Although McClellan was clearly not the optimal battlefield commander, the Lincoln administration had also contributed to the failure by needlessly draining forces away from the main effort in order to defend the capital. Grant said of McClellan, "The test which was applied to him would be terrible to any man."³⁵ William Swinton, the first hand chronicler of the Army of the Potomac, provides perhaps the most balanced assessment of McClellan's ability as a commander:

He was assuredly not a great general; for he had the pedantry of war rather than the inspiration of war. His talent was eminently that of the cabinet; and his proper place was in Washington as general-in-chief. Here his ability to plan campaigns and form large strategic combinations, which was remarkable, would have had full scope...But his power as a tactician was much inferior to his talent as a strategist, and he executed less boldly than he conceived...It was a misfortune that he [McClellan] became so prominent a figure at the commencement of the contest; for it was inevitable that the first leaders should be sacrificed to the nation's ignorance of war.³⁶

Perhaps because of McClellan's place in the historical record and the ultimate success of the strategy of Grant and Sherman, the Peninsula campaign of 1862 has not received the attention it deserves. However, the view of some historians that McClellan somehow misjudged the nature of the Civil War as a limited war, and that Grant and Sherman were realists who correctly judged that the war's "Clausewitzian" totality is a mistaken one. McClellan's "conciliatory" strategy recognized precisely the element of escalation of violence so fully expressed by Clausewitz in *On War*. If we accept Clausewitz's statement that war is policy by other means, it follows that decisive battle brings with it the prospect of the greatest returns at the lowest costs in terms of time and resources. Violence is limited because, as much as possible, the tendency toward unlimited violence is held in check by the quick result. However, when decisiveness fails, pent-up aspirations built upon the expected result quickly lead to disappointment, frustration, and the "calculated and spontaneous response to deeper and baser cruelties" in the escalation of conflict designed to break the enemy's will to fight.³⁷ Escalation of

violence due to the interaction of military means and political ends is one of the enduring insights presented in Clausewitz's *On War*.³⁸

The strategy that McClellan outlined in August 1861, in a letter to Lincoln and Stanton, was not in fact limited in scope and called for a sweeping invasion of the South.³⁹ Realizing, nevertheless, that the excessive use of violence would galvanize Southern resistance and make post conflict restoration of the Union difficult, McClellan urged that the war be prosecuted upon the "highest principles of Christian civilization." Lincoln never had a conversation with McClellan about shifting war aims and clearly did not abandon conciliation until the autumn of 1862 when tenacious Southern resistance finally convinced him of the need for a harsh war policy that included an emancipation of slaves as a source of labor supporting the Confederacy's economy, and thus its war effort.⁴⁰ Therefore, an evaluation of both military means and political ends reveals that McClellan's strategy was correct for winning the war in 1862. The strategy relied on meticulous preparation, offensive operations, and pitted Union strength against Confederate weakness.⁴¹

The Peninsula Campaign demonstrates how strategic concerns evolving from the interaction of political aims and military means often impose operational constraints. The Peninsula Campaign's failure had tremendous political and military consequences. It ended the North's attempt at a conciliatory policy offered by the prospects of a relatively quick, decisive victory. Thereafter, the Civil War transformed into a total, industrialized war in which attrition and exhaustion became the preferred strategies and came to define the "American Way of War" well into the twentieth century.⁴²

¹ William Swinton, *The Army of the Potomac*, New York, Smithmark, 1995, p. 100.

² Stephen E. Ambrose, *Halleck: Lincoln's Chief of Staff*, Baton Rouge, Louisiana State University Press, 1962, pp. 5-6; Stephen W. Sears, *George B. McClellan: The Young Napoleon*, New York, Ticknor and Fields, 1988, pp. 9-10.

³ Rowena Reed, *Combined Operations in the Civil War*, Lincoln, University of Nebraska Press, 1993, pp. 34-36.

⁴ Sears, *The Young Napoleon*, pp. 15-16, 25-26.

⁵ *Ibid.*, p. 48; Reed, pp. 34-36.

⁶ Stephen W. Sears, ed., *The Civil War Papers of George B. McClellan*, New York, Da Capo Press, 1992, p. 245.

⁷ *Ibid.*, p. 169; Ethan S. Rafuse, "McClellan, von Clausewitz, and the Politics of War," *Columbiad*, Fall 1997, p. 7.

⁸ Quoted in Paddy Griffith, *Battle Tactics of the Civil War*, New Haven, Yale University Press, 1987, p. 126.

⁹ *Ibid.*, p. 203.

¹⁰ Paul Kacsckemeti, *Strategic Surrender: The Politics of Victory and Defeat*. (Stanford, CA: Stanford University Press, 1958), 7. On the later point, Kacsckemeti proposed that World Wars I and II were essentially gigantic siege operations, "directed against the entire war-making strength of the enemy nation...in which decision was sought and attained by gradual attrition of the enemy's entire manpower and materiel reserves, and by choking off his supplies."

¹¹ The Battle of Nashville, which resulted in a Union victory, was the Civil War's only battle of annihilation. One could argue its decisiveness, however, since Confederate General Hood essentially destroyed the combat effectiveness of his own army several weeks earlier at the Battle of Franklin.

¹² Sears, *The Civil War Papers*, pp. 166-67.

¹³ *Ibid.*, p. 167.

¹⁴ Quoted in J.F.C. Fuller, *A Military History of the Western World: From the Seven Days Battle, 1862 to the Battle of Leyte Gulf, 1944*, New York, Funk and Wagnalls, 1956, p. 24.

¹⁵ Quoted in Reed, p. 175.

¹⁶ Michael Howard, *The Franco-Prussian War*, New York, Routledge, 1961, p. 7.

¹⁷ Thomas J. Rowland, *George B. McClellan and Civil War History: In the Shadow of Grant and Sherman*, Kent, Kent State University Press, 1998, p. 205. Williamson Murray, "What Took the North So Long?," *The Quarterly Journal of Military History*, American Historical Publications, 1994.

¹⁸ Rafuse, p. 3.

¹⁹ By contrast, Grant's campaign from the Wilderness to Cold Harbor achieved nothing save the attrition of Lee's army. Using maneuver from the sea, McClellan brought Union forces to the same location on the bank of the James with relatively little loss of life.

²⁰ Swinton, p. 92. Also, George B. McClellan, *McClellan's Own Story*, New York, Charles and Webster, 1887, pp. 240-241. By Swinton's calculation McClellan left behind roughly 20,000 men in the vicinity of Warrenton and Manassas, another 18,000 in Washington, and an additional 35,000 under Banks in the Shenandoah.

²¹ Clifford Dowdey, *The Seven Days: The Emergence of Robert E. Lee*, New York, The Fairfax Press, 1978, p. 36.

²² George B. McClellan, *McClellan's Own Story*, New York, Charles and Webster, 1887, p. 238.

²³ Sears, *The Civil War Papers*, p. 215.

²⁴ *Ibid.*, p. 234.

²⁵ Dowdey, p. 48.

²⁶ Historians have engaged in endless "nose counting" regarding the numbers of troops left by McClellan to guard Washington and its approaches. However, nearly all agree that Banks and Fremont had some 35,000 troops while McDowell had 35,000. It seems reasonable that at least additional 20,000 troops were stationed in and around the defenses of Washington if not the 38,000 reported by McClellan.

²⁷ *General Order No. 33* reproduced in McClellan, p. 258. McClellan's criticism of this incident and of the "spasmodic" volunteer call-ups and the draft during the war as a whole are completely on target. The Union preference to raise new regiments rather than incorporate replacements into veteran ones had a dramatic impact on combat effectiveness.

²⁸ From the Wilderness to Cold Harbor, force ratios favored Grant over Lee roughly 1.8:1. At the siege of Petersburg, Union manpower advantage was as much as 2.3:1. By comparison, McClellan faced Johnston with a 1.7:1 advantage and by the time Jackson arrived to reinforce Lee, the Union advantage slimmed to 1.2:1.

²⁹ Bruce Catton, *A Stillness at Appomattox*, New York, Doubleday, 1953, pp. 57-58. Catton applauded this action describing it as "the far-reaching hand with which Grant hauled men out of the safe dugouts in Washington and brought them into the army."

³⁰ Fuller, p. 45.

³¹ McClellan, p. 440.

³² T. Harry Williams, *Lincoln and His Generals*, New York, Vintage Books, 1952, p. 146.

³³ Fuller, p. 46.

³⁴ *Ibid.*, p.

³⁵ Quoted in Rowland, p. 166.

³⁶ Swinton, p. 228.

³⁷ Carl von Clausewitz, *On War*, trans. and ed. Michael Howard and Peter Peret, rev ed., Princeton, Princeton University Press, 1984, pp. 77, 87-89.

³⁸ Rafuse, p. 4.

³⁹ Sears, *The Civil War Papers*, 71-74.

⁴⁰ Russell F. Weigley, "The American Military and the Principle of Civilian Control from McClellan to Powell," *The Journal of Military History*, October 1993, p. 34. See also Mark Gimsley, *The Hard Hand of War*, New York, Cambridge University Press, 1995.

⁴¹ These insights are from Rafuse.

⁴² See Russell F. Weigley, *The American Way of War*, Bloomington, Indiana University Press, 1973.

Weigley suggested that annihilation emerged as the quintessential American strategy with Grant during the Civil War. Weigley argued that Grant was the first to realize that Napoleonic decisiveness was no longer possible and therefore practiced strategy of annihilation in a "new dimension" by seeking total destruction of the enemy army through continuous engagement and attacks on the enemy army's supporting infrastructure. Consequently, Weigley concluded that strategy of annihilation became typically the "American Way of War" in subsequent conflicts. Borrowing from military historian Hans Delbruck, West Point's *Definitions and Doctrine of the Military Art* loosely states that a strategy of annihilation "seeks complete destruction of the enemy army." A strategy of attrition's aim is to "erode the enemy combat forces." A strategy of exhaustion is normally directed at the enemy's nonmilitary means and seeks to destroy the enemy's will and capacity to resist. In this sense, Grant's "trading casualties" with Lee in 1864 is more akin to attrition strategy and similar to Falkenhayn's concept at Verdun in the First World War. Sherman's March to the Sea and subsequent march through the Carolinas attacked the enemy's will and capacity to resist and were clearly a strategy of exhaustion. Historian Martin Blumenson and others differ from Weigley's observation that American strategic culture is essentially enemy oriented. Contrary to popular folkloric images of the American military hero, most successful American generals have not been chiseled in the likeness of Lee and Patton both seekers of decisive battle, but rather Grant, Eisenhower, and Westmoreland. Eisenhower's "Broad Front" strategy in World War Two was an area rather than enemy oriented strategy while circumstances relegated both Grant and Westmoreland to strategies of attrition. See Thomas E. Griess, ed., *Definitions and Doctrine of the Military Art*, New Jersey, Avery Publishing Group, 1985 and Martin Blumenson, "A Deaf Ear to Clausewitz: Allied Operational Objectives in World War II," *Parameters*, U.S. Army War College, Summer 1993.



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AIRPOWER IN HYBRID WAR: **ETHICAL IMPLICATIONS FOR** **THE JOINT FORCE COMMANDER**

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While the military buildup of global powers remains the most lethal threat to the United States (US), hybrid war with state and non-state actors is emerging as the more likely possibility in the foreseeable future.¹ Additionally, political risk aversion, coupled with the perceived “sanitary” use of technologically advanced weapons systems and munitions, makes US airpower an ever enticing means to achieve the nation’s political objectives. However, applying airpower to hybrid war raises unique ethical considerations for the Joint Force Commander (JFC). These challenges arise for three distinct reasons. First, hybrid conflicts will require a measured and discriminate application of force. What is more, the blended operational environment calls for a positive commitment to preserving innocent lives, a consideration central to achieving strategic aims. Second, the technological superiority of US airpower provides the JFC with a considerably asymmetric targeting tool. Few potential adversaries will match US airpower in the foreseeable future.

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In a minimally contested air domain, airpower can be employed with very low risk to US airmen. The risks to civilians on the ground, nevertheless, still exist. Lastly, current joint doctrine fails to address these ethical considerations adequately. Customary laws of war generally lag both the changing nature of conflict and the technology of warfare.² Furthermore, current US joint targeting doctrine inadequately addresses the above concerns in relation to strategic and operational objectives. Doctrine on hybrid war is altogether nonexistent. Therefore, in the absence of legal guidance and doctrine, the JFC must ethically bridge airpower's effects with hybrid war's strategic objectives by tailoring rules of engagement (ROEs) to focus the joint targeting process.

To support this thesis, the following essay introduces the nuances of hybrid war, the technologically superior capabilities of US airpower, and the ethical concerns distinct to each. The research analyzes the JFC's ethical responsibilities in applying airpower to hybrid war, as well as thoughts regarding proportionality and the military advantage of tactical air strikes as they link to theater and national strategic objectives. The essay concludes with suggested ways forward and overall recommendations to the JFC for successfully applying airpower to hybrid war.

As this essay contains the terms "law" and "ethics" throughout, a brief review of the definitions and the differences of these terms is helpful. The general definition of law as it pertains to war is "the system of rules that a particular community recognizes as regulating the actions of its members and may enforce by the imposition of penalties."³ To guide planning and operations, the US looks to Operational Law and the Law of Armed Conflict (LOAC), which encompasses the international laws of war, humanitarian law, and various other regulations.⁴ Ethics is the "moral principles that govern a group's behavior."⁵ Though ethics typically informs the law, the law cannot incorporate all moral principles, and there are typically no associated punishments for ethical violations.

THE NATURE OF HYBRID WAR

While the character of future war is uncertain, the current global security environment foreshadows conflict with conventional and unconventional forces utilizing a fusion of weapons, tactics, and behaviors.⁶ Military scholars increasingly refer to this as "hybrid war." Lt Col Frank Hoffman, USMC (Ret) defines hybrid war as "any adversary that simultaneously and adaptively employs a fused mix of conventional weapons, irregular tactics, terrorism, and criminal behavior in the battle space to obtain their political objective."⁷ Such conflicts are becoming commonplace around the globe. Uprisings in Israel, Libya, Egypt, and Syria stand as good examples of both state and non-state combatants applying various means and modes of warfare to achieve their political aims.⁸ US direct and indirect involvement in each of these conflicts is a testament to the likelihood of US involvement in hybrid clashes in the foreseeable future.

In hybrid war, JFCs cannot always depend on current legal guidelines during the targeting process. Adversarial forces are not always lawful combatants in accordance with the customary laws of war. JFCs may find themselves supporting rebel fighters against lawful enemy combatants. On the other hand, they could confront unlawful combatants while supporting allied governments against insurgencies. Forces often embed themselves within the civilian population, exploit dual-use objects, and examine a myriad of means to achieve their objective, including mass killing of civilians. In such instances, US doctrine lacks legal norms by which to guide action. While the Geneva Conventions provide a baseline, in many ways, international human rights law is the only place to turn.⁹



Despite the small body of applicable law, adherence to ethics and human rights will assuredly be a US center of gravity in these future conflicts and a critical vulnerability that adversaries will exploit, thus adding another challenge to the joint targeting process. JFCs cannot solely concern themselves with the direct tactical effects. They must also consider the long-term indirect effects and the targeting link to strategic goals. In a recent update to Joint Publication 3-24, counterinsurgency clearly presents this planning restriction. It states “insurgents will inevitably exploit (collateral damage and civilian casualties) especially through propaganda, using international media coverage when possible.”¹⁰ Examples in Iraq, Afghanistan, Pakistan, and Yemen demonstrate the weight of this statement. Unintended effects go a long way to undermine US strategic objectives, lending strong support for the need to heed ethical considerations at the outset of a conflict.

THE ASYMMETRY OF US AIRPOWER

The technological advancements in airpower over the last two decades are awe-inspiring. The development of stealth fighter and bomber aircraft, precision guided munitions, and satellite guidance—all backed by unrivaled electronic and computer technology—present a remarkable military tool. The US Air Force can deliver highly precise and effective results with little to no collateral damage. What is more, the US can apply airpower with low risk to US personnel.

These extensive technological capabilities, as explained by airpower scholar Mark Conversino, “constitute a fundamental asymmetry in airpower that alters many basic assumptions of earlier airpower theory and poses challenges to many of the assumptions of traditional just war thinking.”¹¹ He expounds on this idea, pointing out the incongruence of increased precision.¹² The sheer destruction delivered at the hands of airpower during World War II sprung questions of the *jus in bello* (ethics and laws of waging war) aspect of just war theory.¹³ In light of the issue, the spirit of US acquisition is one that historically and presently puts discrimination and proportionality at the forefront.

The irony is that technological developments achieve *jus in bello* requirements but now create *jus ad bellum* (ethics and laws regarding a nation’s right to go to war) questions.¹⁴ Colonel Shane Riza (USAF) expounds on this notion in his book *Killing without Heart*. He writes, “The (US) drive for impunity in warfare has granted military officers, the ability to provide to the legitimate authority ‘unusually useable’ options for military force.”¹⁵

The lure of contemporary airpower can thus be a potential curse. Its unusual usability, easily translated to mean no boots on the ground, provides the possibility for what Cohen calls “gratification without commitment.”¹⁶ It also opens the door to a military commitment with shortsighted political aims. Here, the JFC becomes the ethical shock absorber. He is left to face *jus in bello* considerations in a conflict that may or may not adhere to the *jus ad bellum* principle of military force as a last resort.¹⁷ Regardless, the JFC must convert military objectives into a political win.

HIERARCHICAL ETHICS IN APPLYING AIRPOWER TO HYBRID WAR

A principle ethical consideration while waging war is the JFC’s responsibility to his superiors and his subordinates. Michael Walzer, in his book *Arguing About War*, identifies three directions of responsibility to which commanders are responsible.¹⁸ The JFC is accountable “upward” to his higher commanders, the commander-in-chief, civilian leadership, and ultimately to the American people.¹⁹ He must answer for poor performance and preventable losses, and he is accountable up the chain to those who will suffer from his letdowns. The JFC is also accountable down the chain. That is, he is responsible



“downward” to the troops under his command.²⁰ He has a responsibility to his service members not to proceed in winless battles or to needlessly put their lives at risk. Soldiers, sailors, airmen and marines are tools for JFCs to utilize as means to achieve military objectives and not as expendables for victory at all cost. To be sure, these service members expect the JFC to uphold his obligation and, rightfully, place blame when he does not.

Walzer also introduces a third direction of accountability, one he calls “outward” responsibility to non-combatants.²¹ Applying the concept, customary international law and the LOAC guides this outward responsibility to a degree. JP 3-60, *Joint Targeting*, provides general restrictions on targets with an emphasis on the protection of the civilian population and the minimization of civilian casualties. However, the law does not tie the JFC’s hands, nor does it unequivocally protect civilians from becoming casualties. The JP states “attacks are not prohibited against military targets even if they might cause incidental injury or damage to civilian objects. In spite of precautions, such incidental casualties are inevitable during armed conflict.”²²

The law, therefore, guides the JFC in the targeting process, protecting civilians to a practical extent, but does not prohibit attacks even when collateral civilian death is inevitable. Moreover, in prosecuting military targets, even despite incidental casualties, the JFC is rightfully pursuing the strategic objective and fulfilling his “upward” responsibility. Simply stated, he is pursuing victory. In applying precision strikes from the air, he is supporting the objective with the least risk to his own service members, thus meeting his “downward” responsibility as well. Simply stated, he fulfills his ethical covenant with his troops and superiors and does so within the bounds of the law.

Nonetheless, does the nature of hybrid war, factored with US airpower’s enormous capability change the moral equation? In an uncontested air domain, F-22 pilots can rain down 285-pound precision strike Small Diameter Bombs (SDB) on a military target with virtually no risk to themselves.²³ A Remotely Piloted Aircraft (RPA) pilot sitting on the opposite side of the globe can launch a hellfire missile onto a moving target. Both provide the JFC with the capacity to achieve tactical, operational, and strategic effects by placing pilots in relatively low risk or, in the case of RPAs, no physical risk at all. Meanwhile, the local civilian population remains at risk. The technological capabilities of airpower essentially remove the JFCs “downward” ethical responsibility from existence.

Herein lies a perplexing ethical consideration. How does the absent downward responsibility to his troops change the JFC’s outward responsibility to the civilians on the ground? Indeed, left unchecked the circumstances present the possibility to target with impunity. On the other hand, it is unreasonable to suggest this disproportionate capability somehow morally restricts the JFC from using airpower. But, there are conditions that morally press the JFC to seek alternative targeting means; means that may put friendly forces at risk. Walzer supports the validity of this statement. He states, “When it is our action that puts innocent people at risk, even if the action is justified, we are bound to do what we can to reduce those risks, even if this involves risks to our own soldiers.”²⁴ Riza takes the principle a step further, describing the quandary as a “balancing act.”²⁵ He even goes as far as to suggest it seems to be the US way of war to “drop a two-thousand-pound bomb from thirty thousand feet . . . when a well-trained Marine with a rifle would have sufficed.”²⁶

The balancing act seems counterintuitive to the effects-based principle of targeting. JP 3-60, *Joint Targeting*, describes the principle as the art of creating “desired effects with the least risk and least expenditure of time and resources.”²⁷ Dropping a two-thousand-pound bomb from a B-2 likely adheres to this principle in many cases. Certainly when time is of the essence and the B-2 is the only force



available, this is likely the JFC's best option. Conversely, in hybrid war the immediacy of targeting can be the exception rather than the rule. When time is not of the essence and alternate forces are available, desired effects are not always those created with the least risk. Or, put another way, maybe "least risk" refers to civilians on the opposing side as well.

For example, consider a building housing three adversaries designated as a high value target. However, in this scenario ten children also live in the building. One targeting option is to task an F-16 to drop a SDB on the target. This option obviously risks the lives of the ten children as well as the pilot's. Still another option is to send a team of ten Special Forces to raid the building and neutralize the adversaries. In choosing this alternative, the JFC risks more friendly combatant lives but likely reduces the risk to the children. Which choice is the JFC to make?

The answer certainly depends on a myriad of conditions. But the point is that the JFC needs to consider the art of pursuing the "least risk" in context of risk to whom. Least risk is not immediately tasking the most technologically advanced weapon because the JFC's risk aversion applies only to his own service members. Moreover, there are no concrete laws of war unequivocally to guide the decision in this scenario. There are no laws prohibiting the use of technologically advanced weapons. As long as joint planners adhere to the proportionality requirement, dropping the smart bomb is perfectly legal.

DOUBLE INTENT—A CONSIDERATION IN PROPORTIONALITY

The ethical debate of the bombing predates World War II. One principle often debated, the principle of double effect, was first used to decry the morality of city bombing. The tenet of double effect, as presented in the essay "The Morality of Obliteration Bombing," by John C. Ford S.J. in 1944, requires "the evil effect is not willed either in itself or as a means to the other result."²⁸ Walzer qualifies this to mean that an actor must have good intentions and not intend any evil collateral damage or use evil methods to achieve good ends.²⁹ Applying the concept to the previous scenario, if the JFC's intent is to kill the adversaries (the good) and not the children (the evil) he meets this tenet of double effect. Nevertheless, Walzer proposes the ethical responsibility does not end here. He puts forth that the authority must also meet the principal of double intent.³⁰ Double intent requires not only good intent but also the responsibility to actively reduce the evil consequences when possible. Simply put, merely not intending to kill civilians is insufficient. Double intent requires a "positive commitment" to save civilian lives, even if it means risking soldiers' lives.³¹

Nevertheless, how does the JFC positively commit to saving lives during the joint targeting process? This is a complex question because, again, customary law and the LOAC provide loose guidance. Steven Lee, in his essay "Double Effect, Double Intention, and Asymmetric Warfare," presents useful discussion on the matter.³² From his perspective, in war, every military decision has a military optimal alternative most likely to achieve the objective at the least cost militarily. Every decision also has a military suboptimal alternative. He breaks suboptimal alternatives down further to "those that pose a greater civilian risk than is posed by the militarily optimal alternative and those that pose a lesser civilian risk."³³ From this analysis, a number of military suboptimal alternatives likely come to light. Lee next presents three factors by which to weigh these alternatives. These factors are as follows:

- a. The extent of the civilian risk the alternative poses;
- b. The extent of the combatant risk the alternative poses;
- c. The likelihood that the alternative would achieve the military objective.³⁴



The analysis is useful as it gives JFCs perspective for positively committing to reduce civilian risk. Ultimately, if the suboptimal alternative reduces civilian lives and the likelihood it would achieve the objective is reasonably likely, it should be considered even at the expense of increasing friendly combatant risk.

The point overall speaks to the JFC's outward responsibility for due care of civilians. Moreover, it speaks to consideration that technological advances in airpower do not, by design, provide joint planners the appropriate military alternative in all cases. Precision munitions are more discriminate yes, but as Lee points out, "the weapons are discriminate only when they are used in a discriminating way; otherwise they simply kill civilians more accurately than the old munitions did."³⁵

MILITARY ADVANTAGE

JP 3-60, *Joint Targeting*, lists "military advantage" under the general legal considerations for targeting.³⁶ The concept "refers to the advantage anticipated from an attack when considered as a whole... (It) is not restricted to tactical gains, but is linked to the full context of war strategy."³⁷ This leads to a broader level of ethical consideration when applying airpower to hybrid war. From purely strategic lenses, how does the tactical application of airpower achieve strategic results?

As discussed, the nature of hybrid war makes bridging tactics and strategy extremely difficult. The character of hybrid war will likely contain an enemy with an intangible center of gravity. Furthermore, adversary's strategy in such a conflict is difficult to attack. How does a force attack an ideology? How does it attack an enemy strategy aimed to radicalize the populace and ignite a holy war? The lure of airpower suggests that tailored and precise strikes against key opposition leaders and the consistent tracking and killing of unlawful combatants is the way to disincentive the spread of the ideology. The US is currently testing this approach. Throughout places like Afghanistan, Yemen, and the Horn of Africa the US is using RPAs to conduct "signature strikes" on al Qaeda and associated movements (AQAM).

The test is showing evidence that sporadic application of airpower is ineffective. Martin Cook illustrates this point in "Ethical Dimensions of 'Drone' Warfare."³⁸ Cook addresses the efficacy of RPA use in the US approach to defeat AQAM at the tactical, operational, and strategic levels. In specifically addressing signature strikes,³⁹ he asserts RPAs are likely the best ethical and legal means of delivery at the tactical level. Concerning *jus in bello*, they are more discriminate and proportionate than any other delivery methods.⁴⁰ Conversely, looking at the issue from an operational and strategic context, Cook questions the effectiveness of RPA attacks in furthering US objectives.⁴¹ The main goal of RPA strikes, he points out, is to prevent attacks on US soil and US assets, and to eradicate AQAM's threat worldwide.⁴² However, he contends, the US is not achieving strategic results: "To the extent that drone attacks perpetuate the political environment that sustains the will of the adversary to continue to plan attacks or, still worse, recruits new attackers to the cause, drone attacks at some point are strategically unwise, regardless of the more short-term tactical and operational effectiveness. To the extent that the adversary perceives drone warfare as dishonorable or cowardly, it may indeed perpetuate negative images of the US and its allies that prolong the conflict at the strategic level."⁴³ Cook's comments suggest airpower as the US is applying it against AQAM is ineffective and likely protracting the conflict at a strategic level. While struggling to meet theater strategic goals by killing insurgents, the US is no closer to the desired end state. Moreover the "whack a mole" RPA attacks against insurgents, arguably, forces insurgents to adopt asymmetrical tactics as well.⁴⁴ Conversino supports this idea in "Asymmetric Air War." Here, a source for adversary protraction emerges. He states, the US's massive airpower capability



“encourages adversaries to adopt tactics that themselves undermine the laws of war- precisely because they stand no chance against US airpower if they ‘fight fair.’”⁴⁵

The above considerations get to the heart of the focused principal of joint targeting. JP 3-60, *Joint Targeting*, defines the function of focused targeting as one meant “to efficiently achieve the JFC’s objectives through target engagement within the parameters set by (among other things) the ROEs and the law of war.”⁴⁶ While the laws of war are codified, their interpretation and their ethical gray areas are not. Therefore, the JFC must capture ethical concerns as they pertain to military advantage and strategic goals, in the ROEs at the outset of hybrid war.

CONCLUSIONS

Applying airpower to hybrid war creates definite ethical challenges for the JFC. In the prosecution of these conflicts, he will need to balance the hierarchical responsibilities to his commanders and subordinates, as well as make a positive commitment to preserve innocent lives. This obligation requires the JFC to analyze alternative targeting means after comparing risks to both civilians and combatants and assessing the likelihood each will achieve the tactical objective. This course of action must also tie into strategic objectives. The better alternative will not always be the most sterile as it relates to US forces. Some instances may require risking friendly combatant lives to limit risk to noncombatants. Likewise, using airpower as the sole target method adds another ethical factor to the moral equation. Few potential adversaries will match the technological advancements and capabilities of the US in the aerial domain. JFCs must also consider the ethical implications of using targeting methods that place very low risk to friendly combatants in proportion to the risk to civilians on the ground. All things considered, when targeting with airpower, he must holistically understand the military advantage of tactical effects as they relate to hybrid war’s objectives.

Current doctrine and the LOAC do not adequately guide the JFC’s way through the above considerations. The US maintains sound doctrine for fighting conventional war and the lessons of recent wars led to solid counterinsurgency doctrine.⁴⁷ However, the two fall on opposite ends of the war spectrum. Future US conflicts will not fall decisively into either category.⁴⁸ For hybrid war, the JFC’s operational design must account for tenets of both doctrines. Protraction and potential failure await the commander who does not recognize the nature of the adversary and develops a counter strategy that follows a strict conventional or insurgency approach. What is more, the LOAC does not adequately address the ethical challenges involved with hybrid war, nor does joint targeting doctrine adequately address the moral lessons learned from recent US counterinsurgency campaigns.

Lacking doctrine and definitive law on these matters, the JFC must provide planning and operational guidance at the outset of hybrid conflict. The ROEs are his principal means to focus the target planning process.⁴⁹ Most importantly, when charged with commanding a hybrid war, and with hi-tech and highly capable airpower at his disposal, the JFC should tailor ROEs by drawing upon the considerations presented in this essay. Ultimately, doing so will ethically bridge airpower’s tactical effects with US national objectives in these “likely” future conflicts.

RECOMMENDATIONS

To advance preparation for hybrid war, the Joint Chiefs of Staff (JCS) should initiate the hybrid war doctrine development. The scope and purpose of this doctrine should provide JFCs and joint planners with an insight on the nature of hybrid war and the fusion of conventional and unconventional



adversarial weapons, tactics, techniques, and procedures. This doctrine should also include legal guidelines and ethical considerations. Specifically, the doctrine should outline JFCs' moral responsibility to noncombatants highlighting the notion that "least risk" does not necessarily mean least risk to friendly combatants. The doctrine should also charge commanders to make a positive commitment to preserve non-combatant lives because not doing so impedes strategic objectives.

The JCS should also drive change to JP 3-60, *Joint Targeting* doctrine. The focus of the change should center on the asymmetric use of airpower. Particularly, the change should forewarn JFCs of a narrow tactical perspective and the strategic risks of allowing airpower's technological and tactical prowess to drive strategy. While such application likely earns short-term tactical and operational successes, the tradeoff risks implicate a protracted campaign, greater loss of combatant and noncombatant lives, and failure to secure theater and national strategic aims.

With the absence of evolved doctrine, the researcher recommends the JFC adapt current doctrine. In the spirit of ethically bridging tactical effects to strategic objectives, JP 3-24, *Counterinsurgency* offers valuable insight. Specifically outlining strategy and operational art, the doctrine advises,

During the planning process, JFCs should carefully assess the Operational Environment (OE), the nature of the challenge, and the strategic context for US involvement. This will typically involve a more detailed analysis of the situation at the operational and tactical levels than those undertaken at the strategic and policy levels. In considering how ends, ways, and means can be aligned to attain US strategic goals, JFCs should assess whether US strategic assumptions accurately reflect the situation at the operational and tactical level. Where a disconnect is evident, JFCs should engage with strategic and policy leaders to share their assessment of the challenge and request clarification or reconsideration of strategic guidance.⁵⁰

Lastly, JFCs should stay engaged in the targeting process even after ROEs are tailored to meet his intent. This obligation requires dedicated involvement in oversight and targeting assessment. Assessments for the JFC assuredly occur at all levels of war. But he cannot solely focus on the strategic level at the expense of the operational and tactical levels. Particularly when using airpower to conduct "signature strikes" in a hybrid war, JFCs must drive consistent measurements of effectiveness and performance to assess how well tactics are advancing strategic aims.⁵¹ For similar reasons, the JFC must stay involved in the targeting oversight process, to include joint targeting coordination boards (JTCBs) and air apportionment effectiveness.⁵² Specific to JTCBs, the JFC should heed the risks of delegating oversight tasks to staff or subordinate commanders in a hybrid conflict, especially when airpower is the primary targeting means. Likewise, the JFC must succinctly communicate intent and objectives to the joint forces air component commander (JFACC) when apportioning air assets.⁵³ In sum, engagement in the JTCBs and clear and consistent JFACC guidance ensures the right targets are being acted upon with the appropriate assets in the context of a proper outward risk assessment.

¹ Frank Hoffman, "Hybrid Warfare Challenges." *Joint Force Quarterly*, no. 52 (1st Quarter 2009), 35-36.

² Martin L. Cook, "Ethical Dimensions of 'Drone' Warfare" (paper presented as Stockdale Professor of Professional Military Ethics, U.S. Naval War College, Newport, RI, 2013), 1.

³ *Google Dictionary Online*, s.v. "Law" def. 1.

⁴ Kevin M. Brew, "Legal Basis for use of Force and Law of Armed Conflict," *U.S. Naval War College, Joint Maritime Operations Syllabus* (February-June 2014).

⁵ Google Dictionary Online, s.v. "Ethics" def. 1.

⁶ David Sadowski and Jeff Becker, "Beyond the Hybrid Threat: Asserting the Essential Unity of Warfare," *Small Wars Journal* (7 January 2010), 2-3.

⁷ Frank Hoffman, "Hybrid vs. Compound War, The Janus Choice: Defining today's multifaceted conflict." *Armed Forces Journal* (October 2009), <http://www.armedforcesjournal.com/hybrid-vs-compound-war/>.

⁸ Multiple sources classify these conflicts as insurgencies, irregular wars, civil wars, and political uprisings. However, all used conventional and unconventional forces, tactics and weapons.

⁹ The Judge Advocate General's Legal Center & School, *Operational Law Handbook*, International and Operational Law Department (Charlottesville, VA, 2008), 49-67, accessed 15 May 2014, <http://www.loc.gov/mwg-internal/de5fs23hu73ds/progress?id=J2OPKn3VH4>.

¹⁰ Air University, "USAF Doctrine Update on Joint Publication 3-24, Counterinsurgency" (21 January 2014), accessed 15 May 2014, http://www.au.af.mil/afri/aspj/digital/du_jp_3-24.pdf.

¹¹ Mark Conversino, "Asymmetric Air War, Ethical Implications," in *Issues in Military Ethics, To Support and Defend the Constitution*, ed. Martin L. Cook (Albany: SUNY Press, 2013) 207.

¹² *Ibid.*, 210.

¹³ *Ibid.* *Jus in bello* is a Latin term which means "the law in waging war." It is an aspect of the international law of war which addresses the practices forbidden to belligerents during a war. *Jus in bello* defines standards by which a country can conduct war and the actions during the war should be just and fair. It is a group of principles intended as guidelines for the just prosecution of war. *Jus in bello* includes two principles of discrimination and proportionality. Discrimination defines legitimate targets and proportionality defines how much force could be used. See <http://definitions.uslegal.com/j/jus-in-bello/>.

¹⁴ *Jus ad bellum* is a Latin phrase that means right to wage war. This indicates a criterion that is consulted before engaging in war. This phrase concerns whether a war is conducted justly or if whether the entering into war is justifiable. An international agreement limiting the justifiable reasons for a country to declare war against another is concerned with *jus ad bellum*. The principles central to *jus ad bellum* are right authority, right intention, reasonable hope, proportionality, and last resort. See <http://definitions.uslegal.com/j/jus-ad-bellum/>

¹⁵ M. Shane Riza, *Killing without heart: Limits on Robotic Warfare in an Age of Persistent Conflict* (Dulles: Potomac Books, 2013), 77.

¹⁶ Eliot Cohen, "The Mystique of U.S. Air Power," *Foreign Affairs* (January/February 1994), quoted in Mark Conversino, "Asymmetric Air War, Ethical Implications," in *Issues in Military Ethics, To Support and Defend the Constitution*, ed. Martin L. Cook (Albany: State University of New York Press, 2013), 211.

¹⁷ The author uses the term "his" throughout. This is not meant to be gender exclusive; the use merely falls in line with the historical gender of JFCs.

¹⁸ Michael Walzer, *Arguing About War* (New Haven and London: Yale University Press 2004) 23. Walzer's analysis refers mostly to the issue of accountability for officers' wrongdoing. His thesis purports that the military does a good job of policing ethical issues up and down the chain but are not as sensitive to their responsibility for limiting civilian casualties on the other side. Put simply, there's historically a culture that values the lives of friendly troops over those of the other sides' civilians. The most notable example presented is President Truman's approval of dropping the atomic bomb on Hiroshima as justification for saving hundreds of thousands of lives (though the majority of foreseeable casualties would have been combatants).

¹⁹ *Ibid.*

²⁰ *Ibid.*, 24.

²¹ *Ibid.*, 25.



- ²² U.S. Office of the Chairman of the Joint Chiefs of Staff, *Doctrine for Joint Targeting*, Joint Publication 3-60 (Washington D.C.: CJCS, 31 January 2013), A-5.
- ²³ Boeing Website, "Defense, Space and Security: Small Diameter Bombs," accessed 15 May 2014, <http://www.boeing.com/boeing/defense-space/missiles/sdb/index.page>.
- ²⁴ Walzer, *Arguing about War*, 17.
- ²⁵ Riza, *Killing Without Heart*, 57.
- ²⁶ *Ibid.*, 57.
- ²⁷ U.S. Office of the Chairman of the Joint Chiefs of Staff, *Doctrine for Joint Targeting*, viii.
- ²⁸ John C. Ford S.J. "The Morality of Obliteration Bombing" in *War and Morality*, ed. Richard Wasserstrom (Belmont: Wadsworth Publishing, 1970), also accessed 15 May 2014, <http://www.ts.mu.edu/readers/content/pdf/5/5.3/5.3.1.pdf>.
- ²⁹ Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations* (New York: Basic Books, 1977), 153.
- ³⁰ *Ibid.*, 155.
- ³¹ *Ibid.*, 155-56.
- ³² Steven Lee, "Double Effect, Double Intention and Asymmetric Warfare," *Journal of Military Ethics*, vol. 3, issue 3 (2004): 239.
- ³³ *Ibid.*, 239.
- ³⁴ *Ibid.*, 242-43.
- ³⁵ *Ibid.*, 249.
- ³⁶ U.S. Office of the Chairman of the Joint Chiefs of Staff, *Doctrine for Joint Targeting*, A-4.
- ³⁷ *Ibid.*
- ³⁸ Cook, "Ethical Dimensions of 'Drone' Warfare."
- ³⁹ *Ibid.*, 8.
- ⁴⁰ *Ibid.*
- ⁴¹ *Ibid.*, 12.
- ⁴² *Ibid.*
- ⁴³ *Ibid.*, 13.
- ⁴⁴ *Ibid.*, 10. Cook uses the term "whack a mole" to refer to US strategy of killing emerging al Qaeda leaders.
- ⁴⁵ Conversino, "Asymmetric Air War," 208.
- ⁴⁶ U.S. Office of the Chairman of the Joint Chiefs of Staff, *Doctrine for Joint Targeting*, viii.
- ⁴⁷ Hoffman, "Hybrid War and Challenges," 38.
- ⁴⁸ *Ibid.*, 39.
- ⁴⁹ The Judge Advocate General's Legal Center & School, *Operational Law Handbook*, 73.
- ⁵⁰ U.S. Office of the Chairman of the Joint Chiefs of Staff, *Doctrine for Counterinsurgency*, Joint Publication 3-24 (Washington D.C.: CJCS 22 November 2013), III-22.
- ⁵¹ U.S. Office of the Chairman of the Joint Chiefs of Staff, *Doctrine for Joint Operations*, Joint Publication 3-0 (Washington D.C.: CJCS, 11 August 2011), II-9 – II-11.
- ⁵² *Ibid.*, III-23.
- ⁵³ *Ibid.*



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U.S.-Vietnam Military Relations in 2013 and Beyond: The Impact and Solutions for Maintaining a Good U.S.-PRC Relationship

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The 2013 talks between President Obama and Vietnamese President Truong Tan Sang in Washington saw both leaders emphasize their intentions to enhance economic, political, and military cooperation.¹ Since 2002, overlapping strategic and economic interests have led the United States and Vietnam to improve relations across a wide spectrum of issues. Starting in 2010, the U.S. and Vietnam accelerated this process effectively forming a partnership on several fronts. The Obama administration identified Vietnam as one of the new partners to cultivate as part of its “rebalancing” of U.S. priorities toward the Asia-Pacific region, a move commonly referred to as the U.S.’s “pivot” to the Pacific.²

The two countries mobilized a multinational response to China’s perceived attempts to boost its claims to disputed waters and islands in the South China Sea, and they have continued to work closely on issues of maritime security.³ The U.S. and Vietnam should continue to develop military ties regardless of China’s concerns. As a result, this deepening relationship will continue to create tensions with China. China’s concerns will continue to grow with the warming of relations between the U.S. and Vietnam,

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especially with regard to their military ties. As a result, the U.S. needs to develop a new strategy that will not undermine current U.S.-China relations.

Despite concerns and objections of the People's Republic of China (PRC), the U.S. and Vietnamese governments should increase military relations. This relationship must develop through military, diplomatic, and economic engagement. The U.S. cannot achieve its strategic goals of maintaining stability in the South China Sea and good relations with Vietnam in the long term if it does not continue to engage with Vietnam.

The U.S. must achieve an effective balance between the PRC's concerns and Vietnam's interests. It is impossible to assuage the PRC's concerns completely, so the solutions offered in this paper will minimize the PRC's concerns with military ties between the U.S. and Vietnam. The recommendations presented are ways to enhance communication, promote mutual understanding, expand common ground, manage and control risks, and reduce the risk of miscalculation. By doing so, the stability of military-to-military relations among the U.S., Vietnam, and the PRC will be maintained.

Current Military Ties between the U.S. and Vietnam

In 1995, President Bill Clinton announced the formal normalization of diplomatic relations between the United States and the Socialist Republic of Vietnam.⁴ U.S.-Vietnamese relations quickly grew and have become increasingly cooperative and broad-based. The two countries conducted a series of bilateral summits that have helped build closer ties. Most notably, in 1997 President Clinton appointed the first post-war ambassador to Vietnam and in 2000 signed the landmark U.S.-Vietnam Bilateral Trade Agreement (BTA).⁵

Since then, the U.S. and Vietnam began upgrading their military-to-military relationship, driven in large measure by Vietnam's increasing concerns about China and enabled by over a decade of smaller, trust-building programs between the two military bureaucracies. In 2010, the U.S. and Vietnam held the first Defense Policy Dialogue, a high-level channel for direct military-to-military discussions. Previously, the main formal vehicle for the two militaries to hold regular annual dialogues had been through the U.S.-Vietnam Security Dialogue on Political, Security, and Defense Issues.⁶

These talks have allowed the military relationship to accelerate and have resulted in Vietnam participating in U.S. provided capacity-building training. In 2010, a delegation of senior Vietnamese officials participated in a fly-out and tour aboard the aircraft carrier USS George Washington. Other U.S. Navy visits in 2011 included the first U.S. military ship visit to Cam Ranh Bay in over three decades, when the USNS Richard entered the port in 2011; the USNS Diehl followed for routine repair in October. Also in 2011, Vietnam's Ministry of Defense sent, for the first time, Vietnamese officers to U.S. staff colleges.⁷ In 2012, then-Secretary of Defense Leon Panetta made a symbolic trip to the Vietnamese shipyards at Cam Ranh Bay. It was the first visit to the former base by a U.S. Secretary of Defense since the end of the war. Panetta and his counterpart, General Phung Quang Thanh, discussed ways to expand military cooperation in five areas: exchange of high-ranking dialogues, search & rescue operations, peacekeeping operations, military management, and humanitarian assistance & disaster relief.⁸

As a result of the Obama administration's rebalance towards Asia, the U.S. has increased its military cooperation with Southeast Asian countries, such as Vietnam and the Philippines, in order to counter-balance China's growing influence in the region. Vietnam's ports, its membership in ASEAN, as well as its growing market for American goods could make it an important regional partner.⁹ The two countries' efforts towards reconciliation from a painful history and current mutual interests help to foster deepening and warming military ties.



There are many factors that drive U.S. interests in the Vietnam. They include growing trade, the legacy of the Vietnam War, the perception that Vietnam is becoming a “middle power” with commensurate influence in Southeast Asia, and shared concern over the rising strength of China. The U.S. goals with respect to Vietnam include opening markets for U.S. trade, furthering human rights and democracy, countering China’s increasing regional influence, cooperating to ensure freedom of navigation in and around the South China Sea, and maintaining U.S. influence in Southeast Asia.¹⁰

The array of policy instruments the U.S. employs in relation to Vietnam includes trade incentives, foreign assistance, cooperation in international organizations, educational outreach, and security cooperation. Most importantly, the recent increase in high level visits between the U.S. and Vietnam signal that strategic concerns about China have taken on a larger role in formulation of U.S. policy toward Vietnam.¹¹

Vietnam’s interests in a relationship with the U.S. have increased as well. Since the mid-1980s, Vietnam has pursued a four-pronged national strategy: prioritize economic development through market-oriented reforms, pursue good relations with Southeast Asian neighbors that provide Vietnam with economic partners and diplomatic friends, repair and deepen its relationship with China, and buttress relations with the U.S. as a counterweight to Chinese ambition. By virtue of its economic importance and great power status, the U.S. has loomed large not only in Vietnam’s strategic calculations, but also in its domestic developments.¹²

There are strategic reasons behind Vietnam’s efforts to upgrade its relationship with the U.S. Vietnamese policymakers seek to counter Chinese ambitions in Southeast Asia and preserve its territorial interests in the South China Sea by encouraging a sustained U.S. presence in the region. Vietnam also needs a favorable international economic environment for which it sees U.S. support as critical to the country’s economic growth.¹³ Growing Chinese assertiveness in the maritime domain and Vietnamese economic ambition are incentives to increase and deepen military ties with the U.S.

Impact of U.S.-Vietnam Relations on PRC

Vietnam’s burgeoning economic, security, and diplomatic relationship with the U.S. has created a new source of tension with China. Beijing is increasingly concerned about the warming of relations between Hanoi and Washington. Beijing’s concerns appear to be threefold: 1) the U.S. will use Vietnam to “encircle” or “contain” China, 2) improved U.S. ties with Vietnam and ASEAN will undermine China’s Southeast Asia policy objective, and 3) Sino-Vietnamese tensions will provide justification for a sustained U.S. military presence in Southeast Asia.¹⁴

Chinese commentators have been uniformly critical of Washington’s motivations for desiring better ties with Hanoi. Zhang Zhaozhong, a professor at the People’s Liberation Army (PLA)’s National Defense University, commented that the core interests that the U.S. seeks in the South China Sea are to revive its military presence and deter China from a close distance. These comments were echoed by PLA Navy Rear Admiral Yang Yi, who suggested that Washington may be looking to create turbulence on China’s periphery. PRC academic Tao Wenzhao opined that the U.S. was forced to improve ties with Vietnam in order to defend its “declining dominance” in the region.¹⁵

Today, there are indications of change in China. China now seeks ways to improve U.S. military relations. China’s Minister of Defense visited the U.S. in 2012. His visit was described as helping to “further reduce misunderstandings and ease misgivings.”¹⁶ The former PLA General Ma Xiaotian stated that China attaches great value to military exchanges as a way “to enhance communication, to expand common ground, to promote mutual understanding, to avoid miscalculation, thus maintaining the stability of our



military-to-military relationship.”¹⁷ Despite China’s sensitivity to the U.S.’s involvement in the South China Sea and U.S.-Vietnam military ties, China does want to stabilize relations with the U.S. through mutual exchanges.

All three countries believe cooperation is essential. Vietnam’s foreign policy towards the U.S. and China is multi-faceted. In a 2010 speech outlining Vietnamese defense policy, the Defense Minister stated that Vietnam “does not advocate joining any military alliances or taking sides with one country against another.”¹⁸ The U.S. believes mutual cooperation is important with China, especially with respect to Vietnamese relations. This cooperation can help clarify misunderstandings on each side to avoid unnecessary confrontations.¹⁹ Currently, China is looking for ways to improve its relationship with the U.S. military as well.

Recommendation to increase positive relations among U.S.-Vietnam-PRC

The U.S., China, and Vietnam recognize the importance of stabilizing military-to-military ties. As highlighted earlier, there are many similarities in the interests between the U.S., Vietnam, and China. These similarities offer possible solutions and recommendations for strengthening cooperation between all. The following options are focused on building confidence between each other through a multi-national approach, as well as building trust through a one-on-one approach.

Multi-national approach

A multi-national approach is based on the three countries’ foreign policies and national interests. The following are examples for multi-national approach: counter-piracy operations, United Nation Peacekeeping Operations (UNPKO), multilateral exercises, and expanding Humanitarian Assistance & Disaster Relief (HADR).

Counter-piracy Operations

Counter-piracy is one area where the U.S., Vietnam, and PRC can expand military cooperation. In June 2012, the Vietnamese People’s Navy and the Chinese PLA Navy conducted their 13th joint patrol and a first ever counter-piracy exercise on the East Sea of Vietnam.²⁰ Also, the first U.S.-Chinese counter-piracy exercise was held near the Horn of Africa with the USS Winston Churchill and a Chinese frigate in September 2012.²¹

The following personal experience is a good example of how counter-piracy operations are well coordinated. In the Gulf of Aden, international counter-piracy forces met at sea to discuss ways of working together against Somali-based pirate groups. The meeting was held in November 2013 when the commanders from the Chinese Escort Task Group and the Combined Task Force (CTF) 151 met onboard the PLAN *Jinggangshan*. Rear Admiral Zhonghua said, “The Chinese Escort Task Group first deployed in December 2008. Since that time it has maintained a productive exchange with other counter piracy forces, including CTF 151, and we would like to carry that forward.”²² In 2012, the PLAN coordinated well when CTF 151 requested an inspection of a boat suspected of engaging in piracy in the Gulf of Aden. This was the first counter-piracy operation coordinated by the PLA Navy under the authority of the Combined Maritime Forces Command (the U.S. Navy 5th Fleet Commanding Officer is in charge of CMFC).

As discussed above, these three countries currently conduct exercises with each other, though they do so on a bilateral rather than trilateral basis. There are, however, common national interests in counter-piracy operations. Especially for the PLA Navy, cooperation on counter-piracy operations carries



potential benefits. They gain more naval experience, thereby improving power projection capabilities and establishing legitimacy as a Chinese naval presence in distant waters. In the future, these exercises can provide motivation for the U.S. to engage in counter-piracy in the South China Sea as well as Vietnam. In order to assuage Chinese concerns, the U.S. should invite neighboring countries such as Indonesia, Thailand, or the Philippines as well as Vietnam to participate in counter-piracy exercises/operations.²³ These types of exercises/operations will increase cooperation and lessen tensions between each country.

UN Peacekeeping Operations (UNPKO)

The U.S., Vietnam, and China have the same perspective about UNPKO. On the 35th anniversary of Vietnam-UN relations, the Foreign Minister wrote an article on the outstanding developments in Vietnam-UN relations and Vietnam's responsible contributions to UN activities.²⁴ He emphasized that Vietnam is an active member of the UN and constantly strives to make active and responsible contributions to UN operations. Now, Vietnam is preparing to take part in UNPKO that supports Vietnam's policies and capabilities. Last year in July, the Korean Embassy in Vietnam held a seminar for ASEAN which encouraged Vietnam to share Korean UNPKO know-how.²⁵ Recently China sent peacekeeping troops worldwide. According to the ranking by the UN in May 2012, China deploys 1,930 personnel to various parts of the world. This places China 15th among the 117 countries that currently contribute to UN Peacekeeping Operations.²⁶ As shown in the above examples, all three countries have interests in UNPKO.

Increasing the effectiveness of UN peacekeeping is one of the highest priorities for the U.S. because multilateral peacekeeping shares the risks and responsibilities of maintaining international peace and security and is a cost effective way to help achieve U.S. strategic and humanitarian interests. The U.S. continues to advance initiatives to strengthen UN peacekeeping capabilities by seeking to expand the number of participants.²⁷ By doing so, the cost of peacekeeping for the U.S. will decrease. The U.S. provided 28.3% of UNPKO cost in 2013²⁸ but would like to see more member nations share the cost in the future.

Each country should maximize its contribution to the international community under the UN Charter. China realizes that this is a worthwhile and relatively uncontroversial area in which all three countries can focus their efforts. Second, UNPKO interactions with U.S., Vietnamese, and Chinese forces provide a chance to share each country's tactics and doctrine. In particular, this can help break down stereotypical impressions that currently exist between each nation. Lastly, the U.S. can request that China join in joint UNPKO by emphasizing the many advantages of participating.

Multilateral Exercises

The next option is for Vietnam, the U.S., and China to participate in multilateral exercises to ease tensions. Today, the U.S. and Vietnamese militaries continue to increase the number of bilateral exercises, whereas there are limited multilateral exercises among the U.S., Vietnam, and China. In June 2013, the Vietnam and PRC Navies conducted the 14th Joint Patrol and Search and Rescue Exercise to promote mutual friendship,²⁹ but the exercise area and date were not publicized. Between 2002 and 2010, the Chinese PLA participated in 52 bilateral and multilateral exercises (major participants included Russia, Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan). China's rate of participation in international exercises has increased considerably in recent years, with 14 and 12 exercises held in 2009 and 2010.³⁰

Multilateral exercises can solve some problems and enhance military relations among these three countries for four major reasons. First, by inviting the PLA to elevate its level of participation, the U.S.



can undermine claims by Chinese officials such as Major General Luo Yuan of the PLA's Academy of Military Sciences that the U.S. is trying to contain the PRC by excluding it from full participation in exercise.³¹

Second, multilateral exercises can have positive effects, such as developing mutual trust among the three countries. These exercises provide opportunities for the countries to better understand each other's capabilities and intentions, and generate confidence because they reflect areas of mutual interest. They may also soften the competitive mindsets of the participating militaries; funneling their energies from confrontation to cooperation.

Third, multilateral exercises have contributed to China and Vietnam's military modernization, especially by providing the PLA with opportunities to observe foreign tactics and doctrine. Overseas and cross-border exercises have given the PLA a unique opportunity to practice long-distance deployment. The PLA recognizes that one of the prerequisites for becoming a major military power is to establish a sustained forward deployed presence away from China.

Finally, for China, multilateral exercises are a way to weaken American influence in Asia. The Chinese will calculate participation in multilateral exercises as more advantageous than not. For example, two exercises held with the Turkish military in 2010 indicate that Beijing began to exploit international military exercises as a diplomatic tool to weaken U.S. influence.³²

There are two options for conducting multilateral exercises. The first is for each country to host military exercises in turn. For example, Vietnam invites the U.S. and China to participate in combined exercises; then China can host the U.S. and Vietnam. The second option is to include neighboring countries: Thailand, Indonesia, or invite Russia who is China's traditional ally. Last year, the Department of Defense announced that it will invite China to participate in the 2014 Rim of the Pacific exercise.³³ It is a good step between the U.S. and China for improving military relationships.

Expanding Humanitarian Assistance and Disaster Relief

Humanitarian assistance and disaster relief (HADR) is common between the three countries, but the U.S., China and Vietnam can expand their cooperation with HADR and search-and-rescue operations at sea. In 2012, Vietnam hosted a regional meeting on humanitarian assistance and disaster relief.³⁴ At the meeting, Vietnamese Deputy Minister of Defense, Senior Lieutenant General Nguyen Chi Vinh emphasized the importance of organizing this kind of meeting. It not only expands on HADR but also reflects the desire and determination of the nations to develop cooperation and build peace, stability, and development between the nations.

The PLA recently began to exercise HADR capabilities with foreign militaries, with most exercises having occurred since 2008. In 2004, China's failure to contribute in a meaningful way in the aftermath of the Asian tsunami spurred the development of the PLAN's HADR capability, including the construction of the hospital ship *Peace Ark*, an important part of the PRC's plans to use the armed forces to expand Chinese soft power.³⁵ During 2013 typhoon *Haiyan*, China dispatched the hospital ship *Peace Ark*, donated \$100,000 to the Philippine Government and provided \$1.64 million in supplies to *Haiyan's* victims.³⁶

China and Vietnam will benefit from expanded cooperation with the U.S. in HADR by sharing operational lessons learned. China can use these lessons to improve the PRC's international image by providing effective relief during future domestic disasters such as an earthquake. The U.S. can save international



relief funds and lighten financial burdens by encouraging China, the second largest economic country, to contribute more international disaster relief.

One-on-one approach

This section focuses on improving bilateral military ties without weakening the other countries' position. If bilateral cooperation deepens, then relations will improve between all three countries. Examples of this include military education exchange, expanded port visits, more high level visits with meaningful dialogue, and military medical exchange.

Military Education Exchange

Military education exchange is one area that the U.S., Vietnam, and China militaries can expand. No Chinese military officers have attended the Asia-Pacific Center for Security Studies (APCSS), a venue for executive education for midcareer defense professionals operated under PACOM, since the U.S. began admitting military personnel from Taiwan in 2002.³⁷ In 2011, Vietnam's Ministry of Defense, for the first time, sent Vietnamese officers to U.S. staff colleges and other military institutions.³⁸ In 2013 Vietnam sent a naval officer to the U.S. Naval War College.

The U.S. should continue to expand the military education exchange with Vietnam and include enlisted noncommissioned officers. Based on this author's research, there has been no negative impact with China from military education exchange. China is also trying to expand its military education exchange with other foreign countries including Korea. This option also focuses on the relationship between China and Taiwan rather than Vietnam. The U.S. should encourage China to send officers to the U.S. on a regular basis. Conversely, the U.S. should also send officers to Vietnam and China for education. Finally, from the U.S. perspective, a military exchange between the U.S., PRC, and Vietnam can provide another opportunity to understand the U.S. and help shape a positive image of the U.S. for the long term. Studying and experiencing American life will help develop a positive impression.

Expanded Port Visits

Since 2010, the U.S. Navy began visiting Vietnam's ports for military-to-military exchanges. In August 2010, after the first U.S.-Vietnam joint naval engagement, the USS *John S. McCain* berthed at DaNang. Also in 2010, Vietnamese shipyards repaired two U.S. Military Sealift Command ships and in August 2011, the USNS *Richard E. Byrd* became the first U.S. naval vessel to visit Cam Ranh Bay.³⁹ The U.S. Navy visited China, but most of the visits were restricted to Hong Kong. In April 2009, the U.S. Navy missile destroyer USS *Fitzgerald* arrived in Qingdao to attend the 60th anniversary of the PLA Navy founding.⁴⁰ USS *Shiloh* visited at the Chinese South Sea Fleet headquarters in Zhanjiang in May 2013.⁴¹

Port visits provide a chance to experience another culture firsthand through ship-to-ship tours, sporting events, community service projects, and public tours. Additionally, port visits offer the U.S. Navy an opportunity to build a positive and constructive relationship with the Vietnamese and Chinese Navies while encouraging bilateral cooperation, enhancing transparency and mitigating risk.

Port visits should be well planned to develop relationships. First, a port visit is a way to strengthen friendship between sovereign countries. For example, the PLAN invited the Korean Chairman of the Joint Staff and Chief of Naval Operations in June and July of 2013.⁴² Second, the U.S. Navy should plan to visit China to minimize her concerns. Lastly, the U.S. should invite China to visit the U.S. for additional military exchanges. For example, in September 2013, three PLAN ships (DDG, FFG, AOR) pulled into Joint



Base Pearl Harbor-Hickam, for a search-and-rescue drill.⁴³ This was the first visit since 2006 when the PLAN ships visited Pearl Harbor.

Consequently, the U.S. Navy can give “a strong security supporter image” to Vietnam and provide an opportunity to reduce misunderstanding and build confidence with China. The U.S. Navy can use this relationship to project naval power in the South China Sea with another foreign naval forward base in Vietnam continuously.

More High Level Visits with Meaningful Dialogue

In 2013, Vietnam and the U.S. held the sixth annual Vietnam-U.S. Political, Security, and Defense Dialogue (PSDD) to increase military ties. The two delegations discussed furthering defense and security cooperation under the framework of the 2011 memorandum of understanding titled Advancing Bilateral Defense Cooperation. U.S. Department of State press released that the meeting followed the call by U.S. President Obama to the Vietnamese President last July for establishing a new comprehensive partnership between the two nations and reflects increasing cooperation between the U.S. and Vietnam.⁴⁴ The U.S. and China have held defense consultative talks to discuss military issues and keep contact with each other from 1997. However, sometimes the high level visits and dialogues have stopped because of military tensions (i.e. the accidental bombing of a PRC embassy by NATO forces in 1999, the EP-3 aircraft collision crisis in 2001, and aggressive maritime confrontations in 2009).⁴⁵

Through more high level visits with meaningful dialogue, the U.S. and Vietnam are enhancing military relationships. For example, following the fourth PSDD, the two countries signed their first formal military agreement. The commander of the U.S. 7th Fleet visited Hanoi and Vietnamese officers were invited aboard the USS *George Washington* to observe operations. In 2011, the two sides discussed ways to elevate their bilateral relationship to a strategic partnership.⁴⁶

Additionally, high level visits can create a channel for the U.S. to productively engage Vietnam in areas of urgent concern to Hanoi as well as its neighbors. Since the U.S. holds routine exchanges in security and defense with Malaysia, the Philippines, Thailand, Singapore, and Indonesia, high-level engagement with Vietnam effectively completes the circle of the U.S. bilateral cooperation in regional security with the major ASEAN countries.⁴⁷

Finally, the U.S. and China can improve their trust of each other and share some opportunities in the long term. Currently, the U.S. and China conduct periodic military talks but significant differences in policy exist such as in the arenas of maritime security in the South China Sea and cyber security. There have been two examples of some progress between the U.S and China. First, China has agreed to participate for the first time in the Rim of the Pacific exercise this year. Second, in September 2013, the commander of PLAN Admiral Wu visited the U.S., and last February, the U.S. Army Chief of Staff visited the Chinese PLA in one military exchange program.⁴⁸

Military Medical Exchange

The U.S. has conducted several medical exchanges with the PLA including in 2009 when PLA Navy medical observers visited the hospital ship USNS *Comfort*. Additionally, a U.S. military medical delegation accompanied Navy Secretary Ray Mabus on his visit to China in November 2012.⁴⁹ The U.S. military also began exploring the value of traditional Chinese medicine, including acupuncture, and has been incorporating this approach into its overall package of treatment for military personnel.⁵⁰



The U.S. Navy Surgeon General Vice Admiral Adam M. Robinson signed a Statement of Intent (SOI) on Military Medical Cooperation with Senior Colonel Vu Quoc Binh, Director General of the Vietnamese Ministry of National Defense's Military Medical Department. The U.S. Navy took these actions to help build on a long trend of cooperation between the U.S. and Vietnam militaries in 2011.⁵¹ The SOI will be the foundation for all future military medical and interagency medical engagements that will include subject matter expert exchanges, workshops, conferences, and medical research collaboration.

Military medical exchange is a non-military and non-political arena. First, the three countries can easily network and offer assistance to each other. Joint medical research can help solve world health challenges. Second, the collaboration between the U.S., China, and Vietnam militaries could establish patterns of communication and interaction in nonmilitary areas that would benefit the broader military-to-military relationship. Last, as medical exchanges between the U.S., Vietnam, and China are developed, they will evolve into multilateral medical forums.

Conclusion

Since the U.S. and Vietnam normalized relations in the mid-1990s, a growing perception of shared strategic interests has compelled the two countries' militaries to establish and expand ties. Vietnamese concerns about a rising Chinese power in the region have encouraged Vietnamese leadership to upgrade its military ties with the U.S. However, this deepening relationship between the U.S. and Vietnam has created tensions in Vietnam's relations with China. There are, however, some positive signs. Recently, the U.S., China, and Vietnam have come to recognize the importance of stabilizing military-to-military ties.

The author's recommendation for enhancing cooperation and building trust is a multinational approach together with a one-on-one approach. The multinational approach (counter-piracy operations, UNPKO, multilateral exercises, expanding HA & DR) is in line with Vietnam's multinational foreign policy and the U.S. and Chinese national interests. This approach will contribute to international society and increase chances to cooperate with each other. A one-on-one approach is also a way to deepen bilateral relations without undermining the other country. It includes military education exchange, expanded port visits, more high level visits with meaningful dialogue, and military medical exchange. Through the author's recommendations, the U.S., Vietnam, and China can build confidence together and improve relations for the future.

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