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Welcoming Address

Rear Admiral Rodney Rempt

Welcome to the US Naval War College in Newport, Rhode Island as we undertake what should prove to be very fruitful discussions and debate about the defense of our nation and the critical operational and legal issues that confront the United States today. In particular, welcome to our College's conference on International Legal Issues in the Global War on Terrorism. It is exceedingly helpful to have scholars of international renown and practitioners charged with dealing with these particularly thorny issues come together to identify and discuss the bases for the conduct by the US and its coalition partners of military operations against terrorists and those who support them. As it is in many such cases, over the next few days participants in this conference will plow new ground and review history at the same time. Such goals are an important purpose of the US Naval War College and it is important that you strive to do this while you are here.

Our academic environment permits us to exchange thoughts, analyze ideas and be forward leaning. From conferences such as these, policy is developed and written, and significant consequences can emerge. As we exchange ideas amongst ourselves, I encourage you to press the envelope and challenge each other with creative new thinking because frankly our world is currently engaged in a rapid paradigm shift. Current norms must be flexible and adaptive or they must be discarded as new norms press to the front as we peer into the

future in an effort to vigilantly protect our citizens, our property, indeed our very way of life from cowards who call themselves terrorists.

Your presence here for these several days is extremely important. Bringing together international scholars and practitioners to examine and study the basis for how the United States and other nations partner together in this common cause of conducting military operations against terrorists and those state agencies and organizations that support them is of vital importance to the United States and to the international community at large.

As an example, a current discussion of great interest deals with Iraq. In some sense, Iraq presents a simple situation. Iraq has a very unstable ruler who is closing in on his goal of greater access to weapons of mass destruction. While not currently a policy maker, I recognize that if the need arises to deal with Saddam Hussein militarily, we must be clear as to the international basis for the use of force against him. What would be the legal basis for a regime change? How do we proceed on the best possible terms to address the circumstances that we face? The question is not whether it is desirable to oust Saddam Hussein from Iraq. Instead, since we are a nation founded upon the rule of law, the question is how do we pursue what is determined to be in the national interest while remaining squarely within the parameters of customary international law and the treaties and conventions of which we are currently signatories?

You must look at how the law of armed conflict applies to our combat operations in Afghanistan, the Philippines and elsewhere around the world as it seems clear that we will be conducting combat operations for the foreseeable future in many of these areas. So the question is how to proceed in an area and in a situation that is starkly new in our nation's history. In addressing this question you must analyze and debate many other difficult questions.

Specifically, we need answers to the following tough questions: Do members of terrorist organizations ever qualify as prisoners of war under the Geneva Conventions? Do members of the Taliban qualify for such protection? Should the Geneva Conventions be amended, updated, changed? In this single series of questions, I have, in some sense, questioned the continuing validity of the Geneva Conventions. The root question is how do the legal conventions we have in place apply to the circumstances confronting the United States and the international community? The current international legal regime applicable to the law of armed conflict remains heavily influenced by World War I and World War II. If our society is truly entering a new era, should this continue to be the case? Or must international law change to reflect the new reality of non-state actors and other amorphous groups?

Other difficult questions to be considered include: what is the legal status of members of the US Central Intelligence Agency and Federal Bureau of Investigation who engaged directly in combat activities in the armed conflict in Afghanistan? Are these personnel combatants, privileged combatants, unlawful combatants, civilians, or are they entitled to some other status? Did these personnel uphold or violate the law of armed conflict? Similarly, what are the standards for the treatment of captured terrorists? How long may they be detained? What if these terrorists are US citizens? What due process are they entitled to receive?

From these questions must be asked: what are the lessons learned from the Global War on Terrorism? What action should the legal community take regarding future military operations against terrorists and those states supporting terrorist activity? These are not the only difficult questions as there are many others. These are, however, a small sampling of the types of issues I expect you will consider during the next few days. These are questions of great significance, not only to lawyers but more importantly to commanders and policy makers.

Two weeks ago, the Naval War College hosted our Current Strategy Forum. It brought together the best of military and civilian leadership, academia, and the defense industry to address the strategic challenges confronting our nation. The present conference is a like effort to bring together the best minds in international law to further define and seek answers to the critical questions that must be identified and resolved for our military and our nation's future. Your work here is important to how our nation proceeds in its war against terror in the future.

Again, welcome to this conference. I wish you an enjoyable and productive stay here at the Naval War College. Your challenge awaits you.