

# FLETCHER SECURITY REVIEW

Security Challenges &  
Opportunities in the  
Next American Century:  
*A Conversation with*  
**David H. Petraeus**

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Ukraine: Europe's New  
Proxy War?  
Geraint Hughes

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Proxy Wars in Cyberspace  
Michael N. Schmitt & Liis Vihul

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Purveyors of Terror  
Thomas Dempsey

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All submissions should be sent as a Microsoft Word file. Short articles should be 1,500 to 2,000 words and long articles should be 3,000 to 5,500 words.

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# EDITORS' NOTE

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We are delighted to introduce our spring 2014 issue!

Managed and edited by students at the Fletcher School of Law and Diplomacy, at the Fletcher Security Review we build on the Fletcher School's strong traditions of combining scholarship with practice, fostering close interdisciplinary collaboration, and acting as a vehicle for groundbreaking discussion of international security. We believe that by leveraging these strengths – seeking input from established and up-and-coming scholars, practitioners, and analysts from around the world on topics deserving of greater attention – we can promote genuinely unique ways of looking at the future of security.

Each issue of FSR is centered around a broad theme—in this issue, we chose to revisit the rich topic of “Proxy War.” This volume explores the wide variety of ways in which international relations scholars and practitioners define, and understand the role of, proxies. Our contributors consider “traditional” great power conflicts, covered by Geraint Hughes in his discussion of Ukraine and Jonathan Ruhe in his examination of the Iran-US dynamic, as well as examining the murky and misunderstood impact of sub-national actors such as Mexico's cartels (Irina Chindea), Africa's failing state watchmen and/or predators (Thomas Dempsey & Jenifer DeMaio), and transnational jihadist groups (Daveed Garstein-Ross). John Brobst and Chris Wyatt encourage us to learn from the proxy conflicts of the past, and Schmitt & Vihul explore the future in their examination of the laws of war and their relevance to cyber clashes.

Also looking to the future of security are two renowned leaders in the field of security praxis. David H. Petraeus discusses the importance of North American cooperation to minimize the impact of global insecurity, and Frances Townsend highlights, in her eyes, the reasons for America's decline.

The Fletcher Security Review is not the product of one person but the collective achievement of our entire group. Many worked long hours to produce content across the four editorial sections—policy, history, current affairs, book reviews and interviews—as well as the design and business teams. We thank the advisory board members—Richard Shultz, Robert Pfaltzgraff and James Stavridis—for their steadfast support and Dean Gerard Sheehan for his unwavering encouragement.

Thanks for joining us! Visit us on [www.fletchersecurity.org](http://www.fletchersecurity.org) and follow us at [@fletchersecrev](https://twitter.com/fletchersecrev).

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# FLETCHER SECURITY REVIEW

VOLUME I, ISSUE II, SPRING 2014

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**FSR Exclusive with  
David Petraeus  
Fletcher Security  
Review Sits Down  
with Former ISAF  
Commander &  
CIA Director**



**General (Ret) David H. Petraeus** is Chairman of the KKR Global Institute. Prior to joining KKR, Gen. Petraeus served over 37 years in the US military, including command of coalition forces in Iraq, command of US Central Command, and command of coalition forces in Afghanistan. Following his service in the military, Gen. Petraeus served as the Director of the CIA. Gen. Petraeus graduated with distinction from the US Military Academy and subsequently earned MPA and Ph.D. degrees in international relations from Princeton University's Woodrow Wilson School of Public and International Affairs. He also serves as a Visiting Professor of Public Policy at CUNY's Macaulay Honors College, as a Judge Widney Professor at the University of Southern California, and as a member of the advisory boards of a number of veterans' organizations.

**FSR: What, in your opinion, are the top three threats to the United States today, and how can the United States deal with them?**

**Petraeus:** Constructing such lists is always hazardous, as there clearly are more than three significant threats to the United States that could and should be identified. But, as a top three for today, I'd pick: Al Qaeda and affiliated trans-national extremist organizations that still would like to carry out attacks on our homeland; Iran's nuclear program and support for terrorist operations around the world; and the threat posed by various organizations that have the capability to conduct offensive cyber operations. If allowed a few more, I'd add North Korea, the increasingly worrisome tensions between China and its maritime neighbors, the ram-

ifications of the instability and fighting in a number of the Arab Spring states, and, on particularly partisan days in Washington, the inability of our legislative and executive branches to agree on legislation that could resolve issues that pose headwinds to the momentum that is gathering in the US and North America thanks to the energy, IT, manufacturing, and life sciences revolutions.

**FSR: What are the top three understudied opportunities for American security, and how can the United States take advantage of them?**

**Petraeus:** Great question! Let me just focus on the most significant opportunity: as I hinted in my answer above, I believe there is no country in the world better positioned for the coming decades than the United States, and no region better posi-



tioned than North America, writ large – albeit with a host of challenges that need to be addressed. Those notwithstanding, and despite all the talk about American “decline” that became fashionable after the 2008 global financial crisis, we are actually on the threshold of what likely will be the “North American Decades,” thanks to the energy, IT, manufacturing, and life sciences revolutions and a variety of other geopolitical, economic, and demographic factors. That is going to be the big story of the years ahead, not the so-called “rise of the rest” or the “Chinese century,” neither of which appears quite so imminent now – though, to be

sure, even China’s “slower” growth rates will still enable it to account for 1/4<sup>th</sup> to 1/3<sup>rd</sup> of the world’s growth.

I emphasize the importance of North America here because, some 20 years into implementation of the North American Free Trade Agreement (NAFTA), the US, Canadian, and Mexican economies have become highly integrated, with the energy revolution in the US beginning to transform global geopolitics – and with Mexican energy reform likely to achieve dramatic results, as well. Moreover, all of this takes place on a continent where overall demographics are good, in con-

trast to Japan, China, and most European countries, in which populations are becoming older and smaller quite rapidly, with the prospect of an ever more highly integrated North American market of nearly 500 million people, and with a situation in which all three countries share a fundamental belief in democracy, market economics, and individual freedoms.

**FSR:** Today much of the public discourse on American foreign policy centers on constraints – budgetary limitations, reluctance to engage in protracted conflicts like Iraq/Afghanistan, and a sense of paralysis to shape events (in Syria, Ukraine, Iran, etc.) How can the United States move away from a reactive foreign policy to a proactive one?

**Petraeus:** Short of outlawing surprises – which is not particularly realistic – that’s a tough question. Obviously, the key to being ahead of events is to anticipate them and then plan for them. But history has shown at various junctures how difficult that is. In fact, we were reminded of this reality yet again when the situation in Ukraine developed so rapidly. And former Defense Secretary Gates noted in his recent book our “perfect record” of not anticipating contingencies that developed in recent decades. Beyond that, I think it is understandable to see, in the wake of Iraq and Afghanistan, the emergence of considerable national reservations about getting committed to difficult, lengthy en-

***“Despite all the talk about American ‘decline’ that became fashionable after the 2008 global financial crisis, we are actually on the threshold of what likely will be the ‘North American Decades,’”***

deavors. That sentiment notwithstanding, however, it is the job of national leaders to figure out whether, when, where, why, and how to get involved in missions overseas. And regardless of the experiences in Iraq and Afghanistan, we need to remember that inaction, as well as action, has ramifications, including for our security here at home. That, after all, was one of the lessons of 9/11. Whether we like it or not, the security and prosperity of the United States depend on events overseas, and there is simply no substitute on the horizon for American leadership. It is, of course, the responsibility of national leaders in Washington to make that case to the American people. That isn’t an easy task, but except for very rare moments in our history, it never has been easy; indeed, Americans have long been skeptical of ‘foreign entanglements.’ The key, obviously, is to get intervention decisions right. And that, in turn, often hinges not only on having anticipated a broad range



of potential contingencies, but also on having thought through as many of those potential contingencies as possible.

**FSR: In your April 30, 2013 Politico article, “Fund – Don’t Cut – US Soft Power,” you argue in favor of foreign aid as a critical component of US diplomacy. A critic might argue that such efforts carry negligible or unidentifiable return on investment in terms of benefits to American interests, and that the United States has a historically poor record of anticipating long-term negative trends that may in fact be abetted by American aid. How do you answer such criticisms?**

**Petraeus:** I think that, while it is sometimes difficult to measure the impact of foreign aid in terms of benefits to American interests – and while there is no question that aid has sometimes been wasteful and even counterproductive, there are numerous examples of assistance producing very beneficial outcomes. The best example of this was the Marshall Plan; however, there certainly have been other instances when US assistance – security, economic, political, etc. – has made a very positive impact. Consider our efforts to help South Korea as it rebuilt and transformed itself in the decades after the Korean War or, more recently, the hugely impressive results of the President’s Emergency Plan for AIDS Relief (PEPFAR) in saving countless lives. Even in Afghanistan, where many ask hard questions about what we have accomplished, aid has in fact had a huge impact. For example, life expectancy has increased since our intervention by more than 15 years since 2002 from about 44 years to 61 years; under-five mortality has dropped from 257 to 99 deaths per live birth, and maternal mortality fell even more dramatically, from 1600 to 460 deaths per 100,000 births. In 2002, only 900,000 boys were in school in Afghanistan, and almost no girls. Now there are some 9 million students enrolled in school, 40% of them female. None of that is to dismiss or diminish the enormous challenges that Afghanistan still faces or to ignore the reality that the

progress in Afghanistan in these areas is fragile and reversible. Nor does it gloss over examples of waste and inefficiency in some instances; however, these examples do illustrate that our assistance can have a significant impact for the better.

**FSR:** You recently wrote in *Foreign Affairs* advocating for greater unification and cooperation in North America, as a means to capitalize on some of the continent's economic and strategic advantages. Is this a tacit recognition of the argument advanced by some policymakers and pundits that the United States has overstretched itself abroad? You do state that "it is precisely the broader global challenges of the 21<sup>st</sup> century that make an ambitious strategy to strengthen North America so important." Could you expand on the relationship between North American strength and coordination and global power?

**Petraeus:** Well, a state's "national power" is derived from a number of factors, including, of course, its economic strength and vitality. So any initiatives that can help us strengthen our economy obviously improve our overall power in the world and provide us greater levels of resources with which to support the pursuit of our foreign policy objectives.

The point I have sought to make is the one that I explained above – that the US has extraordinary opportunities at pres-

***“Iraq, for example, needs to recall the comprehensive civil-military counterinsurgency strategy adopted during the Surge, which emphasized securing the people in threatened areas by “living with them” – and by holding and rebuilding, after clearing – aggressively promoting reconciliation with Sunni Arab elements”***

ent, thanks to our geopolitical blessings, America's leadership in various technological areas, the energy revolution (and the others I note above), our demographic trends, etc. Beyond that, the economies of the three North American countries are highly integrated some 20 years into implementation of the North American Free Trade Agreement (NAFTA) with both Canada and Mexico – the latter having just begun a number of critical reforms that will enhance productivity across the board and help Mexico dramatically increase its production of oil and gas.

***“The counterinsurgency era is not over. That is the case because, quite frankly, the insurgency era has not ended.”***

Taken together, these factors inform my proposition that the United States can actually be at a stronger position over the coming decades to continue to do – in a thoughtful manner – what we have sought to do over the last several decades – which is to further foster, in cooperation with other countries, a rules-based, liberal international order that has brought about historic gains in the prosperity, security, and freedom for people around the world.

**FSR: In your opinion, what’s the best way the United States can support freedom and stability in Iraq and Syria?**

**Petraeus:** Each of those situations is unique, of course, and each requires an approach that reflects the unique circumstances. Iraq, for example, needs to recall the comprehensive civil-military counterinsurgency strategy adopted during the Surge, which emphasized securing the people in threatened areas by “living with them”—and by holding and rebuilding, after clearing – aggressively promoting reconciliation with Sunni Arab elements (and Shia militia extremists, as well) to give them a stake in the success of the new Iraq, rather than a stake in its failure; precisely and

relentlessly targeting the irreconcilable leaders of extremist elements and insurgent groups; supporting development of local security forces and institutions; improving basic services; supporting development of rule of law elements, etc. Sadly, we have seen some of the most important of the “big ideas” that guided the overhaul of our strategy during the Surge undermined as the Iraqi government has pursued actions that the Sunni Arab community perceived as sectarian and undermined the trust needed to keep the fabric of Iraqi society together. Although the United States no longer has troops, beyond several hundred performing security assistance program tasks, in Iraq, we continue to have vital national interests there. Consequently, we need to stay engaged and use all of the available instruments of our national power to push the Iraqis towards political compromise and reconciliation, on the one hand, while bolstering the capabilities of their security forces to combat a resurgent Al Qaeda, on the other hand.

The deterioration in security in Iraq is at least partly linked to the collapse of Syria, a situation which appears to argue for considerably more assistance to the moderate elements fighting against Bashar al Assad’s regime – and the Hezbollah and Iranian Qods Force personnel supporting the regime – as the Obama Administration appears to be doing, to a greater extent, in recent months. Without that, the momentum –

currently with Bashar and his regime – is unlikely to shift. Without such a shift in the balance of power on the ground, it is highly unlikely that diplomacy will succeed. Beyond that, of course, the moderates are also fighting the extremist elements in the Sunni opposition, some of which would like to establish a sanctuary for Al Qaeda-affiliates in northern Syria. That terrorist safe haven would obviously be much closer to the borders of the European Schengen Zone than the mountains of Pakistan’s Tribal Areas, and will also increasingly pose a direct threat to our homeland security in the United States.

**FSR: Is counterinsurgency an aberration? The US military is experiencing a mission change as combat troops depart from Afghanistan, from irregular to conventional wars. How critical is it to sustain counterinsurgency capabilities?**

**Petraeus:** As I noted in a speech at the Royal United Services Institute in London last June, the counter-insurgency era is not over. That is the case because, quite frankly, the insurgency era has not ended. In fact, there are numerous insurgencies ongoing around the world. And the US has an interest in the outcome of at least some of them. To be sure, a light US footprint in such endeavors is always desirable – when that is enough to get the job done. However, we do need to recognize that there may be some cases when a light footprint will not be enough, and

we then will have to make very difficult decisions, with our experiences in Iraq and Afghanistan to remind us of the potential challenges and costs of counter-insurgency operations. Beyond that, we should seek to retain the hard-earned lessons and experience gained through the past decade of US engagement in the counterinsurgency campaigns in Iraq, Afghanistan, the Philippines, Yemen, and so forth. Moreover, we should always keep in mind that, as *Army Field Manual 3.0* explains, all operations include a mix of offensive, defensive, and stability operations. That was the case in the past decade, and it will continue to be in the decades ahead, albeit with the mix – and the other elements of the context – unique in each situation and each location. 🇺🇸

Fletcher Security  
Review Discusses  
US & Global  
Security with  
**Frances  
Townsend**



*Frances M. Fragos Townsend is the former Homeland Security Advisor to United States President George W. Bush. She currently serves as an Executive Vice President of Worldwide Government, Legal and Business Affairs at MacAndrews & Forbes Holdings, Inc. and as Operating Advisor of Monument Capital Group, LLC. She has over 25 years of experience in legal, law enforcement and security. She speaks to FSR on the most pressing threats and opportunities facing the United States today.*

**FSR: What do you think are the top three threats to the United States today, domestic or external?**

**Townsend:** Three, in no particular order, would be proliferation, cyber, and economic threats. We now understand that there is a worldwide lack of security related to nuclear materials – if the materials themselves fell into the wrong hands – that could still be a danger even without a technical delivery system. So I think the increasing quantity of those materials, the lack of security, the more broadly-dispersed knowledge of the materials, the ability to do dangerous things without a technical delivery system, tell us that we ought to be increasingly concerned about proliferation. Now there are perfectly legitimate civilian programs like the one in the UAE, but with increasing instability, not in the UAE but in the region, and the increasing potential for conflict, it seems to me that we ought to really care about nuclear security. President Obama has had two nu-

clear summits; former President Bush likewise raised this bilaterally with leaders – but there needs to be greater action, as opposed to rhetoric, in response to the proliferation problem. Iran is not the only place that concerns me.

When I was leaving the Bush Administration, I left on the President's desk what was his classified presidential directive on cyber. The new Obama Administration has moved that substantially forward. Here's the issue: we have made good progress in our ability to defend our critical systems inside the government. Much of our national assets are not in government control or government managed. Critical infrastructure like electric grids and air traffic controls are less well defended. The financial sector has really increased their resources and capability.

But what we now know is that nation states will attack critical infrastructure to put pressure on the government.

That's what happened when the financial sector in 2013 suffered a series of Dedicated Denial of Service Attacks. You're going to see more of that from our adversaries or those who disagree with our policies. In the Cold War, we had the mutually assured destruction policy so the Soviet Union and we understood where the lines were. We haven't really done that in the cyber realm. When is a cyber attack an act of war? Everyone agrees that if a cyber attack caused physical damage or death that would be an act of war but everything short of that is not clear. What is the appropriate response? The US government has lots of capabilities- when will it use that or react ostensibly, under what circumstances and how will it coordinate that with the private sector? Not clear. I have spent time with folks in the financial sector and they are frustrated and ask if the US is under attack and the government will affirmatively act, then why can't they let us affirmatively act? Those sorts of policy questions must be wrestled to the ground and dealt with.

The last threat – economic – has two aspects to it. As the US government goes through a time of increasing budget constraints, we have to make smart choices – not all cuts are equal; not all cuts made can be easily turned back on or reconstituted. We found, after the Cold War, under what was euphemistically referred to as the peace dividend, that there were huge cuts in the CIA and in the intelligence community. Post 9/11, to

recruit, field and train those same operatives and rebuild that capability took more than five years. So we have to understand that there are real vulnerabilities we create in these cuts – they are not equal; they cannot all be turned on quickly or easily reconstituted, so I view that as an internal threat. The other economic threat is external – disruption of shipping lanes, just-in-time delivery of goods and our supply chain due to regional instabilities pose an economic threat to the United States. You imagine the closing of the canal, straits of Hormuz, the threats to the shipping lanes along the East African coast, all of which pose indirect economic threats to us. People think about this in terms of oil and liquid natural gas but it's more than that. We have to understand the potential consequences of regional instability and its direct ability to have an economic impact.

**FSR: We have talked about threats; do you see opportunities for the United States – if yes, what might those be?**

**Townsend:** At a strategic level, as it has an impact on everything else, is the opportunity for leadership and clarity. You have to decide: What do I believe in? How do I articulate what my beliefs are? What am I willing to invest in them? What do I stand for? Where you spend money is what you believe in, frankly, in the government. Where am I going to make those investments? What are my strategic principles?



Folks may have disagreed with the Bush Doctrine of pre-emption—pre-empting a threat before it had manifested itself and posed to a physical threat to the United States. You understood what the principle was and the President articulated it clearly and was willing to stand behind it. I think we don't have a sense at the moment of policy or frankly, moral clarity. We believe in freedom, democracy, and opposition movements – we'll talk about it but we're not very good about doing more than that.

I think you can't simply say that you

object to the Assad regime's behavior and incrementally back that up. By incrementally, I mean that the assistance that was provided to the Syrian Free Army was very little, very slow, and very late and that has continued to the case and a source of friction with our allies. There is a generation of people in Syria and in the opposition now who are being radicalized. Is that because that is their philosophy? Absolutely not, it's because they're the only people they can get weapons, training, and guns from, in a time and manner that allows them to protect their families. I am deeply troubled – a lack of action in Syria has caused, perhaps irreversible damage in terms of stability to one of greatest regional allies in Jordan. I think leadership and clarity are important – those aren't just bromides. It's important to the world to understand what we believe and what we're willing to do about it in order to live those policy goals and beliefs. I think it's very, very important and frankly, lacking right now. I'd rather have an articulation that I didn't agree with rather than a lack of clarity because the latter is more dangerous than the former.

The second opportunity is what the President talked about as a pivot to Asia – that is an example of clear articulation of a policy objective. In every administration, Republican or Democrat, inevitably a president will articulate a policy objective and then everyday crises get in the way and I think largely that

has been a problem. We haven't seen much of an Asia pivot and in part, presumably, because the President and his foreign policy team are caught up with other events. But it doesn't just rely on him and it takes more than the Chairman of the Joint Chiefs to take a trip, the Secretary of Defense to take a trip—trips are key to a broader strategy of engagement and we haven't seen that or a broader, strategic plan and execution of an engagement strategy in Asia. In the meantime, while that's not happening, we have problems with North Korea, the Chinese military build-up continues, we continue to see cyber threats from China and again, inaction is a decision. A lack of engagement has consequences. It's not as though we haven't got to it yet—there are consequences to that failure to engage.

The third opportunity is we must, as a nation, learn to close. Look at Iraq, Afghanistan, and Libya—those are just three instances across two administrations. We have the greatest military in the world—we can arm, train and equip them, deploy them and they can be successful in the objectives given by policy makers. But it's not their job to close—it's not what they're trained, equipped and manned to do. Phase Four operations require a 'whole of government' approach. What is common across the two administrations is that everybody failed; it is just extraordinary to me. We, as a nation, have not learned how to close. I'm in the private sector now and

we wouldn't be successful in the private sector if we didn't know very well how to close. We just have to make up our minds— to not learn to not close or close badly is actually more expensive because of the loss of blood and treasure on the front-end of it. There is a real opportunity here— we have the experience and people in government who've lived through the conflicts I've mentioned and others.

**FSR: Could you elaborate on how to close that gap? Is it by incorporating civilian planning and civilian efforts within the government, the State Department and the NGOs? What is the best approach to getting that right?**

**Townsend:** Sure. Under Secretary Rice's leadership, a volunteer Civilian Reserve Corps was proposed. Inside the State Department, there is an office to coordinate these things. The problem with such initiatives is that when there is no conflict or need— they get little attention and less resources and the State Department alone cannot do it. It is a classic role for a cross-government coordination effort— like we've done with the National Security Council at the White House and the Homeland Security Council. It requires a better private-public partnership— and you mentioned the non-profits. I'll give you an example: in Afghanistan you had the Business Task Force and that worked— it was run out of the Department of Defense and had a scratchy relationship

with the State Department, and even inside the Department of Defense. There needs to be a function where someone takes responsibility for integrating kicking in doors and facilitating bringing the private sector in, because now we know that unless you help build an economy behind the conflict, it falters and risks failing.

There needs to be a retinue of people across the government with different capabilities and expertise – legal, law enforcement, scientific, regulatory – who are prepared to deploy behind the US military to help these governments with good governance and building ministries – a public service core of career public servants. We need financial experts to put in internal controls, and teach people the procurement process. I am by no means suggesting that this is a US or just a US government effort – I think it's much broader than that, and you must institutionalize it. You must have available to you, people who have retired from the US government who would be willing to serve as a type of reserve force. There is no reason why we as a country don't have a civilian reserve force as the military services do. But we should and we know how to do that – that requires leadership, clarity and money. It requires a commitment; it requires somebody to say that this is a policy priority because we've had big, real and expensive setbacks. You have to admit that you had failed at something to say that you have to fix it. None

of which – I come from the government and so I say this with all humility – the people in the government are very good at doing. Now in the private sector, there is no getting away with it. If you don't make the numbers at the end of a quarter, you've failed. It's not ambiguous and you have to fix that. People in the government don't do that and part of that is the politics of Washington – this effort of building a long-term capability ought to be bipartisan and ought not to be just the executive branch but done together with Congress.

**FSR: Has the United States lost credibility abroad? It seems that in your judgment there is a lack of clear American leadership. When you think about issues like Ukraine, or Afghanistan, for example, how do you see those through the prism of American leadership, or lack thereof?**

**Townsend:** I think in many ways those populations and those countries do feel abandoned by the US. And by the way, long before you could say that that would be true, those countries were complaining about it. They would say, "You will go, you will lose focus, you will not stay, you will leave us." And we, of course, said "no, no, no."

Look, I think it's in some ways just tragic, in the sense of Afghanistan – when would complain about the Pakistani government's lack of support for the US and NATO strategy in there, they would

***“Iraq is devolving into levels of violence we haven’t seen since 2003. The Maliki government is very weak, and far more closely aligned with the Iranian government than we would have ever expected. And again, I think you look at things like, a lack of focus, a lack of commitment, and a lack of leadership. We should have gotten a Status of Forces Agreement in Iraq”***

say, “You will leave, you will lose focus, this won’t be important to you.” And again, we said, “no, no, no.”

It’s also not just in these countries. It’s their neighbors, it’s their region. They watch what we do. So, do I think we’ve lost credibility? Yes, but it’s not just for now. You know, when you lose credibility, you don’t lose it just in the moment, and just on one issue. You lose it for a period of time. And it is very hard to regain, very difficult over the course of a single term, or even, for a President, two

terms. Very difficult, because of the budget cycle, because of the political cycle.

Look at Iraq. Iraq is devolving into levels of violence we haven’t seen since 2003. The Maliki government is very weak, and far more closely aligned with the Iranian government than we would have ever expected. And again, I think you look at things like, a lack of focus, a lack of commitment, and a lack of leadership. We should have gotten a Status of Forces Agreement in Iraq, but we waited too long and it was not a priority. It pains me to say it, because I do not enjoy being critical of the current administration, but from an American perspective, it’s painful to watch.

**FSR: Sticking with the Ukraine theme: What is your assessment of the US response? What is the right balance between responding to provocation in Crimea and potentially in Eastern Ukraine with those other areas where the United States has been cooperating with Russia, at least to some degree, such as Syria and the Iranian nuclear talks?**

**Townsend:** We are in a horribly weak position with Russia, and I frankly think Putin has played us masterfully. He knows we’re in a weak position with him because we need him on other things. He understands from watching some of the other things we’ve already spoken about – the President’s reluctance to act outside the US, specifically in Syria – and

I think he has actually calculated our interests and our willingness to engage pretty well. That's unfortunate.

I do think in order to figure out how to deal with Russia you have to understand what's important to them. Russia has a huge arms business that they care about tremendously and which motivates them. Russia has sold billions of dollars worth of military equipment to the Assad regime and maintains its only Mediterranean deep water port in Tartus. Russia's ability to impact energy flows into Western Europe also motivates them tremendously, and they'll leverage that. So I think we talk about geopolitics at a strategic level without actually saying, pragmatically, "What are Russia's carrots? What are the things they care about? And then, how can I influence those things?" Whether that is lessening the impact of Russia's ability to control energy resources in Western Europe, or incentivizing them in some way. That's the prism through which you've got to try to view this, as opposed to sort of the emotional Cold War reaction – Putin's playing to type, et cetera. I do agree we have to be very careful not to make a misstep in terms of escalation. But I think we also have to be mindful of our lack of leverage on Russia.

This is where our allies and our leadership are probably the most important tools we have if we exert them. I am not confident that our allies will hang with us over the long term with Russia. As

Russian forces pull back from the eastern border with the Ukraine, I think there will be those that say, "Oh good, this is over, this crisis has passed," and it will become increasingly hard for the administration to hold a coalition together. This is an issue on which I think we cannot revert to kind of Cold War interactions. What do I mean by that? We must keep the lines of communication open, no matter how angry we get with Russia, because we need Russia on other issues like Iran and Syria. We have to find common ground on things we can continue to communicate about, while holding a coalition together that exacts a price for Russia's bad behavior. This will require not only sanctions on individuals but sector wide sanctions targeting Russian financial and business sectors. That's easier said than done, but I think that's the challenge that confronts the administration.

**FSR: How do you assess the threat to the mainland United States from transnational terrorist organizations, or the jihadi threat, in the next 5 to 10 years?**

**Townsend:** I think we have taken a good deal of comfort from the fact that we have not seen a major terrorist attack on US soil since 9/11, without considering the dozens of attacks disrupted by the federal government and by local police departments like the New York City Police Department. What we know for sure is these terrorist groups continue to

evolve and have maintained their commitment to be a direct threat to the United States and to her citizens around the world. Look at things like Al Qaeda in the Arabian Peninsula, and you've got an innovative evolution in bomb-making – from underwear, to computer cartridges – and the ability to communicate over the Internet and radicalize people inside the United States has mitigated the diffi-

***“We are in a horribly weak position with Russia, and I frankly think Putin has played us masterfully.”***

culty they have in a post-9/11 world to get people across borders. There will be some steady state of the threat against us, including over that long term. The minute we stop believing that is when they will strike, because we will stop spending money, stop maintaining resources, and they will see an opportunity. So, at some level, we need to sort of look ourselves in the eye and say, “Just because we haven't seen a successful attack doesn't mean that the threat's not still there.” The threat is still there. The US Intelligence Community and our foreign intelligence allies around the world see it every day. So it's not going away, and the only thing that keeps it at bay is our vigilance and our capabilities.

I think it becomes hard to push back on the natural complacency that sets

in. For this administration and for future administrations it's going to be very difficult to make the argument, because people then say, “These are war-mongers, they're frightening the American people.” It's hard for the administration to point to facts, because most of those are classified. But I do think you're going to continue to see this threat. I think you will see it here in the US both from Al Qaeda affiliated or inspired groups and from foreign fighters who leave Syria with battlefield experience and travel to the US and Western Europe.

When you talk about the domestic threats, Al Qaeda has been known for large-scale, near-simultaneous attacks – two places, large explosions, near or about the same time. That's hard to do. That takes a significant level of sophistication, planning, training, communications, and financing. We now have a more sophisticated capability to interrupt those cycles at various points in the planning process.

What's easier for them, now, is radicalizing somebody over the Internet who can get lost in the ether, in the traffic. Think about a single individual's ability to cause death and terror. Think about the Navy Yard shooting, April 2<sup>nd</sup>'s Fort Hood shooting – I'm not saying these are terrorist events related to Al Qaeda, but they show that a single individual can conduct an attack. There's the radicalized guy who tried to drive his car into the middle of Times Square and blow it



up. I worry about the individual, radicalized over the Internet, with a weapon, who can do harm. That's, oddly enough, a sign of our success, that that's what they're left with – if they can't pull off a larger attack – but I think we have to continue to worry about those kinds of attacks as well.

**FSR: We'd like to talk about the relationship between the United States and Iran. There are obviously negotiations ongoing, and the two sides have signed the Interim Nuclear Accord. What are your thoughts on that relationship? Can you address the risks and rewards of potentially warming relations between Washington and Tehran, particularly with respect to American allies in the region, like Saudi Arabia and Israel?**

**Townsend:** I think we ought to always approach Iran with a certain amount of humility, because, I think we misread them almost every time. It's incredible to me, our lack of real understanding about what motivates Iran, what are the levers of power, what are the carrots, how do we engage. There have been more foreign policy failures with Iran than there have been successes. Looking back: It's the overthrow of the Shah, and US involvement in the fall of the Mossadegh government. There is real history here, and – this is not a political statement – there are just failed interventions and failed policies as relates to Iran over decades. So any interac-

tion with them has got to be approached from a point of humility, and with an understanding of that history.

I don't believe there are credible signs that these negotiations are going to yield real results. I think what we're seeing right now has reinforced the skeptics' view that this was an Iranian play for time. That leads you into the discussion on our allies in the region and the impact to those allies. This is where clarity really matters. You've got to be able to articulate, not simply to the Iranians, but to your allies, the objectives of the engagement. And, before you start, you've got to say to those allies, "You will be able to judge yourselves whether or not I've been successful because here are the necessary outcomes to determine whether the engagement was worth the risk." And then you've got to measure yourself. You can tell I've really adopted a very private sector view. Here in the private sector, I don't pay for goods I haven't received yet. I just won't. So the notion of easing sanctions before you actually getting something back from the Iranians is mystifying. Yes, the negotiations are a give and take, and you've got to be careful about what your preconditions are – but when you're dealing with someone who has not dealt with you, honestly, I think you've got to be very cautious about the level and pace of engagement.

The reason there was bipartisan agreement to pass proposed legislation that ba-

sically said, if negotiations fail, the following additional sanctions will apply, was because people were skeptical that the Iranians would take this negotiation process seriously, and that the negotiations would yield real results. That legislation was meant to be a hammer put at the disposal of the negotiators. It wasn't going to be implemented during negotiations. Why would the President and the White House not want to have another arrow in their quiver that could be deployed if the negotiators were having difficulty?

Our allies are watching. You talk to the Emiratis, you talk to the Saudis, they will say to you, "We are closer to the problem than you are, and if we don't understand, clearly, what your strategy is, how can we be anything but skeptical and believe that we can only rely on ourselves here in the region to deal with the inevitable problem?" They're looking for real results, because they believe they're the closest to the impact of the problem, and that's right.

The Bahraini government, during the protests there, believed that the Iranians themselves helped to foment the opposition. Let me be clear, there's a real opposition in Bahrain – but the allegation has been that the Iranians, seeing the real opposition, then used that to foment further instability in Bahrain. Saudi Arabia sees a direct threat in their eastern province, which is closest to Iran, has a large population of Shia, and where most of their oil fields are. By the way, the Iranians got

people into the Kingdom under the guise of the Hajj in the late 1970s, and tried to overthrow the Saudi government. So the Saudis have their own history with Iran. In Yemen, the Houthi tribe, on Saudi Arabia's southern border and Yemen's northern border is fighting Yemeni government forces – the Houthi are a Shia tribe, largely supported by and a prop of the Iranian government. We know that the Iranians have tried to provide support to Palestinian groups to de-rail the peace process with Israel. We know that the Iranians had a plot to kill the Saudi ambassador here in the United States. This is the context. Iran is the largest single state sponsor of terror, using Hezbollah, and in deploying the Quds Force into Syria to support the Assad regime. We tend to look at negotiations as a single issue, but the Iranians don't look at it that way. This is not a one-note tune.

So when you go into a negotiation, you cannot permit the Iranians to circumscribe the talks to the one issue that they want to talk to you about. You've got to deal with all of it, and you've got to understand all of it, and all of it's got to be on the table, because the bilateral relationship is more than just one issue. And if your allies don't see that you understand all of it, are willing to deal with all of it, and that you have a plan for dealing with all of it, that will generate skepticism and concern about our commitment. ©

# **Purveyors of Terror: Counterterrorism in Africa's Failing States**

**| Thomas Dempsey**

Weak and failing states in Africa continue to offer challenging environments for counterterrorism campaigns in both a military and a civil law enforcement context. Weakly governed and ungoverned spaces in these states offer venues that violent extremist groups continue to exploit as platforms for terrorism. These groups – Al Qaeda in the Islamic Maghreb (AQIM) and Al-Shabaab in Somalia are simply two of the more prominent ex-

***The continuing prevalence of weakly governed and ungoverned spaces in Africa is, in part, a product of colonial security sector legacies combined with resource-poor African public sectors.***

amples – use these weakly governed and ungoverned spaces to recruit new followers, build capability and capacity, and launch new terrorist attacks while avoiding the scrutiny and attention of African security sectors and their international partners. A defining feature of these weakly governed and ungoverned spaces in Africa is the predominance of non-state security actors, including local militias, neighborhood watch organizations, traditional hunting societies, and traditional, customary, or religious justice processes that operate outside of the formal court system. Some of these non-

state actors themselves represent violent extremist groups involved in acts of terror. Others play central roles in the mediation of disputes (administration of justice), delivery of police services, or as military surrogates in providing for local defense.

I argued in *Counterterrorism in African Failed States* that collaboration between US military forces and law enforcement agencies is essential to effective counterterrorism interventions in African failed states.<sup>1</sup> Subsequent counterterrorism operations in the region have confirmed that argument, and African senior police and military leaders increasingly emphasize the importance of collaboration between military and police forces.<sup>2</sup> In addition to military forces and law en-

forcement services, counterterrorism in Africa must effectively address the need for effective partners in the justice sector – prosecutors (and defense counsels), courts, prisons and corrections – in implementing counterterrorism strategies. All three components of counterterrorism strategies must confront the reality that weakly governed and ungov-

1 Thomas Dempsey, “Counterterrorism in African Failed States: Challenges and Potential Solutions,” United States Army War College, *Institute for Strategic Studies*, (2006): 26-27.

2 Senior African military and police officers in discussion with the author, Liberia, Sierra Leone, Zambia, and Mozambique, March, 2014.

erned spaces are ground zero for counterterrorism on the continent, and that non-state security actors are a defining feature of those spaces.

To address the purveyors of terror – in most cases, non-state security actors like Al-Shabaab in Somalia or AQIM in the Sahel – counterterrorism strategies in ungoverned and weakly governed spaces in Africa must address all of the non-state security actors that proliferate in those areas. Strategies must overcome the influence of non-state security actors that impede or actively resist counterterrorism efforts (like local militias in Northern Mali), which may not be actively supporting AQIM agendas, but are nonetheless hostile to Malian state security services. At the same time, these strategies must accommodate, and may in some cases partner with, non-state security actors that have local legitimacy and functionality to counter violent extremist groups that have become purveyors of terror. Economic Community of West African States Monitoring Group (ECOMOG) forces in 1998 succeeded in countering deliberate programs of terror by Revolutionary United Front (RUF) forces in Sierra Leone largely through collaboration with local non-state actors like the Kamajor hunting societies; Kenyan components of the African Union Mission in Somalia (AMISOM) have forged similar relationships with local Somali clan militias that are hostile to Al-Shabaab. Counterterrorism strategies that effectively counter negative

non-state security actors while developing effective partnerships with more functional and legitimate non-state security actors may be able to significantly improve counterterrorism outcomes.

African security sectors and their external partners must also recognize the potential risks of partnering with non-state security actors. “Franchising” the state security function is unlikely to contribute to stronger state security institutions. Collaboration with security actors that operate outside of the formal institutions of governance creates challenges of accountability and oversight, and can potentially undermine effective governance, especially at the local level. Counterterrorism strategists seeking to partner with non-state security actors will need to develop effective measures for mitigating these risks. External partners will also need to negotiate the significant barriers in national and international law to partnering with security actors that lack the formal sanction of state institutions of governance.

### **VIOLENT EXTREMISM IN WEAKLY GOVERNED AND UNGOVERNED SPACES IN AFRICA**

Since the publication of *Counterterrorism in African Failed States* in 2006, the terrorism threat emanating from weak and failing states in Sub-Saharan Africa has continued to grow. The collapse of governance in Northern Mali and the corresponding rise of AQIM and its

partners in the region, the extension of Al-Shabaab terrorist activities into other areas of East Africa, the growing influence of Boko Haram in Northern Nigeria, and the escalating violence in the Central African Republic (CAR) between both Christian and Muslim extremist groups all demonstrate the persistence of violent, extremist-inspired acts of terror on the continent. The one feature that these groups all share is an affinity for the weakly governed and ungoverned spaces that continue to exist on the African continent.

The continuing prevalence of weakly governed and ungoverned spaces in Africa is, in part, a product of colonial security sector legacies combined with resource-poor African public sectors. Colonial regimes built security sectors that were concentrated in a very small number of major cities and in areas of economic significance to the colonial power. Rural and geographically remote areas lacking significant mineral or other resources were neglected, both in security terms and in a more general development context, resulting in poor infrastructure, limited government services, and minimal state security presence. Resource-poor post-colonial regimes have been hard pressed to correct these imbalances, although a post-Cold War wave of democratic and governance reform is beginning to change this dynamic in several African states. In Senegal and Niger, for example, movement towards more effective and

legitimate democratic processes has been accompanied by sustained Security Sector Reform (SSR)<sup>3</sup> efforts to improve how the police, military, and justice systems provide security to citizens and communities. This positive movement is reducing the areas of weakly governed or ungoverned space to more limited areas along the more remote borders. In Liberia, however, successful political reform and focused SSR has been unable to overcome long-standing neglect of development and governance outside of the national capital, and there is a real risk that areas of weak governance are actually expanding, especially as the United Nations Mission in Liberia (UNMIL) peacekeeping mission continues its withdrawal.

Areas in which state presence is limited, communications are poor, and infrastructure is almost non-existent have provided both safety and a source of recruitment for violent extremist groups. Safety is provided by the limited capacity of African security sectors and their

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3 Security Sector Reform refers to those policies, processes, and activities designed to improve how the state security sector – including direct security providers, oversight and accountability processes, and civil society stakeholders – provides security to citizens, communities, and the institutions of the state itself. The objectives of SSR include state security services that are effective, legitimate, accountable, responsive to the needs of the people, and observant of human rights. See US Agency for International Development, US Department of Defense, US Department of State, *Statement on Security Sector Reform*, Washington, DC, January 2009, <http://www.state.gov/documents/organization/115810.pdf>.

external partners to maintain a presence in, or project influence into, these remote areas. Recruitment to violent extremist groups is frequently aided by the presence of politically and economically marginalized local populations. These local communities may have little identification with regimes centered in the capital and feel little or no loyalty to a state that has failed in fundamental ways to address local needs and grievances. The prevalence of local conflict – frequently a product of ineffective security sectors and an absence of effective justice mediation mechanisms – also fuels the growth of violent extremist groups, as the current situation in the Central African Republic illustrates.<sup>4</sup>

While weakly governed and ungoverned spaces in Africa have traditionally predominated in rural and border areas, as well as geographically remote areas of the interior, these spaces are more currently proliferating in large African urban areas. David Kilcullen has detailed this process in his recent book, *Out of the Mountains: The Coming Age of the Urban Guerrilla*.<sup>5</sup> The rapid expansion of the urban periphery in major African cities is overwhelming public services, particularly security services. African police forces and justice systems, already overstressed by the demands of policing and

adjudicating disputes in large municipalities, have little effective presence in these vast urban slum areas, as researchers like Bruce Baker have noted.<sup>6</sup> Residents of these sprawling, overpopulated, and underserved neighborhoods largely fend for themselves and share many of the negative attitudes towards the state that are already prevalent in remote rural and border areas.

The extension of weakly governed (and even ungoverned) space into the African urban periphery poses particular challenges to counterterrorism strategies. The attack on the Westgate shopping mall in Nairobi in 2013 compellingly illustrated the increased vulnerability of the state to violent extremists when those extremists can exploit weakly governed spaces in African urban areas. These areas not only offer access to lucrative targets for terrorist groups, they offer connections to national, regional, and global air and maritime transportation networks, which can extend the reach of local groups like Al-Shabaab into new areas of operation.

### NON-STATE SECURITY ACTORS IN WEAKLY GOVERNED AND UNGOVERNED SPACES

A shared attribute of almost all weakly governed and ungoverned spaces in

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4 “Central African Republic: Better Late than Never,” *International Crisis Group* 96 (2013).

5 David Kilcullen, *Out of the Mountains: The Coming Age of the Urban Guerrilla* (London: Oxford University Press, 2013), 60.

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6 Bruce Baker, “Nonstate Policing: Expanding the Scope for Tackling Africa’s Urban Violence,” *Africa Center for Strategic Studies* 7 (2010).

Africa is the proliferation of non-state actors in every area of public security and safety. Non-state security actors range from simple neighborhood watch groups focused on local public safety to large, heavily-armed militias that provide a surrogate for (or, in some cases, direct competition with or opposition to) state military forces. Baker has provided an excellent taxonomy of groups involved in non-state security in Africa in his detailed study of non-state policing on the continent.<sup>7</sup> For purposes of simplification here, they can be divided into four broad categories: 1) local neighborhood watch groups; 2) local policing service providers; 3) paramilitary self-defense or militia groups; and 4) local justice and mediation providers.

Neighborhood watch groups play a primarily passive role of observation and early warning, similar to a “night watchman” function. They typically operate in partnership with state security services or with other local non-state actors that provide more active policing or paramilitary services. Liberian Neighborhood Watch Teams are an example of this category, originally organized spontaneously in response to rising crime and lack of an adequate response by the newly reorganized, post-civil war Liberian National Police (LNP). They have since been officially endorsed as active LNP partners, an institution struggling

to overcome a chronic lack of resources and limited success in post-war reform efforts.<sup>8</sup>

Non-state local policing service providers deliver active policing services: Maintaining public order; handling local disputes; enforcing societal norms; and helping to resolve (or limit) conflicts between or among community members. Their primary focus is internal and, in Africa, they are most commonly associated with traditional ethno-linguistic clan or tribal associations, or with sectarian religious communities. Prior to their militarization during the civil conflict of the 1990s, hunting societies in Sierra Leone were examples of this category,<sup>9</sup> as are the religious police commonly found in Muslim communities in Northern Nigeria.<sup>10</sup> These groups are usually unarmed or lightly armed, and employ limited force in a civil, rather than a military, context.

Paramilitary self-defense or militia groups are overtly military organizations, focused on defense of the group, community, village, or region against other non-state actors or, in some cases, against the security services of the state. They are generally large, frequent-

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<sup>7</sup> Bruce Baker, *Multi-Choice Policing in Africa*, (Stockholm: Nordic Africa Institute, 2008): 79.

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<sup>8</sup> “Neighborhood Watch Teams to be Reinforced,” *The New Dawn* (Liberia), July 8, 2011.

<sup>9</sup> Thomas Dempsey, “The Role of Non-State Security Actors in Security Sector Reform: Hunting Societies in Sierra Leone,” in *Civil Power in Irregular Conflict*, ed. Franklin D. Kramer et al. (Arlington: Center for Naval Analyses, 2008), 134.

<sup>10</sup> Baker, *Multi-Choice Policing in Africa*, 84-86.



ly heavily armed with military-grade weaponry, including crew-served weapons – machine guns, rocket propelled grenades (RPGs), even mortars in some cases. Examples of this category include the hunting societies in Sierra Leone, which evolved into paramilitary “Civil Defense Forces” as a result of the conflict with the Revolutionary United Front (RUF) in the mid- and late 1990s.<sup>11</sup> More recent examples are the Christian and Muslim sectarian militias in the Central African Republic.<sup>12</sup>

Groups providing local justice and mediation are especially prevalent in areas where the formal state system of justice lacks both legitimacy and functionality. Examples include customary and traditional justice processes rooted in local tribal and clan social structures, sectarian justice systems (including local versions of Sharia law), and local, community-based dispute resolution bodies.<sup>13</sup> Alternative Dispute Resolution (ADR) processes are an important element of this latter category. ADR processes incorporate different local, non-state justice processes, helping to address fragmented local justice systems in communities

with ethnically or religiously diverse populations. ADR systems have been especially prominent in Africa, providing an alternative to a formal justice system that is badly deficient in both local legitimacy and functionality.<sup>14</sup>

## NON-STATE SECURITY ACTORS AND COUNTERTERRORISM

The prevalence of non-state security actors in weakly governed and ungoverned African spaces requires counterterrorism strategies that address this element of the security environment. Military, police, and justice counterterrorism components will confront unique challenges from non-state actors in each of their functional areas. They will also enjoy significant opportunities to leverage some of those non-state actors as partners in counterterrorism campaigns.

Effective counterterrorism strategies require the creation of a permissive environment in which non-military stakeholders from the law enforcement and justice sector can fulfill their appropriate roles. High levels of organized violence involving multiple paramilitary groups, militias, and local defense forces characterize most weakly governed and ungoverned spaces in Africa. Some of those groups are themselves perpe-

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11 Dempsey, “The Role of Non-State Security Actors,” 134-135.

12 For a description of the militias active in CAR, see “Central African Republic: Better Late than Never,” *International Crisis Group* 96 (2013).

13 For one of the best reviews of non-state actors in the justice arena, see *Rule of Law Handbook: A Practitioner’s Guide for Judge Advocates* (Charlottesville: Center for Law and Military Operations, 2011), 99-108.

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14 Ernest E. Uwazie, “Alternative Dispute Resolution in Africa: Preventing Conflict and Enhancing Stability,” *Africa Center for Strategic Studies* 16 (2011): 3-4.

trators of terrorism and purveyors of violent extremism. The military counterterrorism component must address this reality.

At a minimum, counterterrorism campaigns in these areas of Africa must field sufficient military force to defeat non-state security actors with military capabilities who are perpetrating terrorist acts themselves or providing support to other groups who do so. More broadly, the military component of counterterrorism campaigns must field sufficient force to stabilize the operating environment and reduce the general armed threat below the military threshold. In other words, the military counterterrorism component must create a sufficiently benign environment that civil police forces can maintain public order using appropriate police weapons and procedures, including providing necessary protection for justice venues and processes.

Unfortunately, many African security sectors, even with the assistance of external partners, lack the military capacity to accomplish this task, especially in weakly governed and ungoverned spaces where military power projection is particularly challenging. As a result, African security sectors routinely partner with local non-state actors that have military capabilities. Such partnerships were a hallmark of ECOMOG operations

in Sierra Leone in the 1990s<sup>15</sup> and have been a common feature of AMISOM operations in Somalia.<sup>16</sup> Local non-state military actors have knowledge of the physical and human terrain, local presence, and the experience operating in the local environment. They also may enjoy a measure of local legitimacy that yields valuable intelligence about military threats and about the operations of violent extremists groups that are the object of the counterterrorism campaign.

Once the military counterterrorism component has established a stable and secure environment, responsibility for, and leadership of, counterterrorism efforts shifts to its civil law enforcement and policing counterparts. African police services are even more limited in capacity, capability, and presence than their military counterparts in weakly governed and ungoverned spaces. As a result, local non-state actors that play a policing or neighborhood watch function are likely to emerge as central players as counterterrorism operations transition to a policing and law enforcement focus. During this phase, non-state security actors can impede, or obstruct altogether, police investigations and efforts to apprehend terrorist suspects. Alternatively, especially where local non-state actors enjoy a measure of lo-

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15 Dempsey, "The Role of Non-State Security Actors," 136.

16 Senior East African military officers with AMISOM experience in discussion by the author, Addis Ababa, Ethiopia, August 2013.

cal legitimacy and functionality, these groups can materially assist the state security sector – police and law enforcement – in locating and taking into custody perpetrators of terrorist acts and members of violent extremist groups that support and sponsor those acts.

The final area where non-state actors can impact counterterrorism may be the most important: local justice processes. A chronic shortcoming in counterterrorism campaigns in Africa has been lack of legitimate, timely, and effective justice processes for adjudicating the cases of terrorist suspects and of civilians detained in the course of counterterrorism campaigns. Weak formal justice processes are even more problematic in weakly governed and ungoverned spaces where those processes are frequently absent altogether, or are actually negative players in the security architecture. Justice venues that are corrupt – or perceived by local communities as repressive, capricious, and brutal – are an all too common feature of African formal justice systems.

Successful military and policing components to counterterrorism campaigns that deliver violent extremists, terrorist suspects, and, in many cases, large numbers of innocent civilians to corrupt or repressive formal justice systems may actually contribute to further terrorist acts. Unfortunately, justice reform is a complex, expensive, and long-term undertaking that seldom gener-

ates immediate results. In a very real sense, counterterrorism planners are frequently stuck with the formal justice system in place, regardless of its defects.

***“Once the military counterterrorism component has established a stable and secure environment, responsibility for, and leadership of, counterterrorism efforts shifts to its civil law enforcement and policing counterparts.”***

Interventions in that justice system are unlikely to be successful and may be a practical impossibility, given the political sensitivity associated with interference in adjudication processes.

Customary and traditional justice processes or systems of religious law, where they exist, may have more legitimacy and functionality than the formal state system. Unfortunately, these systems are almost always rooted in ethno-linguistic tribal structures or in sectarian religious practices. In diverse communities with ethnic or sectarian religious divisions, these non-state justice processes may actually contribute

to ongoing conflicts and disputes. In the worst cases, local justice processes may be complicit with, or active promoters of, violent extremist-inspired terrorism. The devolution of the Islamic Courts in Somalia from relatively legitimate and functional local justice fora, rooted deeply in the Somali clan system, to agents of violent Islamic extremism is an excellent example.<sup>17</sup>

In this setting, local, non-state Alternative Dispute Resolution (ADR) processes, where they exist, may offer an attractive alternative to the formal justice system. To the degree that such processes have local legitimacy and functionality, they can provide a bridge between and among local groups that are in conflict. They may provide an effective means of identifying innocent local citizens detained in error in the process of a counterterrorism campaign and affecting their release from custody. ADR may also provide a platform for discriminating between rank-and-file followers of violent extremist groups – who are better handled through some combination of Disarmament, Demobilization, and Reintegration (DDR) and restorative justice – and hardcore purveyors of terror who are continuing threats to themselves and to the public. A better solution for this latter group of hardcore offenders may be referral to a special tribunal specifically con-

stituted to provide a more legitimate and functional venue within the formal state justice sector. The Special Court for Sierra Leone offers an example of this approach.<sup>18</sup> At the time the Special Court was organized in 2000, the formal Sierra Leone justice system was completely non-functional and lacking in legitimacy, having been badly compromised through almost two decades of conflict. A hybrid that combined both national (formal) and international components, the Special Court was able to bring a veneer of legitimacy and a functional authority to a highly contentious and potentially destabilizing justice process for senior RUF and Armed Forces Revolutionary Council (AFRC) members. Despite its many defects, accurately chronicled by the International Crisis Group,<sup>19</sup> the Special Court permitted justice processes to be pursued that might otherwise have undermined the transition from conflict of a still very fragile Sierra Leone state.

### MITIGATING THE RISKS OF PARTNERING WITH NON-STATE SECURITY ACTORS

While partnering with non-state security actors offers unique benefits to counterterrorism operations in Africa, it also presents serious risks. Those risks are different for each of the broad

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<sup>17</sup> “Can the Somali Crisis be Contained?,” *International Crisis Group* 116 (2006): 10-11.

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<sup>18</sup> For a description and critique of this approach, see “The Special Court for Sierra Leone: Promises and Pitfalls of a ‘New Model,’” *International Crisis Group* 16 (2003).

<sup>19</sup> *Ibid.*, 2-3.

categories of non-state security actors: Paramilitary and militia groups, actors that fulfill neighborhood watch functions and deliver policing services, and non-state justice and dispute resolution processes. Counterterrorism campaigns that embrace partnership with any or all of these non-state actors will need to carefully examine the risks involved and develop mitigating strategies.

Non-state actors in every category enjoy varying degrees of local legitimacy and functionality. Some groups are little more than criminal groups operating under a fig leaf of social service provision. Others are products of, and deeply vested in, intra- and inter-communal violence and ongoing local conflicts. Groups with high levels of local legitimacy and functionality—for example, hunting societies that are respected in the local village and routinely intervene to maintain order, resolve or limit disputes, and protect the safety of individual villagers—present the most desirable partners. But even groups with high levels of local legitimacy and functionality may be a liability in areas where those groups are involved in local conflicts. While collaboration with “anti-balaka” Christian self-defense groups in CAR may lend legitimacy to counterterrorism operations in the eyes of Christian communities, it is likely to de-legitimize those operations in the eyes of Muslim communities that are being victimized by “anti-balaka” paramilitary bands.

In general, collaboration with certain paramilitary and militia groups offers the most tangible and immediate operational benefits for the military counterterrorism component. They offer an armed presence on the ground, sources of local intelligence, guides for intervening military forces, and auxiliaries for overtaxed ground combat units that are almost never deployed in sufficient strength for the missions they are assigned. Unfortunately, groups with military capabilities are those groups most likely to be active participants in local conflicts. Even where their local opponents may be associated with violent extremist groups that are closely associated with ongoing terrorist activities, partnering with such non-state actors runs the risk of deepening those local conflicts and alienating large sections of already hostile and suspicious local communities.

Non-state actors in the military space are also more likely to be involved in human rights abuses due to their greater capacity for use of force and their inherent lack of accountability and oversight. Lightly armed or unarmed “tribal police” and neighborhood watches may be subject to some levels of societal control and limits to their authority. Heavily armed bands of drug- and alcohol-abusing young men, accustomed to the routine use of violence, are not.

Military counterterrorism commanders who plan to collaborate actively with



non-state military partners will need to address several issues to mitigate the risks of that relationship. Some means of providing oversight and accountability of non-state partners will be required. Assigning military advisors to accompany those non-state actors can help to address this, but may also increase the risks associated with partnership: the presence of advisors may not prevent abuses, but it may provide a highly visible association of the state military component with those abuses. Compensation and support for non-state military auxiliaries must also be addressed. To the extent that the rank-and-file members of local militias are unpaid, or inadequately paid or supported, they are more likely to prey on local civilian communities for that pay and support.

At the strategic level, counterterrorism planners also need to assess the impact

of endorsing non-state military actors on the state “monopoly of force.” Given that the employment of military force is almost universally accepted as the unique purview of national armed forces and an exercise of national sovereignty, the political costs of partnership may be high. Those political costs will need to be assessed both with external partners and elected and political leaders at the national and local levels.

External partners may confront unique barriers to collaboration with non-state military actors. Security assistance among Western democracies is regarded as a state-to-state activity generally affected at the national, bilateral level. In many cases, there are statutory and legal barriers to providing security assistance, especially military security assistance, outside of a state context.

Collaboration with neighborhood watch groups and local non-state policing service providers entails both more and less risk than collaboration with non-state paramilitary actors. Non-state actors in these functional areas lack the capacity for severe abuse that their paramilitary counterparts have and, as noted above, are more easily subjected to societal control. On the other hand, delivery of police services is much more deeply rooted in the governance process than are military activities. Delivery of police services is a direct and immediate manifestation of state presence and a central feature of the formal governance process. Accepting non-state actors in this role is likely to have an immediate and negative impact on the perceived legitimacy and functionality of state institutions, especially at the local level. While it may offer short-term benefits to overstressed police forces, it may also make the reform of those police forces more difficult and problematic.

The most effective means of mitigating the risk with non-state police actors may be to build a formal state association with those actors. Finding a way to lend the imprimatur of state authority to local non-state security providers – if accompanied by some oversight structure on the state side and a limited provision of state resources to compensate security providers – may mitigate the risk of accepting their functional roles. Linking these informal providers of security to the formal structures of local

governance may not only mitigate the risk, but also increase the value of the non-state actors as security partners. Niger has been exploring this approach as an element of its decentralization program. In converting appointed local governance positions to locally-elected offices, they are embracing a security role for local non-state actors that are known to the newly elected local officials and which enjoy some level of legitimacy and functionality with those leaders and their constituencies.

Partnerships with locally recognized Alternative Dispute Resolution (ADR) processes may represent the least risk and greatest return to non-state partnership in counterterrorism strategies. The downside of this association is the potentially negative impact on rule of law and justice system functionality on the formal side. ADR processes are not likely to be helpful in addressing issues of corruption, and may prove as vulnerable to being suborned by violent extremist groups with access to large reserves of cash as their formal sector counterparts. These processes are also much less amenable to the checks and balances of the formal legal system, even where those checks and balances have limited functionality.

One means of mitigating risk in partnering with non-state justice actors is to institute some degree of formal sector judicial review of decisions by ADR or other non-state justice processes.

Providing a formal justice sector component to counterterrorism task forces operating in weakly governed and ungoverned African spaces could facilitate the implementation of this measure, with the magistrate or justice official accompanying counterterrorism police and military elements providing a direct link to local justice processes.

Another potential means of mitigating risk is controlling the types of cases that are referred to local ADR and non-state justice processes. Referring the most serious cases to the formal system, while leaving less serious cases to the purview of local justice actors, may help render the challenge of processing large numbers of suspects and detainees more manageable. Again, incorporating a formal justice sector component to counterterrorism teams deploying to African weakly governed and ungoverned spaces may facilitate this approach. The Alternative Dispute Resolution Programme pursued by Ghana during 2007-2013<sup>20</sup> offers an example of how a process blending ADR with formal justice proceedings can be implemented.

## CONCLUSION

The prevalence of weakly governed and ungoverned space in African states continues to offer venues for violent extremists groups to plan and launch acts

of terror. The extension of these areas into African urban centers elevates the risk of terrorist attack and extends that risk to areas well beyond the region. At the same time, these areas facilitate the proliferation of non-state security actors in a variety of roles, complicating the implementation of counterterrorism campaigns by military forces, police services, and justice officials.

Successful counterterrorist strategists will need to learn how to navigate these non-state waters. Countering negative non-state actors and leveraging potential non-state partners will be key to extending counterterrorism efforts into these difficult operating environments. Non-state security actors in the military, policing, and justice functional areas are a given in weakly governed and ungoverned areas of the continent. Partnership with some of these actors is probably unavoidable. Counterterrorism strategists must develop practical and feasible measures to minimize the risks and optimize the advantages of those partnerships. ☉

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<sup>20</sup> Uwazie, "Alternative Dispute Resolution in Africa," 3-4.



# Plausible Deniability: Proxy Wars in Africa

▮ **Jennifer L. De Maio**

## A TOOL OF STATECRAFT

In the decades since independence, proxy wars have frequently threatened regional security in Africa. Many interstate and intrastate wars on the continent have become increasingly complicated by the involvement of opposing nation states using third parties as surrogates for fighting each other directly. As civil wars threaten to spill across borders and destabilize entire regions, the nature and extent of states using these wars as proxies for their own agendas needs to be studied more systematically.

During the Cold War, the United States and the Soviet Union relied on proxy wars as a means of engaging the enemy indirectly and advancing their foreign policy agendas, while leaving minimal visible blood on their hands. These proxy wars between the superpowers played out across Africa, from the Horn to Angola to Mozambique. In the aftermath of the Cold War, the superpower competition for regional supremacy has been replaced by new proxy wars and trans-border alliances between African states and local armed groups. As Joseph argues, the recourse to proxy wars reflects the challenges faced by the African state and its inability to institutionalize democratic structures.<sup>1</sup> But the problem is much deeper. Engaging in proxy wars is a critical strategy for state-building,

and develops from calculations by state leaders to advance their policy agendas. Threatened regimes wishing to maintain their hold on power may allow and enable civil tensions to spill across borders and destabilize neighboring countries. This approach can be used as a means to consolidate power domestically and spread influence internationally. A civil war thereby becomes a proxy war between states, with the advantage that governments can distance themselves from atrocities committed by their proxies by either attributing blame to rebel factions or by just claiming that they are in fact not sponsoring any group.

This essay proposes that governments have an incentive to allow civil wars to spread across borders in order to engage in proxy battles with neighboring states. Governments can utilize proxy wars to strengthen their hold on the domestic state apparatus and to gain regional superiority. This strategy can include using militarily weak countries as proxies in order to assert their regional dominance and broadcast domestic power. Proxy wars can then advance domestic and foreign policy agendas while allowing states to avoid engaging in costly and bloody direct combat. The use of proxy war as a tool of statecraft is thus calculated and controlled.

## PROXY WARS IN AFRICA

In Africa, many proxy wars take the form of transnationalized conflicts, or

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1 Richard Joseph, "Africa: States in Crisis," *Journal of Democracy* 14.3 (2003):159-70.

civil wars that spill across borders. Escalation of civil wars can occur when groups forge alliances with affinity groups across their borders<sup>2</sup> and/or when outsiders perceive interests or opportunities in joining ongoing internal conflicts. External actors will take advantage of windows of opportunity in order to capture the spoils, often resulting in intentional spillovers, irredentism, or border conflicts.<sup>3</sup> An example of this use of transnationalized conflict as a proxy war can be seen with Tutsis in Rwanda, who allied with elements of Uganda's Hima ethnic group in the early 1990s to invade Rwanda and displace a Hutu-led regime.<sup>4</sup> In the Democratic Republic of Congo (DRC), Uganda and Rwanda used claims of helping kinspeople defend themselves in order to access natural resources in northeast Congo. Ethiopia has also engaged in proxy wars

within Somalia with the aim of crushing radical Islam at its regional root.

Wars can erupt, escalate, and spill across borders as the result of extreme insecurity and ethnic distrust. When kin groups live in neighboring states, as often happens in the African context, civil conflict is likely to spill across borders.<sup>5</sup> But whether conflicts become internationalized depends in large part on the relations among African states. As states begin to look outward to expand their power and rally domestic support, they deliberately foment internal rebellions in neighboring states. External powers back internal rebellions in order to have local groups fight their international wars for them. By arming surrogates, they can advance their goals with minimum accountability and avoid international censure.

Governments, or political brokers, in Africa increasingly perceive opportunities to wage proxy wars for a variety of reasons against neighboring states. The increase in proxy wars illustrates the changing dynamics of Africa's relations between states. In the absence of the Cold War superpower competition for global dominance, there is much less engagement from the West with the African continent. In response, Afri-

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2 Edmond J. Keller, "Transnational Ethnic Conflict in Africa," in *The International Spread of Ethnic Conflict*, ed. David A. Lake and Donald Rothchild (Princeton: Princeton University Press, 1998), 275-92.

3 Barry Posen, "The Security Dilemma and Ethnic Conflict," In *Ethnic Conflict and International Security*, ed. Michael E. Brown. (Princeton: Princeton University Press, 1993), 103-24. Stephen Van Evera, *Causes of War: Power and the Roots of Conflict* (Ithaca: Cornell University Press, 1999). David A. Lake and Donald S. Rothchild. "Spreading Fear: The Genesis of Transnational Ethnic Conflict," in *The International Spread of Ethnic Conflict: Fear, Diffusion, and Escalation*, ed. David Lake and Donald Rothchild (Princeton: Princeton University Press, 1998), 23-32.

4 Edmond J. Keller, "Culture, Politics and the Transnationalization of Ethnic Conflict in Africa: New Research Imperatives," *Polis/RCSP/Cameroon Political Science Review* 19 (2002).

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5 Edmond J. Keller, "Transnational Ethnic Conflict in Africa," in *The International Spread of Ethnic Conflict*, ed. David A. Lake and Donald Rothchild (Princeton: Princeton University Press, 1998), 277.

can international relations have shifted their focus inward, towards the region rather than the world. The post-independence period in Sub-Saharan Africa was marked by respect for the Organization of African Unity's (OAU) Char-

***"The disparity in military, economic, and political power among the states in Sub-Saharan Africa is one key to understanding the increase of proxy wars."***

ter calling for noninterference in each other's domestic affairs.<sup>6</sup> In the decades since independence, African countries have made progress towards consolidating power domestically and now are looking outward to expand their power and secure or increase support for their policies. The borders defined by colonialism created interstate boundary situations throughout the continent that had enormous potential for conflict. The weak state capacity of many African nations has meant that they have

less control over their borders. For actors looking to advance their policy agendas and secure particular conflict outcomes, they may have an incentive to seize upon the inability of states to control and protect their borders and engage in proxy wars over border issues. Third parties can then be mobilized as proxies by states to fight over borders. These border conflicts, especially in cases where the borderland areas consisted of valuable mineral resources, thus become critical components of proxy war strategies.

The disparity in military, economic, and political power among the states in Sub-Saharan Africa is one key to understanding the increase of proxy wars. At independence, most African countries were in a similar position in terms of economic, political, and social development. In the 50-60 years since independence, the spectrum has widened between African countries on all dimensions. There are states that are vastly more powerful and wealthier than others. The gap between countries like North Sudan and the Central African Republic (CAR) is widening and this changing distribution of power has generated greater competition between states and has encouraged predatory behavior on the part of states with more resources. These richer, predatory states are eager to expand their spheres of influence, secure their hold on power domestically, and capture as many resources as "cleanly" as possi-

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<sup>6</sup> Few wars were fought between African states – with exceptions such as the conflict in Western Sahara, which involved Algeria, Mauritania, and Morocco – and destabilization campaigns undertaken by South African in Angola, Lesotho, and Mozambique.

ble, as is the case with the Khartoum government and the proxy wars with Chad and CAR.

The core realist hypothesis of international relations is that international outcomes are determined by, or at least are significantly constrained by, the distribution of power between two or more states.<sup>7</sup> As states weaken, they tend to look outwards as a means of consolidating support at home in order to remain viable. And as surrounding states fall into political or economic crisis, stronger regional powers have additional incentives to intervene and profit from the economic resources and opportunities that exist in neighboring states. What then happens is that states can allow civil tensions to spill across borders and utilize the escalation of violence in neighboring countries as a proxy war between governments.

African states wishing to advance their policy goals have also adopted proxy war strategies as a means of avoiding the violation of the norms of sovereignty championed in the OAU charter that make direct engagement difficult. Proxy wars allow states to distance themselves from appearing to be too involved in each other's affairs yet still be able accomplish their goals. The appeal of proxy wars for leaders derives from the fact that this strategy can reduce the

political and financial costs of full-born incursions. Proxy wars combine several lowered risk factors, notably an absence of combat deaths and plausible deniability. This strategy is particularly attractive to policymakers who appreciate the fact that no direct war implies "no overt military defeat if the war is lost, but continued influence and enhanced interest if the war is won."<sup>8</sup>

### DARFUR: A CALCULATED CRISIS

The crisis in Darfur further illustrates the argument that a government's domestic concerns and foreign policy goals can interact to produce the transnationalization of civil war. Specifically, the spillover of violence stems from calculations on the part of the Sudanese government, which is using the violence in Darfur to wage proxy wars in Chad and CAR. One of the most serious threats to domestic stability in Sudan comes from the Zaghawa ethnic group, which has the support of the Chadian state. The Zaghawa are on either side of the frontier and are excellent fighters. For Sudan, the Déby regime in Chad is nothing more than a Zaghawa state. Therefore, Sudan is determined to get rid of President Déby, who Khartoum views as a weak and powerless leader unable to control his followers. Chad has accused the Khartoum-backed Arab *Janjaweed* militia of attacking villagers in Chad.

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7 Kenneth N. Waltz, *Theory of International Politics* (Reading, Mass: Addison-Wesley, 1979).

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8 Andrew Mumford, *Proxy Warfare* (Cambridge, UK: Polity, 2013).



Chad also alleges that Khartoum is backing the Union of Forces for Democracy and Development (UFDD), which is a coalition of armed rebel groups and army deserters who have launched cross border attacks from Darfur. Sudan claims that Chad is supporting Darfur's National Redemption Front (NRF) rebels as they carry out cross-border raids.

With regards to the Central African Republic, Sudan has used its poorer neighbor to the south as a staging ground for attacks throughout its civil war. CAR says Sudan backs Union of Democratic Forces for Unity (UFDR) rebels who have captured towns in the country. The

UFDR are allegedly operating from Darfur with the support of the Sudanese government.<sup>9</sup>

The common denominator in the three crises is Khartoum's political will, which drives the spread of the conflict in the region for reasons of regime security, economic expediency, and ethnic pride. Khartoum is motivated by several factors. First of all, the Sudanese government wants to control Darfur and is using the present ethnic cleansing to create an "Arab" environment. Secondly, Khartoum is threatened by Déby's Zaghawa ethnic group, which it perceives as "African" and, therefore, a potential ally for rebels in Darfur. Sudan's main objective, therefore, is to either eliminate Déby or force him into pro-Khartoum behavior. Control of oil in Chad is also a consideration for the Sudanese government. As long as Déby and the Zaghawa control the mineral wealth in the country, the Darfur rebels will have financial and material support. If that oil wealth were to be in the hands of a pro-Khartoum govern-

<sup>9</sup> Belachew Gebrewold, *Anatomy of Violence: Understanding the Systems of Conflict and Violence in Africa* (Burlington: Ashgate Publishing, Ltd., 2009), 185-6.

ment, Khartoum would have a better chance of defeating the rebels and of enjoying some of the spoils itself.

To be sure, the situation has become “a power grab that goes beyond the Darfur-specific agenda.”<sup>10</sup> Weakening state structures, political transitions, pressures for political reform, and economic problems can traditionally bring about vulnerability. Each of the above is present in Sudan. The Khartoum government is determined to fend off emerging political challengers and anxious to shift blame for whatever economic and political setbacks the country may be experiencing. As a result, the government is trying to bolster solidarity and its own political positions by engaging in power struggles with neighboring countries. In the case of Darfur, the governments of Sudan and Chad are each using ethnic alliances across their borders to consolidate and protect their positions at home.

### THE BENEFITS OUTWEIGH THE COSTS

As in other regions, international relations in Africa are no longer mostly global in orientation, but regional. African countries are looking to their relations with each other as a means of extending and consolidating power. But this new type of African foreign relations and

the proxy wars that accompany it tend to create problems of a much-expanded regional or sub-regional security dimension. Like direct warfare, they can destabilize countries and entire regions and have significant costs for the parties standing in for, and being manipulated by, states. These wars can also have serious implications for domestic and regional economic development by promoting longer-term political and financial dependency between the sponsor and the proxy. In addition, proxy wars can exacerbate tensions and increase the intensity and duration of the war.<sup>11</sup> Yet despite these costs, regimes benefit from proxy warfare versus state-to-state violence because of the high level of deniability for atrocities committed across borders and the political legitimacy that comes from spreading power and influence. As long as these benefits outweigh the costs for leaders, we can expect to see proxy wars continue as important tools of statecraft in Africa. 🌐

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<sup>10</sup> Stephanie McCrummen, “Sudan Severs Ties With Chad, Blaming It for Attack on Capital,” *Washington Post*, May 12, 2008, <http://www.washingtonpost.com/wp-dyn/content/article/2008/05/11/AR2008051101866.html>.

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<sup>11</sup> *Ibid.*

# **A Temporary Marriage of Convenience: Transnational Jihadists in Proxy Warfare**

**I Daveed Gartenstein-Ross**



Cecily G. Brewer of the US Department of State defines proxy wars as “inter-state conflicts fought via intra-state means.”<sup>1</sup> She notes that traditionally in such conflicts, “the intra-state symptoms of the conflict draw attention,” while the inter-state driver – the support an actor receives from outside the country – “is ignored.” A prototypical example, albeit one where outside support given to the non-state actors at the heart of the conflict has received copious attention, is the Afghan-Soviet war. Not only did the Afghan mujahedin force the powerful Soviet Union to withdraw from Afghanistan following a costly and humiliating defeat, but the conflict also gave birth to the preeminent transnational jihadist group, Al Qaeda. This article examines how proxy warfare functions in the context of jihadist groups that share Al Qaeda’s transnational outlook, arguing that they create more difficulties for the state attempting to exploit them than do traditional proxies. Pakistan’s policies, and the resulting costs inflicted upon the Pakistani state, provide a powerful case study in the dangers involved in relying on jihadist proxies.

The Afghan-Soviet war was a key event in shaping Pakistan’s self-destructive use of proxies. The Soviet invasion of Afghanistan in December 1979 quickly became notorious throughout the Muslim world. The invasion triggered stiff resistance from Afghan mujahedin, and

encouraged both state and non-state actors to support the various mujahedin factions. In the Cold War context, the United States perceived the Soviet invasion as an opportunity to give the USSR its own Vietnam War, according to President Carter’s national security advisor Zbigniew Brzezinski.<sup>2</sup> The mujahedin thus became a proxy of the United States, Saudi Arabia, and Pakistan, each with their own somewhat divergent interests in supporting these factions. The largest US covert aid program since Vietnam, with American support (totaling around \$3 billion) matched dollar for dollar by Saudi Arabia, flowed to the anti-Soviet fighters. American and Saudi aid was routed through Pakistan’s Inter-Services Intelligence directorate (ISI).

Despite the strong presence of Islamic fundamentalists among the mujahedin factions – and Pakistan’s well-known preference for aiding Islamists – the United States perceived the Afghan-Soviet war as a traditional proxy conflict. The Afghan mujahedin were seen as primarily nationalist in orientation, even if their outlook had a distinctly religious flavor; and the US refrained from backing foreign fighters from the Arab world who flocked to South Asia to join the fight, such as Osama bin Laden.<sup>3</sup>

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1 Cecily G. Brewer, “Peril by Proxy: Negotiating Conflicts in East Africa,” *International Negotiation* 16 (2011): 138.

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2 “Les Révélations d’un Ancien Conseiller de Carter: ‘Oui, la CIA est Entrée en Afghanistan avant les Russes,’” *Le Nouvel Observateur* (Paris), January 15-21, 1998.

3 Richard Minter, *Disinformation: 22 Media Myths That Undermine the War on Terror*

In the war's final days, bin Laden and Abdullah Azzam, the former's mentor, agreed that the organization they had built up during the course of the conflict shouldn't disband post-Soviet withdrawal.<sup>4</sup> They thus established Al Qaeda, which would propel transnational jihadism to new heights, and in doing so, would change fundamentally the calculus for states attempting to utilize jihadist violent non-state actors (VNSAs) as proxies.

### TRANSNATIONAL JIHADISTS: A UNIQUE KIND OF PROXY

There are three major distinctions between how proxies traditionally function and the way they operate in the context of contemporary transnational jihadism. The first distinction relates to these groups' outlook: They are interested in a far broader geographic scope, and have different ambitions than traditional proxies. These groups possess a transnational orientation, and seek to overturn completely the existing international system. While a number of Marxist rebel groups that served as Soviet proxies during the Cold War were also transnational in outlook, they nonetheless had natural state allies, as they believed the USSR exemplified the ideals for which they fought. Transnation-

al jihadists, in contrast, do not have any natural state allies because all states fall short of their extreme and uncompromising ideals. Indeed, it is virtually impossible for a state to truly act in accordance with jihadist doctrine if it is part of the state system, which involves inevitable compromises to advance national interests. Thus, any relationships they establish with states are at best temporary marriages of convenience that will inevitably give way to renewed hostility.

The outlook of jihadist groups fundamentally relates to the second distinction: they are more likely to bite the hand that feeds them, and turn on their erstwhile sponsors. Illustrating this point, despite Saudi Arabia's extremely conservative interpretation of Islamic law, and its decades-long sponsorship of jihadist proxies, bin Laden condemned the monarchy after it invited American troops onto its soil in the early 1990s to protect it from Saddam Hussein's Iraq.<sup>5</sup> Since then, Al Qaeda-affiliated jihadists have repeatedly targeted Saudi Arabia's biggest source of strength – its oil resources – in terrorist attacks, and have become a major source of concern for the monarchy.<sup>6</sup> Like Saudi Arabia, most states that have decided to support jihadist proxies have experienced some kind of blowback. The danger of blow-

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(Washington, DC: Regnery Publishing, 2005).

<sup>4</sup> Indictment, *United States v. Arnaout*, 02 CR 892 (N.D. Ill., 2002), 2; 9/11 Commission Report: Final Report of the National Commission on Terrorist Attacks upon the United States (New York: W. W. Norton, 2004), 56.

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<sup>5</sup> Bruce Lawrence, *Messages to the World: The Statements of Osama bin Laden* (London: Verso, 2005).

<sup>6</sup> Daveed Gartenstein-Ross, "Osama's Oil Obsession," *Foreign Policy*, May 23, 2011.

back limits jihadists' potential pool of state allies, but has not yet completely stopped a small number of states from sponsoring these groups.

A third distinction between transnational jihadist proxies and others relates to states' rationales for sponsorship. While the Cold War involved a clash of two differing worldviews, American and Soviet decisions to aid proxies were generally (though not always) driven by the strategic competition between the two, with ideological affinity playing a lesser role. The rapidly shifting alliances during the Cold War are testament to the priority given to strategic concerns. In contrast, nation-states' current proxy relationships with transnational jihadist groups are frequently more difficult to explain if one refuses to consider ideological factors, particularly religious ideas. However, in Pakistan's case, the state does not function as a unified actor, so the ideological drivers of support for jihadist groups are not shared equally throughout the government.

This article now turns to a case study in how the use of jihadist groups differs from past proxy warfare, exploring Pakistan's attempts to use jihadist proxies. During the course of Pakistan's efforts, both Pakistan and the United States have made significant errors in failing to understand how proxy warfare is different when jihadists are the proxies in question.

## THE AFGHANISTAN-PAKISTAN RELATIONSHIP: THE ORIGINS OF PAKISTAN'S SUPPORT FOR JIHADIST VNSAs

Pakistan's policies demonstrate the bridge from more traditional proxies to those that possess a transnational jihadist outlook. Pakistan supported Islamist proxies in Afghanistan prior to the Soviet invasion, prompted largely by Afghanistan's attempts to stir up separatist unrest in Pakistan.

Afghanistan's own proxy war against Pakistan was rooted in its objection to the border that the two states shared. Afghanistan's eastern border was settled in 1893; known as the Durand Line, the border's name was an homage to its British architect, Sir Henry Mortimer Durand. Afghanistan's Amir, Abdur Rahman, opposed Britain's proposal for the Afghan-British India border because it would force him to relinquish "his nominal sovereignty over the Pashtun tribes" outside the border.<sup>7</sup> James Spain, a former cultural affairs officer at the American embassy in Karachi, notes that the Durand Line left "half of a people intimately related by culture, history, and blood on either side."<sup>8</sup> In addition to dividing the Pashtuns, the Durand Line deprived Afghanistan of access to the Arabian Sea, rendering it

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<sup>7</sup> Thomas Barfield, *Afghanistan: A Cultural and Political History* (Princeton: Princeton University Press, 2010), 154.

<sup>8</sup> James W. Spain, "Pakistan's North West Frontier," *Middle East Journal* 8:1 (1954), 30.

landlocked. Abdur Rahman was forced to agree to this border by the threat of economic embargo.

Regional dynamics changed significantly after British India was partitioned into India and Pakistan. Afghanistan had long been an independent state by the time Pakistan was created in 1947, and there was no particular reason to think Pakistan – an agglomeration of ethnic groups with little binding them besides the Islamic faith – would last. Immediately after Pakistan’s creation, Afghanistan made its hostility known. As the only country to vote against Pakistan’s admission into the United Nations, Afghanistan demanded that its neighbor allow Pashtuns in the northwestern part of the country to vote on whether they wanted to secede and become an independent state. Afghan advocates called the proposed independent state Pashtunistan, meaning “land of the Pashtuns.” Though proposals for Pashtunistan fluctuated in size over time, they frequently encompassed about half of West Pakistan.

Afghanistan soon militarized its conflict with Pakistan, as Kabul launched a series of low-level attacks in 1950. Tensions between Afghanistan and Pakistan rose again in 1955, when Pakistan announced that it was consolidating its control over its tribal areas. Afghan Prime Minister Mohammed Daoud Khan criticized Pakistan’s actions over the airwaves of Radio Kabul. Following Daoud’s denunciations, demonstrations inspired by the Afghan govern-

ment flared up in Kabul, Kandahar, and Jalalabad. S.M.M. Qureshi of the University of Alberta notes that “Pakistan flags were pulled down and insulted and the Pashtunistan flag was hoisted on the chancery of the Pakistan Embassy in Kabul.”<sup>9</sup> The two countries withdrew their ambassadors, and diplomatic relations weren’t fully restored until 1957.

The next crisis came in 1960-61. In September 1960, Afghan *lashkar* (irregular forces) dispatched by Muhammad Daoud Khan crossed into Pakistan’s Bajaur area. In May of the following year, clashes occurred in the Khyber Pass area. Pakistan announced that regular Afghan forces had attacked its border posts, and Pakistan’s air force strafed Afghan positions in response. After a new set of skirmishes broke out in the fall of 1961, Afghanistan and Pakistan once again severed diplomatic relations. The shah of Iran helped mediate a *détente* between the two neighbors in 1963, lasting for ten years – until Mohammed Daoud Khan deposed his cousin, King Mohammed Zahir Shah, on July 17, 1973.

Upon assuming power, Daoud – a longtime advocate of Pashtunistan – turned to the border dispute immediately, setting out to foment unrest in Pakistan’s tribal areas. His regime provided sanctuary, arms, and ammunition to Pashtun and Baluch nationalist groups. Even

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9 S.M.M. Qureshi, “Pakhtunistan: The Frontier Dispute Between Afghanistan and Pakistan,” *Pacific Affairs* 39:½ (1966), 105.

as Daoud fomented ethnic insurgency, his regime simultaneously condemned Pakistan before the United Nations for its treatment of ethnic minorities. This escalation came just after Pakistan had lost nearly a third of its territory, as East Pakistan seceded in 1971 and became Bangladesh. Such provocations demanded a response, and thus Pakistan began supporting Islamic militants in Afghanistan. At the time, the VNSAs Pakistan decided to support seemed to fit the more traditional proxy model despite their religious outlook, as they appeared to be more narrowly focused on Afghanistan.

## THE ENDURING IMPACT OF THE AFGHAN-SOVIET WAR

On December 27, 1979, the Soviet invasion of Afghanistan began with Operation Storm-333, in which Soviet Spetsnaz attacked the Taj-Bek palace in Kabul and killed Afghan leader Hafizullah Amin.<sup>10</sup> The backlash to this invasion was immediate throughout the Muslim world. In January 1980, Egypt's prime minister declared the Soviet invasion "a flagrant aggression against an Islamic state."<sup>11</sup> By the end of the month, foreign ministers of 35 Muslim countries, as well as the Palestine Liberation Organization (PLO), passed a resolution through the Organization of the Islamic Conference

(OIC) declaring the invasion a "flagrant violation of all international covenants and norms, as well as a serious threat to peace and security in the region and throughout the world." The OIC expelled Afghanistan's Soviet-installed regime, urging all Muslim countries to similarly withhold recognition from that government and sever their relations with it. At the time, the *Christian Science Monitor* described this condemnation of Soviet actions as "some of the strongest terms ever used by a third-world parley."<sup>12</sup>

Several states channeled aid to Afghan mujahedin who fought the Soviets. As noted earlier, the US and Saudi Arabia provided the bulk of the assistance, which was channeled through Pakistan's ISI. Though there were advantages to this arrangement – including the obfuscation of the US's role – one unintended consequence was bolstering connections between Pakistani intelligence and Islamist VNSAs.

In addition to drawing states into the conflict in support of the Afghan mujahedin, the Soviet invasion also prompted thousands of Arabs to flock to South Asia to aid the Afghan cause. Many who traveled to the region provided humanitarian aid, but there was also a contingent of Arab foreign fighters. Over time, bin Laden transitioned from being part of the former contingent, a humanitari-

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<sup>10</sup> Gregory Feifer, *The Great Gamble: The Soviet War in Afghanistan* (New York: Harper, 2009).

<sup>11</sup> "Egyptian Prime Minister on Middle East and Afghanistan," *BBC Summary of World Broadcasts*, January 5, 1980.

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<sup>12</sup> James Dorsey, "Islamic Nations Fire Broad-sides at Soviet Military Interventions," *Christian Science Monitor*, January 30, 1980.

an worker and financier of mujahedin, to proving himself on the battlefield. When he traveled to Pakistan in the early 1980s, he initially occupied himself by “providing cash to the relatives of wounded or martyred fighters, building hospitals, and helping the millions of Afghan refugees fleeing to the border region of Pakistan.”<sup>13</sup> After his first trip to the front lines in 1984, bin Laden developed a thirst for more action, and established a base for Arab fighters near Khost in eastern Afghanistan. Although the exploits of bin Laden’s fighters were irrelevant to the broader war, bin Laden was launched to prominence in the Arab media as a war hero.<sup>14</sup> As noted earlier, Al Qaeda was founded in August 1988, in the waning days of the Afghan-Soviet war, after bin Laden and Abdullah Azam determined that the structure they had created should serve as “the base” (*al Qaeda*) for future mujahedin efforts.

Two points are worth making about Pakistan’s evolving proxy relationship with Islamist VNSAs. The first is that the Afghan-Soviet war occurred at a time when the Pakistani military was undergoing significant changes, both at the very top and also amongst the rank and file. General Muhammad Zia-ul-Haq came to

power in a July 1977 military coup. In addition to being a religious man, Zia was “closely connected to several Islamists by virtue of his social and family origins.”<sup>15</sup> During his rule, Zia changed Pakistan’s military culture in several ways. He incorporated Islamic teachings (such as S.K. Malik’s *The Qur’anic Concept of War*) into military training, added religious criteria to officers’ promotion requirements and exams, and required formal obedience to Islamic rules within the military.<sup>16</sup> These changes came at a time when the demographics of the officer corps were naturally shifting. The first generation of Pakistan’s officers came from the country’s largely secular social elites, while many new junior officers hailed from the poorer northern districts and were more susceptible to religious fundamentalism.

The second point is that, as Pakistan’s support for Islamist VNSAs grew during the course of the Afghan-Soviet war, its strategic doctrine came to embrace this kind of support as a central means of advancing the country’s interests. Pakistan’s rivalry with India has always been one of its strategic priorities, and Pakistani government planners came to believe that supporting Islamist groups in Afghanistan would give them “strategic depth” against its foe. These planners

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13 Bruce Riedel, *The Search for Al Qaeda: Its Leadership, Ideology, and Future* (Washington, DC: Brookings Institution Press, 2008), 42.

14 Steve Coll, *Ghost Wars: The Secret History of the CIA, Afghanistan, and bin Laden, from the Soviet Invasion to September 10, 2001* (New York: Penguin Books, 2004), 163.

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15 Husain Haqqani, *Pakistan: Between Mosque and Military* (Washington, DC: Carnegie Endowment for International Peace, 2005), 112.

16 Zahid Hussain, *Frontline Pakistan: The Struggle with Militant Islam* (New York: Columbia University Press, 2007).

further believed (correctly) that Afghanistan's Islamist groups were more likely to be hostile to India, a non-Muslim power.

## THE TALIBAN'S RISE AND ITS AFTERMATH

Though observers expected Afghan leader Mohammad Najibullah's government to fall shortly after the Soviet Union withdrew its troops in 1989, the regime survived for several years. One reason it was able to survive so long is the regime's soft-power strategy, in which Najibullah rebranded himself as a devout Muslim and ardent nationalist, and used a traditional tool of influence in Afghanistan – patronage networks – to neutralize foes.<sup>17</sup>

But Najibullah couldn't survive without continuing Russian support. After the Soviet Union dissolved in December 1991, that support dried up and Najibullah's regime fell quickly thereafter. Afghanistan descended into civil war.

The Taliban emerged in this chaotic milieu, growing rapidly after its founding in 1994. While they were effective fighters, they also benefited from ISI assistance. According to *US News & World Report*, the Pakistani intelligence directorate helped “uneducated Taliban leaders with everything from fighting the opposition Northern Alliance to more mundane tasks like translating interna-

tional documents.”<sup>18</sup> By 1996 the Taliban had captured both Kabul and Kandahar, eventually controlling about 90% of the country.

During the Taliban's rule, it became increasingly difficult for Pakistan to constrain its Islamist proxies, particularly after bin Laden moved Al Qaeda's base of operations to Afghanistan. When the Afghan-Soviet war ended, bin Laden had returned briefly to Saudi Arabia before relocating to Sudan in 1991, where he started sponsoring terrorist attacks against the United States. Though these early attacks weren't enough to launch him into the Western public's consciousness, they caught the attention of the US and Saudi intelligence services, which pressured Sudan's government. Sudan seized the construction equipment that formed the backbone of bin Laden's business in that country, giving him only a fraction of its value in return.<sup>19</sup> Fortunately for bin Laden, the mujahedin leader Yunus Khalis invited him back to Afghanistan. The Taliban agreed to protect bin Laden from his enemies, explaining in one statement: “If an animal sought refuge with us we would have had no choice but to protect it. How, then, about a man who has given himself and his wealth in the cause of Allah and in the cause of jihad in Afghanistan.”<sup>20</sup> Al

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<sup>17</sup> Barfield, *Afghanistan: A Cultural and Political History*.

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<sup>18</sup> Michael Schaffer, “The Unseen Power,” *US News & World Report*, November 4, 2001.

<sup>19</sup> Riedel, *The Search for Al Qaeda*, 56.

<sup>20</sup> Abdel Bari Atwan, *The Secret History of Al Qaeda* (Berkeley: University of California Press,

Qaeda established a network of training camps in its new Afghan safe haven that were used not only by that organization, but also a variety of other transnational jihadist groups.

### PAKISTAN'S USE OF JIHADIST PROXIES

Pakistan tried to take advantage of the jihadist presence in Afghanistan, convincing some of the groups that trained and found refuge there to concentrate their militant activities on the disputed Kashmir region. But as jihadism became increasingly networked and transnational, Pakistan found it impossible to avoid incurring a price for utilizing these proxies.

One target of the jihadist groups that received Pakistani support was (and is) the United States. After Al Qaeda executed the devastating 9/11 attacks, the US naturally sought to enlist Pakistan's assistance on its side of the conflict. Just after the attacks, deputy secretary of state Richard Armitage gave Pakistan an ultimatum. In Pakistan's then-president Pervez Musharraf's words, Armitage told him that "we had to decide whether we were with America or with the terrorists, but that if we chose the terrorists, then we should be prepared to be bombed back to the Stone Age."<sup>21</sup> Armitage's threat, coupled with material incentives, persuaded Musharraf to announce a dramatic about-face on the issue of VNSAs, declaring on

January 12, 2002, that "no Pakistan-based organization would be allowed to indulge in terrorism in the name of religion."<sup>22</sup> He announced the ban of five jihadist groups, including Lashkar-e-Taiba and Jaish-e-Mohammed. However, Musharraf's reversal didn't hold up. The factors driving Pakistan's support for Islamist proxies in Afghanistan represented too tangled a web. In addition to the strategic calculations behind Pakistan's support for these groups, strong personal relationships and ideological affinities had developed between Pakistani officers and the VNSAs they supported. As noted earlier, the Pakistani state is not a unified actor, and this reality has given Pakistani officers the leeway to drive significant parts of Pakistan's VNSA-related policies, even when many in Islamabad do not share their ideological outlook.

A second target of jihadist groups is Pakistan itself. The state's relationship with both the Tehrik-e-Taliban Pakistan (TTP) and Haqqani Network (HQN) demonstrates the dangers involved in employing jihadist proxies. Established in 2007, TTP is "an umbrella organization for Pakistani militant groups" in the Federally Administered Tribal Areas (FATA) and Khyber-Pukhtunkhwa, which was formerly known as the North-West Frontier Province.<sup>23</sup> About 13 militant groups were

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2006), 54.

<sup>21</sup> Pervez Musharraf, *In the Line of Fire: A Memoir* (New York: Free Press, 2006), 201.

<sup>22</sup> Hussain, *Frontline Pakistan*, 51.

<sup>23</sup> Anne Stenersen, "The Relationship Between Al Qaeda and the Taliban," in *Talibanistan: Negotiating the Borders Between Terror, Politics, and Religion*, ed. Peter Bergen and Katherine Tie-



part of TTP at the time of its founding. Although Pakistan still supported jihadist proxies focused on Afghanistan at the time, it had also engaged in periodic military offensives against such groups in its own territory. These included a campaign in 2004 against Nek Muhammad Wazir's forces and several hundred foreign fighters that culminated in the Shakai agreement, as well as an early 2005 campaign against fighters commanded by the South Waziristan-based Baitullah Mehsud.

Ever since Mehsud, the antagonist in Pakistani's 2005 campaign, announced TTP's formation, the group has had an adversarial relationship with Pakistan. TTP's rise has been accompanied by a massive escalation in violence, as various networked militant groups have been able to conduct a full-blown insurgency. In early 2014, TTP has sparked concerns about worsening violence in several areas of the country. In Karachi, for example, where TTP "was largely responsible for a 90% spike in terrorist attacks" in 2013, insurgents have begun to take control of neighborhoods, giving rise to "concerns that one of the world's most populous cities is teetering on the brink of lawlessness."<sup>24</sup>

Pakistan has rationalized its support for jihadist proxies by convincing itself that

Taliban factions can be neatly divided into "good Taliban," those that focus on Afghanistan, and "bad Taliban" that are active in Pakistan. If such a division were accurate, it would mean that TTP's various offensives against the Pakistani state are not actually blowback. But the dividing line that Pakistan draws is fictitious, as TTP spokesman Shahidullah Shahid made clear in an October 2013. "The Afghan Taliban are our jihadist brothers," he said. "In the beginning, we were helping them, but now they are strong enough and don't need our help, but they are supporting us financially." Shahid added that the Afghan Taliban were providing Pakistani commander Mullah Fazlullah with a safe haven in Kunar province.<sup>25</sup> American officials apparently find Shahid's claim credible, telling the *New York Times* that support given to either the Afghan or Pakistani Taliban "invariably bleeds into assistance for the other."<sup>26</sup>

Thus, TTP is one illustration of the dangers of attempting to utilize jihadist VNSAs as proxies, and it fits all three of the criteria provided in this article. The first criterion was the groups' broad geographic scope and desire for revolutionary change. Although TTP's actions to date have largely focused on Pakistan, it would be a mistake to classify TTP as limited by Pakistan's national borders. For

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demann (Oxford: Oxford University Press, 2013), 78, Kindle edition.

<sup>24</sup> Tim Craig, "Karachi Residents Live in Fear as Pakistan Taliban Gains Strength," *Washington Post*, February 3, 2014.

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<sup>25</sup> "Afghan Taliban Financing Militants in Pakistan: TTP," *Dawn* (Pakistan), October 8, 2013.

<sup>26</sup> Matthew Rosenberg, "US Disrupts Afghans' Tack on Militants," *New York Times*, October 28, 2013.

years both TTP and Al Qaeda have telegraphed the Pakistani Taliban's transnational outlook. In 2009, Al Qaeda's official media outlet al-Sahab "released a flurry of videos" featuring TTP leaders, in what should be seen as "a media campaign announcing their open alliance with Pakistan's deadliest militant network."<sup>27</sup> The following year, an academic study by Khuram Iqbal, a recognized authority on the Pakistani Taliban, concluded that Al Qaeda had even more influence on TTP than on the Afghan Taliban. "The TTP has vociferously endorsed Al Qaeda's agenda of global jihad," he wrote.<sup>28</sup>

Nor is TTP's support for global jihad limited to rhetoric and ideas. In addition to its well-known sponsorship of Faisal Shahzad's attempted 2010 bombing of New York's Times Square, Iqbal notes other examples of TTP extending its international reach:

The 7/7 bombings in London, one of the most devastating terrorist attacks since 9/11, were planned from Bajaur Agency in FATA, as acknowledged by top TTP spokesman Maulvi Umer. Similarly, the foiled terrorist attacks in Barcelona, Spain in January 2008 were also attributed to the Al Qaeda-TTP nexus in FATA. These do not seem to be the

only examples of the TTP's capability to strike internationally. Evidence suggests that FATA has become an epicenter of international terrorism where terrorist outfits from all over the world operate under the protection of the TTP.<sup>29</sup>

As to the other relevant criteria that distinguish jihadist proxies from others, Pakistan has experienced blowback at TTP's hands. Though the state hasn't aided TTP directly, its Afghan Taliban proxies have supported TTP, thus ensuring that Pakistan paid a price for supporting other Islamist groups. And the third criterion, religious motivations playing a role in the sponsoring state's decision-making, also applies to Pakistan's ongoing support for the Afghan Taliban.<sup>30</sup>

Pakistan's concerns about TTP are illustrated by the fact that its problems with TTP have fundamentally altered its relationship with other Islamist proxies. Pakistan's relationship with HQN – a militant group led by Jalaluddin Haqqani and his son Sirajuddin – is more similar to a traditional proxy relationship, but Pakistan is increasingly aware of how this support intersects with the state's vulnerabilities. Jeffrey Dressler observes that Pakistan's sponsorship of HQN allows Pakistan to leverage the group to help "dissuade an-

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27 Vahid Brown, "Al Qaeda Publicly Cements Ties to the Tehrik-e-Taliban Pakistan," *Jihadica*, October 14, 2009, <http://www.jihadica.com/al-qa-%E2%80%99ida-publicly-cements-ties-to-the-tehr-ik-e-taliban-pakistan/>.

28 Khuram Iqbal, "Tehrik-e-Taliban Pakistan: A Global Threat," *Conflict and Peace Studies* 3:4 (2010), 4.

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29 Ibid, 5-6.

30 Daveed Gartenstein-Ross, "A Handcuffed Superpower: The US, Pakistan, and the Afghanistan War," in *Allies, Adversaries and Enemies: America's Increasingly Complex Alliances*, ed. Daveed Gartenstein-Ross and Jonathan Schanzer (Washington, DC: FDD Press, 2014), 14-17.

ti-Pakistan insurgents, such as TTP, from launching attacks on Pakistani security services and instead reorienting some of their focus on Afghanistan.”<sup>31</sup>

Thus, even in the case of the relatively loyal HQN, much of Pakistan’s priorities are determined by domestic concerns related to other jihadist groups that have turned against it. Pakistan thus hopes that HQN’s relationship with other jihadist factions can quell their anti-Pakistan activities. This illustrates how the Frankenstein’s monster that Pakistan built has escaped its control.

## CONCLUSION

State sponsorship can help jihadist groups in ways that are rather obvious: few groups would pass up the opportunity to gain money, arms, training, and perhaps safe haven. Less obvious is the downside of state sponsorship. One of the biggest downsides, from jihadist groups’ perspective, is that such sponsorship may encourage a group to compromise its ideology. This is one reason that Somalia’s al-Shabaab boycotted an opposition conference being held in the Eritrean capital of Asmara, and ultimately split from other Somali insurgent factions. The American mujahid Abu Mansoor al-Amriki (who would later mutiny from the group, but at the time spoke with its leaders’ authorization), explained that Shabaab had

skipped the Asmara conference because cooperation with “infidels” would corrupt the jihad: Eritrea would open “the door of politics in order for them to forget armed resistance,” leaving “members of the [Islamic] Courts in the lands of the *Kuffaar*, underneath their control, sitting in the road of politics which leads to the loss and defeat they were running from.”<sup>32</sup>

TTP, in choosing an antagonistic approach to the Pakistani state, may be privileging its ideology over the potential operational advantages of sponsorship – although it is able to ameliorate the disadvantages of this antagonism through its cooperative relationship with the Pakistan-supported Afghan Taliban.

It is important to recognize the major distinctions between traditional proxies and those that have a transnational jihadist outlook. Traditional proxies are less likely to bite the hand that feeds them than transnational jihadist proxies; and jihadists are more likely to sell their services to a rival state. Therefore, states that dabble in proxy warfare should pick carefully. ☹

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31 Jeffrey Dressler, *The Haqqani Network: A Strategic Threat* (Washington, DC: Institute for the Study of War, 2012), 12.

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32 Abu Mansoor al-Amriki, “A Message to the Mujaahideen in Particular and Muslims in General,” January 2008.

# **Proxy Wars in Cyberspace: The Evolving International Law of Attribution**

**Michael N. Schmitt  
& Liis Vihul**

The technical complexity of determining the perpetrators of cyber operations has resulted in a perception that states can operate with impunity in cyberspace. Clearly, the attribution challenge contributes to this perception by sometimes affording them a covert means of pursuing national security objectives. Targeted states often find their response options limited in the absence of an identifiable state author of the operations. Moreover, the anonymity of many hostile operations also renders classic deterrence strategies anaemic in cyberspace.

Yet, the finger of culpability often points at states, whether fairly or not. Some of the most severe and notorious cyber operations against states have been associated with other states, even if very loosely so.<sup>1</sup> For example, the large-scale, distributed denial of service attacks against Estonia in 2007 were viewed by many as Russia's punitive response to the Estonian government's decision to relocate a World War II Soviet memorial. The attempted cyber espionage targeting the US military secret network (SIPRNET) in 2008 that prompted the creation of United States Cyber Command, as well as those taking place in

the Georgia-Russia war the same year, were also seen as associated with Russia. The paradigmatic case is the use of the Stuxnet malware during Operation "Olympic Games," which has been widely, albeit unofficially, credited to Israel and the United States. More recently, Iran is believed to have carried out cyber attacks against US financial institutions (Operation Ababil) and used the Shamoon malware against Saudi Arabia's national oil company, Saudi Aramco, and Qatar's RasGas.

Today, it is incontrovertible that states carry out hostile activities against other states in cyberspace. Some states have gone so far as to publically express a strategic interest in doing so,<sup>2</sup> but most are understandably reticent to be identified as the source of any hostile cyber operations. The aforementioned technical difficulties of attribution serve a useful role in this regard. But to further attenuate the difficulty of attribution, a variety of non-state actors operate in this environment. While some pursue independent agendas, others act in varying degrees of support for particular states and their policy objectives. In some cases, they act as proxies for the states concerned.

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1 For an excellent review of State and non-State activities in cyberspace, see Kenneth Geers et al., *World War C: Understanding Nation-State Motives Behind Today's Advanced Cyber Attacks* (FireEye Labs), accessed January 31, 2014, <http://www.fireeye.com/resources/pdfs/fireeye-wwc-report.pdf>.

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2 See, e.g., *The Defence Cyber Strategy* (Netherlands Ministry of Defence), 5, 6, 8, 11, accessed January 31, 2014, [http://www.defensie.nl/\\_system/handlers/generaldownloadHandler.ashx?filename=/english/media/cyberbrochure\\_engels\\_tcm48-199915.pdf](http://www.defensie.nl/_system/handlers/generaldownloadHandler.ashx?filename=/english/media/cyberbrochure_engels_tcm48-199915.pdf).

Since non-state cyber operations are often feasible at a fairly low cost and without access to the technical wherewithal of states, care has to be taken when presuming state sponsorship of non-state cyber activities. For example, the 2007 cyber operations targeting Estonia were in part attributable to the Nashi youth activist group, but it is unclear whether the Russian Federation had a hand in the group's operations.<sup>3</sup> Similarly, the aforementioned attacks on the US banking sector have been attributed primarily to the Izz ad-Din al-Qassam Cyber Fighters, a group that launched them in response to the YouTube release of the movie "Innocence of Muslims" and its alleged insult to the Prophet Mohamed. Whether the Iranian government played a part, and if so how, remains uncertain.<sup>4</sup> As these cases demonstrate, establishing a nexus between the actions of a non-state actor and the state itself can be a challenging endeavour.

This article examines the legal landscape of proxy cyber operations. The precise

legal question is when may the cyber activities of a non-state group or individual, or even in some cases another state, be attributed to a state as a matter of international law. In order to answer this question, a multilevel legal analysis is required because the applicable legal norms that apply vary depending on the legal context of the attribution. The article discusses attribution in three contexts. First, it explores attribution for the purpose of establishing state responsibility for the actions of non-state groups. In other words, it answers the question of when is a state legally responsible for the actions of a non-state group's cyber operations such that it may have to act to halt the operations, pay reparations for damage, or be subject to the target state's "countermeasures," an exceptional remedy explained below. Second, it examines the preconditions to treating a cyber operation by a non-state actor as an "armed attack" mounted by its state sponsor, thereby allowing the victim state to respond forcefully in self-defense against that state itself (in addition to responding directly against the non-state group), as well as opening the door to a forceful response by other states, such as NATO member states, in collective defense. Finally, it assesses when state sponsorship of a non-state group results in the sponsor state becoming a party to an international armed conflict. In lay terms, when does state sponsorship of non-state cyber operations result in the two states being "at war"? This is a

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3 Eneken Tikk, Kadri Kaska and Liis Vi-hul, *International Cyber Incidents: Legal Considerations* (Tallinn: CCD COE Publications, 2010), 23-24; "Nashi Activist Says He Led Estonia Cyberattacks," *The Moscow Times*, March 13, 2009, <http://www.themoscowtimes.com/news/article/nashi-activist-says-he-led-estonia-cyberattacks/375271.html>.

4 Ellen Nakashima, "Iran Blamed for Cyberattacks on US Banks and Companies," *The Washington Post*, September 21, 2012, 1; Jeb Boone, "Who Are the Izz Ad-Din Al-Qassam Cyber Fighters?" *GlobalPost*, November 9, 2012, <http://www.globalpost.com/dispatches/globalpost-blogs/the-grid/who-are-the-izz-ad-din-al-qassam-cyber-fighters>.



crucial question because once an armed conflict exists, the law of war (international humanitarian law (IHL)) governs the situation.

### **THE LAW OF STATE RESPONSIBILITY**

The law of state responsibility is concerned with the legal consequences of a state's violations of international law. By this body of customary international law, which has been captured by the International Law Commission in its *Draft Articles on Responsibility of States for In-*

*ternationally Wrongful Acts*,<sup>5</sup> states are

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5 U.N. International Law Commission, Report of the International Law Commission, Draft Articles of State Responsibility, U.N. GAOR, 53rd Sess., Supp. No. 10, U.N. Doc. A/56/10 (2001) [hereinafter Articles on State Responsibility]. The general international law of State responsibility has not been set forth in a treaty. Rather, it emerges as the product of State practice that is engaged in out of *opinio juris*, i.e. a sense of legal obligation (customary international law). The International Court of Justice has recognized customary law as a valid form of international law in the Statute of the International Court of Justice. Statute of the International Court of Justice art. 38(1)(b), June 26, 1945, 59 Stat. 1055, T.S. No. 993, 3 Bevans 1179.

responsible for their “internationally wrongful acts” to those whom they have “injured” in the sense of violating an obligation owed.<sup>6</sup> Such acts are composed

***“Today, it is incontrovertible that states carry out hostile activities against other states in cyberspace.”***

of two analytically distinct elements: 1) an act or omission that breaches an international legal obligation, and 2) attributability of the act to the “responsible state.”<sup>7</sup> In the event the responsible state breaches an obligation owed to the injured state, it is obliged to immediately cease the offending conduct (an act) or comply with the required duty (an omission) and make full reparation to the injured state.<sup>8</sup> This system applies fully to state cyber operations that violate an international obligation owed to the target state. It is thus unquestionable that a state conducting a cyber operation that violates a treaty or customary international law duty to another state is under an obligation to immediately terminate the operation. It is equally clear that a state to which the cyber operations of a

non-state actor are attributable is legally required to do everything in its power to stop them.

The law of state responsibility also provides for the taking of countermeasures in response to a continuing or unremedied breach of an obligation it is owed. Countermeasures are actions “which would otherwise be contrary to the international obligations of [an] injured state *vis-à-vis* the responsible state if they were not taken by the former in response to an internationally wrongful act by the latter in order to procure cessation and reparation.”<sup>9</sup> Restated, the responsible state has breached, through an act of either commission or omission, a treaty or customary international law obligation owed to another state. The injured state may respond with action that would itself constitute a breach of an obligation owed to the responsible state – the countermeasure. Its response will not be considered internationally wrongful so long as it complies with the various requirements set forth for countermeasures in the law of state responsibility.<sup>10</sup>

<sup>9</sup> *Ibid.*, para. 1 of chapeau to Chapter II.

<sup>10</sup> *Ibid.*, arts. 49-54. On countermeasures in the cyber context, see *Tallinn Manual on the International Law Applicable to Cyber Warfare* [hereinafter *Tallinn Manual*], gen. ed. Michael N. Schmitt (New York: Cambridge University Press, 2013), Rule 9 and accompanying commentary; Michael N. Schmitt ““Below the Threshold” Cyber Operations: The Countermeasures Response Option and International Law,” forthcoming *Virginia Journal of International Law* 54 (2014).

<sup>6</sup> Articles on State Responsibility, arts. 1, 28.

<sup>7</sup> *Ibid.*, art. 2.

<sup>8</sup> *Ibid.*, arts. 30(a), 31.



Countermeasures must be distinguished from acts of retorsion, which are “unfriendly” but not unlawful actions, such as an economic embargo or severance of diplomatic relations. Additionally, the sole purpose of a countermeasure is to force the responsible state into compliance with the law; retribution, punishment, and the like are impermissible objectives.<sup>11</sup> In the cyber context, countermeasures often represent an effective means of self-help by allowing the injured state to take urgent action that would otherwise be unavailable to it, such as “hacking back,” to compel the responsible state to cease its internationally wrongful cyber operations. With respect to proxies, if the non-state actor’s cyber operations are attributable to a sponsoring state as a matter of law, it is lawful to launch countermeasures at that state itself to compel it to use its influence to put an end to the non-state actor’s operations.

With respect to the first prong of the test for an internationally wrongful act, the wrongfulness thereof, state cyber operations could violate many treaty (whether bilateral or multilateral) and customary norms of international law. Prominent among these is the prohibition on the use of force. As confirmed in the *Tallinn Manual on the International Law Applicable to Cyber Warfare*, it is unequivocal that those cyber op-

erations which cause injury or death of persons, or damage or destruction of property, violate the prohibition,<sup>12</sup> which is resident in customary law, as well as codified in Article 2(4) of the UN Charter, unless justified under the doctrine of self-defense or by UN Security Council authorization. Arguably, certain cyber operations that do not have destructive or injurious consequences would also qualify as a use of force.<sup>13</sup>

Since states are more typically the target of cyber activities of lesser gravity, the international community is paying increasing attention to other relevant international law norms prohibiting particular cyber behaviour by states.<sup>14</sup> The effort to clear the normative fog surrounding these norms in the cyber context has been hampered by a paucity of *opinio juris* – pronouncements by states that they are required to act or refrain from acting in a particular way due to the existence of a legal obligation.<sup>15</sup> Absent *opinio juris*, it is difficult to assess whether the community views particular actions as legally mandated

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<sup>12</sup> Tallinn Manual, para. 8 of commentary to Rule 11.

<sup>13</sup> Ibid., para. 10 of commentary to Rule 11.

<sup>14</sup> The NATO CCD COE has launched a follow-on project to the Tallinn Manual titled “Tallinn 2.0”. It examines the international legal issues surrounding cyber operations that fall below the “armed attack” threshold, and will result in a second, expanded edition of the Tallinn Manual in 2016.

<sup>15</sup> On *opinio juris*, see North Sea Continental Shelf (Ger. v. Den.; Ger. v. Neth.), 1969 I.C.J. 3, para. 77 (Feb. 20).

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<sup>11</sup> Articles on State Responsibility, para. 1 of commentary to art. 49.

(or forbidden) or as simply the product of policy decisions. This scarcity can be explained by the paradoxical situation states find themselves in with respect to cyber activities. On the one hand, IT-dependent states that are most vulnerable to hostile cyber activities have an incentive to characterize hostile cyber activities as violations of international law. On the other hand, IT-dependency often goes hand-in-hand with IT-capability; states that have developed an advanced cyber infrastructure are also the most likely to possess offensive cyber capabilities. Their reticence to openly style cyber operations against them as unlawful can be explained in part by a fear of limiting their own courses of action in the future.

Despite this situation, there is no question that non-destructive or injurious malicious cyber operations can violate various established international law norms. Prominent among these are the principles of sovereignty and non-intervention. The principle of sovereignty empowers a state to “exercise control over cyber infrastructure and activities within its territory.”<sup>16</sup> Correspondingly, the principle of sovereignty protects cyber infrastructure on a state’s territory irrespective of whether it is government owned or private. The International Group of Experts that drafted the *Tallinn Manual* struggled with the application of the principle. All agreed that

a cyber operation by another state that caused damage to cyber infrastructure violated the territorial state’s sovereignty, whereas mere cyber monitoring did not.<sup>17</sup> They disagreed over whether placing malware into cyber infrastructure or altering or destroying data qualified as a violation. Importantly, the protective scope of sovereignty is limited to a state’s territory (and government vessels and aircraft). By this logic, a cyber operation by State A that alters critical data stored in a server on State B’s territory violates State B’s sovereignty. However, if State B stored the same data in State C, State A’s operation would only violate State C’s sovereignty.

The international law prohibition of intervention in another state is centred on the element of coercion; an unlawful intervention occurs when a state intends to compel another state in its internal or external affairs (i.e. matters that are reserved to that state). The International Court of Justice has confirmed that the non-intervention principle is violated, for example, if a state provides “financial support, training, supply of weapons, intelligence and logistic support” to a terrorist or insurgent group operating in another state.<sup>18</sup> Thus, funding malicious cyber activities by such a group, training its members in cyber attack techniques, or supplying malware to the

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16 Tallinn Manual, Rule 1.

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17 Ibid., para. 6 of commentary.

18 Military and Paramilitary Activities in and against Nicaragua (Nicar. v. U.S), 1986 I.C.J. 14, para. 242 (June 27) [hereinafter Nicaragua].

group would all qualify as intervention by the state sponsor.

These are only two examples of internationally wrongful acts below the use of force threshold for which states may be held responsible and that may open the door to demands for cessation, reparations, and the taking of countermeasures; others may derive from such areas of law as the law of the sea, international telecommunications law, space law, and, with respect to individuals, human rights law. Regardless of the legal obligation concerned, the breach has to be attributable to a state to result in state responsibility. Therefore, the salient question with respect to this article is: When are the acts of non-state actors attributable to states?

Obviously, the conduct of “state organs” of government, such as military, intelligence, and security agencies, is attributable to the respective state.<sup>19</sup> The law of state responsibility infuses the term “state organ” with a broad meaning to ensure that states cannot escape responsibility by asserting an entity’s non-status as its *de jure* organ pursuant to domestic law. Such *de facto* organs are regarded as state organs for the purposes of state responsibility provided that they are completely dependent on the state and that dependency inherently provides for the state’s potential com-

plete control over them.<sup>20</sup> Therefore, cyber operations, whether in defense or offense, conducted by, for instance, the Netherlands Defence Cyber Command,<sup>21</sup> the French Network and Information Security Agency (ANSSI),<sup>22</sup> the Estonian Defence League’s Cyber Unit<sup>23</sup> or the United States Cyber Command<sup>24</sup> are unquestionably attributable to their respective states. Indeed, their conduct is attributable even when the action is *ultra vires*, that is, unauthorized.<sup>25</sup>

Furthermore, sometimes persons or entities who are not state organs are permitted by the domestic law of a state to exercise elements of governmental authority. So long as they are acting in that capacity, their actions will be considered an act of that state.<sup>26</sup> For example, a private entity that issues certificates for national identification documents in order to assure the security and authenticity of legally binding digital signatures so qualifies.

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20 Nicaragua, paras. 109, 110. See also Marko Milanovi, “State Responsibility for Genocide,” *European Journal of International Law* 17, no.3 (2006): 576-77.

21 *The Defence Cyber Strategy*, 11.

22 See the website of Agence nationale de la sécurité des systèmes d’information at <http://www.ssi.gouv.fr/en/the-anssi>.

23 See the website of Estonian Defence League’s Cyber Unit at <http://www.kaitseliit.ee/en/cyber-unit>.

24 See, e.g., *Department of Defense Strategy for Operating in Cyberspace* (2011), 5, accessed January 31, 2014, <http://www.defense.gov/news/d20110714cyber.pdf>.

25 Articles on State Responsibility, art. 7.

26 *Ibid.*, art. 5.

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19 Articles on State Responsibility, art. 4.

Before turning to the specific rules governing attribution of a non-state group's cyber activities, it is useful to distinguish between breach of an obligation by a state and its responsibility based on a non-state actor's cyber operations. For instance, international law dictates that a state may not "allow knowingly its territory to be used for acts contrary to the rights of other states,"<sup>27</sup> an obligation that applies fully to cyber infrastructure located on its territory.<sup>28</sup> A state would therefore be required to take down a botnet's command and control server located on its territory and used by a terrorist group to carry out a large-scale distributed denial of service attack (DDoS) against another state's critical cyber infrastructure, such as its electrical grid. Failure to do so is itself a breach by the state. But whether the state is responsible for the terrorists' DDoS attack is a question of attribution.

By the general rule, the conduct of governmental organs is attributable under international law, whereas the actions of private persons are generally not.<sup>29</sup> The conduct of non-state actors is only attributed to a state when they are either acting "on the instructions" of that state or acting under its "direction or control" (although not when the acts are *ultra vi-*

*res*).<sup>30</sup> No requirement vis-à-vis the legal status of the person or group exists; they could include, for example, individual hackers, criminal groups, an informal group with its own identity like Anonymous, a legal entity such as the Microsoft Corporation, or terrorist or insurgent groups. The key is that unlike state organs, attribution of non-state actors' conduct is solely made based on the factual relationship between the person or group engaging in internationally unlawful cyber activities and the state.<sup>31</sup> Of particular note are state owned IT companies. Ownership by the state as such does not suffice for attribution. Instead, a company (assuming it is not exercising elements of governmental authority) must be acting under the instruction, direction, or control of the state before its cyber activities are attributable to that state.

Because the concepts of "acting on the instructions" and "acting under the direction or control" of a state have not been well-developed in the law of state responsibility, each case has to be assessed on its own merits. Acting "on the instructions" of a state is generally equated with conduct that is authorized by that state.<sup>32</sup> In other words, the non-state actor functions as the state's "auxiliary" in that the state has hired, recruited, or otherwise instigated it to act in a particular way. For example, a state

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27 *Corfu Channel (U.K. v. Alb)*, 1949 I.C.J. 4, 23 (9 April) at 22.

28 Tallinn Manual, Rule 5 and accompanying commentary.

29 Articles on State Responsibility, paras. 2-3 of chapeau to Chapter II.

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30 *Ibid.*, art. 7.

31 *Ibid.*, para. 1 of commentary to art. 8.

32 *Ibid.*, paras. 2, 8 of commentary to art. 8.

may employ a private company to steal military intellectual property whenever possible from another state. The company is acting on state instructions. So long as the theft violates an international legal obligation owed to the injured state (e.g., a provision of a treaty of amity and friendly relations between the states concerned), state responsibility arises.

The notion of “direction or control” is limited to the conduct of specific operations, rather than merely supplementing a state’s activities or assuming responsibility for performing a particular function, as in the case of “instruction.”<sup>33</sup> For example, a state may conclude a confidential contract with a private computer security company to program a back door into its encryption product, as was alleged with respect to the National Security Agency and the security company RSA.<sup>34</sup> Once that program is installed on another state’s governmental computer, the state will direct the enterprise to exploit the back door and plant malware on that computer which will start extracting documents and forwarding them to the directing state. The company’s behaviour is attributable to the directing state, provided that the implantation of malware qualifies as a breach of the other state’s sovereignty or

***“Before turning to the specific rules governing attribution of a non-state group’s cyber activities, it is useful to distinguish between breach of an obligation by a state and its responsibility based on a non-state actor’s cyber operations.”***

amounts to another breach of an obligation owed to the target state. In this scenario, the injured state may accordingly demand cessation through removal of the malware, reparation, and assurances and guarantees of non-repetition.<sup>35</sup> So long as the state that contracted the specific activities has not complied with these obligations, the injured state may also engage in proportionate countermeasures against it.

A critical issue is the requisite degree of control. The International Court of Justice, in a standard acknowledged by the International Law Commission, has stated that a state must exercise “effective control” over the non-state actor in question for state responsibility to

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<sup>33</sup> Ibid., para. 3 of commentary to art. 8.

<sup>34</sup> Joseph Menn, “Exclusive: Secret contract tied NSA and security industry pioneer,” *Reuters*, December 20, 2013, <http://www.reuters.com/article/2013/12/20/us-usa-security-rsa-idUSBRE9B-J1C220131220>.

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<sup>35</sup> Ibid., art. 30(b).

attach.<sup>36</sup> While this notion has not been defined, it presumes a higher level of participation than general or “overall” (see below) control by the state.<sup>37</sup> Merely encouraging or generally supporting non-state actors’ cyber operations does not qualify, nor does having the ability to somehow influence the non-state actor’s actions.<sup>38</sup> As an example, Russia’s silent endorsement of the 2007 cyber attacks against Estonia, demonstrated, *inter alia*, by its refusal to assist Estonian authorities in related criminal proceedings pursuant to the Agreement on Mutual Legal Assistance, did not suffice to attribute the attacks to Russia.<sup>39</sup> In the context of a non-state actor’s military operations, a state’s preponderant or decisive participation in the “financing, organizing, training, supplying, and equipping [...], the selection of its military or paramilitary targets, and the planning of the whole of its operation” has been found insufficient to meet the “effective control” threshold.<sup>40</sup> To satisfy the stringent effective control test, the non-state group must essentially be conducting its operations on behalf of the State.<sup>41</sup>

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36 Nicaragua, para. 115; Articles on State Responsibility, para. 4 of commentary to art. 8.

37 Case Concerning the Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosn. & Herz. v. Serb. and Montenegro), 2007 I.C.J. 43, para. 406 (Feb. 26) [hereinafter *Genocide*].

38 Tallinn Manual, para. 10 of commentary to Rule 6.

39 Tikk, Kaska and Vihul, *International Cyber Incidents*, 27-28.

40 Nicaragua, para. 115.

41 *Ibid.*, para. 109.

Of course, the fact that the non-state group’s activities are not attributable to the state does not mean that the state is not responsible for its own internationally wrongful act, such as intervention.

An additional basis for attribution of a non-state actor’s cyber operations exists when the state “acknowledges and adopts the conduct in question as its own.”<sup>42</sup> The International Court of Justice recognized this basis in the *Tehran Hostages* case. There, the Court found that Iran bore responsibility for holding US hostages between 1979 and 1981 because “[t]he approval given to [the seizure] by the Ayatollah Khomeini and other organs of the Iranian State, and the decision to perpetuate them, translated continuing occupation of the Embassy and detention of the hostages into acts of that State.”<sup>43</sup> Thus, for example, if a state expresses approval for particular non-state cyber operations against another state and subsequently acts to support them, as in mounting cyber defenses to foster their continuance, the acts become attributable. However, this is a relatively limited basis for attribution. Merely expressing support or encouraging the non-state actors is insufficient.

These thresholds are very high. The more non-state actors turn to cyber operations, and the more their capabilities

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42 Articles on State Responsibility, art. 11.

43 United States Diplomatic and Consular Staff in Tehran (US v. Iran), 1980 I.C.J. 3, para. 74 (May 24).



and sophistication grow, the greater the opportunities and incentives for states to covertly leverage them. This will result in an understandable temptation on the part of states that are the target of non-state cyber operations to interpret the thresholds liberally. However, a countervailing desire to avoid responsibility on the part of states employing cyber proxies will encumber development along these lines. In light of these competing incentives, the thresholds are likely to remain intact for the foreseeable future.

A related question is the requisite level of certainty that the state is involved

for attribution to occur. In this regard, the state injured by the non-state actor bears the burden of proof that the latter's cyber operations are attributable to another state.<sup>44</sup> As to the standard of proof, the Iran-United States Claims Tribunal has held that both the identity of the originator as well as its association with a particular state must be proven with "reasonable certainty."<sup>45</sup> The mean-

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<sup>44</sup> Articles on State Responsibility, para. 8 of chapeau to Chapter V.

<sup>45</sup> *Kenneth B. Yeager v. The Islamic Republic of Iran*, 17 Iran-US Cl. Trib. Rep. 92, 101-02 (1987). This position is also adopted in the Articles on State Responsibility (para. 9 of chapeau to Chapter II).

ing of the notion “reasonable certainty” is context-dependent. In principle, the graver the underlying breach, the greater the confidence must be in the evidence relied upon.<sup>46</sup> This is because the robustness of permissible responses grows symmetrically with a breach’s seriousness, particularly with respect to countermeasures. Such measures must comport with the requirement of proportionality; that is, they “must be commensurate with the injury suffered, taking into account the gravity of the internationally wrongful act and the rights in question.”<sup>47</sup> For instance, if non-state actors launch cyber operations on behalf of a state that cause some limited disruption, inconvenience, and irritation, it would not be lawful to respond against the responsible state with cyber operations that bring about large-scale economic loss or physical damage. Therefore, the requirement for confidence in the evidence increases as the risk of misattribution of activities to an “innocent” state intensifies.

The International Court of Justice has intimated the existence of a requirement for “clear evidence” in the case of attribution of a non-state group’s acts to a state.<sup>48</sup> While it did not expound on the exact meaning of this requirement, it should, like that of the Iran Claims Tri-

bunal, be understood as imposing a fairly high standard of proof. Nevertheless, “clear evidence” is not to be equated with the demanding criminal law “beyond a reasonable doubt” standard of proof.<sup>49</sup> Absolute certainty, or at least the elimination of all possible alternatives, is not required.

Illustrating this point with a recent example, the Mandiant report indicated that the Chinese PLA’s Unit 61398 (also known as Comment Crew or APT1) acted with the full knowledge and cooperation of the Chinese government.<sup>50</sup> Some have challenged this assertion,<sup>51</sup> but so long as the victim states acted with reasonable certainty based on clear evidence that China is behind the operations, they would have been within the bounds of the law in responding through demands for cessation, claims of reparations, or countermeasures. The same analysis applies to Syria’s most prominent hacker group, the Syrian Electronic Army. Although it insists that it operates independently of the Assad regime, there are indications to the contrary.<sup>52</sup> Injured

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49 See, e.g., Michael N. Schmitt, “Counter-Terrorism and the Use of Force in International Law,” *Marshall Center Papers*, no. 5 (2002): 69.

50 *APT1: Exposing One of China’s Cyber Espionage Units* (Mandiant, 2013), 59, accessed January 31, 2014, [http://intelreport.mandiant.com/Mandiant\\_APT1\\_Report.pdf](http://intelreport.mandiant.com/Mandiant_APT1_Report.pdf)

51 Jeffrey Carr, “Mandiant APT1 Report Has Critical Analytic Flaws,” *Digital Dao* (blog), February 19, 2013, <http://jeffreycarr.blogspot.com/2013/02/mandiant-apt1-report-has-critical.html>.

52 See, e.g., Nicole Perlroth, “Hunting for Syr-

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46 *Oil Platforms (Iran v. US)*, 2003 I.C.J. 161 (Nov. 6) [hereinafter *Oil Platforms*], Separate Opinion of Judge Higgins, para. 33.

47 *Articles on State Responsibility*, art. 51.

48 *Nicaragua*, para. 109.



states would be entitled to respond against Syria itself if sufficiently reliable and substantive evidence emerged that the relationship with the regime met the thresholds described above.

The prevailing view is that the law of state responsibility does not allow the taking of forceful countermeasures.<sup>53</sup> Accordingly, a state generally may not respond with cyber or kinetic operations that rise to the level of a use of force against a state instructing or effectively controlling a proxy's cyber operation. There is one important exception — self-defense.

### THE LAW OF SELF-DEFENSE

A right enshrined in Article 51 of the UN Charter, and reflective of customary international law, is that states are allowed to exercise their “inherent right of individual or collective self-defence if an armed attack occurs.” In an international legal system in which use of force is prohibited, self-defense is one of the two generally accepted grounds that permit a state to resort to force, the other being authorization or mandate from the UN Security Council.<sup>54</sup>

A cyber operation is deemed to consti-

tute an “armed attack” if its scale and effects are grave. Significant injury, death, physical damage, or physical destruction qualify.<sup>55</sup> In the absence of state practice and *opinio juris*, the case of non-destructive, albeit highly disruptive, cyber operations such as those interfering with critical infrastructure, is unsettled. During the *Tallinn Manual* deliberations, members of the International Group of Experts took different positions on this issue. While some insisted on the requirement for physical injury or damage, others focused on the severity of the non-destructive consequences and were willing to characterize non-destructive but otherwise catastrophic cyber operations as armed attacks.<sup>56</sup>

A key issue concerns Article 51's relation to Article 2(4). In the *Tallinn Manual*, the majority of the International Group of Experts took the position that a cyber armed attack is always a cyber “use of force” in the Article 2(4) sense, but the reverse is not the case. Rather, cyber “armed attacks” are those cyber uses of force that have particularly serious consequences.<sup>57</sup> In *Nicaragua*, the International Court of Justice adopted an identical position when it noted the need to “distinguish the most grave forms of the use of force (those constituting an armed attack) from other less

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ian Hackers' Chain of Command,” *New York Times*, May 17, 2013, <http://www.nytimes.com/2013/05/18/technology/financial-times-site-is-hacked.html>.

<sup>53</sup> Articles on State Responsibility, art. 50(1)(a); cf. Oil Platforms, Separate Opinion of Judge Simma, para. 13.

<sup>54</sup> U.N. Charter, arts. 39, 42.

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<sup>55</sup> Tallinn Manual, para. 6 of commentary to Rule 13.

<sup>56</sup> *Ibid.*, para. 9 of commentary to Rule 13.

<sup>57</sup> *Ibid.*, para. 6 of commentary to Rule 13.

grave forms.”<sup>58</sup> The distinction has particular relevance in the case of proxies. To the extent a proxy conducted cyber use of force is attributable to a state, Article 2(4) prohibits the injured state from responding with its own forceful action against the responsible state until the consequences cross the armed attack threshold. Should it not, the state may only engage in retorsion, demand cessation, seek reparations, or launch countermeasures. The United States has adopted a minority view on the matter. It suggests there is no “gap” between a use of force and an armed attack. Every use of force is an armed attack in the absence of either a self-defense justification or enabling Security Council resolution.<sup>59</sup> Therefore, once a non-state actor conducts a cyber operation at the use of force level, the victim state may respond forcefully.

An on-going debate in international law circles also surrounds the applicability of Article 51’s right of self-defense to hostile actions by non-state actors; the debate equally resonates with respect to

cyber attacks conducted by non-state actors. Views have crystallized around two schools of thought. The first suggests that force is only permitted under Article 51 when the non-state group’s operations are attributable to a state. Proponents point to two controversial International Court of Justice cases in which the Court appeared to take this position.<sup>60</sup> Absent attribution, they argue, only responses within the law enforcement paradigm are permissible.

The decisions were criticized even by key judges of the Court who, correctly in the view of the authors, noted that the plain text of Article 51 contains no limitation of armed attacks to those conducted or attributable to states and that state practice in the aftermath of the 9/11 attacks augurs towards the opposite conclusion.<sup>61</sup> The United States unambiguously agrees with this position,<sup>62</sup>

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60 Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, 2004 I.C.J. 136, para. 139 (July 9) [hereinafter Wall]; Armed Activities in the Congo (Dem. Rep. Congo v. Uganda), 2005 I.C.J. 168, paras. 146-47 (Dec. 19) [hereinafter Congo].

61 Wall, Separate Opinion of Judge Higgins, para. 33; Wall, Separate Opinion of Judge Kooijmans, para. 35; Wall, Declaration of Judge Buerenthal, para. 6; Congo, Separate Opinion of Judge Simma, para. 11.

62 *Lawfulness of a Lethal Operation Directed Against a US Citizen Who is a Senior Operational Leader of Al-Qa’ida or an Associated Force* (Department of Justice White Paper), 2, accessed January 31, 2014, [http://msnbcmedia.msn.com/i/msnbc/sections/news/020413\\_DOJ\\_White\\_Paper.pdf](http://msnbcmedia.msn.com/i/msnbc/sections/news/020413_DOJ_White_Paper.pdf). See also Harold H. Koh, Legal Adviser, US Department of State, “The Obama Administration and International Law,” Address Before the American Society of International Law on March 25, 2010, accessed

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58 Nicaragua, para. 191.

59 A former (then sitting) State Department Legal Adviser articulated the US position in Harold H. Koh, “International Law in Cyberspace,” Address at the USCYBERCOM Inter-Agency Legal Conference, Ft. Meade, Maryland on September 18, 2012, reprinted in Harold Hongju Koh, “International Law in Cyberspace,” *Harvard International Law Journal Online* 54, (2012): 1-12. The Koh address and the Tallinn Manual are compared in Michael N. Schmitt, “The Koh Speech and the Tallinn Manual Juxtaposed,” *Harvard International Law Journal Online* 54, (2012): 13-37.

as did the majority of the *Tallinn Manual* International Group of Experts.<sup>63</sup> This debate resonates in the cyber context because if the Court's position is correct, states subjected to injurious or destructive cyber attacks by non-State actors will be severely limited in their response options. Therefore, they are unlikely to countenance such a restriction.

The essential question for the purposes of this article is: When do a non-state group's cyber operations, generating consequences at the level of armed attack, involve sufficient attributability that the victim state can use kinetic or cyber operations at the use of force level against another state (as well as the group itself)? In this regard, the normative *locus classicus* is the International Court of Justice's treatment of the subject in its *Nicaragua* judgment when assessing US support to the Contra guerrillas.

*[I]t may be considered to be agreed that an armed attack must be understood as including not merely action by regular armed forces across an international border, but also "the sending by or on behalf of a State of armed bands, groups, irregulars or mercenaries, which carry out acts of armed force against another State of such gravity as to amount to"*

*(inter alia) an actual armed attack conducted by regular forces, "or its substantial involvement therein". This description, contained in [...] the Definition of Aggression annexed to General Assembly resolution 3314 (XXIX), may be taken to reflect customary international law.*

*The Court sees no reason to deny that, in customary law, the prohibition of armed attacks may apply to the sending by a State of armed bands to the territory of another State, if such an operation, because of its scale and effects, would have been classified as an armed attack rather than as a mere frontier incident had it been carried out by regular armed forces. But the Court does not believe that the concept of "armed attack" includes not only acts by armed bands where such acts occur on a significant scale but also assistance to rebels in the form of the provision of weapons or logistical or other support. Such assistance may be regarded as a threat or use of force, or amount to intervention in the internal or external affairs of other States.*<sup>64</sup>

Applied to cyber proxies, the pronouncement leads to certain conclusions. First, the standards track those developed above

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January 31, 2014, <http://www.state.gov/s/l/releases/remarks/139119.htm>.

<sup>63</sup> Tallinn Manual, para. 17 of commentary to Rule 13.

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<sup>64</sup> Nicaragua, para. 195.

in the context of state responsibility. A non-state group that is “sent” by a state to launch cyber attacks against another state or one that is acting “on its behalf” is essentially operating on its instructions or is under its effective control. The “substantial involvement” reference can best be understood as joint operations. Once these

***"States must clearly articulate their position on the matter whenever it can be established that a state has resorted to a proxy to conduct harmful cyber operations."***

preconditions are met, attribution results. But the right to respond in self-defense will only mature at the point that the non-state group’s cyber activities amount to an armed attack. There is no difference between the requisite consequential threshold applying to its activities and those of a state’s armed forces in this regard. Finally, the text makes it clear that although providing cyber weapons to the group or offering other support such as enabling it to make use of the state’s cyber infrastructure to conduct its operations is wrongful, such activities do not endow the injured state with the right to use force against that state (although it might be able to use force against the group itself).

## INTERNATIONAL HUMANITARIAN LAW

International humanitarian law (also known as the law of armed conflict) regulates the conduct of armed conflict. It distinguishes between two genres of armed conflict — an “international armed conflict” between two or more states and a “non-international armed conflict” between a state and an organized armed group, or between such groups.<sup>65</sup> Non-state actors may play a crucial role in both. The issue of attribution looms largest with respect to whether state support creates an international armed conflict between the two states.

The legal consequences of this form of attribution differ from those discussed above. Attribution in this context serves an initiating or transformative function with respect to the conflict itself. This occurs in one of two ways. First, certain support of a non-state group initiates an international armed conflict where no armed conflict at all was previously underway. Second, support by an external state can “internationalize” an on-going non-international armed conflict such

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<sup>65</sup> Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, arts. 2 & 3, Aug. 12, 1949, 6 UST. 3114, 75 U.N.T.S. 31; Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, arts. 2 & 3, Aug. 12, 1949, 6 UST. 3217, 75 U.N.T.S. 85; Convention Relative to the Treatment of Prisoners of War, arts. 2 & 3, Aug. 12, 1949, 6 UST. 3316, 75 U.N.T.S. 135; Convention Relative to the Protection of Civilian Persons in Time of War, arts. 2 & 3, Aug. 12, 1949, 6 UST. 3516, 75 U.N.T.S. 287.

the states concerned are now in an international armed conflict. The legal significance of these dynamics is that IHL rules, and related bodies of law such as the law of neutrality, now apply as between the States. Resultantly, members of the armed forces of the sponsoring state and any of its civilians who directly participate in the hostilities become targetable. So too do any “military objectives” in the State.<sup>66</sup> Therefore, all the sponsoring state’s cyber infrastructure that is military in character or used for military purposes qualifies as a lawful target even if it is geographically very remote from the on-going hostilities between the other state and the non-state group.<sup>67</sup>

In determining whether a state’s support to a non-state actor either initiates an armed conflict between the states concerned or internationalizes a non-international armed conflict, it is necessary to distinguish between support to organized armed groups and that to a relatively unorganized group or to an individual engaged in cyber operations. With regard to the former, the requisite degree of control over the organized armed group for the purposes of finding an international armed conflict differs from that employed

in order to establish state responsibility.<sup>68</sup> Whereas a state’s responsibility attaches if the state instructs or has “effective control” over the non-state actor, an armed conflict is initiated or internationalized once the sponsoring state exercises “overall control” over an organized armed group.<sup>69</sup> In *Tadić*, the Appeals Chamber of the International Criminal Tribunal for the former Yugoslavia found that “the mere financing and equipping of such forces” was insufficient, whereas “participation in the planning and supervision of military operations” qualified.<sup>70</sup> In *Lubanga*, the International Criminal Court confirmed that “a role in organising, co-ordinating, or planning the military actions of the military group” internationalizes a non-international armed conflict.<sup>71</sup> In contradistinction to the attribution standards of state responsibility, no requirement exists that the non-state group be acting pursuant to specific orders or instructions regarding a particular operation.

By this standard, a state which identifies cyber targets for an organized armed group, provides it essential intelligence necessary to launch destructive attacks, or participates in the planning of the group’s military cyber operations becomes a par-

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66 Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts arts. 51, 52, June 8, 1977, 1125 U.N.T.S. 3; *Customary International Humanitarian Law*, eds. Jean-Marie Henckaerts and Louise Doswald-Beck (New York: Cambridge University Press, 2005): Rules 1, 6, 7.

67 Tallinn Manual, Rule 38 and accompanying commentary.

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68 Genocide, para. 405.

69 Prosecutor v. Tadić, Case No. IT-94-1-A, Appeals Chamber Judgment, para. 145 (Int’l Crim. Trib. for the former Yugoslavia July 15, 1999) [hereinafter Tadić].

70 Ibid.

71 Prosecutor v. Lubanga, Case No. ICC-01/04-01/06, Decision on Confirmation of Charges, para. 211 (ICC Jan. 29, 2007).

ty to an international armed conflict with the target state. In a more general sense, once a state exercises enough control over the group to direct it to mount a broad campaign of cyber attacks, that state enjoys overall control. By the same token, if the state has the power to terminate a military cyber campaign or instruct the group to refrain from attacking a particular category of cyber targets, its level of control qualifies as overall control. But neither providing malware or hardware nor providing the group with financing for its cyber operations are enough.

Support to an organized armed group must be distinguished from that to a single private individual or a group that is not well organized, as in the case of an *ad hoc* group that communicates on-line but has no command structure and does not operate collaboratively. Here, the law requires that the state exercise much greater control over those conducting cyber operations before an international armed conflict results between the two states. The *Tadić* Appeals Chamber cited the example of “specific instructions or directives aimed at the commission of specific acts.”<sup>72</sup> For instance, if a state instructs a highly capable small collection of hackers (or an individual hacker) to conduct a lethal or destructive attack against another state’s cyber infrastructure, an international armed conflict results.

It must be cautioned that there is insuf-

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<sup>72</sup> *Tadić*, para. 132. See also paras. 137, 141.

ficient state practice accompanied by *opinio juris* to answer the question of whether cyber operations that result in no physical damage or injuries can initiate an international armed conflict (clearly those that do suffice) where no armed conflict was previously underway.<sup>73</sup> It is likely that in making that assessment, states will take into account factors such as the severity of the cyber operation’s consequences, whether its target is of a military nature or not, and the duration of the cyber operation.<sup>74</sup>

## CONCLUSION

That states will continue to work through non-state actors to achieve national security and foreign policy objectives is inevitable. In cyberspace, this tendency will certainly grow, for such operations afford states a degree of anonymity and detachment from the non-state operations that serve useful political and legal ends. In particular, the relatively high levels of support that are required before a state can be held responsible for the activities of non-state groups or individuals, as distinct from their own responsibility for being involved, creates a normative safe zone for them.

This does not mean that states may turn to

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<sup>73</sup> Michael N. Schmitt, “Classification of Cyber Conflict,” *International Law Studies* 89 (2013): 241. See also Cordula Droege, “Get Off My Cloud: Cyber Warfare, International Humanitarian Law, and the Protection of Civilians,” *International Review of the Red Cross* 94, no. 886 (2012): 549.


<sup>74</sup> Droege, “Get Off My Cloud,” 547.

non-state actors with impunity to conduct cyber operations in their stead against other states. Pursuant to the law of state responsibility, they may face the prospect of reparations or countermeasures when they either instruct the actors to mount the operations or exercise effective control over them. Should such operations generate consequences crossing the armed attack threshold, the state may find itself the target of forceful cyber or kinetic responses pursuant to the law of individual or collective self-defense. And if the state either instructs non-state actors to launch physically destructive or lethal operations against another state, or exercises overall control over an organized armed group, it will find itself “at war” with the target state.

As should be apparent, therefore, states contemplating a relationship with non-state actors involved in cyber operations against another state must tread very lightly. To the extent they engage in such operations, they weaken the international legal architecture for assessing responsibility and imposing accountability with respect to harmful cyber operations. This is because it is always necessary to look to state practice when interpreting legal norms that lack absolute clarity. By using non-state actors, states effectively help hold the legal door open for other states to do likewise.

For the same reasons, states must clearly articulate their position on the matter whenever it can be established that a state has resorted to a proxy to conduct harm-

ful cyber operations. Silence will typically be interpreted as acquiescence, although that is technically a questionable conclusion as a matter of law. Only by objecting to such use based on strict application of the law of state responsibility’s rules on attribution can states hold the line against actions that weaken the extant norms.

Finally, there is little prospect for establishment of a treaty regime to deal with the use of proxy cyber actors. States that turn to them will be hesitant to embrace such a regime and, absent their consent, treaties do not bind states. Therefore, the reality is that states can only shape understanding of the current law through their practice. Unfortunately, the vector of that state practice is presently uncertain. 

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# **Fear and Loathing in Mexico: Narco-Alliances and Proxy Wars**

**| Irina Chindea**



*“Cartel attacks are thus not meant solely to batter the police and the military, but also to sow fear and demonstrate that the cartels—not the government—are dominant in Mexico.”*<sup>1</sup>

In December 2012, Enrique Peña Nieto took the helm of Mexico’s presidency after running on an electoral agenda in which he distanced himself from the Calderón Administration’s (2006-2012) security policies against organized crime. These policies have received substantive criticism over the past years for leading to a direct increase in violence in the country. The total number of homicides for the Calderón Presidency doubled, reaching approximately 120,000, over those recorded during the previous administration of Vicente Fox Quesada (2001-2006).<sup>2</sup> The number of organized crime style executions—over 60,000<sup>3</sup>—associated with Felipe Calderón’s war on drugs significantly surpassed the

threshold of 1,000 battle-related deaths within a twelve months period – the definition of war according to the Correlates of War Project.<sup>4</sup> The levels of violence in this internal conflict have been comparable to those in war zones such as Iraq and Afghanistan. Additionally, Calderón’s war against the drug cartels had other unintended effects. It transformed Mexico into the most dangerous country for journalists in the Western Hemisphere—and the eighth worldwide<sup>5</sup>—with 67 journalists murdered and 14 disappeared since 2006.<sup>6</sup> Last but not least, for three consecutive years (2008, 2009, and 2010) Ciudad Juarez, the second largest metropolitan area on the border with the US, registered the highest rate of homicides worldwide, earning the nickname “Murder City.”<sup>7</sup>

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1 Brands, H. (2009). Mexico’s narco-insurgency and US counterdrug policy, Strategic Studies Institute, US Army War College.

2 “Drug Violence in Mexico – Data and Analysis Through 2012,” page 13, Special Report of Justice in Mexico Project, February 2013, by Cory Molzahn, Octavio Rodriguez Ferreira, and David A. Shirk, <http://justiceinmexico.files.wordpress.com/2013/02/130206-dvm-2013-final.pdf>

3 “Drug Violence in Mexico – Data and Analysis Through 2012,” page 16, Special Report of Justice in Mexico Project, February 2013, by Cory Molzahn, Octavio Rodriguez Ferreira, and David A. Shirk, <http://justiceinmexico.files.wordpress.com/2013/02/130206-dvm-2013-final.pdf>

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4 This is the definition of war according to the Correlates of War Project, [http://www.correlatesofwar.org/COW2%20Data/WarData\\_NEW/COW%20Website%20-%20Typology%20of%20war.pdf](http://www.correlatesofwar.org/COW2%20Data/WarData_NEW/COW%20Website%20-%20Typology%20of%20war.pdf)

5 “The Effects of Drug War Related Violence on Mexico’s Press and Democracy,” by Emily Edmonds Poli, April 2013, a Wilson Center – Mexico Institute and University of San Diego Trans-border Institute Working Paper in the “Civic Engagement and Public Security,” page 12. in Mexico Series,” [http://www.wilsoncenter.org/sites/default/files/edmonds\\_violence\\_press.pdf](http://www.wilsoncenter.org/sites/default/files/edmonds_violence_press.pdf)

6 Data from Mexico’s General Attorney’s Office (PGR) cited in “The Effects of Drug War Related Violence on Mexico’s Press and Democracy,” by Emily Edmonds Poli, April 2013, a Wilson Center – Mexico Institute and University of San Diego Trans-border Institute Working Paper in the “Civic Engagement and Public Security in Mexico Series,” [http://www.wilsoncenter.org/sites/default/files/edmonds\\_violence\\_press.pdf](http://www.wilsoncenter.org/sites/default/files/edmonds_violence_press.pdf)

7 “Por tercer año consecutivo, San Pedro Sula es la ciudad más violenta del mundo,” by José

Today, more than one year into the new Peña Nieto Presidency, violence in Mexico has not significantly subsided,<sup>8</sup> and the country has witnessed an increase in kidnappings,<sup>9</sup> forced disappearances,<sup>10</sup> and extortion.<sup>11</sup> Despite the promises made on the campaign trail, the 18-month old Peña Nieto Administration still has not been able to carry out the security measures that it intended, such as the creation of a new security force under the guise of a national gendarmerie.<sup>12</sup> On the contrary, its security pol-

icies have *de facto* remained the same as those of the previous administration.<sup>13</sup> Equally, they have contributed to the festering of the narco-violence problem that the country has been facing over the past seven years, and that has resulted in the rise of the self-defense forces across the country, particularly in rural areas and the state of Michoacán.<sup>14</sup>

In this context of ongoing internal conflict characterized by soaring and persistent violence, Mexico presents an extremely interesting and rich case for the study of alliances among non-state armed groups<sup>15</sup> and their use of proxies in fighting both the state and their rivals. Similar to the traditional dynamic

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A. Ortega, Seguridad, Justicia y Paz, January 2014, <http://www.seguridadjusticiaypaz.org.mx/biblioteca/view.download/5/177>

8 Molly Molloy, “Peña Nieto’s First Year: Iraq on Our Southern Border,” *Small Wars Journal*, January 7, 2014, <http://smallwarsjournal.com/jrnl/art/pe%C3%B1a-nieto%E2%80%99s-first-year-iraq-on-our-southern-border>, link last accessed on March 17, 2014.

9 Report “Estudio del mes de junio 2013 sobre las denuncias de los delitos de alto impacto,” by Observatorio Nacional Ciudadano cited in “Mexico Kidnappings Highest in 16 Years,” *InsightCrime*, September 16, 2013, <http://www.insightcrime.org/news-briefs/mexico-kidnappings-highest-in-16-years>; Paul Rexton Kan, “The Year of Living Dangerously: Peña Nieto’s Presidency of Shadows,” *Small Wars Journal*, January 6, 2014, <http://smallwarsjournal.com/jrnl/art/the-year-of-living-dangerously-pe%C3%B1a-nieto%E2%80%99s-presidency-of-shadows>

10 Ben Leather, “One year into Enrique Peña Nieto’s Government: Where are all the disappeared people?” December 1, 2013; [https://www.frontlinedefenders.org/files/where\\_are\\_all\\_the\\_disappeared\\_-\\_by\\_ben\\_leather.pdf](https://www.frontlinedefenders.org/files/where_are_all_the_disappeared_-_by_ben_leather.pdf);

11 “Análisis de la extorsión en México 1997-2013: Retos y oportunidades,” *Observatorio Nacional Ciudadano*, 2014, pages 36-37 <http://onc.org.mx/wp-content/uploads/2014/02/Interiores-Extorsio%C3%ACn-02-ONC-Digital-final22febrero1.pdf>

12 “Incoming Mexican President Peña Nieto looks to reshape dialogue with US,” by William

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Booth and Nick Miroff, *The Washington Post*, November 30, 2012, [http://www.washingtonpost.com/world/the\\_americas/mexicos-new-president-to-shift-dialogue-with-us-from-drugs-to-economy/2012/11/30/f2bd7f58-39c3-11e2-9258-ac7c78d5c680\\_story.html](http://www.washingtonpost.com/world/the_americas/mexicos-new-president-to-shift-dialogue-with-us-from-drugs-to-economy/2012/11/30/f2bd7f58-39c3-11e2-9258-ac7c78d5c680_story.html)

13 Sylvia Longmire, “Disappointment is the Hallmark of EPN’s First Year in Office,” *Small Wars Journal*, January 13, 2014, document available at <http://smallwarsjournal.com/jrnl/art/disappointment-is-the-hallmark-of-epn%E2%80%99s-first-year-in-office>

14 “A Quandary for Mexico as Vigilantes Rise,” by Randal C. Archibold, *The New York Times*, January 15, 2014, [http://www.nytimes.com/2014/01/16/world/americas/a-quandary-for-mexico-as-vigilantes-rise.html?\\_r=0](http://www.nytimes.com/2014/01/16/world/americas/a-quandary-for-mexico-as-vigilantes-rise.html?_r=0)

15 According to the typology proposed by Shultz, Lochard and Farah, criminal groups together with terrorist, insurgent and warlords are one of the four main categories of non-state armed groups that they propose. Shultz, R. H., et al. (2004). *Armed groups : a tier-one security priority*. Colorado Springs , Colo., USAF Institute for National Security Studies, USAF Academy.

in proxy wars, in which states use other states or armed groups to fight wars on their behalf and bleed their rivals, in the internal conflict in Mexico, a variety of actors, including non-state groups, have used criminal organizations as proxies leading to a protracted struggle with many casualties among the narco-traffickers, state forces, and the civilian population.<sup>16</sup>

Beyond the Mexican case, we witness similar patterns of alignment among non-state armed groups fighting as proxies around the globe. The Colombian “bacrim” (or *bandas criminales*)<sup>17</sup> and the Central American gangs whose infighting over past years has led to a massive number of refugees crossing the border illegally into the United States<sup>18</sup> are two relevant examples of internal conflicts among criminal groups carried out by proxy that have had significant spillover effects across the region. The alignment of the main actors in the Syrian civil war (e.g., Al Nusra Front, The Free Syrian Army) with both

***"This article approaches the proxy wars debate from a new angle that considers the shifts over time in balance of power between the sponsor and the proxy, be they the state or non-state armed groups, in the context of an internal conflict."***

state and non-state entities such as Hezbollah, Iran, Al Qaeda, and Saudi Arabia, among others, represents another striking example of massive internal violence conducted by proxies in more complex relationships with one another than traditionally conceived of,<sup>19</sup> translating into a high number of casualties, displaced individuals, and refugees flooding into neighboring countries and beyond.<sup>20</sup>

Hence, the findings from the Mexican case are illuminating for other cases in which violent non-state actors are involved as proxies. These insights are

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16 “Drug Violence in Mexico – Data and Analysis Through 2012,” page 13, Special Report of Justice in Mexico Project, February 2013, by Cory Molzahn, Octavio Rodriguez Ferreira, and David A. Shirk, <http://justiceinmexico.files.wordpress.com/2013/02/130206-dvm-2013-final.pdf>

17 “Rebels, BACRIMS Ally in Northern Santander,” by Elysa Pachico, Insight Crime, February 21, 2011, <http://www.insightcrime.org/news-analysis/farc-eln-allied-with-drug-gangs-in-northern-santander>

18 “Hoping for Asylum, Migrants Strain US Border,” by Julia Preston, The New York Times, April 9, 2014.

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19 “Proxy war between Iran, Saudi Arabia playing out in Syria,” by Ashish Kumar Sen, The Washington Times, February 26, 2014, <http://www.washingtontimes.com/news/2014/feb/26/proxy-war-between-iran-saudi-arabia-playing-out-in/?page=all>

20 UNHCR—Syria Regional Refugee Response, <http://data.unhcr.org/syrianrefugees/regional.php>

particularly relevant in the current international security environment in which the lines between non-state armed groups with political goals and those mainly driven by financial incentives are increasingly blurred.<sup>21</sup> Today, many terrorist and insurgent organizations rely on criminal business ventures to sponsor their activities, while an increasing number of criminal groups reach into the political sphere and exert a profound influence in local and national affairs.<sup>22</sup> The extent to which such criminal entities challenge the traditional political makeup of the state has led some practitioners and journalists to refer to the violence in places like Mexico as a “narco-insurgency” or “criminal insurgency.”<sup>23</sup>

This article approaches the proxy wars debate from a new angle that considers the shifts over time in balance of power between the sponsor and the proxy,

be they the state or non-state armed groups, in the context of an internal conflict. Given such shifts in the balance of power, the article explores the way in which proxies turn on their sponsors and new proxies are found in the underworld, leading to a reconfiguration of alliances on the ground that allows for the violence to continue unabated, protracting the internal war.<sup>24</sup>

Mexico is an excellent case study for examining these dynamics. This article will in particular examine the following questions: What roles do proxy non-state armed groups<sup>25</sup> play in the Mexican internal conflict? How do the alliances they forge with other criminal organizations and state actors influence the balance of forces on the ground? What impact do the shifts in balance of power among the criminal groups and between the cartels and the state have on the levels of violence in the country?

The answer to these questions is relevant not only for disentangling the situation in Mexico where the reconfiguration of alliances on the ground and use of cartel proxies did not receive appropriate con-

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21 “Making Good Criminals: How to Effectively Respond to the Crime-Terrorism Nexus,” by Vanda Felbab-Brown, InsightCrime, April 8, 2014, <http://www.insightcrime.org/news-analysis/making-good-criminals-how-to-effectively-respond-to-the-crime-terrorism-nexus>

22 “Criminal Groups: Multifarious Threats to State Capacity and Security. Economic and Political Spillover Effects of Organized Criminality,” by Irina Chindea and Byron Ramirez, upcoming in April 2014 in the Small Wars Journal – El Centro.

23 “States of Change: Power and Counterpower Expressions in Latin America’s Criminal Insurgencies,” by John P. Sullivan, International Journal on Criminology, Volume 2, Issue 1 • Spring 2014; Grillo, I. (2011). *El Narco : inside Mexico’s criminal insurgency*.

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24 In her work on alliances in civil wars, Fotini Christia makes a rather similar argument regarding the relationship between availability of allies and the protraction of civil wars. Christia, F. (2012). *Alliance formation in civil wars*. Cambridge ; New York, Cambridge University Press.

25 In this article, the terms “non-state armed groups” and “violent non-state actors” will be used interchangeably and will refer to the same umbrella category of actors that Shultz, Lochard and Farah propose in their work.

sideration when the Mexican government crafted and implemented its main security policies—the reform of police forces and the kingpin strategy—but also when considering the role of proxies in other internal conflicts as well as the effects of Mexico’s internal conflict on its neighbors. The use of US-based gangs as proxies in the fight among the narco-traffickers together with the spill of violence<sup>26</sup> and entrenchment of cartel activities over Mexico’s borders both into the United States<sup>27</sup> and Guatemala<sup>28</sup> renders finding the answers to these questions even more pressing.

This article proceeds by providing the background for the soaring violence in Mexico over the past years, the security policies the Mexican government adopted and implemented, and the way in which they have backfired and created an environment favorable to the conduct of proxy wars among the drug cartels and between the drug cartels and the state. Subsequently, this essay explores the evolution of the relation-

ship between the Mexican state and the narco-traffickers, and how the balance of power had over time gradually shifted from the state in favor of the drug cartels. The third section provides an in-depth discussion of the impact of kingpin strategy on the intra- and inter-cartel dynamics, and it is followed by a detailed analysis of the power and alliance dynamics at play among the drug cartels and their proxies. The last section concludes with policy recommendations and a discussion of the implications of proxy use in the context of the rising vigilante movement across Mexico.

## **RIISING VIOLENCE IN MEXICO UNDER THE CALDERÓN ADMINISTRATION**

The doubling of the national homicide rate in Mexico under Felipe Calderón’s administration, from 9.7 homicides per 100,000 inhabitants in 2006 when he took office, to 22 homicides per 100,000 inhabitants at the end of 2012<sup>29</sup> when he left, is often blamed on the security policies he adopted to fight organized crime. Many blame two policies in particular

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26 “Mexico’s Drug Violence Seeps Over the Border,” by Ted Galen Carpenter, The Huffington Post, October 26, 2012, [http://www.huffingtonpost.com/ted-galen-carpenter/mexico-drug-violence\\_b\\_2023996.html](http://www.huffingtonpost.com/ted-galen-carpenter/mexico-drug-violence_b_2023996.html)

27 “This Mexican Cartel Kingpin Supplies 80% Of The Drugs Flooding Chicago,” by Michael Kelley, Business Insider, September 21, 2013, <http://www.businessinsider.com/sinaloa-cartel-runs-the-chicago-drug-game-2013-9>

28 “Marines vs. Zetas: US Hunts Drug Cartels in Guatemala,” by Robert Beckhusen, Wired, August 29, 2012, <http://www.wired.com/2012/08/marinesvszetas/>

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29 UNODC data on intentional homicide rates for Mexico from 1995 to 2012. The UNODC data is based on the information provided by Mexico National Institute of Statistics and Geography, INEGI. The preliminary report on 2012 intentional homicides published by INEGI at the end of July 2013 is available at <http://www.inegi.org.mx/inegi/contenidos/espanol/prensa/Boletines/Boletin/Comunicados/Especiales/2013/julio/comunica9.pdf>. Additional information can be found in the UNODC – Global Study on Homicide 2013 available at [http://www.unodc.org/documents/gsh/pdfs/2014\\_GLOBAL\\_HOMICIDE\\_BOOK\\_web.pdf](http://www.unodc.org/documents/gsh/pdfs/2014_GLOBAL_HOMICIDE_BOOK_web.pdf)

for the increase in violence: the use of federal forces in joint operations to replace corrupt local and state police,<sup>30</sup> and the decapitation of cartel leadership, or the kingpin strategy.<sup>31</sup>

Such multi-tiered measures were required, given the deeply entrenched, corrupt ties the Mexican security forces have had with the narco-traffickers throughout the country's modern history. Due to the high, countrywide levels of corruption of police forces, in recent years Mexico has accelerated its experiment with the involvement of armed forces in the exercise of domestic security functions. Under both the Fox and Calderón administrations, the armed forces steadily undertook domestic security functions to assist the non-corrupt elements of the government to carve out space to recruit and train a new, clean police force in lieu of focusing on its core mission of protecting the country from external threats.<sup>32</sup> The lack of proper

training of the military for its provision of domestic security sometimes resulted in federal forces committing abuses against civilians and individuals not related to the criminal organizations.<sup>33</sup>

Additionally, the Mexican government borrowed from the Colombian playbook the so-called *kingpin strategy*, which involves arresting, killing, or extraditing to the United States the top ranks of the cartels. Contrary to the Colombian case in which only two major criminal organizations—the Cali and Medellín cartels—were controlling the drug trade and were taken down by the government sequentially, the conditions on the ground have been markedly different in Mexico. With seven players<sup>34</sup> of large caliber controlling the main trafficking routes across the country in 2006, the Mexican government indiscriminately<sup>35</sup> engaged in violence against all the players and attempted to take them down simultaneously, instead of focusing on one group at a time.

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30 David Shirk, "Justice Reform in Mexico: Change & Challenges in the Judicial Sector," in *Shared Responsibility. US – Mexico Policy Options for Confronting Organized Crime*. Woodrow Wilson International Center for Scholars, *Mexico Institute*. Pages 205 – 245.

31 Nathan Jones, "The unintended consequences of kingpin strategies: kidnap rates and the Arellano-Félix Organization" in *Trends in Organized Crime*, March 2013, page 157.

32 Unfortunately, the use of the military to provide domestic security has continued under the current Peña Nieto administration, particularly in the context of the rising self-defense forces in the state of Michoacán over the past year. According to press reports, the vigilante forces proved to be the toughest challenge the present Mexican adminis-

Each of these two security strategies—internal security forces reform and kingpin strategy—have backfired, and their concurrent implementation without adequate resources on the part of

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tration has faced since early 2013.

33 Human Rights Watch – World Report 2013 – Mexico report available at <http://www.hrw.org/world-report/2013/country-chapters/mexico>

34 The Sinaloa Federation, the Tijuana Cartel, the Juarez Cartel, the Gulf Cartel, The Beltrán Leyva Cartel, La Familia Michoacana, Los Zetas.

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the government contributed to the exponential rise in violence. Alongside the structural challenges the Calderón administration faced when carrying out its security strategy, another shortfall of the administration was trying to do too much in too short a time. Calderón condensed a very ambitious plan into six years, without having the adequate means and resources to execute the strategy in a sequential manner when the necessary pre-conditions had been put in place for each set of measures to be implemented. His administration ended up implementing almost simultaneously its security policies, irrespective of their “ripeness” with disastrous effects on the country.

His security strategy became a victim of the election cycle because of the limited mandate in place for the president (six years), and for state governors and municipal councils (three years for each with no possibility of renewal). Not benefiting from sufficient time in office to be able to implement the needed reforms gradually, and constrained by pressures of the electoral cycle to show results in the light of the next election, Calderón ended up patching together his security strategy and executing it with insufficient resources and an imperfect, corrupt set of government workers.

Although most practitioners and academics consider the use of joint operations in the context of the reform of police forces and the kingpin strategy to be

the main drivers behind the rise in violence in Mexico under Calderón, these explanations largely elude an important set of dynamics. Specifically, they fail to take into account the dynamics at play among drug traffickers, between traffickers and the state, between traffickers and the general population, and between the corrupt government officials on the payroll of the traffickers and the non-corrupt government forces that aim to impose law and order.

Among these levels of interaction, two deserve a more in-depth consideration: the state-traffickers relationship, and that among the narcos themselves. The interaction between the narcos and the population is also important and has become even more so with the rise of vigilante or self-defense forces, but an in-depth exploration of this relationship is beyond the scope of this article. The findings concerning the shifts in alliances and use of proxies at the two levels of interaction can provide critical lessons for how to approach, or not, the relationship between traffickers and rising vigilante groups that present a pressing challenge to the current administration.

### **THE EVOLUTION OF THE RELATIONSHIP BETWEEN THE STATE AND NARCO-TRAFFICKERS**

Mexico has a long history of its police forces and military colluding with drug traffickers, irrespective of the party in power, dating back to at least the late

19<sup>th</sup> century when marijuana and opium smuggling across the US–Mexico border became entrenched.<sup>36</sup> Strong ties between the security forces across all three levels of government — local, state, and federal — and the narco-traffickers were prevalent during the continuous 71 year rule of the Institutional Revolutionary Party (PRI), as well as during the 12 year experiment with democracy under the National Action Party (PAN), one of PRI's two main political rivals.

The consolidation of Mexican drug cartels took place gradually in the 1970s and 1980s under the watch of the PRI. With the silent approval of the political class, police forces, and the military, the loosely structured family-based networks of border smugglers — forerunners of today's traffickers — started to coalesce and gain organizational cohesion along hierarchical lines.

In this time period, despite the collusion between the traffickers and the state, the state maintained a strong-hand approach when it came to managing the cartels and the extent of their activities. State officials informally divided the areas where the cartels could operate, and were taking a cut of the profits the cartels were making.<sup>37</sup> This approach trans-

lated into low levels of violence in the country, and when such violence took place, it was mainly confined to settling of accounts among the narcos with few, if any, civilian victims.

In addition, from time to time, the state security forces would arrest low ranking traffickers who had fallen out of favor with the government official charged with controlling a specific area of operations. Such actions had a twofold purpose: on the one hand, the Mexican government kept the narcos in line and made sure that they would not engage in violent rampages as would happen later under the Calderón administration. On the other, the Mexican government would use the arrests for cosmetic purposes to show results in the fight against narco-trafficking.

Although in the 1970s and 1980s the Mexican underworld was not particularly well-structured, the family-based alliances among the narco-traffickers themselves were relatively durable and provided a degree of stability and cohesiveness to the environment. The individual ability of state security agencies and criminal organizations to coordinate with their peers also facilitated the coordination between the “upper-world” and the “underworld.” Both environments interpenetrated, and once decisions were agreed upon at the top, it was easier to implement them down the chain of command and keep the tap on potential violence outbreaks.

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36 Astorga Almanza, L. A. (2005). *El siglo de las drogas : el narcotráfico, del Porfiriato al nuevo milenio*. México, D.F., Plaza y Janés.

37 Stanley A. Pimentel, “Mexico’s Legacy of Corruption,” in *Menace to Society: Political-Criminal Collaboration Around the World*. Roy Godson. 2003.



Hence, in the first stages of the formation of Mexican cartels, the balance of power was tilted in favor of the state, with the narco-traffickers being mostly subservient to the interests and fads of corrupt officials across municipal, state, and federal levels. Over time, the situation deteriorated due to the cumulative effect of state corruption, while the profile of the drug cartels rose with their involvement in the cocaine trade. Ultimately, in the 1990s, with the fall of Medellín and Cali cartels, the Mexicans took over the business from the Colombians.

This empowered a number of criminal groups, while making the underworld environment more fragmented and competitive. Because of the divisions starting to take place, it became very important for drug cartels to gain reliable allies among state officials. The corruption of various government officials across all three levels of government continued, with the corruption patterns mirroring the divisions and alliances in the underworld.

Starting with the Fox administration in December 2000, the full opening of the political system created a more complex environment in which coordinated action across jurisdictions and levels of government became increasingly difficult. Also, the advent of free elections introduced a high level of insecurity for the narco-traffickers who could no longer rely on their old corrupt allies in government. Instead of simply brib-

ing the new officials and vaguely airing the well-known threat “*plata o plomo*”<sup>38</sup> (silver or lead) as they did in the past, the traffickers increasingly enforced the “*plomo*,” or “lead,” side of the threat to force the remaining officials into compliance, and make them less inclined to engage in any major operations against the narcos.

When Felipe Calderón came to power in December 2006, the balance of power had shifted significantly in favor of the drug cartels at the expense of the state. Thus, his administration enacted measures to shift the balance once again in favor of the state.

Once Calderón declared war on narco-traffickers and their associates, the conflict directly implicated the corrupt elements in the government on the payroll of the narcos. If previously fighting narco-trafficking was a matter of “fighting the narcos on the streets” and in courts (when this was the case), under Calderón the conflict reached deeply into the “security body” of the state. Under this analogy, one element of the body — the federal forces — was fighting other parts of the same body — the municipal and state forces — which were perceived as “cancerous cells” that needed to be eliminated. Consequently, a competition for survival emerged within the bureaucracy, and in the in-

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38 “*Plata o plomo*” translates as “silver or lead” and has the meaning “accept the bribe or take the bullet.”

terest of self-preservation, corrupt participants systematically undermined the efforts of federal forces to eradicate the cartels.<sup>39</sup> By the end of his term, Calderón did not succeed in shifting the balance of power back into the government's favor, and corrupt government officials and police were acting as *de facto* proxies on behalf of the cartels in their battle against the state.

### CARTEL-LEVEL IMPACT OF THE KINGPIN STRATEGY UNDER CALDERÓN

Although the Mexican state has not regained control over the cartels, the security reforms enacted by the Calderón administration, especially the kingpin strategy, have indeed fragmented the Mexican underworld and have disrupted the existing equilibria among the drug cartels and their allies. The arrest, extradition, or assassination of cartel leaders (often referred to as *capos*) by government forces weakened the cartels, but did not fully eradicate them. The implementation of this security measure with insufficient financial and military resources, inadequately trained forces — many of them still deeply plagued by corruption — while casting a wide net to simultaneously “catch” as many “cartel fishes” as possible, did not cripple the cartels as meaningfully as the govern-

ment intended. On the contrary, it only started a vicious circle of violence that made the use of proxies (or allies chosen from among street gangs and less powerful cartels) an increasingly favored tactic and caused reconfigurations in alliances based on the shifts in the balance of power among the groups.

To start, at group level, the decapitation of cartel leadership had two major impacts: internal and external to the organization.

### INTRA-GROUP IMPACT OF THE KINGPIN STRATEGY

At the internal level, the arrest or killing of a capo often led to struggles for power over who would assume the reins of the cartel. Such struggles resulted in most cases in the cartel splitting into factions engaged in a bloody and protracted fight for the control of the *plazas* or trafficking routes of which the original cartel had been in charge.

The internal divisions within a criminal organization have had repercussions beyond control of territory. They equally had an impact on the police forces and government officials on the payroll of the initial organization, who were compelled to take sides in the new reconfiguration of cartel forces on the ground. Unfortunately, a number of such officials were swiftly assassinated and did not get the chance to join one faction or the other.

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<sup>39</sup> “Fixing Mexico police becomes a priority,” by Ken Ellingwood, *Los Angeles Times*, November 17, 2009, <http://www.latimes.com/la-fg-mexico-police17-2009nov17,0,6284386.story#axzz2ysMWAg-mP>

For instance, upon the arrest in October 2008 of Eduardo Arellano Felix, the capo of the Arellano Felix Organization (AFO) or Tijuana cartel,<sup>40</sup> the cartel split into two factions. Luis Fernando Sanchez Arellano, the nephew of Eduardo, assumed the leadership of the main faction and continued the tradition of the cartel's leadership staying within the Arellano family. Contesting this tradition and perceiving Luis Fernando as inapt for assuming the reins of the group, Teodoro Garcia Simental with a number of followers broke away from AFO and created the so-called "Teo Faction." This resulted in a savage, extremely bloody, and protracted fight for the cartel's leadership and control of trafficking routes. The levels of violence soared in Tijuana from 206 homicides in 2007 to over 1,200<sup>41</sup> in 2010 when "El Teo" was arrested<sup>42</sup> and his faction disbanded.

Similarly, the so-called assassination<sup>43</sup>

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40 "Mexico arrests alleged Arellano Felix member," CNN, October 26, 2008, <http://www.cnn.com/2008/WORLD/americas/10/26/mexico.cartel.arrest/>

41 Based on INEGI and SESNSP data.

42 "Mexican drug lord Teodoro Garcia Simental, known for his savagery, is captured," by Richard Marosi and Ken Ellingwood, Los Angeles Times, January 13, 2010, <http://articles.latimes.com/2010/jan/13/world/la-fg-mexico-arrest13-2010jan13>

43 This March 2014, Mexican authorities reported the killing of Nazario Moreno Gonzalez who was believed to have been already killed in a shoot out with police at the end of 2009. His body was never found at the time. "Long dead' Mexico drug lord Nazario Moreno killed," BBC, March 9, 2014, <http://www.bbc.com/news/world-latin-america-26510643>

***"Another major consequence of internal divisions is related to the fact that the weaker side—most often the breakaway faction—often ends up forming an alliance with the rivals of the main cartel, acting as a proxy for them in the ongoing conflict between the two parties."***

in December 2009 by government forces of Nazario "El Mas Loco" Moreno González, the capo of La Familia Michoacana (LFM), led to the split of LFM and rise of the Knights Templar in 2010, translating into higher levels of violence across the state of Michoacán.<sup>44</sup>

Another major consequence of internal divisions is related to the fact that the weaker side — most often the breakaway faction — often ends up forming an alliance with the rivals of the main cartel, acting as a proxy for them in the ongoing conflict between the two par-

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44 "Crusaders of Meth: Mexico's Deadly Knights Templar," by Ioan Grillo, Time Magazine, June 23, 2011, <http://content.time.com/time/world/article/0,8599,2079430,00.html>

ties. In this vein, the so-called Teo faction joined the Sinaloa cartel, became its proxy and continued to fight the AFO in this capacity,<sup>45</sup> in the long-standing confrontation in which the two major cartels engaged for the control of the Tijuana *plaza* (or drug trafficking corridor) since the early 1990s.

As the previous example illustrates, the kingpin strategy has also pushed the weakened cartels to increasingly rely on the use of relatively weaker criminal groups, as well as street and prison gangs, as proxies in the fight against their rivals and the state. This asymmetry in the balance of power allows the stronger party more autonomy and flexibility in the decision making process while benefiting from the muscle and manpower provided by the breakaway faction or gang to increase its security and financial gains, which contribute not only to the cartel's survival, but also its prosperity. In turn, the breakaway faction or gang gains access to weapons, illegal merchandise, and the ability to operate in areas where it would not be able on its own. The proxy criminal group is also more likely to gain visibility and prestige in the underworld and the opportunity to establish dominance over its own rivals.

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<sup>45</sup> "The Double-Edged Sword of a Mexican Drug Lord's Arrest," by Sylvia Longmire, HSToday.US, September 15, 2011, <http://www.hstoday.us/briefings/correspondents-watch/single-article/the-double-edged-sword-of-a-mexican-drug-lord-s-arrest/ab079232eaf94e33cbb4222c0ee1eb54.html>

## INTER-GROUP IMPACT OF THE KINGPIN STRATEGY

On an external level, the government's weakening of narco-trafficking organizations led old allies to turn on each other and fight former allies to gain access to plazas and new trafficking corridors. The Sinaloa cartel has always had a very acute sense of the weakness of its both rivals and allies, and tries to exploit to its advantage the arrest or assassination of the other capos.

The evolution of the relationship between the Sinaloa, Gulf, and Juarez cartels is illustrative of these evolving alliance dynamics. Although they shift at a rapid pace, the alliances the cartels enter are not as random as portrayed in many journalistic accounts, but have the clear purpose of meeting the survival, security, and business needs of each organization.

Allies in the early 2000s,<sup>46</sup> the Juarez and Sinaloa cartels ended up engaging in a protracted proxy war in 2008. The Juarez cartel was in decline since 1997 when the leadership passed into the hands of Vicente Carrillo Fuentes at the death of his brother Amado during a botched plastic surgery that many speculate was aimed to change his ap-

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<sup>46</sup> Profile of Juarez Cartel, Insight Crime, June 12, 2013, available at <http://www.insight-crime.org/profile-groups-mexico/juarez-cartel-mexico>

pearance.<sup>47</sup> With the weakening of the Juarez cartel, some key members defected to Sinaloa,<sup>48</sup> changing gradually the nature of the alliance between the groups. War broke out between the two organizations in 2004 when Rodolfo Carrillo Fuentes, the brother of the cartel's leader, was murdered at the orders of Sinaloa's leadership.<sup>49</sup>

At the same time when Sinaloa was exploiting the weakening of their Juarez allies and trying to progressively take control of their trafficking routes, they also opened a second front and started to fight their Gulf Cartel rivals. The arrest in 2003 of Osiel Cardenas Guillen,<sup>50</sup> the leader of the Gulf Cartel,<sup>51</sup> provided Sinaloa with the opportunity they were awaiting to contest the Gulf Cartel's domination of the Nuevo Laredo trafficking route, the busiest crossing

point for trucks into and out of the US.<sup>52</sup> Hence, the number of intentional homicides rose across the state of Tamaulipas — the headquarters of the Gulf Cartel — from 184 in 2002 to 346 in 2006.<sup>53</sup>

The opening of this second front resulted in a temporary standstill in 2005 and 2006 in the fight with the Juarez cartel,<sup>54</sup> but the violent conflict was revamped soon afterwards in 2008<sup>55</sup> with the two sides using street and prisons gangs such as Barrio Azteca (a Juarez Cartel ally and proxy), and Los Mexicles and Los Artistas Asesinos (Sinaloa Cartel allies and proxies) to carry out the confrontation.<sup>56</sup>

The Sinaloa–Gulf Cartel confrontation together with the 2007 extradition to the US of Cardenas Guillen further weakened his organization.

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47 “Mexico Captures Suspected Leader Of Juarez Drug Cartel,” Latino Fox News, September 2, 2013, <http://latino.foxnews.com/latino/news/2013/09/02/mexican-police-capture-juarez-cartel-leader/>

48 “TCO 101: The Juarez Cartel,” by Sylvia Longmire at “Mexico’s Drug War,” <http://www.mexicosdrugwar.com/dto-101-the-juarez-cartel.html>

49 Profile of Sinaloa Cartel, Insight Crime, January 26, 2014, available at <http://m.insight-crime.org/pages/article/4708>

50 “Captured: Mexican Cartel Boss Osiel Cardenas-Guillen Violent Criminal had Threatened Federal Agents,” Drug Enforcement Administration Press Release, March 21, 2003, <http://www.justice.gov/dea/pubs/pressrel/pr032103.html>

51 The Gulf Cartel’s main area of operations has been in the state of Tamaulipas and along Mexico’s Gulf coast.

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52 “The Real ‘El Chapo,’” Security Weekly Report, Stratfor, November 1, 2012, <http://www.stratfor.com/weekly/real-el-chapo>

53 According to data reported by SESNSP for the state of Tamaulipas for the years 1997 to 2014.

54 “TCO 101: The Juarez Cartel,” by Sylvia Longmire at “Mexico’s Drug War,” <http://www.mexicosdrugwar.com/dto-101-the-juarez-cartel.html>

55 “How Juarez’s Police, Politicians Picked Winners of Gang War,” by Steven Dudley, Insight Crime, February 13, 2013, <http://www.insight-crime.org/juarez-war-stability-and-the-future/juarez-police-politicians-picked-winners-gang-war>

56 “Barrio Azteca Gang Poised for Leap into International Drug Trade,” by Steven Dudley, Insight Crime, February 13, 2013, <http://www.insightcrime.org/juarez-war-stability-and-the-future/barrio-azteca-gang-poised-leap>

This weakening allowed Los Zetas,<sup>57</sup> a criminal group associated with the Gulf Cartel and acting as its armed wing and proxy, more freedom of movement when setting up its own operations and carrying out independent illicit activities.<sup>58</sup> Ultimately, in early 2010 with Los Zetas gaining sufficient financial and military resources, the power gap with the Gulf Cartel narrowed enough for Los Zetas to break all previous agreements and cooperation with the cartel, turning into their avowed rivals.<sup>59</sup> With Los Zetas contesting the Gulf Cartel's territory, intentional homicides in Tamaulipas rose to 721 in 2010 and 1016 in 2012.<sup>60</sup>

The irony of the situation is that the weakening of the Gulf Cartel in its conflict with Sinaloa allowed the rise

of Los Zetas who, starting in 2010, engaged in a rapid territorial expansion challenging not only their formal Gulf Cartel ally but also the territorial control exerted by Sinaloa throughout key regions of the country. The confrontation between Los Zetas and Sinaloa continues today, and has led to the formation of two major alliance blocs headed by these two groups, with the Gulf Cartel joining their former Sinaloa rivals in the fight against Los Zetas.<sup>61</sup>

As the examples above show, the Mexican drug cartels have always exploited the weakening of rivals at key moments such as power transitions in the wake of the arrest, extradition, or death of a capo. Unfortunately, the kingpin strategy implemented by Calderón only exacerbated these existing tendencies on the ground. This strategy sped up the tempo of the infighting among the cartels and of the shifts in alliances. The demise of old allies or their turning into enemies put additional pressure on the cartels to find new partners and form new alliances. At the same time, in the environment of anomie prevailing in the country, the choice of partners often did not fully meet the capability needs of the groups, and was constrained by the proximity, availability, and capability of allies on the ground.

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57 Los Zetas were an initial group of 31 former Special Forces soldiers belonging to the Grupo Aeromovil de Fuerzas Especiales (or *GAFEs*) who left in 1999 the military to become enforcers for Osiel Cardenas Guillen, the new leader of the Gulf Cartel. Grayson, G. W. and S. Logan (2012). *The executioner's men: Los Zetas, rogue soldiers, criminal entrepreneurs, and the shadow state they created*. New Brunswick, Transaction Publishers.

58 "Los Zetas: Evolution of a Criminal Organization," by Samuel Logan, *The International Relations and Security Network*, ETH Zurich, March 11, 2009, <http://www.isn.ethz.ch/Digital-Library/Articles/Detail/?id=97554>

59 "A Profile of Los Zetas: Mexico's Second Most Powerful Drug Cartel," by Samuel Logan, February 16, 2012, *Combating Terrorism Center at West Point*, <http://www.ctc.usma.edu/posts/a-profile-of-los-zetas-mexicos-second-most-powerful-drug-cartel>

60 According to data reported by SESNSP for the state of Tamaulipas for the years 1997 to 2014.

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61 "Mexico and the Cartel Wars in 2010," *Stratfor, Security Weekly Report*, December 16, 2010, <http://www.stratfor.com/weekly/20101215-mexico-and-cartel-wars-2010>

## THE DYNAMICS OF ALLIANCES AMONG THE DRUG CARTELS AND THEIR PROXIES

The internal fragmentation of drug trafficking organizations and the breakdowns in existing alliances rendered the underworld even more competitive,<sup>62</sup> with violence becoming a ubiquitous arrow in the cartels' quiver. The competition for power — under the guise of either rivalries over cartel leadership or control over the rivals' territory and the takeover of their operations — was settled in most cases through the indiscriminate use of violence against the rival cartel members, their associates, friends and family, corrupt officials on their payroll, and innocent civilians merely suspected of having ties to the rival organization.<sup>63</sup>

In this environment even the appearance of law and order vanished, and the government's efforts to provide security only added to the climate of insecurity and violence. This breakdown in equilibrium at both state and underworld level raised the stakes of cooperation among narco-traffickers.

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62 Snyder R, Duran-Martinez A (2009) "Does illegality breed violence? Drug trafficking and state-sponsored protection rackets." *Crime, Law, and Social Change* 52:253–273

63 "Man, The State and War Against Drug Cartels: A Typology of Drug-Related Violence in Mexico," Irina Chindea, *Small Wars Journal*, March 19, 2014, [http://smallwarsjournal.com/jrnl/art/man-the-state-and-war-against-drug-cartels-a-typology-of-drug-related-violence-in-mexico#\\_edn7](http://smallwarsjournal.com/jrnl/art/man-the-state-and-war-against-drug-cartels-a-typology-of-drug-related-violence-in-mexico#_edn7)

On the one hand, given the instability of the environment and weakening of major players, the cartels now more than ever need reliable allies who can contribute capabilities to the fight against rival cartels and the state. On the other hand, the climate of distrust and insecurity makes the formation of durable and stable alliances rather problematic and not easy to achieve.

The pressure from the state and from cartel rivals, business needs, as well as the cold-blooded pragmatism that is the hallmark of most leaders of criminal organizations, has led them to enter swiftly into new alliances to balance against threats to their survival<sup>64</sup> and to bandwagon for profit.<sup>65</sup> Most such cooperation agreements have been condemned to failure from the start because they are not rooted in a natural convergence of goals or compatibility in *modus operandi* between the allies, nor are they based on long-term calculations going beyond mere immediate survival.

The breakdown in law and order across Mexico under Calderón allows us to draw parallels between the anarchic international system in which states operate and the similarly anarchic underworld environment in which the

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64 Walt, S. M. (1987). *The origins of alliances*. Ithaca, Cornell University Press.

65 "Bandwagoning for Profit: Bringing the Revisionist State Back In," by Randall L. Schweller, *International Security* Volume 19, Number 1, Summer 1994, pp. 72-107 |

cartels interact with one another with no overarching enforcer of rules. In a similar fashion, the drug cartels “act in their own interest and (...) employ force to achieve their objectives.”<sup>66</sup> Thus, the exacerbation of violence in the context of the security measures undertaken by the Mexican government only highlighted the importance for the cartels to enter military alliances<sup>67</sup> motivated by security and survival.

As opposed to alliances among states though, the agreements the criminal groups reach are rarely written and there is no broadly accepted regulatory body that can enforce these agreements and punish defection. The underworld in which the cartels operate is close to the Hobbesian state of nature with no Leviathan present. While in the international system states have attempted to find ways to reduce the impact of anarchy, the environment of cartel interactions finds itself in an exemplary state of nature where anarchy prevails. Therefore, in the absence of an overarching supervising authority, the threat of violence to punish defections from cooperation is what makes alliances binding and gives

them a degree of formality and legitimacy among the criminal parties.

The analogy with the behavior of states in the international system can be further strengthened by the observation that criminal groups are units who, just like the state, are motivated by survival, control of territory, and claim monopoly over the use of violence in the areas where they are present. Additionally, the similarities between the anarchical international system and the anarchical underworld of violent non-state actors facilitate the analogy between alliance formation at state level and among criminal groups. Similarly to alliances among states, alliances among criminal organizations are meant to be a force multiplier, enhancing the capacity of the actors to carry out their purported mission (capability aggregation model) and these alliances represent only a means towards an end, and not an end in itself.

Comparably to states, the drug cartels enter alliances to balance against a rising cartel power that might disturb the existing distribution of forces<sup>68</sup> in the underworld, or to balance against the threat posed by one of the criminal organizations in the system.<sup>69</sup> The Gulf Cartel joined the Sinaloa alliance bloc for exactly this reason—to balance against the rising threat and violence in which Los

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<sup>66</sup> Hall, R. B. and T. J. Biersteker (2002). *The emergence of private authority in global governance*. Cambridge, UK; New York, Cambridge University Press.

<sup>67</sup> The cartels enter alliances with one another to build up their security and to defeat their opponents militarily just as states do in the international system – they enter *military alliances* to fight wars against their enemies and ensure their own survival.

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<sup>68</sup> Waltz, K. N. (1979). *Theory of international politics*. Boston, Mass., McGraw-Hill.

<sup>69</sup> Walt, S. M. (1987). *The origins of alliances*. Ithaca, Cornell University Press.



Zetas have engaged throughout Mexico since early 2010. On the other side of the equation, the AFO, the Juárez cartel, and remnants of the Beltrán Leyva organization have joined Los Zetas alliance bloc to balance against the threat posed by Sinaloa<sup>70</sup> to their control of trafficking routes, border crossing points and ultimately, to their own survival.

While entering alliances for security reasons and for seeking self-preservation has been at the top of the list of cartel priorities, another aspect of the cooperation among them is that a balance-of-interests approach may also prevail, especially given the for-profit orientation of these non-state entities. A balance-of-interests perspective predicts that conflict will be more resorted to when there is widespread dissatisfaction among the actors in the system.<sup>71</sup> The pressure the Calderón administration put on the drug cartels created such widespread dissatisfaction and raised the likelihood of cartels resorting to violence to settle the accounts among them. Additionally, the use of proxies and the corresponding formation of asymmetric alliances with

***"The cooperation of major cartels with breakaway factions, gangs, or with significantly weaker cartels illustrates how the balance of power—or the power differential—between two parties influences the likelihood of cooperation or conflict between them. The greater the asymmetry between two groups, the more likely they are to cooperate and form a durable alliance. As the power differential between two groups narrows, the probability of a breakdown in cooperation and of conflict outbreak between them increases."***

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<sup>70</sup> "Profiles of Mexico's Seven Major Drug Trafficking Organizations," by Peter Chalk, Combating Terrorism Center at West Point website, January 18, 2012, <https://www.ctc.usma.edu/posts/profiles-of-mexicos-seven-major-drug-trafficking-organizations>

<sup>71</sup> "Bandwagoning for Profit: Bringing the Revisionist State Back In," by Randall L. Schweller, International Security Volume 19, Number 1, Summer 1994, pp. 72-107 |

street and prison gangs only furthered the interests of both cartels and their weaker counterparts.

Allies on the ground consist of crimi-



nal groups of different sizes, with various propensities for violence and with varying sets of skills. In most cases these groups have been willing to enter new inter-cartel alliances and help reconfigure old ones. This availability and willingness of cartels and smaller criminal groups to ally has allowed the violence to continue unabated.

Many of the interactions and relationships existent among criminal groups present a power differential. In very few dyadic relationships the parties are in symmetrical power positions towards one another. The cooperation of major cartels with breakaway factions, gangs, or with significantly weaker cartels illustrates how the balance of power — or the power differential — between two parties influences the likelihood of cooperation or conflict between them. The greater the asymmetry between two groups, the more likely they are to cooperate and form a durable alliance. As the

power differential between two groups narrows, the probability of a breakdown in cooperation and of conflict outbreak between them increases.

In contrast, in some cases criminal groups with narrow power differential between them are more likely to form a non-aggression pact, or, when the stakes are high, they are more likely to engage in a protracted conflict with one another. These dynamics will be illustrated below in a discussion of the use of proxies in the confrontations between the Sinaloa and its rivals, the AFO and Juarez cartel, as well as the break-up between Los Zetas and the Gulf Cartel.

The use of street gangs as cartel proxies is not new. It dates back to the early 1990s when the Sinaloa cartel aimed to take away the control of the Tijuana plaza from the Arellano Felix family and sent its operatives in their territory. In response to this encroachment on

their turf, the Arellano family tortured and killed the Sinaloa operatives, and attempted to kill “El Chapo” Guzman himself, the capo of the Sinaloa cartel. In a typical scenario of settling of accounts in the underworld, El Chapo retaliated against the Arellano brothers and attempted to assassinate them in 1992 in a nightclub in Puerto Vallarta.<sup>72</sup> This episode opened a Pandora’s Box. It marked the beginning of the war among the Mexican drug cartels and their use of proxies to wage their battles.

In the Puerto Vallarta assassination attempt, David “D” Barron, a member of the San Diego Logan Heights gang and of the Mexican Mafia prison gang, saved the lives of two Arellano brothers, and became their close associate. In this way, Barron and his gang became the enforcement arm of the AFO and acted as its proxy against AFO’s challengers.<sup>73</sup> In May 1993, Barron and his gang attempted to murder El Chapo at Guadalajara’s airport, but ended up killing the Roman Catholic Cardinal Juan Jesus Cardinal Posadas Ocampo.<sup>74</sup> The assassination of

the Cardinal raised many eyebrows and lent itself to speculations, including that he might have been deliberately murdered for voicing his concerns regarding the rise in drug trafficking throughout the country. Irrespective of whether Barron’s gang was targeting El Chapo or the Cardinal, this episode as well as their attempt in 1997 on the life of Jesus Blancornelas, the editor of Tijuana weekly magazine *Zeta*,<sup>75</sup> illustrate the consistent use over time of gangs as proxies on behalf of the drug cartels. Together with carrying out enforcement operations for the cartels, the gangs also engaged in the traffic of drugs over the border and their distribution at street level into the US.<sup>76</sup>

At later stages of the conflict, the subsequent use by Sinaloa of the Teo faction as its proxy to defeat the AFO, and the non-aggression pact the two organizations reached when it became obvious no clear victory was in sight, shows how interrelated are the internal and external dynamics at play among the groups operating in the underworld. The weakening of a group due to internal splits does not end with the partial loss of manpower and capabilities. Often, the breakaway faction aggregates capabili-

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72 “The Real ‘El Chapo,’” *Security Weekly Report* by Stratfor, November 1, 2012, <http://www.stratfor.com/weekly/real-el-chapo>

73 “Mexican Traffickers Recruiting Killers in the US,” by Sam Dillon, *The New York Times*, December 4, 1997, <http://www.nytimes.com/1997/12/04/world/mexican-traffickers-recruiting-killers-in-the-us.html>

74 “Cardinal in Mexico Killed in a Shooting Tied to Drug Battle,” by Tim Golden, *The New York Times*, May 25, 1993, <http://www.nytimes.com/1993/05/25/world/cardinal-in-mexico-killed-in-a-shooting-tied-to-drug-battle.html>

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75 “Mexican Traffickers Recruiting Killers in the US,” by Sam Dillon, *The New York Times*, December 4, 1997, <http://www.nytimes.com/1997/12/04/world/mexican-traffickers-recruiting-killers-in-the-us.html>

76 Author’s interview with Steve Duncan, San Diego, June 2012.

ties with the group's main rival further contributing to its weakening.

The narrow balance of power between the Sinaloa cartel and AFO and its allies contributed to the protraction of the conflict. The bloody fight among the cartels lasted until they exhausted each other, suffered significant human and financial losses, and finally recognized that there were little to no marginal benefits from continuing the fight. A similar scenario was at play in Ciudad Juarez in the confrontation between the Juarez cartel and Sinaloa for the control of territories and border crossings into the US controlled by the former.

After the murder of Rodolfo Carrillo Fuentes at the orders of El Chapo Guzman in 2004, the Juarez cartel retaliated in a classic organized crime style by assassinating El Chapo's brother, Arturo, in jail. After a period of respite in which Sinaloa fought for territory control with the Gulf Cartel, the violent confrontation with the Juarez cartel picked up again in early 2008. The narrow power differential between the Sinaloa and Juarez cartels combined with their use of street and prison gangs to fight their wars on the streets of Ciudad Juarez led to an abominable rise in violence in the city — from 189 intentional homicides recorded for 2007 to 3,589 in 2010,<sup>77</sup> — transforming it into the most violent city in the world for three consecutive years starting with 2008.

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77 Source: Based on INEGI and SESNSP data.

In this case, the power differential played a twofold role. Both cartels were able to use the asymmetry in power between each of them and the local gangs to forge stable alliances with groups such as Barrio Azteca, Los Mexicles, and Artistas Asesinos (the most representative groups on the ground, given that Ciudad Juarez has over 900 such criminal groups operating in its underworld).<sup>78</sup> These asymmetric alliances allowed the Sinaloa and Juarez cartels to increase their capabilities and maintain throughout a good portion of the conflict a narrow power differential between them that protracted the fight.

The violence subsided with the decline of La Linea (the enforcement arm of the Juarez Cartel)<sup>79</sup> and the weakening of their gang allies, leading to a widening in the power differential between the two groups, and subsequently to a victory for El Chapo Guzman. Moreover, the presence of the army in the area put additional pressure on both groups. Last but not least, the power differential grew even larger when the Juarez cartel lost its “guarantors” or protectors<sup>80</sup>

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78 “How Juarez’s Police, Politicians Picked Winners of Gang War,” by Steven Dudley, *Insight Crime*, February 13, 2013, <http://www.insight-crime.org/juarez-war-stability-and-the-future/juarez-police-politicians-picked-winners-gang-war>

79 “Arrests Herald Juarez Drug Gang’s Decline,” by Patrick Corcoran, *Insight Crime*, June 23, 2011, available at <http://www.insightcrime.org/news-analysis/arrests-herald-juarez-drug-gangs-decline>

80 “How Juarez’s Police, Politicians Picked

among municipal and state level security and government officials as a consequence of the security reform measures or of their assassination by Sinaloa cartel affiliates.

The evolution of the Gulf Cartel–Los Zetas interaction is equally telling of the power and alliance dynamics at play in the Mexican underworld. When Los Zetas was formed in 1999 as a paramilitary group to provide protection for the Gulf Cartel,<sup>81</sup> the asymmetry in capabilities allowed the two groups to enter a stable and durable alliance. As Los Zetas were delegated more responsibilities, they ended up “creating their own routes to and from the United States and developing their own access to cocaine sources in South America.”<sup>82</sup> Consequently, the gap in capabilities with the Gulf Cartel narrowed, resulting in Los Zetas splitting with the cartel in early 2010, and joining the rival alliance bloc. Furthermore, in the past few years, the ever expanding Los Zetas started to use US-based street gangs as enforcers to move drugs into the US, coordinate their distribution at street level, and protect the return of drug proceeds across the border into Mexico.<sup>83</sup>

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Winners of Gang War,” by Steven Dudley, *Insight Crime*, February 13, 2013.

81 Manwaring, M. (2009). A “New” Dynamic in the Western Hemisphere Security Environment: The Mexican Zetas and Other Private Armies, Strategic Studies Institute, US Army War College.

82 Ibid.

83 “A Profile of Los Zetas: Mexico’s Second Most Powerful Drug Cartel,” by Samuel Logan,

Besides the stability of the alliance, the choice to enter alliances in which there is a significant gap in relative power between the two parties provides the major player with a higher degree of control over operations, and ultimately outcomes, than what it would have had in more symmetric power alliances.<sup>84</sup>

## CONCLUSION AND POLICY RECOMMENDATIONS

Cooperation allows criminal groups to pool their capabilities and skills, extend their reach beyond national borders, receive rewards from cooperation that exceed the satisfaction of interest through unilateral action and competition,<sup>85</sup> and challenge state authority in ways that would not be possible through individual enterprise. Accordingly, the study of their alliances and interactions with proxy criminal groups contributes to the understanding of one functioning mechanism through which a sub-category of violent non-state actors has an impact on outcomes at the local, regional, transnational, and international level.

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February 16, 2012, Combating Terrorism Center at West Point, <http://www.ctc.usma.edu/posts/a-profile-of-los-zetas-mexicos-second-most-powerful-drug-cartel>

84 Morrow, J. D. (1991). “Alliances and Asymmetry: An Alternative to the Capability Aggregation Model of Alliances.” *American Journal of Political Science* 35(4): 904-933.

85 Dougherty, J. E. and R. L. Pfaltzgraff (2001). *Contending theories of international relations : a comprehensive survey*. New York, Longman.

Additionally, the way in which the policy and academic communities conceptualize this issue is likely to have an impact on the measures that policy makers adopt and the resources they allocate to address the problem. To the present, the violence in Mexico has not been approached from the perspective of shifting alliances among cartels and their proxies, but mostly from the standpoint of criminal violence. Thus, lessons from the use of criminal groups as proxies to fight internal conflicts can teach us how to better approach the violence in Mexico — and other similar contexts — and come up with viable and implementable solutions.

The Mexican government aimed to fragment the underworld and attempted to destabilize the existing alliances among the major trafficking organizations, but it did not take into account the rise in second and third order effects, such as the increasing use of proxies and recent rise in self-defense forces. The concurrent and ill-timed implementation of security reforms and cartel decapitation strategies with insufficient resources and inadequately trained personnel backfired, resulting in a fragmentation of the underworld, increasing competition for territory among the cartels, sharp reconfigurations in their alliances and, ultimately, soaring violence throughout the country.

The asymmetry in power between the cartels and street gangs or cartel breakaway factions provided the narcos with access to a significant and steady source of manpower.

The resulting proxy-alliances proved to be rather stable, allowing the major cartels to supplement their war-fighting capabilities and maintain a narrow power differential with their rivals, protracting the internal conflict in Mexico. The persistence of the cartel-proxy relationship together with the shifts in alliances among the main drug cartels undercut the efforts of the Mexican state to impose law and order in the country, and perpetrated the vicious cycle of violence in the areas disputed by the cartels.

There are several lessons to be drawn from the failures of the security policies of the Calderón administration. The most prominent one is the importance of adequate timing and crafting the appropriate sequencing for implementation of security measures to avoid chasing too many security targets at the same time and spreading too thin already scarce government resources.

Next, the Mexican government needs to increase security at local levels when taking down the cartel leadership so that the government has control over the territories where violence is likely to erupt in the aftermath of cartel decapitation. Additionally, it is important that the Mexican government keep high levels of kinetic pressure on the cartels and their potential allies to make more difficult the physical reconfiguration of alliances and prevent them from aggregating capabilities and maintaining a narrow power gap that would protract the violent con-

flict. Moreover, through well-targeted information operations, the Mexican government should aim to have an impact on lowering the levels of trust among parties to render more arduous the alliance formation process and debilitate the already existing alliances.

Besides the crafting and implementation of security measures directly targeting the cartels and their allied proxies, grass-roots measures dedicated to improving education and economic conditions throughout the country are necessary so that more young Mexicans find opportunities performing legitimate and legal economic activities. The Peña Nieto Administration started its mandate with a series of measures in this direction, but such measures should address more specifically at the community level the rising problem of youth gangs, a phenomenon little acknowledged in Mexico where it is perceived mainly to be a US problem.

Such lessons and recommendation are particularly pertinent in the context of the increasing *vigilantismo* in Mexico over the past year, and of speculations that the self-defense forces have been infiltrated by criminal organizations using them as proxies in the fight against their rivals. A tighter cooperation at community level among the local population, a well-trained gendarmerie force educated in the protection of human rights, and non-governmental organizations dedicated to gang-prevention activities among the youth should be encouraged.

This cooperative approach between federal sponsored security forces, civil society, and local communities should target the asymmetry of power and interests between sponsor criminal groups and the proxies they are likely to recruit from within the respective communities.

The aim of such a bottom-up approach, which takes into account the existing asymmetries between parties, is to exacerbate the incongruence in interest between sponsors and their existing or potential proxies, to deprive the sponsors of the muscle and manpower of their proxies, and raise the costs of cooperation for the smaller criminal entities so as to shift their incentive structure and render cooperation untenable. ☹

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# When Proxies Fail, Force Must Prevail: US-Iran Relations

| Jonathan Ruhe





For decades, the United States and Iran have pursued fundamentally incompatible strategic objectives. Yet despite having expansive goals and minimal mutual interests, each side has recognized that direct confrontation would jeopardize its ultimate goal. Thus competition between the two countries often has taken less decisive, but also less risky, forms of behavior, namely: diplomacy, sanctions, and the use of proxy forces. Given the stakes involved, however, relying entirely on such measures to convey the seriousness of one's intentions is insufficient. Indeed, the United States has been most successful influencing Iranian policy when it has demonstrated its own willingness to use force or supported actors using military force directly against Iran – and

conversely, least successful when it has failed to do so.

The two countries have long held mutually exclusive aims. The United States wants to remain predominant in the Middle East to ensure the free flow of natural resources and the security of its allies, even as it withdraws troops after more than a decade of war and faces an uncertain fiscal future. The Iranian regime pursues nuclear weapons capability to protect against its perceived danger from a US-supported overthrow, provide an umbrella under which it can project unmatched power against its neighbors, and validate its continuing right to rule, among other goals. Both objectives are highly ambitious and in direct conflict with each other.

Therefore the lethargy of peace suits both rivals well, as neither side feels it can afford an overt rupture. For the United States, direct conflict would critically endanger its efforts to maintain

***"The contrast between the successes and failures of US policy toward Iran underscores the central importance of credible threats of force in pursuing diplomatic objectives against an adversary with minimal mutual interests."***

regional stability with a receding regional footprint. For Iran, it would seriously delay its approach to a nuclear weapons capability. There is little middle ground for diplomacy to secure, given the two countries' ultimately irreconcilable goals.

These opposing policies have resulted in numberless rounds of negotiations with little effect on Iran's nuclear program. The lack of any real advance on this front is not surprising, given the lack of shared interests beyond avoiding direct conflict. In such circumstances, the in-

direct use of violence shapes incentives at the negotiating table in ways negotiators by themselves rarely can, because it sends a message about the seriousness of either side's intentions without necessarily committing either side to the head-on collision neither desires.

More specifically, the application of force by proxy—and at times the failure to apply such force—has concretely affected each side's decision-making at key instances throughout their rivalry. The United States has successfully underscored the seriousness of its intentions through a perceived readiness to use force, or through enabling those willing to use force, directly against Iran. Conversely, the United States has undermined its credibility when it shies away from such opportunities – most recently in events surrounding Syria during the lead-up to the Joint Plan of Action (JPA) in late 2013—or when it fails to respond effectively to Iran's use of similar measures. Because the stakes at the heart of this rivalry are so high, less direct forms of competition—for example, when each side's proxy forces engage the other's—have proportionally less effect on US or Iranian decision-making.

This pattern was first evident in Iran's agreement to the 1988 ceasefire with Iraq which ended a profoundly bitter and seemingly interminable war. After turning back Saddam Hussein's initial invasion by 1982, Iran's leaders decided to push the war into Iraq to break

their country's perceived encirclement by hostile powers wishing to strangle their revolution. Iran's surge threatened Western-allied oil-producing monarchies along the Persian Gulf, prompting a gradual but steady escalation of US support for Iran's foes. Throughout this process, the U.N. Security Council adopted a series of unanimous resolutions calling on both sides to halt hostilities and return to the international border—in effect demanding Iran abandon its war aims and withdraw from Iraq.

Such diplomatic efforts accomplished little by themselves, given the regime's conviction that it could secure the revolution only by expanding it. From 1984 the war broadened as both sides prosecuted it with deepening brutality, to include massive Iranian ground offensives against Iraq, strategic bombing and missile strikes on population centers by both sides, chemical weapons use, and, with the greatest threat to US interests, attacks on Gulf oil shipping. Ultimately, Iran accepted the U.N. resolutions, but only once the United States abandoned its indirect support to Tehran and swung its weight fully behind Iraq and the Persian Gulf monarchies after 1986. This vital material and intelligence support was evident in the massive Iraqi offensives which threatened to collapse the entire Iranian front in the summer of 1988 – something Iraq patently failed to do since its initial invasion in 1980. Combined with a very brief but highly damaging naval en-

counter with US forces that same year, Tehran became convinced that continued belligerence would imperil the Islamic Republic itself.

Iran executed a similarly momentous about-face in late 2003, when it agreed to verifiably suspend key aspects of its uranium enrichment program. This occurred in the wake of US military campaigns that collapsed two neighboring regimes in less than two years. Saddam Hussein and the Afghan Taliban had long stymied Iran, but the demonstrable ease with which the United States deposed the regimes gave pause to leaders in Tehran. In Iraq, the United States and its allies had accomplished in three weeks what Iran could not do in six years, which pressured Iran to come to the negotiating table.

Prior to this, diplomatic engagement by Britain, France and Germany had failed to make Iran conform to the International Atomic Energy Agency's (IAEA) demands that it halt enrichment and open its facilities to requisite inspections. Once Iran perceived its rival was both highly willing and able to resort to force, however, it could not assume the United States would tolerate further foot-dragging. As the 2007 US National Intelligence Estimate on Iran's nuclear program concluded, "Iran halted the program in 2003 primarily in response to international pressure..." which, in the absence of any meaningful sanctions enforcement at the time,



left only the credible threat of military action. Indeed, Iran's leaders viewed the United States' actions as indicating that Washington was willing to inflict significant punishment for continued intransigence. Rather than risk potential confrontation, they acquiesced in many of their opponents' demands. Iran voluntarily suspended enrichment in October 2003, and one year later signed an agreement creating a framework for IAEA verification of this suspension.

This success was only temporary, however. Over the next several years, the United States proved unwilling to devise an effective strategy or devote the necessary resources for stabilizing Afghanistan and eradicating the Taliban. At the same time, it greatly struggled to confront a much larger and more costly

insurgency in Iraq – one in which Iran's Islamic Revolutionary Guards Corps (IRGC) coordinated, funded, trained and supplied Iraqi Shiite militias' deadly attacks on coalition forces, according to leaked US military documents.<sup>1</sup> Over this period the IRGC provided similar types of support, though on a smaller scale, to the Taliban as it fought to reestablish itself in Afghanistan, according to the US State Department.<sup>2</sup>

By 2006 the US position in Iraq reached its nadir. In April of that year, Iran announced it would resume uranium enrichment, and soon thereafter began

1 Michael R. Gordon and Andrew W. Lehren, "Leaked Reports Detail Iran's Aid for Iraqi Militias," *New York Times*, October 22, 2010

2 US Department of State, "Country Reports on Terrorism: Iran," August 18, 2011.

expanding its overall nuclear program. While Iran continued developing the program overtly and covertly for the next seven years, the two sides muddled through several rounds of talks, only to have Iran balk repeatedly at any offer that might substantively limit its progress. This pattern developed because both sides wanted to avoid the collapse of talks: the United States, because it was already committed to two other wars in the region; Iran, because negotiations bought time to continue advancing toward nuclear weapons capability, and because it could continue attacking US forces by proxy.

This pattern has held since 2006, despite the proliferation of other US-Iran proxy conflicts across the Middle East. In each of these cases, both sides avoided involvement that would be direct, unequivocal, and/or large enough to trigger a major shift at the nuclear negotiating table. Tehran and Washington provided military support to Hizballah and Israel, respectively, in the 2006 Lebanon War, though neither committed itself overtly to the fighting, let alone in a manner that could help produce a decisive outcome. Both sides trod even more lightly in Bahrain. Tehran has not demonstrably supported the Shia-majority populace's uprising on any level approaching its involvement in Iraq, while Washington acted likewise toward its Gulf Cooperation Council allies, which tried to suppress the uprising. Until the crisis in 2013 over the Assad regime's use of

chemical weapons, Syria's civil war reinforced this trend. Iran's heavy backing for the Assad regime was the worst-kept secret in the region, but nevertheless it avoided the palpable displays of material aid coming from Syria's other allies, primarily Russia. On the other side, the United States had never clearly decided which proxy forces—if any—to support, let alone how strongly to do so.

Thus Iran's policy of avoiding direct conflict with the United States has persisted as the country approaches the precipice of nuclear weapons capability. Simultaneously, it perceives the diminishing likelihood of direct conflict – a perception underscored by a slew of statements from US officials steadily undermining the credibility of the commitment to keep all options on the table for preventing a nuclear Iran. In 2010-2012 then Secretaries of Defense Gates and Panetta, and chairmen of the Joint Chiefs, Mullen and Dempsey, variously emphasized the “unintended consequences,” “unpredictability and uncertainty” of military action which would not be “prudent.” Unlike 1987-8 or 2001-3, when US actions forced Iran to decisively adjust its strategy to the United States' advantage, US policy has had largely the opposite effect since Tehran restarted its nuclear program in 2006.

Paradoxically, sanctions have helped tilt Tehran's calculations toward pursuing its nuclear program. Though intended to help reignite diplomatic

efforts, the United States' exclusive reliance on such measures—and concomitant downplaying of the viability of the military option—actually underscored American policymakers' reticence to seriously consider more forceful alternatives for inducing Iran to negotiate in earnest. Furthermore, Washington's insistence that such “crippling” and “unprecedented” sanctions would soon bring Iran to the table has been belied by its hesitance to enforce them. Other than binding multilateral U.N. sanctions against Iran's weapons programs, the Bush Administration enacted no unilateral measures once Iran restarted enrichment, and it failed to enforce Clinton-era sanctions on foreign companies investing in Iran's energy sector. The Obama Administration has signed an unprecedented number and range of sanction bills into law, but has relied heavily on waiver authorities to minimize the cost of enforcement. This has been especially true of measures relating to Iran's oil export revenues, which form the lifeblood of the government budget and its nuclear program.

Beyond sanctions, the Bush Administration's reluctance to seriously contemplate a preventive strike on Syria's nuclear reactor in 2007 was an early indicator of shifting US policy on the use of force. Even though Syria's nuclear program was a smaller target than its Iranian counterpart and Assad's regime was Iran's closest Arab ally, the United States ultimately demurred. In this sense, Syr-

ia's significance in US-Iran negotiations has only increased with the spread of its civil war and President Obama's statement in 2012 that “a red line for us is we start seeing a whole bunch of chemical weapons moving around or being utilized.”<sup>3</sup> The US aversion to conflict, should Iran cross the nuclear weapons threshold, was manifested when it failed to uphold its own red line on Syria in 2013—a red line which would have been easier to sustain than the current one against Iran. In the cases of both Iran and Syria, US policymakers said the red line would be upheld by military action. In Syria, such action would be retaliatory or at worst preemptive, if regime forces were unequivocally preparing chemical weapons for an actual attack. The United States' threat credibility was severely undermined as Syria's possession, and ultimate use, of WMD was verifiable before concrete US military preparations could even have been undertaken to enforce the red line. In Iran, the red line for military action would be preventive, likely making the use of force more difficult to justify.

The US-Iran Joint Plan of Action must be understood in this context. The deal was agreed largely through US-Iranian negotiations. These occurred amid the immediate backdrop of events in Syria, with scant input from US diplomatic partners

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3 White House Office of the Press Secretary, “Remarks by the President to the White House Press Corps,” August 20, 2012.

in Europe and Israel. With little to fear from the United States should diplomacy fail, Iran aggressively pursued its agenda. Under the interim deal, it retains the capacity to enrich sufficient fissile material for a nuclear device, without having to resolve its outstanding violations of international law. Additionally, a final deal would endorse Iran's longstanding demands for indigenous enrichment—and for international acknowledgment of its self-proclaimed “right” to do so—thereby ultimately removing any long-term diplomatic impediment to a normalized Iranian nuclear program.

The contrast between the successes and failures of US policy toward Iran underscores the central importance of credible threats of force in pursuing diplomatic objectives against an adversary with minimal mutual interests. In situations of acute competition such as that between the United States and Iran, negotiated compromise has always been preferable to direct conflict. As the historical record suggests, the best opportunity for the United States to secure its interests through diplomacy is to make abundantly clear that it is simultaneously in Iran's self-interest to do the same. Such statecraft has notably been deficient as Iran approaches nuclear weapons capability. To rectify this imbalance, the United States should reinforce its negotiations with Iran for a comprehensive long-term settlement over the latter's nuclear program with clear preparations to implement less

diplomatic inducements: supporting sanctions which would enter into force if the JPA expires without an acceptable final agreement; bolstering US declaratory policy to emphasize the viability of US and allied military options; and prepositioning assets in-theater to bolster US readiness for a potential military strike, should all else fail. 🇺🇸

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# Ukraine: Europe's New Proxy War?

| Geraint Hughes



On February 27 and 28, 2014, shortly after the revolution in Kiev that toppled Viktor Yanukovich's government, the Autonomous Republic of Crimea was taken over by thousands of masked and armed Russian troops, backed by armor and attack helicopters. In an unconvincing attempt to hide their origin, the soldiers wore no insignia and passed themselves off as a 'self-defense' militia drawn from the ethnic Russian majority of the peninsula, which until 1954 had belonged to Russia itself. In fact, this occupation force consisted either of personnel from the Black Sea Fleet (BSF) based in Crimea or troops sent from the Russian Federation.<sup>1</sup> Russia's parliament subsequently voted to grant President Vladimir Putin powers to order further interventions in Ukraine to 'protect ethnic Russians', whilst a 'referendum' held in Crimea on March 16 produced an overwhelming vote in favor of union with the Russian Federation. Three days later, Russian troops and 'self-defense' militias forcibly evicted Ukrainian naval personnel from their own bases, formalizing the annexation of Crimea.<sup>2</sup> This land grab

by Russia, and the separatist turmoil it is currently inciting in Eastern Ukraine, constitutes the most serious crisis in Europe since the Georgian war of August 2008. Although the post-Yanukovich government in Ukraine has acted cautiously and focused on mustering diplomatic support, the country has become the location of a diplomatic confrontation between Russia and the West (the United States, its NATO allies, and member states of the European Union) that could potentially deteriorate into a military clash between Kiev and Moscow.<sup>3</sup>

There are repeated instances in history where states have resorted to *proxy warfare* rather than the overt use of force, using non-state para-military actors to subvert and undermine an adversary. In the process, sponsor states have armed, equipped, trained, and sheltered proxies, and have at times even reinforced them with advisors and special forces personnel, as is the case with Russian military intelligence (GRU) and special forces (*spetsnaz*) troops reportedly reinforcing local 'separatists' in the 'Donetsk People's Republic'. Proxy warfare has

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1 "Ukraine: The end of the beginning?", *The Economist* (London), March 8, 2014. 'Believed to be Russian Soldiers', *The Atlantic*, March 11, 2014; accessed March 12, 2014; <http://www.theatlantic.com/infocus/2014/03/-believed-to-be-russian-soldiers/100696/>. For a daily survey of reporting from Ukraine see the *Intepreter* live-blog at [www.interpretermag.com](http://www.interpretermag.com).

2 Roland Oliphant, David Blair and Joanna Walters, 'Ukraine: Russia launches 'armed invasion' as Obama warns Moscow of 'costs' of inter-

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vention', *The Daily Telegraph* (London), February 28, 2014. 'Crimea crisis: Merkel warns Russia faces escalating sanctions', *BBC News*, March 20, 2014; accessed March 20, 2014; <http://www.bbc.co.uk/news/world-europe-26659578>.

3 Leonid Peisakhin, 'Eastern rising', *Jane's Intelligence Review* 26 (2014): 8-13. 'Chaos out of order', *The Economist*, May 2, 2014. Ronald D. Asmus, *A Little War that Shook the World: Georgia, Russia, and the Future of the West*. Basingstoke, UK: Macmillan 2010, 19-52.

also sometimes preceded an overt military intervention. Given both Putin's threats to 'defend' ethnic Russians and the mobilization of Russian army and air force units over the past two months, this remains a very real possibility in Ukraine. The overall objectives of a sponsor state usually involve the *coercion* of an adversary, its *disruption*, or the attainment of a *transformative* objective, which in turn can involve the successful encouragement of separatism, the annexation of territory, or regime change. Allowing for the absence of solid information on Russian aims it is likely that Moscow's present reasons for destabilizing Ukraine involve an opportunistic combination of these three outcomes. Putin may well hope that the turmoil he is inciting in the East of the country will forestall the forthcoming elections on May 25 and will force Kiev to subordinate its foreign policy to Russian interests. It is likely that he may consider the takeover of more Ukrainian territory if its government persists in its efforts to forge closer ties with the United States and EU.<sup>4</sup>

Ukraine has historically been a focus of proxy warfare.<sup>5</sup> From 1918 to 1920,

it was a battleground for German and Austro-Hungarian occupation troops, the Bolshevik revolutionaries, the 'white armies' of Generals Anton Denikin and Baron Pyotr Wrangel, the rival nationalist movements of Pavlo Skoropadskiy and Symon Petliura, Allied interventionists, the army of newly-independent Poland, and indigenous guerrillas such as Nestor Makhno, until the Treaty of Riga of 1921 formalized Ukraine's incorporation into the Soviet Union.<sup>6</sup> Prior to its invasion of the USSR on June 22, 1941, Germany established contact with the Organization of Ukrainian Nationalists (OUN) led by Stepan Bandera, establishing a brief alliance of convenience that foundered because of German racism but lasted long enough to damn the OUN as Nazi collaborators as far as Soviet propagandists were concerned.<sup>7</sup> Wartime Ukraine experienced the barbarity of the 'anti-bandit' operations by the Germans and their collaborators, as well as the near-extirmination of its Jewish community during the Holocaust. From 1943 to 1944, the OUN

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4 Igor Sutyagin and Michael Clarke, *Ukraine Military Dispositions: The Military Ticks Up While the Clock Ticks Down*. London: Royal United Services Institute Briefing Paper, April 2014. Geraint Hughes, *My Enemy's Enemy: Proxy Warfare in International Politics*. Brighton, UK: Sussex Academic Press 2012.

5 On Ukraine's history see Orest Subtelny, *Ukraine: A History*. Toronto: University of Toronto

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Press 1994, 2<sup>nd</sup> Edition; and Andrew Wilson, *The Ukrainians: Unexpected Nation*. New Haven CT: Yale University Press 2002, 2<sup>nd</sup> Edition.

6 Evan Mawdsley, *The Russian Civil War*. Boston MA: Allen & Unwin 1987, 161-77, 207-15, 219-25. Richard Pipes, *Russia Under the Bolshevik Regime, 1919-1924*. London: HarperCollins 1995, 73-5, 80-96, 104-14, 121-35, 178-80.

7 Timothy Snyder, "'To Resolve the Ukrainian Problem Once and for All': The Ethnic Cleansing of Ukrainians in Poland, 1943-1947", *Journal of Cold War Studies* 1 (1999): 93-4.



also waged a vicious ethnic-cleansing campaign against the Polish community in what is now Western Ukraine that was in turn followed by the brutal eviction of Ukrainians from the Polish People's Republic in 1947.<sup>8</sup> In Ukraine itself the OUN waged a doomed insurgency against Soviet military and security forces into the early 1950s, aided by the Central Intelligence Agen-

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8 Halik Kochanski, *The Eagle Unbowed: Poland and the Poles in the Second World War*. London: Penguin 2013, 360-3, 546-8. Timothy Snyder, *Bloodlands: Europe between Hitler and Stalin*. London: Vintage 2011, 326-9.

cy and Britain's Secret Intelligence Service.<sup>9</sup> The key difference between these examples and the current crisis is that, for all the diplomatic interests involved, there is only one external power actively engaging in covert action and subversion in Ukraine, as other historical instigators (the United States, Britain, Germany and Poland) are mere bystanders.

There are three notable features of Russia's proxy war in Ukraine. The first involves the thinly-disguised effort by Russia to use protests in Eastern Ukrainian cities and supposedly indigenous 'self-defence' units in Crimea as a means of bullying the new government in Kiev, backing the effort with a menacing display of military power in the form of cross-border manoeuvres. Current Russian tactics have their parallels with the Soviet interventions during the Cold War, not to mention Nazi Germany's subversion of Czechoslovakia prior to the Second World War. The second involves Putin's own predilection for blaming political turmoil in the 'near abroad' – Russia's self-proclaimed sphere of influence in the former USSR – on the intrigues of Western powers. The third feature, as expressed both in

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9 Richard J. Aldrich, *The Hidden Hand: Britain, America and Cold War Secret Intelligence*. London: John Murray 2001, 142-4, 168-71. On the OUN insurgency after 1944 see Yuri Zhukov, 'Examining the Authoritarian Model of Counter-insurgency: The Soviet Campaign Against the Ukrainian Insurgent Army', *Small Wars & Insurgencies* 18 (2007): 439-66.

Russian official statements and supposedly spontaneous demonstrations in Crimea and Eastern Ukraine, demonstrates how this country's troubled history has been exploited by Moscow for its own propaganda purposes.

Without succumbing to simplistic depictions of Putin as 'the new Hitler', there are parallels between Russia's current actions in Ukraine and those practiced by Nazi Germany against Czechoslovakia in 1938-1939. These include the use of military pressure against a neighbor, the official pronouncements that ethnic kin are in dire peril from a hostile regime, the fabricated reports of persecution and refugees, and the indirect orchestration and incitement of proxies similar in character to Konrad Henlein's Sudeten German Nazi movement and Josef Tiso's Slovakian nationalists.<sup>10</sup> There are also parallels with both the 'war of nerves' the USSR and its Warsaw Pact allies waged to undermine political liberalization in Czechoslovakia prior to the suppression of the 'Prague Spring' in August 1968 and the introduction of Soviet combat troops to Afghanistan in December 1979. These parallels extend to the murky and ambiguous relationships that Moscow had with client political elites and security services in Prague and Kabul in these historical cases, and in Kiev currently.

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<sup>10</sup> Zara Steiner, *The Triumph of the Dark: European International History 1933-1939*. Oxford, UK: Oxford University Press 2013, 560-1, 585, 593-4, 616, 727.

In the Cold War, the USSR benefited from established ties between the Soviet Communist party and its Afghan and Czechoslovak counterparts, and it had also trained the armed forces' officer corps and security police from these states. Moscow therefore had a number of indigenous collaborators it could call on from these institutions for support.<sup>11</sup>

With Ukraine, as well as past Soviet interventions in Czechoslovakia and Afghanistan, the geographical proximity of Soviet/Russian military forces also gave Putin and his Cold War era predecessor, Leonid Brezhnev, significant strategic leverage. Russia did have a legitimate presence in Crimea by virtue of the 1997 treaty, which gave the BSF access to Soviet-era bases such as Sevastopol.<sup>12</sup> Yet by endorsing the 'referendum' unifying Crimea with Russia, Putin has violated the Budapest Agreement of 1994 in which the Russian Federation guaranteed Ukraine's territorial integrity in return for Kiev's pledge to abandon the nuclear weapons it inherited after the collapse of the Soviet Union. His actions are also bound

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<sup>11</sup> Mark Kramer, 'New Sources on the 1968 Soviet invasion of Czechoslovakia', *Cold War International History Project (CWIHP) Bulletin* 2 (1992), 1, 4-13; & 'The Prague Spring and the Soviet invasion of Czechoslovakia: New Interpretations', *CWIHP Bulletin*, 3 (1993), 2-12. Rodric Braithwaite, *Afgantsy: The Russians in Afghanistan 1979-89*. London: Profile Books 2012, 37-81.

<sup>12</sup> Taras Kuzio, *The Crimea: Europe's Next Flashpoint?*. Washington DC: The Jamestown Foundation 2010.

to antagonize relations with other former Soviet republics, particularly those (such as Kazakhstan) with their own Russian minorities, and could indeed rebound on Russia as separatist claims within its own territory intensify, not least in Chechnya and other restive republics in the North Caucasus.<sup>13</sup>

Only the political fringes on the far-left and far-right in the West and a handful of sympathetic governments such as Syria and Venezuela actually believe Moscow's claims that the United States and the EU are covertly intervening in Ukraine, as the Allies were during the civil war and the British and American intelligence services were in the early phases of the Cold War.<sup>14</sup> There is also a distinct contrast between efforts by Poland, Russia's traditional rival for influence in Ukraine, to establish a partnership with Ukraine after 1991 and Russia's neo-imperialist attitude towards Kiev, epitomized by Putin's remark five years ago that Ukraine is 'not a real state'.<sup>15</sup> None-

***"Without succumbing to simplistic depictions of Putin as 'the new Hitler', there are parallels between Russia's current actions in Ukraine and those practiced by Nazi Germany against Czechoslovakia in 1938-1939."***

theless, Moscow is at pains to present its annexation of Crimea and its meddling in Ukraine's politics as a reaction to the machinations of the Americans and the EU. In this respect, the Soviet-era portrayal of Ukrainian anti-Communists as 'fascists' is clearly reflected in the claim that Yanukovich's overthrow was due to a 'Right Sector' that has hijacked the revolution in Kiev. It represents an exaggeration of the Ukrainian far-right's role in the recent revolution and indeed a failure to recognize how much it was fuelled by the corruption and misrule of the old regime.<sup>16</sup>

There are undoubtedly stark differences between West and East Ukraine over memories of the Second World War.

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13 Julia Joffe, 'Putin's War in Crimea Could Soon Spread to Eastern Ukraine', *The New Republic*, March 1, 2014; accessed March 3, 2014; <http://www.newrepublic.com/node/116810/print>. 'Central Asia's autocracies after Crimea: Russian roulette', *The Economist*, March 15, 2014.

14 'Britain and Ukraine: Fisking "Stop the War"', *The Economist*, March 2, 2014; accessed March 3, 2014; <http://www.economist.com/node/21598083/print>.

15 Ian J. Brzezinski, 'Polish-Ukrainian Relations: Europe's Neglected Strategic Axis', *Survival* 35 (1993), 26-37. James Marson, 'Putin to the West: Hands off Ukraine', *Time Magazine*, May 25, 2009; accessed March 13, 2014; <http://content.time.com/time/world/article/0,8599,1900838,00.html>.

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16 Timothy Snyder, 'Fascism, Russia, and Ukraine', *The New York Review of Books*, March 20, 2014.

The OUN (whose red and black banners appeared in anti-Yanukovich protests) tend to be hailed as freedom fighters in Western Ukraine and condemned as fascists in the East. Yet there is a clear difference between the rhetoric of the Russian state and the reality on the ground. Moscow's self-righteous cant about the 'shameful silence of our Western partners, human rights groups and foreign media' over the supposed 'lawlessness' in Eastern Ukraine also demonstrates a degree of frustration that Russian allegations of a 'fascist putsch' are finding little resonance outside of the Russian Federation and Crimea itself.<sup>17</sup> This problem is reflected by the fact that even journalists from the pro-Kremlin English language news channel 'Russia Today' openly challenged Moscow's line on the crisis.<sup>18</sup> In this respect, the increase in militancy and the takeover of government buildings in Eastern Ukrainian cities by 'militants' from the self-declared Donetsk People's Republic probably represented an effort by the Russians to make 'lawlessness' a self-fulfilling prophecy.<sup>19</sup>

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17 Yekaterina Kravtsova, 'Ukraine crisis: Crimea is just the first step, say Moscow's pro-Putin demonstrators', *The Daily Telegraph*, March 10, 2014. 'Ukraine crisis: Russian soldiers' seize Crimea hospital', *BBC News*, March 10, 2014: accessed March 11, 2014; <http://www.bbc.co.uk/news/world-europe-26515049?print=true>.

18 'Russia Today TV presenter Liz Wahl quits on air', *BBC News*, March 6, 2014: accessed March 13, 2014; <http://www.bbc.co.uk/news/world-europe-26468837>.

19 Mark Galeotti, 'Ukraine: a perversely "good" war for the GRU', *In Moscow's Shadows*, May

As far as underlying motives are concerned, Moscow has consistently maintained that Western powers exploited Russia's weaknesses in the post-Cold War era, as demonstrated by the expansion of NATO eastwards, the Kosovo war (1999) and its subsequent referendum on independence (2008), and the 'humiliations' heaped on Russia by the United States and its allies since the Soviet Union's collapse, which supposedly include regime change in Serbia (2000), Iraq (2003), and Libya (2011).<sup>20</sup> All of this disregards the fact that even during Boris Yeltsin's era the Russian state had a barely-disguised contempt for the sovereignty of other former Soviet republics, not to mention a sense that Russia had unique rights (such as the 'protection' of ethnic Russians) that overrode their newly-won independence, as demonstrated by Moscow's support for the self-declared Republic of Transdniestria's 'independence' from Moldova in 1992.<sup>21</sup>

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1, 2014: accessed May 2, 2014; <http://www.inmoscowsshadows.wordpress.com/2014/05/01/ukraine-a-perversely-good-war-for-the-gru/>

20 'Transcript: Putin's Prepared Remarks at 43<sup>rd</sup> Munich Conference on Security Policy', February 12, 2007: accessed March 13, 2014, <http://www.washingtonpost.com/wp-dyn/content/article/2007/02/12/AR2007021200555.html>. 'Russia made big mistake, supporting UN Security Council resolution on Libya', *Pravda*, December 17, 2013: accessed March 13, 2014; [http://english.pravda.ru/hotspots/conflicts/17-12-2013/126405-russia\\_libya-0/](http://english.pravda.ru/hotspots/conflicts/17-12-2013/126405-russia_libya-0/).

21 Jonathan Eyal, *Who Lost Russia? An Enquiry into the Failure of the Russian-Western Partnership*. London: Royal United Services Institute 2009. Mark Galeotti, *The Age of Anxiety: Security and Politics in Soviet and Post-Soviet Russia*. Lon-

The Ukrainian political crisis began when Putin pressed Yanukovich in late November 2013 to reject an association and free-trade agreement with the EU. The peaceful protests in Maidan Square in Kiev were met first with police brutality and ultimately (during clashes on February 20, 2014) with gunfire. Thanks to Russian meddling, demonstrations over the abortive EU accession agreement evolved into a revolutionary movement against Yanukovich's corrupt and kleptocratic government. In this respect, Putin's effort to coerce Kiev into rejecting closer association with Europe in favor of membership in his 'Eurasian Union' had the opposite effect of generating a popular uprising.<sup>22</sup>

Aside from Putin's interest in keeping Ukraine within the Russian sphere of influence, there is a distinct possibility that Russia's President has a vested interest in preventing the evolution of a functioning democracy in Kiev. Ukraine has made far less progress in political reform than other countries in post-Communist Europe (such as Poland, the Czech Republic, and the Baltic States.) In the same way that the old Soviet Union declared its opposition to peaceful and evolutionary political change in Eastern Europe with the suppression of the 'Prague Spring' in August 1968

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don: Longman 1995, 162-84.

22 'Ukraine's crisis: Europe's new battlefield', *The Economist*, February 22, 2014. David Remnick, 'Putin Goes to War', *The New Yorker*, March 1, 2014.

and the subsequent declaration of the 'Brezhnev Doctrine', the foundations of Putin's own pseudo-democratic order would be challenged if Ukraine made the transition from autocracy and crony capitalism to a system of representative government based on the rule of law. While internal opposition to Russia's government remains fractured, Putin's paranoia over domestic disaffection is evident. As Timothy Snyder wryly observes, "Ukrainians represent [the Russian President's] real Ukrainian problem: Free people who speak freely in Russian, and might set an example one day for Russians themselves". By sabotaging democratization in Kiev, Putin is arguably hoping to pre-empt Maidan-style protests in Red Square.<sup>23</sup>

Prior to the intervention of armed 'separatists' in mid-April, Ukrainians from both West and East were resistant to a Russian-led propaganda campaign intended to divide them and to incite inter-ethnic hostility. Ukraine's Jewish community remains largely unconvinced that the current revolution represents a lurch towards neo-fascism and the anti-Semitic violence of the civil war and the Nazi occupation.<sup>24</sup> Crimea's

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23 Andrew Wilson, 'Why a new Ukraine is the Kremlin's worst nightmare', *The Independent* (London), February 28, 2014. 'Putin Goes to War', *passim*. 'Letter from Kiev', *Private Eye* (London), March 20, 2014. Timothy Snyder, 'Freedom in Russian exists only in Ukraine', *The Evening Standard* (London), March 17, 2014.

24 Olexey Haran, 'Don't believe the Russian propaganda about Ukraine's 'fascist' protesters',

**"Putin's effort to coerce Kiev into rejecting closer association with Europe in favor of membership in his 'Eurasian Union' had the opposite effect of generating a popular uprising."**

ethnic Tatar community remembers the deportations of the Stalin era,<sup>25</sup> whilst the simplistic media depictions of Russo- phone and Western Ukrainians split into distinct ethnic and linguistic blocs is misleading. Even in Crimea, ethnic Russians do not necessarily believe that they are under threat from Yanukovych's successors and are not convinced that their security is assured by incorporation into the Russian Federation.<sup>26</sup>

Concerns over the future of Crimea appear reinforced by the shady reputation of the 'Prime Minister' of the

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*The Guardian* (London), March 13, 2014. Orlando Radice, 'Ukraine community ready to fight Russian invasion', *The Jewish Chronicle* (London), March 27, 2014.

25 Kim Sengupta, 'Ukraine crisis: Muslim Tatars are under threat from ethnic violence under new separatist administration in Crimea', *The Independent*, March 5, 2014.

26 'Ukraine crisis: Order breaks down ahead of Crimea vote', *BBC News*, March 9, 2014; accessed March 11, 2014; <http://www.bbc.co.uk/news/world-europe-26503476?print=true>. Anna Reid, 'A borderland on edge', *Standpoint Magazine*, April 2014.

new 'republic', Sergei Aksenov, who is reputed to have been involved with organized crime.<sup>27</sup> Whilst Aksenov may have been maligned by the media, Moscow has adopted some particularly mafia-like clients in the past, notably Eduard Kokoity in South Ossetia and Ramzan Kadyrov in Chechnya.<sup>28</sup> Meanwhile, Russia's attempts to convince the international community of the justice of its cause are implausible. Even with the ethnic Russian majority on the peninsula, the claim that 95.5% of its population voted for union with Russia in the referendum is absurd, and it is no surprise that 'international observers' invited in to supervise the poll included extremist politicians and self-proclaimed 'activists' with a pro-Russian bent. Polling stations were guarded by armed 'self-defense units', and OSCE observers were barred from monitoring the vote.<sup>29</sup>

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27 'The end of the beginning', *Economist*, passim. Mark Galeotti, 'Will 'Goblin' Make Crimea a "Free Crime Zone"?'', *Russia!*, March 7, 2014; accessed March 11, 2014; <http://readrussia.com/2014/03/07/will-goblin-make-crimea-a-free-crime-zone/>.

28 'Chechnya: The warlord and the spook', *The Economist*, May 31, 2007. Owen Matthews, 'Putin's Poison Pill', *The Spectator*, March 29, 2014. International Crisis Group (ICG) Europe Report No.205, *South Ossetia: The Burden of Recognition*. Brussels: ICG, June 7, 2010, 9-11.

29 The 'observers' included members of far-right parties such as France's Front National, Belgium's Vlaams Belang, Austria's BZO, and Hungary's Jobbik, as well as the German far-left party *Die Linke*. 'Russia's friends in black', *The Economist*, April 19, 2014.



Moscow has also resorted to ‘black propaganda’ to justify its claims that Ukraine’s Russian-speakers are threatened. Russia’s state television service broadcast allegations that 140,000 refugees have crossed the frontier into Southern Russia; the footage used in substantiation actually showed queues of traffic at a checkpoint on the Polish border.<sup>30</sup> Russian information operations are evidently not just being left to state media. A telephone call between Baroness Ashton (the EU High Representative for Foreign Affairs and Security Policy) and Urmas Paet (the Estonian Foreign Minister) discussing unsubstantiated rumors that the anti-Yanukovych protestors killed at Maidan were shot dead by their own side was posted on YouTube. It is reasonable to suspect that the Russian foreign intelligence (SVR) or internal security service (FSB) intercepted the conversation and released it in an attempt to smear the new Ukrainian government. Claims such as these are being used to reinforce Putin’s speeches and pronouncements by other Russian officials such as Russia’s ambassador to the UN, Vitaly Churkin.<sup>31</sup> Allowing for

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30 Robert Coalson, ‘Russia Wags The Dog With Ukraine Disinformation Campaign’, *RFE/RL*, March 5, 2014; accessed March 17, 2014; <http://www.rferl.org/content/russia-big-lie-ukraine/25286568.html>. Rebecca Novick, ‘Is Russia Inventing a Ukrainian Refugee Crisis?’, *Huffington Post*, March 5, 2014; accessed March 17, 2014; [http://www.huffingtonpost.com/rebecca-novick/post\\_7028\\_b\\_4895567.html](http://www.huffingtonpost.com/rebecca-novick/post_7028_b_4895567.html).

31 Anne Appelbaum, ‘Russia’s information warriors are on the march – we must respond’, *The*

the fact that ‘spin’ and dissembling has been a consistent feature of international diplomacy, it is difficult to explain why Moscow has resorted to such blatant lying. Putin’s regime is presumably using a pliant media to convince its domestic audience that Russia is in the right. There is also the ominous possibility that the Russian President and his inner circle actually believe their own propaganda and that this is guiding policy in much the same way as the suspicion that Hafizollah Amin was intent on aligning Afghanistan with the West influenced the Soviet intervention in that country in December 1979.<sup>32</sup>

In this respect, there are ominous – albeit uncorroborated – reports from Kiev that plain-clothes GRU and SVR personnel have infiltrated Eastern Ukraine to act as *agents provocateurs*, staging ‘false flag’ incidents and violent clashes that can be used to justify military intervention.<sup>33</sup> There are precedents for this, such as the planting of arms caches by the KGB in Czechoslovakia in 1968, sub-

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*Daily Telegraph*, March 7, 2014.

32 Odd Arne Westad, ‘Concerning the Situation in “A”’: New Russian Evidence on the Soviet Intervention in Afghanistan’, *CWIP Bulletin*, 8/9 (1996/1997), 128-84.

33 Bruce Jones, ‘Analysis: Russia holding whip hand in Crimea’, *Jane’s Defence Weekly*, March 12, 2014. Eli Lake and Anna Nemtsova, ‘Russia’s Special Ops Invasion of Ukraine Has Begun’, *The Daily Beast*, March 15, 2014; accessed March 18, 2014; <http://www.thedailybeast.com/articles/2014/03/15/russian-commandos-invade-ukraine.html?url=/articles/2014/03/15/russian-commandos-invade-ukraine.html>.



sequently used to justify Soviet allegations that the Prague Spring was deteriorating into a ‘counter-revolution’.<sup>34</sup> It is worth noting that the Ukrainian internal security service (SBU) has close ties with the FSB, similar to that which the StB of Communist-era Czechoslovakia had with the Soviet KGB. There is strong evidence to suggest that the SBU’s Russian-trained ‘anti-terrorist’ unit, named *Alfa* (like its FSB equivalent), were responsible for the killing of the Maidan

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<sup>34</sup> Christopher Andrew and Vasili Mitrokhin, *The Mitrokhin Archive: The KGB in Europe and the West*. London: Allen Lane 1999, 333-4.

protestors on February 20.<sup>35</sup> SBU agents – as well as former members of the old regime’s *Berkut* riot police units – are in a position to collaborate with Russian-directed efforts to covertly destabilize and discredit the new Ukrainian government by provoking violent clashes and providing a pretext for further intervention.<sup>36</sup>

There are disturbing indications that Moscow may not be able to control its surrogates in Crimea or the East. A bloody riot in Odessa on May 2 – the causes of which are at present unclear – ended in dozens of deaths, the majority of which were pro-Russian demonstrators killed in a trade union building that was set on fire. The current offensive by the Ukrainian army and security forces to recover control of Sloviansk is another potential flashpoint.<sup>37</sup> The problem with employing proxies on a deniable basis is that the sponsor surrenders

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<sup>35</sup> Jamie Dettmer, ‘Photographs Expose Russian-Trained Killers in Kiev’, *The Daily Beast*, March 30, 2014: accessed March 31, 2014; <http://www.thedailybeast.com/articles/2014/03/30/exclusive-photographs-expose-russian-trained-killers-in-kiev.html>.

<sup>36</sup> Andrew and Mitrokhin, *Mitrokhin Archive*, 329, 334-335. Mark Galeotti, ‘What Would a Russian Invasion of Ukraine Look Like?’, *In Moscow’s Shadows*, March 28, 2014: accessed March 31, 2014; <http://inmoscowsshadows.wordpress.com/2014/03/28/what-would-a-russian-invasion-of-ukraine-look-like/>.

<sup>37</sup> ‘Ukraine crisis: Sloviansk rebels down army helicopters’, *BBC News*, May 2, 2014: accessed May 2, 2014; <http://www.bbc.co.uk/news/world-europe-27250026>. Lewis Smith, ‘Ukraine crisis: Dozens die in fire in Odessa’, *The Independent*, May 3, 2014.

some capacity to direct and restrain their actions; it is conceivable that Crimea's 'self-defense' militias and protest groups in Eastern cities might provoke clashes with Ukrainians and Tatars that escalate into major ethnic violence.<sup>38</sup> Putin may well have been satisfied with the bloodless victory he has won in Crimea, and his rhetoric over an extended intervention into Eastern Ukraine could have been mere posturing. But it is also worth noting that aside from any 'provocations' that might trigger a Russian invasion, there are other potential factors that may force Putin's hand. These include the timing of Ukraine's elections at the end of May and the imminent demobilization of Russian conscript troops that occurs every summer, to be replaced by untested draftees. It is also conceivable that, through his own inflammatory actions, Putin may find himself forced to choose between inaction – which would expose his pretensions to 'protect' supposedly imperilled ethnic Russians – and intervention – which could lead to a protracted conflict with its Western neighbor that it can ill afford to fight.<sup>39</sup>

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38 'Crimea: A predictable outcome', *The Economist*, March 15, 2014. Geraint Hughes and Christian Tripodi, 'Anatomy of a surrogate: historical precedents and implications for contemporary counter-insurgency and counter-terrorism', *Small Wars & Insurgencies* 20 (2009), 20-4.

39 Galeotti, 'What Would a Russian Invasion of Ukraine Look Like?', *passim*. Heather Saul, 'Putin could invade Ukraine within a week, warns NATO chief', *The Independent*, April 2, 2014. Sutyagin and Clark, *Ukraine Military Dispositions*, 7-8.

**"GRU and SVR personnel have infiltrated Eastern Ukraine to act as agents provocateurs, staging 'false flag' incidents and violent clashes that can be used to justify military intervention."**

As far as the West's collective response is concerned, there is very little that can be done about Ukraine itself, particularly if Russia does invade. The United States and its allies can however reassert the credibility of Article 5 of the North Atlantic Treaty. The American and British decision to send air and army units to Poland and the Baltic States to conduct military exercises and reinforce air defense patrols will hopefully remind Russia that NATO's newer members are not fair game.<sup>40</sup> However, the defense of the latter should not rely purely on military deterrence. As Mark Galeotti observes, Russia's actions in Ukraine have relied on a combination of proxies and *spetsnaz* personnel disguised as indigenous 'activists'. This means that the military and

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40 Brooks Tigner, 'NATO moves to reassure its East European allies', *Jane's Defence Weekly*, April 23, 2014. Ben Farmer, 'Europe must increase defence spending in the face of Russian aggression', warns Chuck Hagel, *The Daily Telegraph*, May 2, 2014.

police forces of states like Estonia and Latvia need to be trained and prepared to counter tactics of destabilization that fall short of overt aggression but which seek to incite conflict between the states and their Russian minorities. This means that public order training (drills to handle demonstrations and civil disorder) are as important for NATO allies as training for actual combat. In contrast to more challenging police training missions in Afghanistan and Iraq, any Western trainers sent to the Baltic States or ex-Warsaw Pact members will be working in largely stable and secure states with working government infrastructure.<sup>41</sup>

There are other responses open to the West. If possible, any verifiable intelligence on the role of GRU, SVR, and FSB personnel in destabilizing Ukraine and provoking inter-ethnic violence should be released to the international media, particularly if the Russian intelligence agencies are instigating clashes with *agents provocateurs*.<sup>42</sup> Such information could change attitudes within states whose governments have a pronounced

fear of separatism – the most notable being Russia’s main ally, China – not to mention ones with a clear concern that they too might be the target of a covert subversive campaign conducted by a rapacious neighbor. With regards to the diplomatic implications of Russian actions in Ukraine, criticisms of Moscow’s policies by Western powers alone are of little interest and indeed can be presented by Putin as proof of his success in restoring Russia as a great power. If Russia is isolated from all but Syria, Venezuela, Cuba and other marginal states in the international system, then this is a failure of statecraft which ‘Russia Today’ and other pro-Kremlin media outlets cannot disguise.<sup>43</sup>

Ultimately, it is Russia’s own attempts to use proxy warfare in Ukraine that are self-defeating. If its campaign of psychological warfare and subversion continues, it will still serve only to alienate many Ukrainians and further undermine Moscow’s propaganda about Slavic fraternity. If Putin does order an invasion, the military imbalance between Russia and Ukraine is likely to lead to a swift battlefield victory,<sup>44</sup> but

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41 Mark Galeotti, ‘NATO and the new war: dealing with asymmetric threats before they become kinetic’, *In Moscow’s Shadows*, April 26, 2014; accessed April 30, 2014; <http://inmoscowsshadows.wordpress.com/2014/04/26/nato-and-the-new-war-dealing-with-asymmetric-threats-before-they-become-kinetic/>

42 ‘Kerry: US taped Moscow’s Calls to its Ukraine Spies’, *The Daily Beast*, April 29, 2014; accessed April 30, 2014; <http://www.thedailybeast.com/articles/2014/04/29/kerry-us-taped-moscow-calls-to-its-ukraine-spies.html>

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43 A vote at the UN General Assembly on March 27 calling on member states not to recognise the Crimean referendum was passed with 100 votes, with 11 states voting against the motion and 58 abstentions. 68<sup>th</sup> General Assembly Plenary, 80<sup>th</sup> meeting, March 27, 2014; accessed May 7, 2014; <http://www.un.org/News/Press/docs/2014/ga11493.doc.htm>

44 ‘Ukraine: The military balance of power’, *BBC News*, March 3, 2014; accessed March

as the United States and its coalition partners in Iraq found after 2003, this cannot guarantee that Russian troops will not be subsequently faced with a debilitating insurgency that – like in Afghanistan in the 1980s and Chechnya in the 1990s – imposes a cost both in blood and treasure. There are indications that the Ukrainian paramilitary groups are preparing for this kind of partisan warfare.<sup>45</sup> In this respect, for all their Soviet nostalgia Putin and his advisors have failed to learn a lesson that their predecessors were taught by their ‘fraternal allies’ thirty years ago: You cannot gain a people’s lasting allegiance at gunpoint. ☹

*those of the author, and do not necessarily represent the views of the JSCSC, Defence Academy, the Ministry of Defence or any other UK government agency.*

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4, 2014; <http://www.bbc.co.uk/news/world-europe-26421703>. For more specific details on the respective size and capabilities of the two state’s armed forces, see the International Institute of Strategic Studies, *The Military Balance 2014*. Abingdon: Routledge 2014, 180-92, 194-7.

<sup>45</sup> David Patrikarakos, ‘Yuppie, Get Your Gun’, *Politico Magazine* May 6, 2014; accessed May 7, 2014; <http://www.politico.com/magazine/story/2014/05/ukraine-young-partisans-106411.html#.U2mT9KIVBEM>

# **Multiplayer Great Game: Nineteenth Century Maneuvers on the Chessboard of Afghanistan**

**| Peter John Brobst**



“SAVE ME FROM MY FRIENDS!”

Nineteenth and early twentieth century strategists of the British Empire called their long struggle for mastery in the borderlands of Central and South Asia the “Great Game.” Their Russian adversaries styled it the ‘Tournament of Shadows’. Each phrase tends to elide as much as it evokes. The *Boy’s Own* flair obscures, even diminishes, the underlying geopolitics and high stakes involved. Nothing less was at issue, at least from the British point of

view, than the balance between global sea power, on one side, and consolidated land power based in the heart of Eurasia on the other. War between the principals frequently seemed in the offing. It erupted in the Crimea in 1854. However, as suggested by the phrase ‘Tournament of Shadows’, the competition between Britain and Russia over Asia and the Middle East played out largely through indirect means.

Proxy warfare figured prominently in the informal imperialism of the Great Game. For their part, the British relied heavily on their time-tested, European strategy of ‘guineas and gunpowder’<sup>1</sup>—subsidies and arms transfers — to delineate spheres of influence, buffer states, and ‘anti-routes’ in the marches of India.<sup>2</sup> Lines of clientage were blurred if not invisible. This afforded plausible deniability, but the advantage was double-edged. Abdur Rahman, Afghanistan’s ‘Iron Amir’ between 1882 and 1901, offers a prime example of the dilemma. His internal wars to consolidate the Afghan state, assisted by British subsidies, helped to staunch the subcontinent’s northern frontier against Russia; they also rattled nerves in British India and a host of its smaller client states in the mountainous reaches west of the upper Indus. Thomas Barfield, an American scholar of Afghanistan, has noted another “surprising consequence” in the case of Abdur Rahman’s war against the Kafirs: it put the Amir in a position “if Russia was determined to invade India ... to ease their way” and thereby “direct the Russians away from any crucial Afghan territory.”<sup>3</sup> British strategists

understood that their Afghan proxy left them “to some degree in a cleft stick.”<sup>4</sup> Abdur Rahman’s kingdom was “rapidly being converted into one vast armed camp, equipped by our aid and largely at our expense.” This seemed an inevitable and small price to deter Russia. Still, the British hedged their bets by demarcating a hard border — the ‘Durand Line’ — between Afghanistan and what was then British India and is today Pakistan.

Informal imperialism was indeed, as the British historian John Darwin has noted, an inherently “unstable category.”<sup>5</sup> The Great Game exemplifies how flexible yet fraught the sub-category of proxy warfare has been and remains. Current scholarship, focused on the prevalence of proxy warfare in the twenty-first century<sup>6</sup> and its Cold War precedents<sup>7</sup>, emphasizes sub-state, transnational actors. While such proxies loom large today, size is not the defining factor; the uncertain dynamic between proxy and patron is. Moreover, proxies can be found on the highest levels of the international system as well as the lowest, a point that modern scholars underemphasize. Ethnic

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1 John M. Sherwig. *Guineas and gunpowder: British foreign aid in the wars with France, 1793-1815*. Books on Demand, 1969.

2 Mahnaz Z. Ispahani. *Roads and Rivals: The Political Uses of Access in the Borderlands of Asia*. Cornell University Press, 1989.

3 Thomas Barfield. *Afghanistan: a cultural and political history*. Princeton University Press, 2010.

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4 David Dilks. “Curzon in India, 2 vols.” *Achievement, II. Frustration* (London, 1969-70) (1969).

5 John Darwin. *Unfinished Empire: The Global Expansion of Britain*. Bloomsbury Publishing USA, 2013.

6 Andrew Mumford. “Proxy Warfare and the Future of Conflict.” *The RUSI Journal* 158, no. 2 (2013): 40-46.

7 Geraint Hughes. *My Enemy’s Enemy: Proxy Warfare in International Politics*. Apollo Books, 2012.



and political militias, tribal irregulars, and mercenaries each fought as proxies in the Great Game, as did conventional states. Proxies of both kinds often possessed substantial capacities, ambition, and will. “On the Central Asian board,” to quote the distinguished anthropologist Akbar Ahmed, “pawns often moved of their own volition.”<sup>8</sup> Put another way, the Great Game embedded numerous lesser games at different levels. Abdur Rahman was certainly his own agent in a lesser game. And what was true of Afghanistan was true of smaller and bigger examples alike. Throughout the Great Game, proxies functioned at the sub-state, regional, and great power levels. Consider, for instance, the roles played by the Baluch, Iran, and China.

### PROXIES GREAT AND SMALL

In most accounts of the Great Game, the Baluch do not get the attention they should. The Baluch are an Iranian ethno-linguistic group, who today number between five and six million. They inhabit the expansive and desolate landscape that stretches across what is now western Pakistan, southeastern Iran, and parts of Afghanistan. Despite their comparatively small numbers, the transnational Baluch have historically played a conspicuous role as a proxy force on the sub-state level, and still

do. In the eighteenth and nineteenth centuries, Baluch mercenaries enabled the sultans of Oman to secure a commercial empire and dominate the slave trade between East Africa and the Persian Gulf.<sup>9</sup> Baluch mercenaries later formed the backbone of forces that the British developed to secure their Omani allies against insurgency at home.<sup>10</sup> On their home ground in the late nineteenth century, the Baluch functioned as middlemen in the arms traffic between the Gulf and Afghanistan. This benefitted the Russians and French, as well as Abdur Rahman and, to the chagrin of British authorities, a number of British firms. During the Cold War, Baluch separatism generated anxiety about Soviet-backed proxy warfare in Pakistan.<sup>11</sup> Such potentialities similarly alarmed Iran under the Shah, while in recent years the Islamic Republic has charged that insurgency among the Sunni Baluch of Iran enjoys the sponsorship of both Pakistan and the United States.<sup>12</sup>

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9 Nicolini, Beatrice. *Makran, Oman, and Zanzibar: Three-terminal Cultural Corridor in the Western Indian Ocean, 1799-1856*. Vol. 3. Brill, 2004.

10 John E. Peterson. “Oman’s diverse society: Northern Oman.” *The Middle East Journal* (2004): 32-51

11 Selig S. Harrison. *In Afghanistan’s shadow: Baluch nationalism and Soviet temptations*. New York: Carnegie Endowment for International Peace, 1981.

12 Abubakar, Siddique. “Iran’s Sunni Baloch Extremists Operating from Bases in Pakistan.” *Terrorism Monitor* Volume: 12 Issue: 6, March 20, 2014

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8 Ahmed Akbar, S. “Tribes and States in Waziristan.” *The Conflict of Tribe and State in Iran and Afghanistan* (1983): 196-7.

A player as much as a pawn, Iran illustrates the variability of proxies at the level of regional states. Iranian foreign policy in the early to mid-nineteenth century was animated substantially by irredentism in the Caucasus and later Afghanistan. During the Napoleonic wars, the British alternately moved into and out of an alliance with Iran as they moved into and out of an alliance with Russia. Russian influence grew in Tehran after the Treaty of Turkmanchai, which settled the border in the Caucasus in 1828. Iran subsequently focused eastward on Afghanistan, its irredentism now working to Russia's advantage. Twice, in 1838-39 and again in 1856-57, Iran moved to reclaim Herat, only to be met in each case by a British counterpunch in the Gulf. The second instance led to war and to Iran's agreement to demarcate through British arbitration a border with Afghanistan. The fixed boundary was perhaps arbitrary in a Middle Eastern context, but it undermined the pretext on which Russia could promote a proxy war against British India. Britain's friend-or-foe dilemma in nineteenth century Iran has considerable resonance today. Is Iran an ambitious rival to be contained, or a useful and even necessary proxy against the Taliban and the recrudescence of Russian imperialism?<sup>13</sup>

Similar uncertainty, of course, arose over China during the Cold War. Colonial strategists did not speak of the 'China Card' per se, but they certainly debated how and whether it could be played. In 1880, amid the Second Anglo-Afghan War, the British saw China's reassertion of its authority in the Ili Valley as a useful diversion of Russian attentions. A decade later some British officials urged backing China's reconsolidation of control over the whole of Xinjiang as a bulwark against Russia.<sup>14</sup> Others in London, however, warned against such a course, lest China's underlying weakness invite the very extension of Russian influence the British wished to block. The dilemma persisted into the twentieth century. One recent scholar has provocatively claimed that efforts to sustain China's front against Japan in the south represented an Anglo-American proxy war to divert Japan away from the Soviet Union during the critical fall and winter of 1941-42. The Chinese dimension reminds us that while Anglo-Russian rivalry dominated the arena, the Great Game was a multi-polar contest. India's independence after World War II, and more particularly the subcontinent's partition, compounded the problem of games within games and clouded the role of proxies further still.

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14 Parshotam Mehra. *An "agreed" frontier: Ladakh and India's northernmost borders, 1846-1947*. Oxford University Press, 1992.

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13 Shireen T. Hunter. "Containing Iran Helps Putin's Russia." *Lobelog Foreign Policy*.

## NEW ROUNDS, OLD RULES

The Great Game is usually considered an issue of the nineteenth century. But understood as shorthand for using the power of South Asia to balance and parry that based in Central Asia, it continued through the twentieth. In fact, one was more likely to hear the expression in Anglo-American policy circles during the Cold War than ever in offices of the Raj. Britain's transfer of power on the subcontinent in 1947 did not end the Great Game. Neither did the advent of nuclear weapons. What British Air Marshal John Slessor called the "Great Deterrent" reinvigorated the Great Game and its indirect methods of war.<sup>15</sup> The battlefield Slessor reasoned, now belonged, and had to belong, to the "termite"—to the guerilla forces and regional states we so associate with proxy warfare. Pakistan, the Afghan *mujahidin*, and the Taliban present essential and standard examples of the attraction, convolutions, and limits of the old wine in new bottles. The collaboration between the United States and India to sustain armed resistance against China in Tibet during the late 1950s and early 1960s presents a lesser-known but equally compelling case.<sup>16</sup>

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15 John Cotesworth Slessor. *The Great Deterrent: A Collection of Lectures, Articles, and Broadcasts on the Development of Strategic Policy in the Nuclear Age*. Praeger, 1957.

16 Kenneth J. Conboy, and James Morrison. *The CIA's secret war in Tibet*. University Press of Kansas, 2002.

More delicate and difficult to appreciate is the role that India itself, as an emerging great power, has played and continues to play as a proxy for Anglo-American interests in post-independence rounds of the Great Game. Last year, General Raymond Odierno, the US Army's Chief of Staff, visited India and proclaimed the Indian Army to be "by far the most influential" in Asia.<sup>17</sup> Some discerned an oblique reference to aligning India's continental power<sup>18</sup> with the maritime posture of the United States in the Indo-Pacific as part of a larger strategy for the containment of China.<sup>19</sup> Odierno was quick, however, to preempt speculation, emphasizing the importance of India's "strategic autonomy." As a proxy force India, is neither a pawn nor a puppet. Nor was it either during the Cold War. New Delhi's avowed neutralism was vexatious, but the more acute in the Anglo-American defense establishment recognized that "in spite of conflict between certain United States and Indian policy objectives, there are many lines of parallel action."<sup>20</sup>

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17 "Indian Army most influential in Asia Pacific: US General Raymond T Odierno." *Economic Times*. July 30, 2013 [http://articles.economictimes.indiatimes.com/2013-07-30/news/40895242\\_1\\_indian-army-asia-pacific-asia-pacific](http://articles.economictimes.indiatimes.com/2013-07-30/news/40895242_1_indian-army-asia-pacific-asia-pacific)

18 Evan Braden Montgomery. "Competitive Strategies against Continental Powers: The Geopolitics of Sino-Indian-American Relations." *Journal of Strategic Studies* 36, no. 1 (2013): 76-100.

19 Iskander Rehman. "The Wider Front: The Indian Ocean and AirSea Battle." *Research & Analysis Archive*. May 30, 2012

20 Mahmud S Ali. *Cold war in the high Himalayas: the USA, China, and South Asia in the 1950s*.

Ultimately, the notion of India as a proxy force underlines not only the persistence but also the ambiguity and contingency of proxy warfare as both a strategic and analytical category. In the Indo-American case, it is not even clear who is gaming whom. Americans no more look on their considerable forces in, say, Afghanistan or the South China Sea, as proxies for Indian interests, than Indians see their country's position vis-à-vis China in Central Asia as a proxy for the United States.<sup>21</sup> But, at least to some degree, do they not act as such? In the nineteenth century, Great Games men engaged proxies to achieve the effects of empire where they could not or would not fight; in the twenty-first century the idea is perhaps more to achieve the effects of alliance where one cannot or will not be formalized. In the former circumstance, a proxy stands somewhere between autonomy and occupation, and in the latter somewhere between the free agency of neutrality and the definite obligations of alliance. The attraction and utility of proxy warfare lies in those vagaries, whether employed as a strategy between big patrons and small clients, as scholars typically treat the phenomenon, or between great powers, as the Great Game suggests scholars more often might. Either way, Rudyard Kipling's admonition still pertains: "Who can

say," he wrote about the uncertainty of war in Abdur Rahman's game, "when the night is gathering, all is grey."<sup>22</sup> 

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St. Martin's Press, 1999.

21 Ian Hall. "Mapping Central Asia: Indian perceptions and strategies." *Contemporary South Asia* 20, no. 3 (2012): 420-421.

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22 Rudyard Kipling. "The Ballad of the King's Jest." *The Definitive Edition of Kipling's Verse* (1940): 247-50.

# Princes, Patriots, and Proxies: Great Power Politics and the Assertion of Afghan Sovereignty

| **Chris Mark Wyatt**

Despite the well-worn cliché, the relationship between proxy and sponsor is seldom as simple as that between puppet and master. Overlooking internal trends and ruptures, an outside great power may find itself incapable of maintaining the careful balance that ensured its dominance. Actors within a proxy state who have become independent from a sponsor's largesse may be prepared to strike out on their own when shifts in world politics provide an opportunity. Modern Afghanistan is currently caught up in a struggle that will determine both the shape of the state and its relationships with outside powers, once the dust of recent decades of upheaval settles. Those inside and outside the state considering the wisdom of re-forging old bonds or establishing new ones would do well to consider the lessons of an earlier period of Afghan history, the "Great Game", when the British began losing control of Afghanistan due to that state's shifting internal dynamics, and subsequently choose to give up the struggle due to major shifts in their own external calculations.

Afghanistan's status as a regional British proxy began to unravel during the latter stages of the reign of Amir Habibullah Khan. Afghanistan's foreign relations since 1880 had been controlled by the Government of India, which was an instrument of the British government led by an appointed viceroy and responsible for the empire's policies in India's neighborhood. Habibullah maintained

his father's policy of accepting that arrangement. This policy was opposed by both conservatives at court, who were anti-British but cautious, and modernizers, who wanted outright independence. At times the interests of the two camps coincided and at others they diverged. Their positions on foreign policy evolved based on the ways they saw the world, which were also reflected in domestic politics. Before the Afghan state could promote an independent foreign policy, a shift at the domestic level that undermined support for the British had to take place.

As the two groups vied for control, the conservatives started to gain the upper hand, and Habibullah found it increasingly difficult to maintain the balance between the factions. In consequence, the modernizers seized a moment to strike and took control of the government, purging the conservatives. Amanullah, son of Habibullah and leader of the modernizers, became Amir, declared full independence, and invaded India. Despite scoring a tactical victory in the resultant Third Afghan War, the British decided that it was no longer in their interests to continue the old arrangement, which had become outdated and expensive. Amanullah's military adventure came on the heels of the First World War, during which the world had changed irrevocably. London relinquished control of Afghanistan because there was no longer either a need for a buffer or a proxy actor.



## A CAREFUL BALANCING ACT

In 1901, Amir Abdur Rahman Khan died peacefully in his bed. He had been Amir since 1880 and had enjoyed the support of the British Empire throughout his reign, including in the forms of a subsidy from the Government of India and the direct supply of weapons. He ruled in full awareness that he would not have remained in power for long without London's backing.<sup>1</sup> Before

becoming Amir, Abdur Rahman had spent time in exile in the Russian Empire and had come to mistrust his hosts, a position he considered vindicated after they annexed the northern Afghan territory of Panjdeh and its environs in 1885. A war was narrowly averted, and the Amir's relations with the British were on the whole cordial as he made common cause with them to keep the Russians out of Afghanistan.

His approach to foreign policy was simple: If the country remained backward, poor, and isolated, there would be less risk of attack from the outside. The value of the country, then, was as a buffer

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<sup>1</sup> Hasan Kawun Kakar, *Government and Society in Afghanistan: The Reign of Amir 'Abd al-Rahman Khan* (Austin: University of Texas Press, 1979), xx, 6-8.

which no state had any direct interest in invading.<sup>2</sup> Why, he reasoned, would anyone wish to sacrifice that buffer and expend much blood and treasure conquering a country which could not begin to pay for the expenses so incurred?

This orthodoxy was first contested during the reign of his son, Habibullah Khan. The new Amir had always to walk a tightrope between what might loosely be called conservatives and modernizers at the Afghan court.<sup>3</sup> The composition of the groups continually blurred and individual members moved between them, but in general there was always one camp which believed Afghanistan should be governed as under Abdur Rahman, and another which believed the country should modernize, emerge from its backwardness, and become fully independent.<sup>4</sup> Despite their differences, the two camps saw common cause in their anti-British sentiment. This Anglophobia is best understood as the product of frustration with Afghanistan's status as a subordinate power, rather than any

feelings of warmth toward Russia or any other competitor state. However, the Amir himself always considered it important to follow his father's advice to keep faith with the British as, according to Abdur Rahman, they were the more trustworthy party.<sup>5</sup> Despite setbacks, such as the signing of the Anglo-Russian Convention of 1907 over the head of the Amir, it was advice Habibullah followed throughout his reign. At the same time, Habibullah also wanted to slowly modernize the country while maintaining its Islamic character.

The conservative group was dominated by Amir Habibullah's brother, Sardar Nasrullah Khan, the aging Abdul Qudus Khan, who served as Lord Chamberlain, and Muhammed Hussain Khan, who ran the government's finances. Nasrullah was seen by the Government of India as a nationalist, while Abdul Qudus Khan was considered conservative, fiercely anti-British and concerned chiefly with his own interests.<sup>6</sup> Both these men sought a more traditionalist and Islamic approach to government and considered the British to be as bad as the Russians. They were keen to keep both powers out and attempted constant maneuvers to that end.

The conservatives were opposed at court by Amir Habibullah's sons, Sardars Aman-

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2 Kakar, *Government and Society in Afghanistan*, 71, 179, 230. See also Sirdar Iqbal Ali Shah, *The Tragedy of Amanullah* (London: Alexander-Ouseley, 1933), 73, 74. Amir Abdur Rahman Khan argued that the development of Afghanistan could only take place when the Afghan Army was strong enough to defend the country against outside aggression.

3 Christopher M. Wyatt, 'The Rise of Nationalism at the Afghan Court, 1903-1914', *Quarterly Journal of the Pakistan Historical Society* XLV, No. II (1997), 189-202.

4 Christopher M. Wyatt, *Afghanistan in the Defence of Empire: Diplomacy and Strategy during the Great Game* (London: I.B. Tauris, 2011), 2-4.

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5 Shah, *The Tragedy of Amanullah*, 76-77.

6 India Office Library and Records (IOLR) MSS Eur. D 573/17 Minto to Morley, 5 August 1908, folios 6 and 7.



ullah Khan and Inayatullah Khan. The princes sought to modernize the country and had formed a close association with Mahmud Tarzi, a significant figure in Afghan history acknowledged for his role as a modernist and journalist. He and his family had been exiled to Syria by Abdur Rahman Khan, but Habibullah allowed him to return to the country in 1902. While in Syria, Tarzi had imbibed new ideas, such as the Islamic revivalist writings of Sayyid Jamal ud-din al-Afghani and the modernist thinking of the Watan Movement, which also influenced the young Mustafa Kemal Ataturk, the reformist general who later became the founder of the modern Turkish state. On his return, Tarzi edited a newspaper called the *Siraj ul-Akhbar* (which can be translated as “the light [or torch] of the news of Afghanistan”), and became the founder of journalism in Afghanistan.<sup>7</sup> Two of Tarzi’s daughters each married one of the Afghan princes. Sardar

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7 Vartan Gregorian, ‘Mahmud Tarzi and Saraj-ol-Akhbar: Ideology of Nationalism and Modernization in Afghanistan’, *Middle East Journal* XXI, No. 3 (1967), 345-346; Abdul Ali Arghandawi, *British Imperialism and Afghanistan’s Struggle for Independence, 1914-1921* (Delhi: Munshiram Manoharlal, 1989), 38-39; Ibrahim V. Pourhadi, ‘Afghanistan’s Press and its Literary Influence, 1897-1969’, *Afghanistan Journal* 3, No. 1 (1976), 28-29; Mohamed Kazem Ahang, ‘The Background and the Beginning of the Afghan Press System: Part Six The Pioneers’, *Afghanistan* 22, No. 2 (1969-1970), 73-80; Peter Mansfield, *A History of the Middle East* (London: Penguin, 1992), 91; Mohammad Ali, ‘Sayid Jamal-ud-Din Afghani: Politician, Reformer, Journalist and Orator’, *Afghanistan* 17, No. 1 (1962), 7; and Abdul Hakim Tabibi, *Afghanistan: A Nation in love with Freedom* (Cedar Rapids: Igram Press, 1985), 67-68.

Amanullah’s wife, later to become Queen Soraya, had a particularly strong influence on her husband’s thinking, which came to value full independence as an appropriate companion to modernization.

In balancing these two groups, Amir Habibullah could count on independent allies, particularly Muhammed Yusuf Khan and Muhammed Asif Khan, both of whom had powerful tribal backing and were prominent at court. These allies allowed the Amir to act as more than simply an isolated arbiter, lending him a body of support of his own. Habibullah favored a degree of modernization but realized that backing one faction would make an enemy of the other. Throughout his reign, he continued to assume that the interests of Afghanistan were best secured through friendship with the British.<sup>8</sup> After all, he continued to receive a subsidy from the Government of India greater than that his father had enjoyed, and relations were warm enough to allow for a visit to India in 1907.

## TESTING LOYALTY TO LONDON

What grated most for both conservatives and modernizers was the Government of India’s control of Afghanistan’s foreign policy. This was agreed by treaty in 1880 and confirmed in 1905. Habibullah was willing to accept this subordination but his courtiers were not. For the Amir, a much greater concern was the

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8 IOLR L/MIL/17/14/15/1, 4.

Anglo-Russian Convention, signed in August 1907 and announced on the heels of his return from India, which normalized relations between Britain and Russia in Central Asia. Habibullah saw the treaty as a betrayal, as the two powers had agreed to clauses covering Afghanistan without consulting him. The new entente was widely greeted in Afghanistan with a sense of alarm, and fears of partition between Britain and Russia grew.<sup>9</sup> The Convention, though, included a clause requiring ratification by the Amir before it could enter into force. The only card the Amir could play was to withhold that ratification, which he did.

Although partition failed to materialize, the Convention damaged Habibullah's position at court because his general attitude toward Britain was inconsistent with his reaction to the entente. While he would not ratify the Convention, neither could he do much against what was a *fait accompli*. Both Britain and Russia treated the Convention as if it were in force. However, with no invasion on the horizon, the Amir was able to reassert his control over the court, foiling an assassination plot in 1909. With the conspiracy quashed, both factions were wary of challenging Habibullah's authority.

In the following decade, this balancing act became ever more difficult. Habibullah came to agree with reformers, espe-

cially after he had seen the Army of India in all its glory, that the Afghan army needed outside training to begin to bring it up to a reasonable standard. To accomplish this, Turkish officers were brought in. The head of the regular military, Habibullah's son Inayatullah, was a modernizer.<sup>10</sup> He was pro-Turkish, neatly aligning his external slant with promotion of a modernizing domestic agenda, and his thinking was in line with Tarzi's, which held that Islamic unity was the best defense against the West.

There was, then, every expectation that Afghanistan would involve itself when the Ottoman Empire found itself at war, first with Italy in 1911 and then with the First Balkan League in 1912. At first, Habibullah made a show of appealing to the population for donations to "help the wounded Turkish soldiers, their widows and orphans" but then decided that the weakness shown by the Turks was due to their softness and abandonment of Islam.<sup>11</sup> The result was that the Amir did nothing, which hardly endeared him to factions at court. Both sides had wanted to keep faith with the Ottoman rulers, who then held formal leadership of the Islamic faith through the Caliphate, and with the Turkish government in general.

Following this episode, Habibullah resolved to govern in his father's more authoritarian mold.<sup>12</sup> To an extent, this shift

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9 Vartan Gregorian, *The Emergence of Modern Afghanistan* (Stanford: Stanford University Press, 1969), 211.

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10 IOLR L/MIL/17/14/15/1, 3-4.

11 IOLR L/MIL/17/14/15/2, 9-10.

12 Roland Wild, *Amanullah: Ex-King of Afghan-*

allowed him to mobilize traditionalists against the pro-Turkish modernizers. However, the Amir's rule was further tested by the Mangal revolt of 1912 and 1913, which was precipitated by rumors of the Amir's conduct with certain tribal women. Much of the countryside rose in open revolt and there was widespread refusal to pay taxes. In the end, Habibullah had to rely on Nasrullah's ally Muhammed Hus-sain Khan to raise a tribal levy at his own expense to put down the rebellion.<sup>13</sup> This produced an image of an Amir and a state which could not act independently in the face of rebellion and which were beholden to particular interests, in this case a conservative one. The modernizers saw the episode as a setback.

Habibullah pursued a divide and rule policy to manage the two main court factions. As part of this approach, and in order to prevent anyone becoming too powerful, Nasrullah's functions in government were formally handed to the Amir's sons, Amanullah and Inayat-ullah. However, the dividing lines between roles were not defined well, and the resulting confusion allowed Nasrullah to keep working as if little had happened. The Amir could not risk alienating his own brother, who had "the whole priestly class at his back...and the conservative party at his side". Even in

1914, the traditionalists were a force to be reckoned with.<sup>14</sup>

The factions continued to balance each other during the course of the First World War. Court politics were not an issue at the outset but the situation changed radically with the Turkish decision to enter the war on the side of the Central Powers. This was followed by a German-led mission to Afghanistan in 1915. Led by Oskar Niedermayer and Werner Otto von Hentig, the delegation also included representatives from Turkey. The modernizers pressed the Amir to take the German side, not because they were pro-German but because they saw treating with the Germans as a means to undermine British domination. After keeping the mission waiting for weeks, Habibullah succumbed to pressure and agreed to grant them an audience. The Amir relented because of a concern that turning away the delegation would be seen as a rejection of his Turkish co-religionists, which might invite a *coup d'état*. Under such tense circumstances, Habibullah did just enough to keep the mission interested. He demanded an impossibly high price for his intervention and ultimately signed a treaty which the German Foreign Ministry declined to ratify and by which he had no intention of abiding.<sup>15</sup>

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*istan* (London: Hurst and Blackett, 1932), 40-41.

<sup>13</sup> Cambridge University Library Hardinge Papers, Volume 119, Part II, Hardinge to Crewe, 4 September 1913; Volume 85, Part I, Roos-Keppel to Hardinge, 6 March 1913; IOLR L/MIL/17/14/15/2, 25.

<sup>14</sup> IOLR L/MIL/17/14/15/2, 18.

<sup>15</sup> Arghandawi, *British Imperialism and Afghanistan's Struggle for Independence*, 93-106; Thomas L. Hughes, 'The German Mission to Afghanistan, 1915-1916', *German Studies Review* 25, No. 3 (2002), 471-472; Sir Charles Hardinge,

At the close of the First World War, by all appearances Habibullah had succeeded in keeping tensions at court under control. He had avoided involvement in the war and had proven his faithfulness to Britain. His position appeared secure, but events proved otherwise. On the night of February 19, 1919, the Amir was assassinated in his tent while on a hunting trip in the Laghman Valley. The true battle for supremacy between the factions began, as Amanullah and the modernizers overturned Nasrullah's claim to the throne and took power for themselves. For the modernizers, it was a now or never moment.

### THE MODERNIZERS ASCENDANT

No one knows for sure who killed Habibullah, but there is enough circumstantial evidence to form a case against Amanullah. The prince was in Kabul, the capital and seat of power, when the Amir was killed. Nasrullah was in Jalalabad, too far away to affect the course of events. Despite proclaiming himself Amir, Nasrullah was cut off from the center of power and lacked the money, arms, and support to press his claim. He abdicated in favor of Amanullah in order to avoid bloodshed and the outbreak of a civil war.<sup>16</sup>

His reward for such consideration was to be blamed for the assassination and

thrown in jail. Nasrullah was denounced as “a traitor to Islam and the murderer of the Amir” and, after being given a life sentence, did not survive long in captivity.<sup>17</sup>

Amanullah became Amir, declared Afghanistan independent, and immediately attacked India. He had long dreamed of a modern and independent Afghanistan and moved quickly to realize that ambition. This resulted in the Third Afghan War, which was fought on the North-West Frontier of India. It ended with the 1919 Treaty of Rawalpindi, which recognized Afghanistan's independence. This included restoration of the right to a free foreign policy, to be exercised for the first time since 1880.

For the British, there was a recognition that the old way of doing things could not continue and the Afghan leadership could no longer be relied upon to follow a course set by the Government of India. The First World War had been costly and the price of fighting the Third Afghan War was also high. The cost of continued involvement was just too exorbitant. Indeed, the elimination of an obligation to defend Afghan territorial integrity was at the time seen as a net benefit, which significantly softened the blow. London had concluded that the Russians were not about to invade in force in the near future, as the country was convulsed by revolution and, after the First World War,

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*My Indian Years, 1910-1916* (London: Constable, 1948), 133.

<sup>16</sup> Wild, *Amanullah: Ex-King of Afghanistan*, 45.

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<sup>17</sup> Arghandawi, *British Imperialism and Afghanistan's Struggle for Independence*, 163-177.

there was neither the money nor the will to fight in Afghanistan.<sup>18</sup> Indeed, the Bolsheviks were fighting for their own survival in the Russian Civil War.

Amanullah's position looked strong. He had outmaneuvered his rivals and consolidated control over Afghanistan. But he also misjudged the country and soon began to alienate everyone. His modernizing agenda was particularly unacceptable to the tribes and the religious establishment. The country was shocked by his Westernized manners, unveiled wife, and forsaking of the title "Amir", with all its religious connotations, for that of "King."

In asserting the sovereignty and independence of Afghanistan, Amanullah courted outside powers that were themselves modernizing.<sup>19</sup> Both Mustafa Kemal Atatürk's Turkey and Lenin's Bolshevik Russia were considered as models of modernization, with numerous trade treaties signed as a result. While Amanullah saw Turkey as a key ally, there was no comparable comprehensive diplomatic realignment toward Russia to replace the British. Both Atatürk and Lenin had to win wars in order

to secure their right to govern. Amanullah had not, and therefore, ruling in a deeply conservative country, did not have a level of popular support comparable with his foreign peers and lost his throne in 1929 in consequence.

When Abdur Rahman Khan became Amir, Afghanistan entered what is considered by historians to be its modern phase. As father of the nation, he gave the country the borders and shape which are familiar to us now. However, it took his grandson to lead the country to full independence. Although Amanullah's modernizing mission met with resistance and caused, ultimately, his deposition, he was able to convincingly assert Afghan sovereignty in a way which his successors have been keen to emulate. The periodic crises of Amir Habibullah's reign and the consequent ascendance of the modernizers were critical preconditions for Amanullah's diplomatic rebellion. Ultimately, it was the mutually reinforcing interaction of foreign and domestic policy which led Afghanistan to, for a time, shed its proxy status and claim the agency of a truly independent nation state. ☪

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<sup>18</sup> Louis Dupree, *Afghanistan* (Oxford: Oxford University Press, 1997), 446-449; and Arghandawi, *British Imperialism and Afghanistan's Struggle for Independence*, 182-233.

<sup>19</sup> Dupree, *Afghanistan*, 450-452; and Leon B. Poullada, *Reform and Rebellion in Afghanistan, 1919-1929: King Amanullah's Failure to Modernize a Tribal Society* (Ithaca: Cornell University Press, 1973), 48, 160-193.

**Prince Strikes  
Back: A Review  
of Erik Prince's  
*Civilian Warriors:  
The Inside Story of  
Blackwater and the  
Unsung Heroes of  
the War on Terror***

**| Molly Dunigan**



In the recent conflicts in both Iraq and Afghanistan, the international community saw a spike in military outsourcing that was unprecedented in the history of modern conflict. By 2008, the US Department of Defense employed 155,826 private contractors in Iraq – alongside 152,275 US troops.<sup>1</sup> This trend continued in Afghanistan, where by 2010 there were 94,413 contractors along-

side 91,600 US troops. The vast majority of the contractors on the ground in both theaters provided base support and maintenance services (e.g., laundry, cooking, cleaning, etc.) – these providers totaled over 80,000 contractor boots-on-the-ground in Iraq throughout 2008. Others provided logistical support, transportation, construction, translation, and communications services, among other functions.<sup>2</sup>

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<sup>1</sup> “Statistics on the Private Security Industry,” Sié Chéou-Kang Center for International Security & Diplomacy, [http://psm.du.edu/articles\\_reports\\_statistics/data\\_and\\_statistics.html](http://psm.du.edu/articles_reports_statistics/data_and_statistics.html).

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<sup>2</sup> Moshe Schwartz and Joyprada Swain, *Department of Defense Contractors in Afghanistan and Iraq: Back-*

But the most highly visible contractors throughout both wars were comprised of a smaller force of armed security contractors deployed primarily to perform three tasks: *personal security details* for US and coalition officials; *static site security* in fixed locations; and *convoy security*. Estimates vary regarding the number of security contractors operating in either theater at any one time, and indeed, data is difficult to accurately assess due to the diversity of clients employing security contractors. However, all indicators point to a force of between 10,000 and 30,000 security contractors on the ground in Iraq through most of the war there.<sup>3</sup> These contractors worked for a variety of different companies, under contract to a variety of governmental and non-governmental entities. Their operations have raised a number of concerns throughout both wars concerning (a) the extent to which they are reducing the state's so-called "traditional" monopoly on violence; (b) the extent to which they are held accountable for their behavior under international humanitarian law; and (c) their impact on military operations and effectiveness.<sup>4</sup>

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*ground and Analysis* (Washington, DC: Congressional Research Service, 2011).

3 Sarah K. Cotton et al., *Hired Guns: Views About Armed Contractors in Operation Iraqi Freedom* (Santa Monica: RAND Corporation, 2010).

4 For instance, see Peter W. Singer, *Corporate Warriors: The Rise of the Privatized Military Industry* (Ithaca: Cornell University Press, 2003); Deborah D. Avant, *The Market for Force: The Consequences of Privatizing Security* (New York: Cambridge Univer-

Less vocal, but slowly gaining increased traction within the community of academics focused on these issues, have been those who voice concerns regarding individual contractors' well-being, and the impact of contract deployments on these highly-trained, often former military, personnel.

Erik Prince's recent book, *Civilian Warriors: The Inside Story of Blackwater and the Unsung Heroes of the War on Terrorism*, provides a refreshingly frank account of the operations of one of the largest contingents of security contractors on the ground in both theaters – those working for the company that he founded, owned, and headed as CEO from 1998 to 2010, Blackwater USA (later renamed Blackwater Worldwide and Xe Services under Prince's leadership, and then Academi after Prince sold it in 2010). Often denigrated in the press, both Prince and his company had – misguidedly, according to Prince – become synonymous in the minds of many Americans with "mercenaries," "guns for hire," and "cowboys." Perhaps most notably, Prince and Blackwater were highly criticized in journalist Jeremy Scahill's 2007 book *Blackwater: The Rise of the World's Most Powerful Merce-*

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sity Press, 2005); Christopher Kinsey, *Corporate Soldiers and International Security* (London: Routledge, 2006); Elke Krahnmann, *States, Citizens, and the Privatization of Security* (New York: Cambridge University Press, 2010); Molly Dunigan, *Victory For Hire: Private Security Companies' Impact on Military Effectiveness* (Palo Alto: Stanford University Press, 2011).



nary Army, which focused perhaps too indiscriminately on Prince's religious upbringing, conservative political leanings, and wealthy family background.<sup>5</sup> As a result, Scahill's best-selling book is now commonly disregarded by experts in the field, who consider it to be a highly biased account of Blackwater.

Following years of notoriously keeping mum regarding both his own personal life and Blackwater's operations, *Civilian Warriors* is Prince's opportunity to respond to his critics. As he puts it, "For years my company's work was misconstrued and misrepresented. At the time, our government contracts explicitly barred Blackwater from responding to the public broadsides . . . So now I'm done keeping quiet. What's been said before is only half the story – and I won't sit idly by while the bureaucrats go after me so that everyone else can go back to business as usual . . . Our critics have spoken. Now it's my turn."

Prince pulls off this effort with well-researched, well-articulated panache. Granted, he had help – the book was ghost-written by Davin Coburn, and the research for it was conducted at least in part by Dr. Mike Waller, whom Prince thanks in the acknowledgments.

Even while assessing it with an objective, critical eye, *Civilian Warriors* pro-

vides a fascinating firsthand account of both Prince as an individual, and of Blackwater's operations. All in all, the image that pervades the book is of an honest, hard-working, incredibly entrepreneurial Navy SEAL veteran who first conceived in the late 1990s of a privately-owned, elite military training center that "might gross \$200,000 annually" – not the \$340 million it was grossing on one contract by mid-2005. As both Prince and his company have virtually been an impenetrable "black box" to researchers working on military and security privatization topics over the past several decades, the result is perhaps most exciting in terms of the primary data that it provides for analysts in this field.

Numerous incidents and events, on which only sporadic, limited, and questionable information had previously emerged in media reporting and web-based discussion fora for contractors, are recounted firsthand throughout the book – from the 2004 brutal killings of four Blackwater contractors in Fallujah; to the incident immediately following that when a small Blackwater team defended the Coalition Provisional Authority compound in Najaf for several hours from an onslaught by the Mahdi Army, with virtually no coalition military support; to the crash of "Blackwater 61" in the Hindu Kush mountains during a re-supply and troop transport flight for the US Army, later in 2004. Prince also discusses Blackwater's role in responding to Hurricane Katrina in 2005, the

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<sup>5</sup> Jeremy Scahill, *Blackwater: The Rise of the World's Most Powerful Mercenary Army* (New York: Nation Books, 2007).

company's humanitarian response efforts in the October 2007 wildfires in San Diego County, and the early 2008 Blackwater rescue of three college students who were part of an international aid team that had gotten stuck in Kenya in the midst of unexpected post-election violence. The book provides detailed coverage of the 2007 Nisour Square attacks in Baghdad involving Blackwater personnel, as well as the company's multiple legal battles and the scrutiny it faced from Congress later in 2007.

In many cases, Prince's narrative of the chain of events is surprisingly candid. His re-telling of events is at times shockingly unapologetic – for instance, openly admitting that the Blackwater “November 1” team killed in Fallujah in 2004 was operating on a subcontract that Blackwater had rushed to start before the contractual date because “ESS [the prime contractor] was a major global supplier – a company well worth making a good impression upon. Blackwater's men always said yes first. We would figure out the details as we went.” This meant that, “November 1 didn't have the heavy-duty squad automatic weapons that were still en route from Regency (the Kuwaiti hospitality firm with which Blackwater had partnered on the contract.) Worse, the men knew they'd be driving a pair of ESS's old Mitsubishi Pajeros that were being used only until Regency could deliver us vehicles and protection kits . . . ESS's Pajeros were just regulation SUVs with armor plates mounted behind the

back seats.” Yet, Prince does point out that “the men weren't forced into the mission or somehow ordered to do it – a private company doesn't have that sort of military authority.”

While a captivating read and a substantial source of previously unconfirmed information on the firm and its relationship with the US government, Prince's success in responding to his critics does have its limits. In particular, his repeated efforts to place blame on the US government bureaucracy for actions-gone-wrong leaves open the question of where the responsibility for contractors' operations, behavior, and well-being truly lies in the modern age of military outsourcing. Since Blackwater's operations began, the US government and other major governmental clients of the industry have made progress in terms of both assigning and taking on such responsibility.

Yet, the unmet needs across the industry pertaining to contractors' individual health and well-being is an issue gaining increasing recognition that has yet to be addressed – due primarily to this question of who, between the government and the contracting industry, bears the burden of responsibility for the personnel involved. These unmet needs include, for instance, mental healthcare for deployment-related issues such as post-traumatic stress disorder, which a 2013 RAND Corporation study found affects up to 25% of contractors recent-

ly deployed to theaters of conflict.<sup>6</sup> Given that the subtitle and dedication of Prince's book reflect admiration for his former company's personnel as "unsung heroes," it is not entirely infeasible to think that this might be a topic to which he could fruitfully turn his attention in his future endeavors with the industry.

All in all, *Civilian Warriors* presents a well-written, seemingly credible defense of many of Blackwater's operations, and of the managerial intent behind them. However, in some ways it raises more questions than it answers regarding military outsourcing in today's world. It is now up to scholars and analysts of security privatization to utilize the information provided in Prince's work and apply it toward such questions. 🍷

*Molly Dunigan is a political scientist at the RAND Corporation. Her research interests focus on field coordination issues between private security forces and professional militaries, but also include civil-military relations, irregular warfare, security force assistance, maritime security, and arms control. Prominent among her published work are the RAND reports *Hired Guns: Views About Armed Contractors in Operation Iraqi Freedom* (Cotton et al., 2010) and *Characterizing and Exploring the Implications of Maritime Irregular Warfare* (Dunigan et al., 2012),*

*as well as her 2011 book *Victory for Hire: Private Security Companies' Impact on Military Effectiveness* (Stanford University Press, 2011). Dunigan received her Ph.D. from Cornell University.*

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<sup>6</sup> Molly Dunigan et al., *Out of the Shadows: The Health and Well-Being of Private Contractors Working in Conflict Environments* (Santa Monica: RAND Corporation, 2013).

FSR Talks about  
The Afghan War  
with **General**  
**Joseph F. Dunford**

*General Joseph F. Dunford, Jr. assumed command of the International Security Assistance Force and United States Forces-Afghanistan on 10 February 2013. He previously served as the Assistant Commandant of the Marine Corps from October 2010 to December 2012. He is a graduate of the US Army Ranger School, Marine Corps Amphibious Warfare School, and the U. S. Army War College. He holds an M.A. in Government from Georgetown University and an M.A. in International Relations from the Fletcher School of Law and Diplomacy. In an interview with FSR's Editor-in-Chief, Haider Mullick, General Dunford highlights the major challenges and opportunities in Afghanistan and the United States' broader national security strategy in the region.*

Note: This interview was conducted in December, 2013.

***FSR: Welcome General Dunford. Thank you for taking out time from your very busy schedule. I'll get straight to it: why are we in Afghanistan and why should we stay there?***

**Dunford:** Sure, Haider, we're in Afghanistan today for the very same reason that we came here back in 2001, because we had an enemy sanctuary in this part of the world, specifically in Afghanistan; the attacks of 9/11, the attacks in Madrid, the attacks in London emanated from this part of the world and of course from the US perspective it was clearly the 9/11 attacks that caused us to come here in order to deny Al Qaeda the freedom of movement to plan and conduct operations from Afghanistan.

***FSR: Still, given that Usama bin Laden is dead, Al Qaeda's numbers have depleted, and only 28% of Americans believe the war in Afghanistan is worth fighting for (July 2013 ABC Poll), why should we remain in Afghanistan?***

**Dunford:** Well, Haider, back to the original reason we came here, the core interest will be to continue to deny sanctuary of Al Qaeda here, and the method of doing that is to continue our work of developing sustainable Afghan security forces, and a sustainable political transition that will ensure that the Afghans can deny [Al Qaeda] sanctuary.

Then, more broadly, to be effective in the long term, clearly the counter-terrorism capacity of Afghanistan is a piece of it, the counterterrorism capacity of Pakistan is a piece of it, and frankly I think a successful relationship between Afghanistan and Pakistan is key to our success. And so, one of the things we're also doing here is making what's today a trilateral relationship between US forces in Afghanistan, the Pakistani military, and the Afghan military, and developing an effective bilateral military-to-military relationship between Afghanistan and Pakistan that can be one of the foundational elements of the broader strategic partnership between the two countries.

***FSR: How can the United States promote a stronger Afghanistan-Pakistan partnership in an atmosphere of mistrust?***

**Dunford:** First of all, Haider, I think you understand that extremism is not just a challenge for Afghanistan, it's a challenge for Pakistan as well, and so one of the first things that I think is important, and we're working on this very hard, is to ensure that Afghanistan and Pakistan have a common understanding of the threat of extremism in the region, that will obviously set the foundation for a relationship of cooperation in dealing with extremism. Extremism is a threat, again, to both countries. We today have a trilateral relationship, have made a lot of progress in that relationship since November of 2012 in particular, we established a standard operating procedure between the three parties to deal with the border area, and mitigate the risk of miscalculation and violence in the border area. But, more importantly, we're using that relationship to develop broader military-to-military engagement, and develop trust, and eventually develop complementary actions on both sides of the border, again to deal with what I fundamentally believe is a common threat.

And so, on the surface, some people look at that relationship and see challenges, as you alluded to, and I'm not being Pollyanna-ish here, but I actually see opportunity, because I do think that both

Afghanistan and Pakistan do recognize the threat of extremism. I think Pakistan has increasingly recognized that over the past 18 to 24 months, and frankly I think both nations, as evidenced by [Pakistani] Prime Minister Sharif's recent visit, and by the rhetoric that has come out of both Islamabad as well as Kabul, I think both nations have now identified dealing with extremism as one of their top priorities in their bilateral relationship. And I frequently meet with the Army Chief of Staff, in Pakistan – before he retired, I met with General Ashfaq Kayani at least once a month over the past year, and by coincidence, I was in Pakistan today [Dec 16, 2013]. I met with General Raheel Sharif, the new Army Chief of Staff, we spent well over two hours together today, and I met with the new Chairman of the Joint Chiefs, General Rashad Mahmood, as well.

Further, we've been able to use this bilateral relationship to expand and establish a bilateral relationship between Afghanistan and Pakistan, with the US bilateral relationship with both countries, and then the trilateral relationship that we have on some of the security issues, is really, at the end of the day, a foundation for an effective bilateral relationship between Afghanistan and Pakistan. For example, on a couple of my visits to Pakistan, the Afghan Chief of the Army Staff has accompanied me when I went over to visit with General Kayani, and I expect that General Raheel Sharif and his leadership will come to Ka-

bul here very soon, and that the Afghan leadership will return those visits. And so, I think right now, particularly over the last year, 18 months, we have begun to lay the foundation for a much more effective [military to military] relationship between Afghanistan and Pakistan.

***FSR: How are you facilitating the Afghan-led reconciliation between Kabul and the insurgents, particularly the Afghan Taliban, and how is that shaping the Afghanistan-Pakistan relationship?***

**Dunford:** First of all, in order for this conflict to come to the right end, there's going to have to be a peaceful settlement, and so, we actively support that and it's certainly one of our government's top priorities, reconciliation, and you exactly got it right – it's going to be an Afghan-owned, Afghan-led process. That's something Pakistan has stated openly, that's something the United States has stated openly, so the US and Pakistan position is completely in support of Afghanistan's position that it's Afghan-owned and Afghan-led.

I think, frankly, that the most important thing we're doing in the military campaign is setting the conditions for a peaceful settlement. I personally believe that, as it becomes clear to everyone in the region that there will be stability and security in Afghanistan, that there will be a united country in Afghanistan, that the Afghan security forces will be capa-

ble of providing security to the Afghan people, and that the political process will result in a mature -- hardened if you will -- government here in Afghanistan, I think that increases the prospects for reconciliation. So, I think, in that regard, the military campaign is a supporting effort.

***“Extremism is not just a challenge for Afghanistan, it’s a challenge for Pakistan as well, and so one of the first things that I think is important, and we’re working on this very hard, is to ensure that Afghanistan and Pakistan have a common understanding of the threat of extremism in the region.”***

Clearly, the actual reconciliation process is led by the US State Department in terms of the US contribution, but we certainly facilitate in terms of relationships and, again, conditions on the ground, I think, at the end of the day, are the most important contributions we make to the peace process.

***“I personally believe that, as it becomes clear to everyone in the region that there will be stability and security in Afghanistan, that there will be a united country in Afghanistan, that the Afghan security forces will be capable of providing security to the Afghan people, and that the political process will result in a mature — hardened if you will — government here in Afghanistan, I think that increases the prospects for reconciliation.”***

***FSR: From our discussion it is clear that some American troops in Afghanistan are essential to sustain progress and deny sanctuary to terrorist groups. How do you view the critical Bilateral Security Agreement (BSA), and the upcoming Afghan national elections in April 2014?***

**Dunford:** First of all, Haider, I was on the negotiating team for the BSA. We worked very hard picking up from the team that had been working in Washington for the better part of a year. We picked up here in Kabul in September [2013], and we worked very hard on a document that would address both US and Afghan interests and we were successful, in that regard. I think with regard to the BSA, it’s important to emphasize that the Loya Jirga was conducted, it overwhelmingly supported the BSA; depending on what polling data you look at, somewhere between 75% and 90% of the Afghan people support the BSA; I believe that all the presidential candidates support the BSA, and some have come out openly with that support – all of them participated, by the way, all [presidential candidates] were invited to participate, in the Loya Jirga, and many of them did, so they were also participants in that regard and expressed their support through the Loya Jirga.

And then, when you look at the region, Pakistan supports the BSA, India supports the BSA, China has come out in support of the BSA, Russia supports the BSA, the Central Asian states support the BSA, Iran has said that they recognize Afghanistan’s sovereign right to enter into any agreement that’s in their best interest. So, I think the conditions for setting the BSA are there, it hasn’t yet been signed, but I believe that it’s inevitable that it will be signed – it’s inevitable that it will be signed because even President



Karzai set the conditions for a successful Loya Jirga with his opening speech in which he identified the reasons why Afghanistan must have the BSA to secure its future.

So, I think it's a matter of time. Frankly, who's suffering in the interim right now is really the Afghan people, with the delay, because, what we see here in Kabul is an inflationary crisis for basic staples, firewood and food and those kinds of things, we see a devaluation of real estate, we see a devaluation of the Afghani, Afghanistan's currency, and so, those difficulties are there, and also feed the bit of the uncertainty in the Taliban narrative of abandonment. But I am confident that the BSA will be signed in time. When you think back in September, I will just tell you that most of the pundits, and you may remember this yourself, all thought that there was a high probability that the BSA would not be approved by the Loya Jirga, and if nothing else, they thought that it would be a close-run thing. And in the event, it wasn't close at all – it was an overwhelming endorsement of continued US and, frankly, international presence, because the BSA is one of the documents that's a manifestation of the long-term commitment; the other document is of course the NATO (Status of Forces Agreement) SOFA, and I believe that'll be signed right on the heels of the BSA.

So, you correctly identify the BSA as critical, and that is the document that will

provide the framework for our presence post-2014. President Obama has made it clear that without a BSA we can't be here in Afghanistan, but, for all the reasons I mentioned in terms of what it will do for the Afghan people, what it will do for our interests here in the region, and what it will do to contribute to regional stability, I feel very confident that that BSA will be signed.

Let me switch gears, I guess, with regard to elections [in April 2014], and tell you that I'm very encouraged. Starting last summer with the passing of the legislation in time, and then the announcement of the candidates that occurred back in October and now, a very vibrant political process that's ongoing here in Afghanistan, I feel very good about where we are with regard to elections. And then, with regard to security, the Minister of the Interior here, former ambassador to Pakistan, former ambassador to Iran, former chief of staff here in the Palace, Minister Umar Daudzai, as the Minister of Interior he's responsible for security, and I can tell you we are months and months ahead of where we were in 2009 for election security.

Inclusivity, of course, is one of the key elements—inclusive, credible, and transparent elections are what we're looking for—inclusivity is really what we contribute to, from the security perspective. We are supporting the [Ministry of Interior] MOI, and I think there are three parts of inclusivity: one part is obviously



security and access to the polls, and every week now, on Saturday, the Minister of Defense, the Minister of Interior, the Director of [National Directorate of Security] NDS and myself get together and one of the key topics is election security. So right now, Afghan security force operations are very much focused on setting the conditions for people to have access to the polls.

Also, political leadership in Afghanistan has ensured that people understand that their vote matters, and the future of Afghanistan truly is something that they can contribute to. And so, ensuring that we don't have voter apathy is the second piece of inclusivity, and then closely related to that is what the [Independent]

Elections Commission is doing here and that is providing people with the knowledge they need to participate in the process. So frankly, you know, here it is, December of 2013, the elections are on April 5th of 2014, and again, we very carefully analyzed where we were in 2009, and we're far, far ahead of where we were in 2009, and my sense here in Afghanistan is that there is – and I think it'll increasingly become the case – there is an enthusiasm and energy to participate in the process, and people do want to have a say in the future of their country.

*FSR: Election security is a good segue into Afghanistan's broader security and the condition of the Afghan National Security Forces (ANSF). How do you assess the ANSF, their viability amid a largely aid-dependent Afghan economy and other challenges? Are there any indicators of progress?*

**Dunford:** Well, starting with the good part is, I think, as you probably know, in June of this year, we recognized Milestone 2013, and that was a follow-up to the Lisbon conference in 2010. And on that date, June 18th of this year [2013], the Afghan security forces assumed responsibility for security across the country. And through this summer, the Afghan security forces successfully protected the Afghan people and provided security in the key populated areas, the major cities and other key populated areas, and they maintained free- dom of

movement along the major highways and so forth, and frankly, this summer, in terms of level of violence, was not much different from 2012. The single biggest difference was officially, the Afghan forces were responsible for security.

At the beginning of the summer, we identified two goals with regard to the Afghan forces that were important to move forward in the campaign: one was that the Afghan security forces were confident in their capability, and the second goal was that the Afghan forces were credible in the eyes of the Afghan people. And I can tell you with confidence that we achieved both of those goals. The Loya Jirga actually was a capstone event for Afghan security forces, over the course of several weeks they set the conditions for a peaceful and secure Loya Jirga. During the event, they moved 3,000 people in and out of the facility, and there was not a single security

incident, which was indicative of their increased capability, the cooperation amongst the National Directorate of Security and Ministries of Interior and Defense, and I also think it's an indicator for how successful they'll be in securing the actual elections [April 2014].

Having said that, there's a very real challenge. The Afghan forces over the last couple of years have been focused on quantity, fielding the force – we grew the force from less than 200,000 in

about 2008 and 2009 to 350,000 police and soldiers today, along with an additional 20,000 plus Afghan local police force [part of the Village Stability Operations initiative]. So we have probably 370,000 Afghan security forces now, but we fielded them in a very short period of time. So we actually have some quality issues now that we have to focus on, and that's really where we are. For the last few years we focused on quantity, and that allowed us to get the Afghan forces out in the lead, that allowed us to have the Milestone 2013 [when Afghan forces took lead of country-wide security].

But the capabilities that we have today are not yet sustainable. And so, it starts with the ministerial capacity, you know, we use terms like planning, programming, budgeting, acquisition, and since you teach at the Naval War College, I know you're familiar with all of those, but basic things like being able to anticipate material requirements, having the processes in place to contract and purchase those requirements, and then of course the planning, programming, and budgeting process that will allow you to take the resources you have available and prioritize those for capabilities development. That's one of the things we're working on. So, today, making a connection between the ministerial level and the tactical level to ensure the tactical level is properly supported by the ministerial level is actually where we're working. There are also some very real capability gaps that will

***“Pakistan supports the BSA, India supports the BSA, China has come out in support of the BSA, Russia supports the BSA, the Central Asian states support the BSA, Iran has said that they recognize Afghanistan’s sovereign right to enter into any agreement that’s in their best interest. So, I think the conditions for setting the BSA are there, it hasn’t yet been signed, but I believe that it’s inevitable that it will be signed...”***

continue to exist after 2014. We’ll keep working on the intelligence enterprise, that’s intelligence, surveillance, and reconnaissance [ISR]. Their close-air support, in 2014, we’ll actually be delivering the first of their attack airplanes, but the entire aviation enterprise won’t be complete until late 2016, early 2017, so that will remain a gap. Then, as I mentioned,

inadequate ministerial capacity. So the three remaining challenges, really, are in those areas I just mentioned: the ministerial capacity, the aviation enterprise, and broadly speaking their intelligence enterprise.

But the positive news is that, with regard to their ability on a day-to-day basis to provide security to the Afghan people, they’re in pretty good shape. So, again, near-term: able to provide security; long-term: some sustainability issues, and that’s our focus not only now but into the support mission that will begin in early 2015.

***FSR: Given ISAF’s broad mission in Afghanistan, what are the three major challenges and three major indicators of progress?***

**Dunford:** Well, I’ll tell you what, there are probably three indicators of progress that come to mind right away. The first is the maturation of the political process that I believe will lead to political transition. And we’ve come a long way in that regard, I think the Afghan state is now mature enough to hold elections here in 2014 and allow the Afghan people to determine their future. Frankly, from that will come many other aspects of progress. The second one is the status of the Afghan security forces. As you probably know, there were no Afghan security forces in 2001, and the very first battalion of the Afghan Army was established in 2002. So a force of

600 in 2002 has grown into a force of 350,000. And during that same time they've gone from the coalition leading operations to eventually partnering operations between the Afghans and the coalition forces, to today when Afghans are leading operations. And what you probably ought to know is that we're not conducting any coalition or US unilateral operations today. All operations are led by Afghan security forces. We conduct operations only for our own security. So, again, number one, maturity of the political process, number two is the security transition overall, but the main evidence for that is the status of the Afghan security forces.

And I'll be honest with you; I think I have to put up there in the top three the hope of the Afghan people in the future. After three decades of war, I think the Afghan people recognize that in 2013, with the progress that's been made, and I could go through a number of statistics but you have all those available to you – in terms of how many children are in school now; cell phone users, numbers of roads, access to medical care, and all of those metrics that demonstrate improvement – frankly, more important than any specific physical manifestation of improvement is the fact that the Afghan people now look towards the decade of opportunity, which is what we call 2014 to 2024, and the fact that the Afghan people, after three decades of war, actually have some hope for the future, that has to be, in my mind, one of


the top three progress indicators.

That said, there are three major challenges: the first one would be sustaining the international community's support for Afghanistan into that decade of opportunity [2014-2024] – that's going to be critical; you mentioned the Afghan security forces getting paid and so forth and the Afghan economy is going to need some work here. I think the military campaign is providing the space within which that progress can be made after 2014, but, certainly some significant economic challenges and I think that increasingly young people here in Afghanistan are much more concerned about jobs for the future than they are about the Taliban. So I think sustaining that international community's support long enough for Afghanistan to complete security transition, to complete the political transition, but obviously to build their economy to the point where both of those processes are sustainable is important. The second challenge, and I mentioned it earlier when we talked about Afghan forces, but as much as I would identify as one of the indicators of progress the current state of the Afghan security forces, I'd identify a challenge making sure that that progress that we've made to date is enduring, and so the sustainability of Afghan forces is the number two challenge. And then the number three challenge really gets at the reason why we're here in the first place. That is the dynamic of extremism in the region, is in the top three challeng-

es right now that must be addressed, not only for progress in Afghanistan but progress in the region as a whole.

***FSR: Finally, what lessons learned from the collaborative efforts between coalition troops to rebuild the Afghan security sector do you think should be applied to similar, joint efforts in other nations emerging from conflict?***

**Dunford:** I think on the positive side one of the critical lessons learned is that despite the challenges of coalition warfare, it is absolutely the right thing. It happens over time, as you know, it wasn't always as effective, but over time, we've built an extraordinarily effective coalition. We have 48 nations that are actually contributing troops on the ground; that number has been as high as 50, over the last couple years. And that has brought, I think, an extraordinary capability to Afghanistan, and I would attribute the strength of the coalition, both in terms of the resources that they bring, as well as the assistance that they provide in building Afghan security forces has been very positive. Many nations make great contributions, you know, I could point to the Czech Republic and the help that they're providing in Mi-17 helicopter training to Afghan forces. I could point to the linkages in the relationship between the Turks and the Afghans; there's a national affinity between Turkey and Afghanistan; I could point to the special operations of Australia, and the United

Kingdom, and others; you could point to Germany and Italy, which obviously both have very strong relationships with the Afghan people and they've made an extraordinary commitment; and I could go on and on. But I honestly believe that one of the key things that we all ought to take out of this experience on the positive side is that, again, despite the challenges of cobbling together a coalition, and despite the fact that that has its inherent challenges, overall, on balance, the strength of the coalition has actually directly resulted in the progress that we've made to date. 





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