

# THE **Journal** OF INTERNATIONAL Security Affairs

Number 18, Spring 2010

## Flashpoint: Iran

Rep. Mark Kirk **moral conviction on Iran**

Alex Vatanka **the IRGC versus the Green Movement**

Emanuele Ottolenghi **full-spectrum sanctions**

Brian Miller **exploring the military option**

Matthias Küntzel **Berlin and the Iranian bomb**

J. Scott Carpenter **the human rights dimension**

Chuck Freilich **a moment of truth for Israel**

### Navigating the New Legal Order

- **How jihadists fight**
- **International law and asymmetric conflict**
- **The piracy challenge**
- **Environment change and global security**
- **Russia and the Arctic**

*featuring* Mary Habeck & Col. Richard Kemp



\$7.95 US

\$12.50 CAN



### Perspective

**Lt. Gen. Henry Obering, USAF**  
Former Director, U.S. Missile Defense Agency

[www.securityaffairs.org](http://www.securityaffairs.org)

# THE **Journal** OF INTERNATIONAL Security Affairs

---

Ilan Berman *Editor*

---

Tom Neumann *Publisher*  
Jim Colbert *Managing Editor/Circulation Manager*  
Jennifer Keech *Graphic Design & Layout*  
James P. Cetrone *Web Development*

## *Editorial Board*

Jonathan Kislak, *Chairman*; A. John Adams; Amb. John Bolton;  
Dr. Stephen Bryen; Dr. Armeane Choksi; Adm. Leon “Bud” Edney, USN (ret.);  
Dr. Joshua Muravchik; Dr. Michael G. Rapp; Maj. Gen. Sidney Shachnow, USA (ret.);  
R. Adm. Robert Smith, III, USN (ret.); Amb. Chase Untermeyer

---

MANUSCRIPTS SHOULD BE SENT TO: 1779 Massachusetts Ave., NW, Suite 515, Washington, D.C. 20036. The Editor will consider all manuscripts received, but will assume no responsibility regarding them and will return only materials accompanied by appropriate postage. Facsimile submissions will not be accepted.

ADVERTISING: Please contact the Editor, Ilan Berman, at ([editor@securityaffairs.org](mailto:editor@securityaffairs.org)) for information on availability and ad rates.

REPRINTS AND PERMISSIONS: Write: The Journal of International Security Affairs, Reader Services, 1779 Massachusetts Ave., NW, Suite 515, Washington, D.C. 20036. Fax: (202) 667-0601.

PRINTED IN THE UNITED STATES OF AMERICA.

© 2010 Jewish Institute for National Security Affairs.

All rights reserved. No part of this magazine may be reproduced, distributed or transmitted in any form or by any means, without prior written permission from the publisher.

EDITOR'S NOTE: The opinions expressed in *The Journal of International Security Affairs* (ISSN 1532-4060) are those of the author(s) alone and do not necessarily represent the opinions of the Jewish Institute for National Security Affairs.

# THE JOURNAL OF INTERNATIONAL Security Affairs

---

Number 18, Spring 2010

**From the Publisher** *Tom Neumann* 3

**Editor's Corner** *Ilan Berman* 5

---

## Flashpoint: Iran

---

**Seeking Conviction on Iran** *Representative Mark Kirk* 7  
The case for supporting Iran's freedom movement

**Iran's Revolutionary Guards Fight the Opposition Tide** *Alex Vatanka* 13  
How Iran's clerical army is weathering the current crisis

**Setting the Sanctions Agenda** *Emanuele Ottolenghi* 19  
The West has a wide range of options with which to squeeze Tehran

**The Kinetics of Confrontation** *Brian A. Miller* 31  
While not desirable, an American military option against Iran is feasible

**Berlin, the Ayatollahs, and the Bomb** *Matthias Küntzel* 39  
How Germany has aided and abetted Tehran's nuclear drive

**Challenging Tehran on Human Rights** *J. Scott Carpenter* 47  
Iran's democratic opposition is fighting for its life. Here's how America can help

**Decision Time in Jerusalem** *Chuck Freilich* 55  
How Israel thinks about the Iranian bomb

# — Navigating the New Legal Order —

<b>The Jihadist Laws of War</b>	<i>Mary R. Habeck</i>	65
Islamic extremists follow a fundamentally different legal code		
<b>Israel and the New Way of War</b>	<i>Colonel Richard Kemp, CBE</i>	73
Operation Cast Lead was a portent of conflicts to come		
<b>Anti-Piracy, Adrift</b>	<i>J. Peter Pham</i>	81
The limits of the international response to Somalia's newest scourge		
<b>Redrawing the Map</b>	<i>Cleo Paskal</i>	89
How climate change challenges international security and international law		

## — Document —

<b>Russia's New Arctic Strategy</b>	97
-------------------------------------	----

## — Perspective —

<b>The Past and Future of Missile Defense</b>	107
An Interview with Lt. Gen. Henry Obering, USAF (ret.)	

## — Dispatches —

<b>ITALY: Berlusconi's Bum Rap</b>	<i>Amy Rosenthal</i>	111
<b>GERMANY: Appeasement, German Style</b>	<i>Benjamin Weinthal</i>	113
<b>CZECH REPUBLIC: Waging a War of Ideas with Russia</b>	<i>Victor Yasman</i>	115

## — Book Reviews —

<b>Architect of Power</b>	<i>Joshua W. Walker</i>	117
Ahmet Davutoglu's foreign policy vision in action		
<b>Warrior Politics</b>	<i>James S. Robbins</i>	121
Former Joint Chiefs Chairman Gen. Richard B. Myers looks back—and forward		
<b>A Missile Double Standard?</b>	<i>Tom Karako</i>	125
A comprehensive view of the cruise missile threat, courtesy of Dennis Gormley		
<b>Crucible of Creativity</b>	<i>Jim Colbert</i>	129
Dan Senor and Saul Singer explain where, and how, Israel gets its innovation		



# *From the Publisher*

Barak Obama was swept into the presidency on a tidal wave of anti-Bush sentiment. At the moment, it seems that he soon could be swept out on a similar wave.

Getting beyond the strong partisan divide, Americans as a whole are united in the belief that most, if not all, politicians are corrupt, unethical, and clueless or perhaps just indifferent about the solution to America's problems.

In truth, this has been the state of affairs ever since the presidency of John F. Kennedy. But this attitude is steadily getting worse, and the expressions of distrust becoming more vitriolic.

Indeed, prior to JFK's assassination, Camelot was becoming tarnished. JFK's death changed all that – a modern day inversion of Mark Antony's observation about Caesar that "the evil that men do lives after them; the good is oft interred with their bones."

Kennedy's successor, Lyndon Johnson, chose not to run for a second term because the public sentiment was so viscerally anti-Vietnam. And what was at the root of the sentiment? Distrust – the belief that our government was lying to us.

The distrust became more severe under Johnson's successor. Richard Nixon was so maligned he got the nickname "Tricky Dick." The quote that became his public epitaph was, "I am not a crook."

Carter was not a crook. He was, however, totally incompetent. America lost tremendous international standing during his tenure. Our embassy in Tehran was overrun, and all we could do was count the days. Carter's impotence was the genesis of our problems with terrorism today.

Ronald Reagan was swept into office on a crest of anger against the Carter administration. He proved to be a successful President. It was not that there wasn't a significant effort to vilify him. It just didn't stick, earning him the title "Teflon President." Yet there were still moments of great distrust, such as Iran-Contra.

The George H.W. Bush years were defined by competent mediocrity. Bush I's was a colorless administration, devoid of what the President himself called the "vision thing."

After Bush came the President who will be remembered most of all for his extra-curricular activities. President Clinton had the image of an amoral, more likely immoral, person.

Then came Bush II and Obama.

According to a survey by the Rasmussen polling group taken after January's State of the Union, the vast majority of Americans did not believe most of the assertions made by President Obama during that address.

We are in a crisis of leadership and it is devolving. In the past, in other settings, these kinds of crises have resulted in either the emergence of a dictator or revolution. Fortunately for us, we have a built in revolution every four years – a safety valve, so to speak. We don't need a revolution to “throw the bums out.”

But the United States is also the leader of the free world, and its so-called “police-man.” In that role, we have prevented Europe from being overrun by the Third Reich, and subsequently by Communism. We are now engaged in a struggle with the forces of militant Islam – who, if not for U.S. power, would similarly seek to conquer the world.

World War I was fought to “keep the world safe for democracy.” That theme and purpose have not changed. We are still seeking to do so. And it is for this reason that a vacuum of leadership in the United States is perhaps a greater international threat than a domestic one.

A handwritten signature in dark ink, reading "Tom Neumann". The signature is fluid and cursive, with the first name "Tom" being more prominent than the last name "Neumann".

Tom Neumann  
*Publisher*

## Editor's Corner

Today, it would be fair to say that no foreign policy issue preoccupies American policymakers to the extent Iran does. The question of what to do about Iran's persistent nuclear ambitions has bedeviled U.S. officials ever since the Fall of 2003, when a controversial opposition group revealed the existence of Iran's heretofore clandestine atomic effort. Since this summer, that conundrum has been compounded by another: the emergence of a sustained anti-regime movement that has rocked the Islamic Republic to its foundation. But exactly how Washington can contain the former while empowering the latter is still far from clear.

This issue of *The Journal* takes up that question with a collection of articles that probe the various dimensions of our contemporary Iran problem. Our coverage kicks off with a contribution from Congressman Mark Kirk, co-chair of the Iran Working Group in the House of Representatives, who makes the case for a more moral stance toward those seeking freedom within Iran than the one that prevails currently in official Washington. Alex Vatanka, editor of *Jane's Islamic Affairs Analyst* and a leading Iran watcher, then explores the evolving role of Iran's powerful clerical army, the Revolutionary Guards, in the country's political system. Emanuele Ottolenghi of the Foundation for Defense of Democracies follows up with a survey of sanctions available to the West in its efforts to curb Iran's atomic drive. From there, Congressional defense expert Brian Miller outlines the ways in which an American military option against Iran could be employed, should diplomacy and sanctions fail. And German scholar Matthias Küntzel shines a spotlight on the deeply unconstructive role that Germany has played in the contemporary stand-off with Tehran, despite Berlin's official rhetoric to the contrary. Former State Department official Scott Carpenter then sketches the contours of a human rights strategy by which the American government could help Iran's nascent freedom movement in its struggle against the ayatollahs. We round things out with a piece by Chuck Freilich, Israel's former Deputy National Security Advisor, who outlines how Jerusalem sees the unfolding crisis with Iran—and what it is likely to do about it.

Iran is not the only item on our agenda, however. Our second set of feature articles deals with the changing nature of international law—and with the new challenges, dilemmas and obstacles that confront the United States on the legal plane in the post-September 11th world. Islamism scholar Mary R. Habeck starts us off with a survey of the way *jihadists* fight: a corpus of rules and regulations very different from the Western way of war. The British Army's Col. Richard Kemp zooms in on Israel's military strategy against Hamas as the template for how modern nations can wage war morally against a ruthless asymmetric adversary. The National Committee on American Foreign Policy's J. Peter Pham outlines the progress and problems surrounding the current international response to the resurgent scourge of piracy. Cleo Paskal of Chatham House then provides a fascinating glimpse into the way environmental change can affect national security planning. Last, but most definitely not least, we're pleased to be able

to publish in its entirety the English-language translation of Russia's new Arctic strategy, a document that portends a dramatic expansion of Russian activity in—and claims to—what was once a settled area of law and geopolitics.

In our “Perspective” interview, former Missile Defense Agency Director Henry Obering outlines the rationale underpinning the Bush administration's missile defense strategy, and how it is changing now under Team Obama. We also have “Dispatches” from Italy, Germany and the Czech Republic. And we round out our issue, as always, with reviews of a quartet of important books, dealing with U.S. military strategy, Israeli innovation, missile threats and Turkish foreign policy.

At a time when creative thinking about foreign policy and national security seems to be in distinctly short supply, we at *The Journal* are delighted to offer another issue chock full of new ideas about the leading problems of the day. It is our sincere hope that the national debate will be richer for it.

A handwritten signature in dark ink, appearing to read 'Ilan Berman', with a long, horizontal, slightly curved stroke extending to the right.

Ilan Berman  
*Editor*

# SEEKING CONVICTION ON IRAN

---

Mark Kirk

---

**O**n November 4, 1979, Iranian militants raided the U.S. Embassy in Tehran and took 53 Americans hostage. That siege lasted 444 days and changed history. Now, more than 30 years later, we see an Iran rotting from the inside out—a regime trying to silence a people crying out for freedom.

Today, the Islamic Republic of Iran looks much like other dictatorships of the 20th century. Its leaders may wear a different uniform and speak a different language, but the repression rings familiar. In Iran, the basic human freedoms we take for granted in America do not exist. Men, women and children are rounded up in the middle of the night and sent to prisons, never to be heard from again; some for their religion, others for their politics and others because they dare to stand for the human dignity of all mankind. According to Freedom House:

Freedom of expression is severely limited. The government directly controls all television and radio broadcasting. Satellite dishes are illegal...

Press freedom remains extremely limited. The Ministry of Culture must approve publication of all books and inspects foreign books prior to domestic distribution...

Journalists are subject to arbitrary detention and criminal penalties including the death sentence, and ethnic minority journalists appear to be particularly vulnerable...



MARK KIRK represents the 10th Congressional District of Illinois and co-chairs the bipartisan Iran Working Group in the U.S. House of Representatives. This article is adapted from his remarks before the U.S. Institute of Peace on November 4, 2009.

...the government systematically censors internet content by forcing internet service providers (ISPs) to block access to a growing list of “immoral” or politically sensitive sites...

Religious freedom is limited in Iran... The Special Court of the Clergy investigates religious figures for alleged crimes and has generally been used to persecute clerics who stray from the official interpretation of Islam...

Academic freedom is limited. Scholars are frequently detained, threatened, and forced to retire for expressing political views, and students involved in organizing protests face suspension or expulsion...

The 1979 constitution prohibits public demonstrations that “violate the principles of Islam,” a vague provision used to justify the police dispersal of assemblies and marches.<sup>1</sup>

This summary of human rights in Iran was published *before* the Iranian election in June. At the time, Western news organizations hailed the coming democratic change in Tehran. Détente was at hand. Diplomatic rapprochement was only days away.

## **A rigged election, and after**

A detailed examination of Iran’s presidential election results shows just how fraudulent the election was.<sup>2</sup> While only 63 percent of Iranian voters turned out in 2005, official election results claim 84 percent turned out in June 2009. Mahmoud Ahmadinejad received approximately 13 million more votes in the 2009 presidential election than the

total number of votes cast for all conservative candidates combined in the 2005 election.

In June, Ahmadinejad faced three key opponents: reformist Mir-Hossein Mousavi, reformist Mehdi Karrubi, and conservative Mohsen Rezai. According to the official election tally, Ahmadinejad won 71 percent of the votes cast in Mehdi Karroubi’s home province of Lurestan. Lurestan is where the Lur ethnic minority lives, and Karroubi is the province’s most famous son. Amazingly, after receiving more than 440,000 votes (or 55 percent) in 2005, the province gave its hometown candidate just 44,000 votes—less than 5 percent—in 2009. By contrast, those for Ahmadinejad jumped nearly 10 times to 678,000 in 2009, up from fewer than 70,000 votes in 2005.

A similar situation played out in Eastern Azerbaijan, where Ahmadinejad won 56 percent of the vote, defeating native hero and ethnic Azeri Mir-Hossein Mousavi. By some sleight of hand, votes for Ahmadinejad increased from less than 200,000 in 2005 to more than 1.1 million in 2009. By the official count, turnout in Eastern Azerbaijan rose from 51 percent to 82 percent.

And in Khuzestan, Mohsen Rezai’s home province, Ahmadinejad won 65 percent of the vote. In Mazdaran, Ahmadinejad won nearly 1.3 million votes in 2009—compared to just over 159,000 in 2005. In 2005, the ethnic Kurdish provinces of Kermanshah and Kordestan gave Ahmadinejad roughly 92,000 votes; in 2009, Ahmadinejad surged there to more than 889,000.

Other statistics provide even more obvious proof of fraud. In two conservative provinces—Mazdaran and Yazd—a turnout of more than 100 percent was reported. According

to Ali Akbar Mohtashami, a former interior minister on the Mousavi campaign's election monitoring committee, the number of counted votes in 70 municipalities exceeded the total population of eligible voters in those regions. In all those cities, Ahmadinejad won by 80 to 90 percent.

---

History teaches us how to win this conflict. In the 1980s, President Reagan did not ignore Soviet human rights abuses. Instead he made them the basis of discussions and negotiations with his Soviet counterparts.

In the wake of the election and the street protests that followed, human rights in Iran have deteriorated. We saw the face of Neda Agha Soltan, the innocent young woman murdered by the Iranian regime. We know the names of the political prisoners:

- Kian Tajbakhsh, an Iranian-American scholar recently sentenced to 15 years in prison;
- Abdollah Momeni, a reformist supporter arrested after the election and beaten in detention;
- Mohammed Maleki, the former chancellor of Tehran University;
- Seyyed Mohammad Ali Abtahi, an Iranian theologian, scholar, pro-democracy activist and chairman of the Institute for Inter-religious Dialogue;
- Mohammad Atrianfar, an Iranian journalist and reformist;
- Behzad Nabavi, a reformist politician;
- Seyyed Mostafa Tajzadeh, an Iranian reformist;
- Mohsen Safaei Farahani, a reformist politician;
- Dr. Abdollah Ramezanzadeh, an academic, writer and politician; and
- Mohammad Ghouchani, an Iranian journalist.

And the prisoners of conscience:

- Mansour Ossanloo, a labor leader fighting for workers' rights, imprisoned without proper medical attention;
- Shi'a cleric Ayatollah Boroujerdi, imprisoned because of his views on the relations between religion and state;
- Sadiq Kabudvand, an ethnic Kurdish journalist;
- Ronak Safarzadeh, imprisoned because of her activism on behalf of women's rights; and
- Kamiar and Arash Ala'ei, two internationally-recognized AIDS researchers imprisoned because they attended HIV conferences abroad.

We know the names of the leaders of the innocent Baha'i minority who were imprisoned solely on the basis of their religion:

- Raha Sabet;
- Sasan Taqva;
- Haleh Roohi;
- Fariba Kamalabadi;



- Jamaloddin Khanjani;
- Afif Naeimi;
- Saeid Rezaie;
- Behrouz Tavakkoli;
- Mahvash Sabet; and
- Vahid Tizfahm.

I publish their names because no matter how hard the Iranian regime tries to silence these voices, it cannot succeed so long as freedom-loving people around the world plead their cases.

### **Silence and complicity**

In the wake of the brutal crack-down against election protestors, most Americans expected outrage from world leaders. In capitals across Europe, condemnations were loud and clear. But in Washington, the nation that delivered victory in World War II and the Cold War gave a surprising response.

In the days after the election, Secretary of State Hillary Clinton said: “We, like the rest of the world, are waiting and watching to see what the Iranian people decide.”<sup>3</sup> “We hope that the outcome reflects the genuine will and desire of the Iranian people,” she said in another statement.<sup>4</sup> The President of the United States—the leader of the free world—announced that while he deplored violence, how Iran goes about electing its leaders and establishing freer debate and democratic principles “is something ultimately for the Iranian people to decide.”<sup>5</sup> And the White House press secretary went so far as to call Mahmoud Ahmadinejad the “elected leader” of Iran—a statement he later had to “walk back” with the press.<sup>6</sup>

The money trail tells a similar story. Under previous congresses, appropriations for Iran democracy programs increased from \$1.5 million in Fiscal Year 2004 to \$60 million in Fiscal Year 2008. For Fiscal Year 2009, the Bush Administration requested \$65 million for Iran democracy programs. But with a Democratic White House and Congress, the final FY 2009 omnibus appropriations bill came to the House floor with no line item for Iran democracy. Instead, the majority invented a new account—the Near East Regional Democracy Fund—and gave it only \$25 million. While no official document exists stating the purpose of this fund (appropriately nicknamed the NERD), State Department officials claim it will be used for Iran democracy programs. But to date, none of the funds has been obligated—and Fiscal Year 2009 ended on September 30th.

On October 6th, the *Boston Globe* reported that at least four groups that previously received funding for Iran democracy programs had been cut off by the Obama Administration.<sup>7</sup> Most notable were the Iran Human Rights Documentation Center, which received word its State Department grant was terminated just as it was ramping up investigations into the post-election crackdown, and Freedom House Iran, a leader in exposing the regime’s violence via cell phone images, photographs and eyewitness testimony.

As Americans, how can we justify this apparent retreat from human rights? Is the President afraid that public discussions of human rights abuses in Iran will offend the regime and undermine talks over the Iranian nuclear program? If that’s the case, this Administration has lost its way when it comes to our most basic American values.



## **A page from the anti-Soviet playbook**

History teaches us how to win this conflict. In the 1980s, President Reagan did not ignore Soviet human rights abuses. Instead he made them the basis of discussions and negotiations with his Soviet counterparts. When President Reagan visited Russia, he made sure to meet with Soviet dissidents at the U.S. Embassy in Moscow.

"I came here to give you strength, but it is you who have strengthened me," the President told a group of dissidents in Moscow in May of 1988. "While we press for human rights through diplomatic channels, you press with your very lives day, day in and day out, risking your homes, your jobs, your all."<sup>8</sup> An individual Soviet citizen, President Reagan said, must sense that the government "respects him enough to grant him all his human rights."

Soviet leaders condemned President Reagan for that meeting. They called it an unprecedented interference in Soviet internal affairs. President Reagan knew better. The American people knew better. And because the United States stood firm in its demand for human rights and democracy, freedom-fighters like Natan Sharansky, Yuri Orlov and Andrei Sakharov lived in freedom. Communism did not kill them; they killed Communism.

What if America silenced its human rights agenda for fear of accusations it was "meddling" with internal Soviet matters? The Soviets accused America every day of trying to foment revolution, but we never stopped our support for human rights.

Today we hear the same rhetoric from the Iranian dictators, and now

hear the argument echoed in the halls of Congress, the State Department and even the White House. As someone who stood on the front line of freedom in the 1980s, I pray we do not believe the propaganda of dictators.

---

It is time for this Administration to review the lessons of the Cold War and apply them to this 21st-century threat. A dictatorship that murders its own people in the streets on television will not be an honest broker in international affairs.

## **The start of a human rights strategy**

It's time for a new American strategy to promote human rights and democracy in Iran. To start, this Administration should make human rights and democracy a central tenet of future negotiations with Iran. No meeting should go by with Iranian diplomats without an American diplomat raising the issue of human rights, specifically including the names of prisoners of conscience.

The President should speak directly and publicly to the dissidents of Iran—name their names from the White House podium—and make them heroes in homes across America. He should invite members of the Green Movement to meet with him at the White House. And if any U.S. Government officials are invited to visit Iran, they should not accept the invitation unless meetings with Iranian dissidents are secured.

Funding for groups like the Iran Human Rights Documentation Center and Freedom House Iran should be reinstated. Overall funding

for Iran democracy promotion should be increased with an appropriations line item dedicated to Iran—with control transferred from the State Department to the National Endowment for Democracy. From there, the United States should take the lead in facilitating Green Movement conferences outside of Iran—whether in the United States or Europe.

At the same time, we need an injection of creativity and originality in our international broadcasting programs. While Radio Farda continues the mission of Radio Free Europe, we should work to establish new public/private partnerships to fund independent Iranian filmmakers and producers—using them as a new way to foster more original content. VOA Persian and Radio Farda should set up a “Green Hour” for their broadcasts, and expand their interaction with Iranian dissidents.

These are just a few ideas that could go a long way toward advancing human rights and democracy in Iran.

It is time for this Administration to review the lessons of the Cold War and apply them to this 21st-century threat. A dictatorship that murders its own people in the streets on television will not be an honest broker in international affairs. A country that denies its citizens their basic freedoms will not be at peace with its neighbors.

We need to believe in the America that liberated the concentration camps, defeated Communism and brought liberty to millions. For diplomacy with Iran to succeed, we must be that Shining City upon a Hill once again. We must speak directly to the Iranian people, and let them know we will never stop fighting for them—no matter what their dictators do or say.

1. *Freedom in the World 2009* (Washington, DC: Freedom House, 2009), <http://www.freedomhouse.org/template.cfm?page=22&year=2009&country=7627>.
2. Figures derived from Freedom House, Chatham House and the Institute of Iranian Studies of the University of St. Andrews (UK).
3. “World Reacts to Iranian Election Result,” *cnn.com*, June 15, 2009, <http://edition.cnn.com/2009/WORLD/meast/06/15/iran.elections.world.reaction/index.html>.
4. “US Monitoring Reports of Irregularities in Iran Vote,” Agence France-Presse, June 13, 2009, <http://www.google.com/hostednews/afp/article/ALeqM5jU4q92q-Wh4MrSWQc7fsMaNBbPpg>.
5. Jeff Zeleny and Helene Cooper, “Obama Warns against Direct Involvement by U.S. in Iran,” *New York Times*, June 17, 2009, <http://www.nytimes.com/2009/06/17/us/politics/17prexy.html>.
6. Peter Baker, “Gibbs Steps Back from ‘Elected Leader Ahmadinejad,’” *New York Times Caucus Blog*, August 5, 2009, <http://thecaucus.blogs.nytimes.com/2009/08/05/gibbs-steps-back-from-elected-leader-ahmadinejad/>.
7. Farah Stockman, “US Funds Dry Up for Iran Watchdog,” *Boston Globe*, October 6, 2009, [http://www.boston.com/news/world/asia/articles/2009/10/06/us\\_cutoff\\_of\\_funding\\_to\\_iran\\_human\\_rights\\_cause\\_signals\\_shift/](http://www.boston.com/news/world/asia/articles/2009/10/06/us_cutoff_of_funding_to_iran_human_rights_cause_signals_shift/).
8. As cited in “Moscow Summit: Preaching to the Unconverted; Excerpts from Reagan Talks to Dissidents and at Monastery Democracy,” Associated Press, May 31, 1988, <http://www.nytimes.com/1988/05/31/world/moscow-summit-preaching-unconverted-excerpts-reagan-talks-dissidents-monastery.html?pagewanted=1>.



# IRAN'S REVOLUTIONARY GUARDS FIGHT THE OPPOSITION TIDE

---

Alex Vatanka

---

As popular protests continue in Iran, there is much uncertainty about how far hard-liners such as Supreme Leader Ali Khamenei and President Mahmoud Ahmadinejad will go to suppress the largest popular uprising since the establishment of the Islamic Republic in 1979. There is little doubt, however, that the task of neutralizing the nascent Green Movement and its nominal leaders is one for the elite Islamic Revolutionary Guard Corps (IRGC), the regime's premier ideological enforcer. The IRGC's de facto political role and self-image make it more than just a security force. It wants to serve as the all-out defender of the Islamic Republic, albeit the version that reflects the agenda of its senior commanders. This reality has put the Green Movement squarely on a collision course with the IRGC.

## **Islamist factional politics and the IRGC**

On the surface, the nature of the unfolding power struggle appears to be simple. As far as the IRGC's current hard-line leadership is concerned, the primary role of that Islamist body, created shortly after the 1979 Iranian revolution, is to ensure the survival of the Islamic Republic, the survival of the revolutionary Islamist character of the regime, and the rule of Ayatollah Khamenei as Supreme Leader.<sup>1</sup> As of this writing, some seven months after popular protests first broke out following the rigged June 2009 presidential elections, the IRGC remains relentless in referring to its "constitutional mandate" as it cracks down on the opposition.



ALEX VATANKA is the Editor of *Jane's Islamic Affairs Analyst*, and an Adjunct Scholar at the Middle East Institute in Washington, D.C.

The IRGC's sense of its mission, however, is a principal controversy in and of itself—one which was even a major campaign issue prior to the 2009 elections. Its domestic detractors maintain that the IRGC's highly partisan interventions in the political process run contrary to the principle of “non-intervention” of the armed forces in politics laid out in the “Political and Divine Testament” of the founder of the Islamic Republic, the late Grand Ayatollah Ruhollah Khomeini.<sup>2</sup> As such, this view holds, the IRGC's very public political activism represents one of the most significant challenges to the political character of the Islamic Republic itself.

On the other hand, in the worldview of the IRGC's current senior leadership, any domestic or foreign challenge to the Shi'a Islamist order has to be confronted at all costs, even if doing so means killing “75,000 people,” as Hojjat al-Eslam Ali Sai'di, the Supreme Leader's representative to the IRGC, has put it.<sup>3</sup> And the Green Movement represents the foremost internal challenge in the Islamic Republic's 31-year history, and one which specifically represents a direct challenge to the growing political and economic powers of the IRGC. As Mohammad Ali Jafari, the chief commander of the IRGC, put it on September 3rd: “The [opposition] protests are not a crisis, but represent sedition.” Jafari, in verbiage common to senior IRGC commanders, characterized the post-election uprising against the regime as a “divine test” that has to be overcome—a challenge in which the elimination of opponents is divinely sanctioned.<sup>4</sup>

But not all of the IRGC's estimated 145,000 members feel the same way. Evidence of the existence of a strong reformist current in the lower ranks of the IRGC surfaced in the

aftermath of the 1997 and 2001 presidential elections, when a majority of the IRGC rank-and-file reportedly backed reformist candidate Mohammad Khatami.<sup>5</sup> More recently, IRGC dissatisfaction with President Ahmadinejad was visible in the oblique way in which IRGC leaders skirted identifying the candidate—whom they were obliged to support—directly in the run-up to the June 12th polls.

Iran's opposition has attempted to exacerbate these divisions. Since the beginning of the current crisis in June 2009, many of the public statements of opposition leaders and prominent voices—such as Mir-Hossein Mousavi, Mehdi Karroubi, and Mohammad Khatami inside Iran, and regime critics now in the Diaspora, like Mohsen Makhbalbaf and Mohsen Sazegara—have been aimed at dividing political opinion within the IRGC. These ongoing overtures are understandable. Simply put, there are very few voices in the opposition, either inside Iran or in the Iranian Diaspora, who argue for armed insurrection against the IRGC-backed Khamenei-Ahmadinejad regime. Rather, the opposition is seeking to encourage defectors from the IRGC to join the opposition. Defection in this context could mean non-compliance with orders from the higher ranks of the IRGC, and should come about due to the attractiveness of the opposition's political message rather than illusions on the part of the opposition that an armed struggle against the regime and its various military appendages can be won under present circumstances.

Still, while internal fissures have always existed in the ranks of the IRGC—a reality that can be traced back to the initial merger of armed political factions in the early post-revolutionary period—the elite

force has so far managed to avoid visible organizational disarray in its response to the Green Movement. Moreover, at least among its top-ranking officers, the IRGC remains staunchly anti-reform.

## **The rise of the political IRGC**

In hindsight, the outcome of the June 12, 2009, Iranian presidential elections could perhaps be considered the climax of the IRGC's political influence. When the election results became public, the IRGC was regarded by many observers as having orchestrated the much resented re-election of far-right incumbent candidate Mahmoud Ahmadinejad. In doing so, the IRGC's political machinery had effectively managed a repeat performance of its successful intervention in the 2005 presidential race, in which it played a decisive role in Ahmadinejad's victory against still-influential former president Ali Akbar Hashemi Rafsanjani.<sup>6</sup> The marginalization of Rafsanjani and others in the so-called traditional conservative faction (including the Construction Party, or *Kaargozaaran*) during the 2009 polls at the hands of the IRGC was arguably a catalyst for the enormous momentum of the Green movement that has emerged since.

From the outset, the IRGC's top brass had been dead set against Mohammad Khatami's reformist agenda (1997-2005), and undermined his administration whenever possible—including through the infamous 1999 letter signed by 24 IRGC commanders that threatened to eliminate the reform movement unless Khatami ordered a crackdown on reformist student protestors. Rigging the 2005 elections in favor of Ahmadinejad, however, inevitably pushed

Rafsanjani and other traditional conservatives from the political center to the reformist camp, and facilitated an understanding between the two broad political strains within Iran.

These factions then mobilized against the predatory forces of the far right clustered around Supreme Leader Ali Khamenei and President Ahmadinejad (and the party associated with him, the Alliance of the Builders of Islamic Iran, or *Abaad-garaan*). The product was the 2009 presidential candidacies of Mir-Hossein Mousavi and Mehdi Karubi, both of whose campaigns the Ahmadinejad administration accused of being financed by Rafsanjani and his supporters. Once the broader anti-Ahmadinejad (and anti-IRGC) platform was in place in the shape of Mousavi's Green Movement (*Mowj-e Sabz*), the second attempt of the far right to rig a presidential elections results was met with unprecedented public indignation, and paved the way for the current political upheaval.

## **The constitution versus reality**

The IRGC's interventions in the 2005 and 2009 elections were widely resisted because of their highly partisan nature. As the IRGC's predatory behavior has intensified—both in the political and the economic fields—critics have turned to the constitution in an attempt to force it back into the garrisons. In the statements of Ayatollah Khomeini, they have found clear instructions about the need for the armed forces to stay out of politics.<sup>7</sup> But, to the IRGC's delight, there are also instructions in the 1979 constitution about the IRGC's pivotal role in defending the "Islamic Republic and its achievements."<sup>8</sup> Interpretation of the document has therefore



become one of the primary political battles of present-day Iran. It is a scuffle that neither side appears to be willing to withdraw from anytime soon, making it a key test of whether gradual change in the direction of the reformist agenda is indeed possible.

And then there are the IRGC's efforts to depict its meddling in civil and political life as necessary for protecting against the United States and its "imperialist designs on Iran." This argument has effectively become a *carte blanche*, justifying intrusion by the IRGC in almost all aspects of life in Iran, and in the process marginalizing or depriving its political rivals and economic competitors of influence. From the perspective of senior IRGC commanders, nothing they do can be inappropriate. They depict their adversaries as part of a conspiratorial chain of enemies bent upon bringing about the downfall of the Islamic Republic. But their ploy to monopolize the mantle of power is a risky and difficult one, since many Islamist luminaries of the 1979 Revolution are now firmly aligned against the Khamenei-Ahmadinejad-IRGC axis.

Yet, as scholar Ali Alfoneh has argued, the IRGC is effectively no longer politically answerable to any civilian authority, including that of the Supreme Leader, and has become a self-sustaining entity. Accordingly, the clerical commissars seeded within the ranks of the IRGC to monitor its activities are now nominated by the IRGC leadership itself, with the Supreme Leader simply serving as a rubber stamp.<sup>9</sup>

What could have pushed Khamenei into this arrangement? The most tangible reason appears to be his quest for a power base after he became Supreme Leader in 1989. As a mid-

ranking clergyman who had never previously held any senior religious authority, Khamenei has always suffered from a legitimacy deficit. The Islamic Republic, after all, is a theocracy where the ultimate political voice ought to have ample religious credentials. Seeking to overcome his lack of religious standing and bypass the often skeptical clerical establishment that should otherwise have been his natural base, Khamenei turned to the IRGC for support.

Fast-forward to today, and that bond is still strong—and getting stronger. In the current political crisis, the IRGC's top brass has spoken repeatedly of "conspiracies" to bring down the rule of the "supreme jurisprudent." Their clear intention is to convince Khamenei—in the unlikely event that he considered some sort of compromise with the opposition—that only they can safeguard his political position.

## Political-security consolidation

There can be little doubt that the post-June 2009 election unrest surprised and considerably unsettled the IRGC and its political allies on the far right of the Iranian political spectrum. Their instinctual reaction was to re-group and more forcefully re-state the basic message of the "revolution." In this context, a number of notable developments can be discerned.

Perhaps the most significant have been the organizational and personnel changes that have taken place in the IRGC and its associated *basij* domestic militia. On August 1st, Jafari declared that "soft threats facing the country are of [a] cultural, political and security nature," and that the IRGC had to change "its structures

and strategies to meet the challenges posed by the changing nature of the threats.”<sup>10</sup> The Corps has wasted no time shifting focus; on October 4th, the Supreme Leader approved a list of new appointments to the top echelons of the IRGC. Hossein Salami, a well-known proponent of the doctrine of “asymmetric warfare,” became the IRGC’s deputy commander. Other appointments were made with more domestic objectives in mind, including that of Mohammad-Reza Naghdi as the head of the *basij*, replacing Hossein Taeb. Taeb, meanwhile, was promoted to chief of the IRGC’s Intelligence Organization, an appointment reflecting the IRGC’s desire to better gather, shape and disseminate intelligence on the opposition to the Supreme Leader’s office.

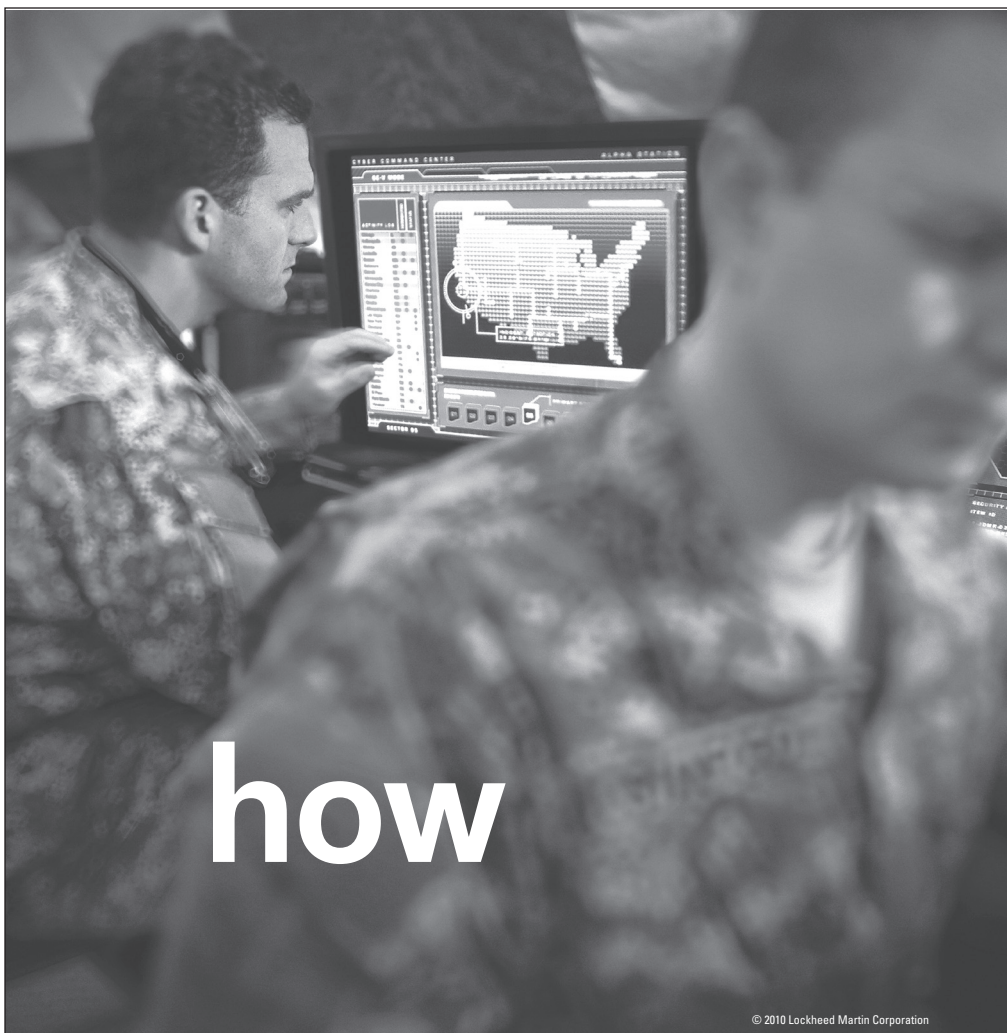
The move represented a coup of sorts; in late July 2009, President Ahmadinejad had dismissed Gholam-Hossein Mohseni-Ezhei as the head of the country’s Ministry of Intelligence following a Ministry report that claimed there was no evidence of a foreign plot or financing behind the post-election protests. This finding diametrically conflicted with the IRGC’s own public version of events, which was replete with tales of foreign intelligence services as the masterminds of the turmoil in Iran.

Not only is the IRGC keen to maximize its control over the intelligence capabilities of the Islamic Republic, it has also acted to position itself as the main faction confronting the opposition on the streets of Iran. This was evident on October 11th, when the *basij* militia force—which is tasked with upholding “Islamic” and “revolutionary” ideals—was officially incorporated into the IRGC, setting the stage for still more intimidation of the opposition and its grassroots supporters.

For the moment, the opposition continues to fully adhere to the principle of non-violence. But pushing the IRGC back into the garrisons does not seem to be in the offing. If anything, the recent organizational and personnel changes in the IRGC, combined with daily warnings to the opposition from its senior commanders, indicate that at the moment the primary objective of the IRGC is to establish itself as the undisputed power broker in the Islamic Republic.



1. See references made to the IRGC in *The Constitution of the Islamic Republic of Iran*, <http://www.iranchamber.com/government/laws/constitution.php>.
2. See Khomeini’s “Will and Testament,” <http://www.tebyan.net/index.aspx?pid=11673>.
3. “The Leader’s Rep in the IRGC Declares: The Killing of 75,000 Is Sanctioned to Preserve the Regime,” *Rah-e Sabz* (Tehran), January 12, 2010, <http://www.rahesabz.net/story/7695/>.
4. See “IRGC Chief Accuses Reformist Leaders of Post-Poll Unrest,” *Etemaad* (Tehran), 3 September 2009.
5. See Ali Ansari, “The Revolution Will Be Mercantitized,” *The National Interest*, December 21, 2009, <http://www.nationalinterest.org/Article.aspx?id=22602>.
6. For a concise summary of some of the main issues that plagued the 2005 presidential elections, see Bill Samii, “Iran: A New Paradigm and New Math,” *Radio Free Europe/Radio Liberty*, June 26, 2005, <http://www.rferl.org/content/article/1059502.html>.
7. See Alex Vatanka, “Ali Khamenei, Iran’s Most Powerful Man,” Middle East Institute *Policy Brief* 10 (March 2008), <http://www.mei.edu/Portals/0/Publications/ali-khamenei-irans-most-powerful-man.pdf>.
8. See the Iranian constitution, particularly Articles 143, 144, 150 and 151.
9. Ali Alfoneh, “Indoctrinated to Intervene: Iran’s IRGC,” *Jane’s Islamic Affairs Analyst*, February 2009.
10. See “Iran Guards Chief Says Soft Threats Are of Political, Cultural Nature,” *Mehr* (Tehran), August 2, 2009.



© 2010 Lockheed Martin Corporation

**BETWEEN DEFENDING AGAINST CYBER ATTACKS AND ENSURING MISSION RESILIENCE, THERE IS ONE IMPORTANT WORD: HOW.**

Cyber attacks never stop coming. Intrusions that put data, the mission, even lives at risk. At Lockheed Martin, we don't just understand cyber security. We live it. Which is why we've brought together the right team, the right technologies, the right focus. Providing the mission-makers with resilient systems to fight through the attacks. Lockheed Martin. Delivering trusted solutions by answering one important question: how.

**LOCKHEED MARTIN**   
*We never forget who we're working for®*

[lockheedmartin.com/how](http://lockheedmartin.com/how)



# SETTING THE SANCTIONS AGENDA

---

Emanuele Ottolenghi

---

As 2009, President Obama's year of engagement with Iran, gives way to 2010, diplomacy on both sides of the Atlantic is feverishly discussing a new architecture of sanctions against the Islamic Republic. There are important obstacles along the way: there is no guarantee that new sanctions will be supported in the UN Security Council by permanent members China and Russia; international consensus will inevitably water down the measures currently being contemplated; and, if history serves as a guide, it will take considerable time to reach an agreement on the substance, as well as the goals, of the new sanctions.

By all indications, the Obama Administration and its European allies still believe there is time to negotiate a deal over Iran's nuclear program, that there are interlocutors inside the regime who hold enough power to deliver a deal, and that they are accommodating enough to want one. Nonetheless, much has changed the nuclear equation for the international community.

Today, an open challenge to the future of the Islamic Republic is being mounted by an increasingly defiant domestic opposition. This domestic ferment is profound, and suggests that Iran is now less amenable to persuasion than ever before—if it ever was open to compromise at all. Threatened with revolution at home, the Islamic Republic is unlikely to budge on an issue on which depend the pursuit of its regional ambitions, its prestige and national pride, and ultimately its survival. It may actually elect to accelerate its nuclear efforts while upping the



DR. EMANUELE OTTOLENGHI is a Senior Fellow at the Foundation for Defense of Democracies and the author of *Under a Mushroom Cloud: Europe, Iran and the Bomb* (London: Profile Books, 2009).

ante internationally—a guarantee for failure of a policy aimed at persuading the regime to change its ways.

A sharp change of tactics is therefore needed. If sanctions are to remain the main tool to confront Iran, America and its allies need to rethink the overall goals of their policy and adopt suitable measures to increase the likelihood of its success. In this context, Europe must by necessity play a vital role, given its thriving and privileged business relations with Iran.

### **Identifying Iran's vulnerabilities**

A “target assessment” of the Islamic Republic indicates that Iran's most vulnerable areas are human rights and trade. It is precisely in these areas that a combination of symbolic and substantive action could inflict enough pain on Iran to undermine the regime's already eroding standing in the country, at best, and, at a minimum, to deny it access to the resources necessary to pursue its nuclear ambitions.

The first critical step in the process is to learn from past mistakes and understand that, as with “smart” weapons, the West must devise a system of “smart” sanctions. They must be carefully calibrated, and geared toward causing maximum damage to the regime with as little collateral civilian damage as possible.

There is a serious question about whether a tough sanctions regime can be effective. Precedents are mixed and do not provide a definitive answer. But recent experience offers three important lessons:

- To be effective, sanctions must seek to surgically target areas of the economy that will hurt or destabilize the regime while

minimizing harm to the general population;

- To achieve their goals, sanctions must be accompanied by effective enforcement mechanisms. Porous borders, corrupt bureaucrats, the lack of political will or subversion by business leaders will reduce the impact of sanctions; and
- Politicians and business leaders must be prepared for a long-term commitment. They must understand that sanctions can take a long time, years rather than weeks or months, to achieve their goals.

Based on these criteria, it would be potentially counterproductive to impose blanket sanctions on Iran. More preferable is the adoption of selective measures—“smart” sanctions—which cause sufficient discomfort to the regime and discontent across the country to trigger change, but not enough to harm and antagonize that part of the civilian population which is likely to support a change of direction.

It would be pointless to directly target such sectors as agriculture, and products such as leather and carpets. Not all of Iran's business sectors are strategic; not all are indissolubly linked to the regime. Instead, the focus should be on imposing tough sanctions against those in charge of strategic decision-making in Iran and against those sectors from which regime stalwarts draw their wealth, power and influence. This means that sanctions must target activities and businesses directly linked to the Revolutionary Guards, to the oil sector, the petrochemical complex, free-trade zones, and the vast eco-

conomic empires of the religious foundations. They must also target those areas where Iran's economy is dependent on imports and outside expertise, crippling vital services which the Islamic Republic cannot deliver to its population, and thereby further undermining the regime and further alienating an already restive public.

It also means that sanctions must exact a high price on those who continue to do business with Iran, even if such business is technically not forbidden. Sanctions must make it profoundly unattractive to do business with Iran, in all sectors and at any time. It also means shutting down Iran's long procurement arms by targeting overseas branches of Iranian businesses, even when such companies are locally registered and have local business partners.

Iran must know that the West is prepared to exact a steep price and that sanctions are designed to cause economic damage that will undermine the legitimacy and credibility of the regime. Not least, Tehran should be told that the international community will support regime-change from within. It must know that the West will work tirelessly to make Iran poor and internationally isolated unless and until dramatic changes occur within the Islamic Republic.

### **Harnessing human rights**

During its interminable years of dialogue with Iran, Europe never seriously pressed Iran on human rights. There was good reason for this; Europe's primary goal has been to persuade Iran to abandon its nuclear ambitions, not to become a liberal social democracy. Putting pressure on Iran's human rights record might have created the impression that Europe was seeking to promote regime change

in Tehran. Such an implication, EU diplomats argued, would be counterproductive because the regime might feel more justified than ever in seeking to acquire nuclear weapons to protect the Revolution and ensure its survival.

According to this logic, negotiations should ensure that Iran understands Europe does not intend to promote regime change but simply seeks firm, verifiable guarantees from Tehran that it will not seek nuclear weapons. Besides, the thinking goes, insistence on human rights issues might alienate Russia and China, which are important if reluctant partners in pressuring Iran. Both are permanent members of the UN Security Council and both have supported all five resolutions against Iran, including the three that impose sanctions. Both have lamentable records on human rights and Europe's focus on this issue could put their further support in jeopardy.

Under President Obama, America seems to have subscribed to the same logic. Engagement appeared to signal to the regime that the United States no longer supported democracy promotion inside Iran. Funds were cut for long-standing federally funded programs documenting human rights abuses and promoting civil liberties in Iran, and all manner of diplomatic reassurances were issued to the regime.

Yet there are at least three reasons why Europe and the United States should revisit the issue. Firstly, there is principle at stake. Europe has put human rights at the center of its value system and America is the leader of the free world. By proclaiming human rights to be integral to the human condition, Western nations must also regard respect for human rights to be universal.

And that includes Iran. Europe's neighborhood policy is a case in point. Respect for human rights is a prerequisite for joining the European Union, and every association agreement which Europe signs with non-European countries includes a human rights clause. It is a conditionality clause, which, at least in theory, determines the quality of the economic and political relationship.

In Iran's case, the so-called Comprehensive Dialogue between the European Union and Iran was an integral part of their association agreement. Europe chose to suspend this dialogue in 2004 because Tehran systematically refused to discuss its own human rights record. The point is not the restoration of that framework for the sake of dialogue; what matters is that Europe live up to its principles.

There are compelling grounds to reject normal trade relations or even diplomacy as usual with Tehran as long as Iranian judges order the stoning of adulterous women, the hanging of homosexuals, the amputation of limbs for thieves, and the persecution of religious and ethnic minorities, like the Baha'i. European companies should not trade within a legal system which regards the testimony of a woman as being worth half that of a man, which denies due process, engages in summary justice and disregards the most elementary principles of fairness and transparency. Europe's sense of genuine outrage would be justified and understandable – now more than ever, as images of the daily brutality of the regime against its own people are readily available to Western audiences. Europe should signal to Tehran that it will be held to account for the way it mistreats its citizens, and that bilateral relations will be

conditioned on such treatment. Standing for human rights in Iran is not just principled; it is a strategic imperative that signals the West's friendship to Iran's future leaders while they stand embattled against a dying but ferocious regime.

The European Union can begin by adopting a series of largely symbolic measures designed to embarrass the regime and highlight its gross human rights abuses. Such steps will not overthrow the regime but will no doubt embarrass Tehran at a time when its rulers feel vulnerable. It may also have an adverse, if indirect, effect on trade, as increased exposure of Iran's dismal behavior discourages business from investing in a highly volatile environment. Human rights lend themselves to such "higher-ground" diplomacy. Criticizing the regime openly would not be useless if it created embarrassment for Tehran, focused public attention on the regime's true nature and helped to isolate Iran on the international stage. For all these reasons, Europe and other Western countries should consider adopting the following, largely symbolic measures:

- Western officials (ministers, parliamentarians, undersecretaries and deputy ministers) rarely travel to Iran anymore, but if and when they do, they should make a habit of visiting prominent Iranian human rights dissidents. It should be an official part of their visit so that if Iran tries to block such meetings, visits would be cancelled. And if such events take place, they should be given broad exposure through joint press conferences, perhaps convened inside Western embassies.

- When they meet their Iranian counterparts, Western diplomats should insist on raising human rights as the first item on the agenda for bilateral discussion.
- These exchanges should be concrete, specific, and practical. And they should be recorded in any statement, communiqué or protocol. The discussions on human rights should not be mere gestures or generic condemnations. Western officials must provide a detailed list of specific abuses, with requests for action.
- Such issues could include a demand for the re-opening of the many daily newspapers and magazines that the regime has closed down in recent years, but most urgently the ones targeted by the post-June 12th repression, as well as the freeing of political prisoners. Western diplomats should come to meetings equipped with lists of names, not a generic demand for more press and political freedom.
- Western diplomats should also provide a timeline for implementation, with a clear statement of the punitive economic and diplomatic measures that will be imposed for lack of compliance.
- Western leaders should continue to signal their displeasure to Tehran. First, those who still have embassies in Iran, could downgrade diplomatic relations by recalling their ambassadors in Tehran, leaving a chargé d'affaires to represent their countries. There would be little immediate fallout for trade, but it would have significant diplomatic impact.
- Other types of bilateral contact should be affected as well. In particular, EU parliamentarians should stop their official visits to the Iranian *majlis*, while invitations to Iranian parliamentarians should be conditioned on improvements on human rights issues. The composition of the *majlis* and the way its members are selected is an insult to Western democratic standards. Iranian parliamentarians should not be granted equal status with their Western counterparts. This does not mean suspending all contacts, but some contacts may not be worth maintaining for the sake of dialogue. Dialogue should continue, but it should not be “business as usual.”
- When Iranian dignitaries visit the West—and they still visit often—their hosts should severely limit the scope and extent of their visits. For example, there is no need to roll out the red carpet and offer high-level meetings; nor is there any reason to grant visas to accompanying business delegations.
- Even if some visits are still allowed in the name of dialogue, specific figures among Iran’s ruling elites should no longer be welcome. In the case of the visit by President Ahmadinejad to Rome in June 2008, ostensibly to attend a Food and Agriculture Organization Summit, there were no meetings with government or opposition officials, or with the Pope. By contrast, during the Copenhagen Climate Change Summit, Ahmadinejad was allowed to attend an official dinner for visiting heads of state



hosted by the royal family. Blanket exclusion should be strictly enforced and extended to other lower-ranking Iranian officials.

- In addition, Western countries should ban travel to or through their territory for all Iranians who are suspected of involvement in the Buenos Aires bombing of 1994. Interpol did not issue an international warrant for all seven Iranians whom Argentina named as suspects, presumably for political reasons. Those who are not on the Interpol wanted list—former President Rafsanjani in particular—should not be granted permission to set foot on Western soil under any circumstance.
- The already-existing lists produced by UNSCR 1737, 1747 and 1803 of Iranian individuals who are subject to restrictions should be extended to lower levels of the political hierarchy and of the Revolutionary Guards, especially targeting those responsible for recent repression.
- When visits are unavoidable—for example, when Iran's Foreign Minister or Iran's nuclear negotiator come to Europe—European cities should mark their arrival with additional high-profile symbolic gestures. They could, for example, rename streets or districts where Islamic Republic embassies are located after prominent Iranian dissidents—the way the U.S., under the late President Ronald Reagan, renamed the street where the USSR's embassy was located after late Soviet dissident Andrei Sakharov. Similarly, the plight of famous dissidents could be highlighted with news-

paper campaigns giving a human face to the suffering Iran visits upon its own citizens.

Such symbolic measures should be mirrored by more concrete ones. The EU has the power to impose further economic and trade restrictions on Iran on the basis of existing EU legislation which targets commercial relations with third countries with poor records on human rights. EU Council Regulation 1236/2005, for example, specifies that there are “community rules on trade with third countries in goods which could be used for the purpose of capital punishment and in goods which could be used for the purpose of torture and other cruel, inhuman or degrading punishment.”

Clearly, some goods have the capacity to be used for both good and ill. A tunnel-boring machine can be used to channel clean water and it can be used to make missile silos. With this in mind, EU regulation 1236/2005 instructs member states considering whether to grant an export license that “it is also necessary to impose controls on exports of certain goods which could be used not only for the purpose of torture and other cruel, inhuman or degrading punishment, but also for legitimate purposes.”

It likewise sets clear procedures for creating lists of such products. They rely on periodic reports by heads of mission as the basis for deciding when export licenses should be granted or denied: “Such reports should also describe any equipment used in third countries for the purpose of capital punishment or for the purpose of torture and other cruel, inhuman or degrading treatment or punishment.” Member states are then to draw the necessary conclu-

sions and implement appropriate measures to restrict exports in particular cases.

There is no evidence that Regulation 1236/2005 is currently being applied to Iran. Yet it would be perfectly appropriate for all twenty-seven EU member-states to instruct their ambassadors in Tehran to start drafting such reports to verify whether Iran uses legitimate equipment for illegitimate purposes as spelled out by the regulation. It would not be hard to discover abundant evidence of Western equipment being used for repression and public executions. These exports should be embargoed, along with a list of other items, in the name of human rights and, where relevant, in accordance with EU legislation. Other Western countries should then harmonize their lists to ensure that their own companies do not replace European ones as merchants of death and repression in Iran.

## **Targeting international trade**

Moving from human rights to trade, it is important to realize that an essential component of an effective sanctions regime involves the identification of strategic sectors of the economy. If effective pressure can be surgically directed, the target of sanctions becomes particularly vulnerable. In Iran's case, companies are not the only potential targets; individuals who, due to their institutional roles, are direct beneficiaries of foreign trade should also be fair game. It is, therefore, possible to contemplate imposing trade restrictions on state-owned companies and businesses that are subsidiaries of the Revolutionary Guards, as well as existing sanctions that target Iranian

companies involved in the nuclear and ballistic missile programs. Introducing additional measures, such as freezing foreign assets and issuing travel bans against senior officials would be a first step. A second step would be to identify specific areas where punitive and restrictive measures can exert maximum effects on the regime's stability.

Here, the precedent set in the Myanmar sanctions regime is instructive. With regard to Myanmar, the EU Council's Regulation (817/2006 of May 29, 2006) included a new range of restrictions:

[A]n arms embargo, a ban on technical assistance, financing and financial assistance related to military activities, a ban on the export of equipment which might be used for internal repression, the freezing of funds and economic resources of members of the Government of Burma/Myanmar and of any natural or legal persons, entities or bodies associated with them, a travel ban on such natural persons, and a prohibition on making financial loans or credits available to, and on acquiring or extending participation in, Burmese state-owned enterprises.

The EU thus denied any financial advantage to commercial organizations and individuals involved in the repressive acts of the Burmese junta, even if the specified items bore no immediate relation to human rights abuses and denial of freedom in Myanmar. Though companies and governments might object to such a blanket restriction in the case of Iran—because of their long-term dependence on the Iranian energy sector—these measures could be contemplated for other areas, such as Iran's refineries, petrochemical and metallurgy sectors. Most Ira-

nian companies involved in these fields are owned by the state, if not by the Revolutionary Guards.

There is ample justification for applying the Myanmar precedent to Iran. EC Regulation 817/2006 states that “the restrictive measures in this Regulation are instrumental in promoting respect for fundamental human rights and thus serve the purpose of protecting public morals... The new restrictive measures target sectors which provide sources of revenue for the military regime of Burma/Myanmar” and target practices that are “incompatible with EU principles.” It is a model worth considering, particularly as so much of the Iranian economy is controlled by the Revolutionary Guards.

Additional burdens should be imposed on Iran’s trade with government-owned companies, subsidiaries of the Revolutionary Guard, as well as companies—mostly monopolies—which are owned by the major religious foundations. The EU could, for example, impose additional licensing obstacles, such as end-user certification. It could limit trade—in terms of quality and quantity—with blacklisted companies and impose travel restrictions on senior officials associated with such companies. Travel bans involving a denial of visas to European countries, as well as transit through European ports, could be imposed on CEOs, directors and board members of blacklisted companies.

The benefit of using such foundations for the new architecture of sanctions is that it would hit the regime’s stalwarts in their pockets, it would damage the regime’s ability to pursue its nefarious activities, and it would cite human rights violations as a justification for any restriction.

## **Erecting economic pressure**

Pressure on Iran’s economy likewise can be used to target companies and individuals that are linked to either the ballistic missile or the nuclear programs. These measures have three goals: firstly, to show resolve and convince Iran that the West is serious on sanctions; secondly, to exact a high price for Iran’s procurement efforts; thirdly, to slow down and complicate Iran’s procurement process and the acquisition of scientific knowledge needed to realize its nuclear ambitions.

But the proposals that follow have little to do with the attempt to impede Iranian access to technology and know-how. Rather, the intention is to strike at the most vulnerable aspects of Iran’s economy, particularly those areas where the absence of Western technology, experience and know-how would seriously hamper Iran’s economic development.

The example of commercial airliners best illustrates this point. Before the Islamic Revolution, Iran’s commercial fleet consisted of U.S.-made Boeings and the French Airbus. The embargo imposed on the sale of spare parts and new aircraft has caused a serious downgrading of Iran’s commercial fleet which cannot be overcome by the purchase of alternative products from other sources. The erosion is so significant that some of Iran’s planes may constitute a safety hazard, according to the regime’s own admission. Western countries which are destinations for Iranian airlines could, therefore, consider denying landing rights and ground services—maintenance, refueling and insurance—to their airliners. Western foreign ministries in countries that still do business



with Iran could issue travel warnings and insurance companies could introduce exemption clauses in life insurance policies if policyholders were to perish in the crash of an Iranian airliner. Companies could also discourage their representatives from traveling to and from Iran on Iranian airliners.

Iran's other commercial partners—notably Russia and China—undoubtedly would attempt to fill the void created by the withdrawal of European companies. They certainly did when it comes to airplanes. Their efforts have not helped, however; Iran still has one of the highest rates of commercial air accidents in the world. All of which illustrates that, while European exports to Iran are a relatively small percentage of Europe's total exports, and relevant to only a small number of European countries, Iran's dependence on European imports is enormous. In some sectors, spare parts and equipment for everything European companies have sold to, and built in, Iran over the past thirty years are so critical that the sudden cessation of European supplies would have a devastating impact on the Iranian economy, at least in the short to medium term. Even where China and Russia can step into the breach and supply substitutes, it will take time for Iran's infrastructure to adapt and adjust. And the time and cost of making the conversion from a European to a non-European specification would, in some cases, be daunting.

The following sectors are particularly susceptible to this type of European pressure:

- Refineries and refined oil products;
- Liquefied natural gas;

- Clean fuel technology such as compressed natural gas for cars and buses (both production and infrastructure)
- Extraction technology for oil and natural gas;
- Spare parts for the energy industry and the petrochemical complex.

Iranian attempts to achieve self-sufficiency in these sectors indicate that Tehran is aware of its vulnerability to European technology and the lack of appropriate substitutes, in the short term. Before Iran manages to copy, reverse-engineer and master the embargoed technology, Europe has time to withhold it. And without it, the Iranian economy would cease functioning effectively. Some of it would be brought to a halt.

*Refineries:* Iran's ability to reduce the gap between its refining capacity and domestic consumption depends on a number of projects currently under way. Meanwhile, Iran must purchase petrol and other oil derivatives from abroad. Some of its suppliers are European. Some are allies of Europe and of the United States. Targeted sanctions against the refining sector would take several distinct paths:

- An embargo on the supply of technology for the construction of refineries, a ban on European companies bidding for new Iranian refineries or upgrading existing ones, the withdrawal of European participation in existing projects;
- An embargo, including possibly a naval blockade, on the sale of refined products to Iran;

- Sanctions against those countries that break the embargo and incentives to habitual Iran suppliers to sell elsewhere;
- A ban on sales to Iran on the international market.
- A ban on the sale of alternative technology, such as CNG stations, CNG fuel tanks for cars, and CNG pumps at petrol stations.

Such sanctions would have a dramatic impact. True, many contractors involved in the construction of refineries are Iranian companies, but in some cases they have key European partners. In fact, the expansion of Iran's refining potential is a distant possibility. Only in 2012 will Iran be capable of refining enough petrol to meet *current* needs. Consequently, even expansion projects will not be sufficient to meet the growing demand in years to come. Iran will continue to be vulnerable, certainly until all existing and planned projects are completed.

*Liquefied natural gas:* Liquefying gas is the most cost-effective way of transporting this commodity from its source to marketplaces around the world. For Iran, this is clearly a strategic priority. There are currently fewer than twenty exporters of LNG in the world and the few companies that are capable of building LNG "trains" for liquefaction (a total of about thirty) are in high demand. Some of these companies are in Asia and North America. And the principal actors in this sector—alongside such energy giants as Shell and BP—are mainly located in Europe.

As in the case of refining, sanctions against LNG technology might not necessarily be foolproof, but the

embargo of such technology could delay for some years Iran's goal of developing the gas sector for domestic as well as foreign consumption. It would also deny vital revenue to Iran in the short term.

*Modern extraction technology:* Another great weakness of Iran's energy sector is in the management of its own resources, both oil and gas. Reservoir management to guarantee a constant level of extraction is best undertaken by Western companies, using technologies and know-how that they have developed over more than a century. Their withdrawal from Iran, a slowdown in their activities and the drying up of their investments are all possible steps to be encouraged.

Delays in negotiating contracts based on already-concluded memoranda of understanding would aggravate the situation further. Governments could signal to companies involved that they consider investments in Iran's energy sector to be contrary to their strategic interests. Naturally, this type of intervention applies first and foremost to contracts signed by major companies which deal with Iran, notably the Swiss EGL gas deal for 5.5 billion cubic feet of natural gas for Europe.

Such deals, and the complexities involved in their execution, explain how governments can exercise pressure. Gas pipelines still need to be built and states must agree to allow pipelines to transit their territory. LNG projects in Iran and at destination points have yet to be built, which permits the lack of political will to thwart the deal—and all the economic benefits Iran might have hoped to derive. Restrictions could extend to smaller sub-contractors that are still active in Iran's energy sector.

## **Focusing on Iran's financial sector**

Financial sanctions also offer a potentially fruitful opportunity to capture the attention of the Iranian regime and isolate it from a critical entry point to the global economy. The U.S. long ago imposed financial restrictions on Iran and its banking sector. With a number of executive orders (the most recent of which were signed in October 2007 and in the spring and summer of 2008, respectively), the U.S. Treasury Department has designated a number of entities and individuals, including several Iranian commercial banks, as participants in proliferation activities, terrorism and money-laundering. Such action has been supported by an intensive lobbying campaign conducted by members of the Treasury Department with European companies, enterprises and banking institutions. All this has heightened awareness among the business and financial communities about the enormous risks involved in doing business with Iran. Those risks, quite simply, involve being considered accomplices, unwittingly or not, of Iran's illicit activities.

Europe can adopt similar measures. To some extent, this has already been done. According to recent statements by the members of the Financial Action Task Force (FATF), a group of thirty-four countries and international organizations devoted to combating money laundering and terror financing, Iranian involvement in money-laundering, terrorist financing, and missile and nuclear proliferation is grossly inconsistent with Iran's membership in the international community. Iran's banking sector—parts of

which continue operating in Europe today—is suspected of providing a transit point for illicit funds that may include financing Iran's nefarious activities. In application of UN resolutions, the EU has already shut down two Iranian banks which the U.S. Treasury Department had previously designated, namely Bank Sepah and Bank Melli. In a recent revision of its common position on Iran, the EU has also issued a warning against all Iranian banks operating on European territory, as well as Iranian affiliates and Iranian-owned banks overseas, making their banking coordinates public. It remains to be seen if Europe will decide to block all Iranian banks from operating in Europe.

But not all countries have adopted similarly tough measures. Turkey still allows Bank Melli to operate on its own territory, and has signed a bilateral agreement with Iran to allow both countries to trade with each other in their own national currencies. Iran's currency's full convertibility into Turkish liras allows Iranian businesses to circumvent financial sanctions through Turkey. Expanding pressure thus would not necessarily start from new measures—it could focus on persuading countries like Turkey to revise their erstwhile friendly attitude to Iran.

Regardless of possible links to Iran's proliferation endeavors, its banking sector should be targeted, if only to inhibit the Iranian economy. Pressure on lending is having the desired effect. Iran has been largely excluded from dollar transactions. If Europe chose to exclude Iran from the Eurozone, that would be another harsh blow to the regime.

The U.S. campaign, alongside UN resolutions and an uncertain political climate, has served to per-

suade important European banking institutions to withdraw from Iranian markets. Now is the time for the remaining banks and financial institutions to leave the Iranian theater. The reduction of available credit should be the result of two parallel phenomena: government sanctions, which close down Iranian banks that operate overseas; and a decision by Western banks, as a matter of self-interest and self-preservation, to stop financing economic and financial operations in Iran. These measures, though only partially successful so far, have nevertheless wreaked havoc on Iran's economy and strongly discouraged foreign investment.

The effect of the credit squeeze can be heightened still further by raising the costs of commercial transactions with Iran through an increase in the risk factors that determine lending rates to finance projects in Iran. Lending rates are, in part, a function of Iran's credit rating by Europe's export credit-rating agencies, which are used to assess insolvency risks for investors in third countries. Such agencies vary from country to country, but all are semi-public if not actually government owned. Ratings can, therefore, be affected by political fiat, not simply macro-economic indicators. Iran's rating is already high, but not the highest. A decision by European governments to co-ordinate a further increase in the risk factor for Iran would raise the cost of loans and depress investment by European companies still further.

## **Ends and means**

The sanctions menu available to the West is broad and offers a variety of choices, from the largely symbolic to the most severe and hostile actions short of military force.

None of them offers a guarantee of success, however. Iran might, after all, be prepared to pay a very high price to acquire nuclear capability and thereby succeed in its ambition to become a regional hegemon. Even so, these measures can immensely complicate matters for Tehran. And this, in turn, could heighten internal tension between the regime and the Iranian public, with unpredictable consequences for the future of the Islamic Republic.

Regardless of the risks involved, this is a path worth taking, given that both the U.S. and Europe, albeit for different reasons, do not consider the use of force against Iran's nuclear program a viable policy, given their abhorrence of human rights violations and their recognition of the mortal dangers posed by a nuclear capability in the hands of the current regime.

What matters most, at this critical juncture in Iran's revolutionary history, is that sanctions be integrated into a broader effort aimed at helping Iran's domestic opposition to oust the regime. An architecture of sanctions that neglects the legitimate aspirations of the Iranian people, that relies on the broadest possible international consensus and that offers at the same time reassurances to the regime that its survival is not at stake is one that will only achieve one goal—buying time for the Islamic Republic in its march of repression toward a nuclear weapons capability.



# THE KINETICS OF CONFRONTATION

---

Brian A. Miller

---

All too often, the military option against Iran is portrayed by observers as synonymous with bombing or invasion. In actuality, however, myriad alternatives exist in the military toolkit. Worse still, the use of force as an option for dealing with the Islamic Republic's nuclear ambitions is increasingly set aside in public debate as ridiculous, unrealistic, or impractical. While the risk and uncertainty is profound, it is well within the capabilities of the U.S. military to seriously disrupt Iran's nuclear program.

The dangers for Washington are clear. By ignoring this element of national power, and failing to properly advertise it in the public sphere, the credibility of the military option deteriorates. Without it, maximum pressure cannot be applied on the Iranian regime; and ironically, the less credible the threat of military force, the more likely it will have to be used to forestall a nuclear-armed Iran.

Under the right military and political circumstances, the threat of force can be a useful tool. As American diplomatic overtures alone prove insufficiently persuasive, a credible threat of force may be the missing ingredient. After all, how does the United States expect to dissuade Iran without invoking some semblance of accountability?

## **Tactical options**

The closest thing to a guarantee of a lasting change in Iranian behavior on the nuclear front (or any other) would be an Iraq-style invasion. But invad-



BRIAN A. MILLER is national security advisor to Sen. Judd Gregg (R-NH). The views expressed herein are his own, and do not reflect those of any member of Congress or branch of government.



ing Iran—even if to simply disable its nuclear facilities—is arguably the most daunting of any global counterproliferation operation. It would require a tremendous assemblage of air, sea, and ground forces—the latter of which are undoubtedly overstretched by operations in Iraq and Afghanistan—and would no doubt be cost-prohibitive. Under the best-case scenario, a force of at least 200,000 to 250,000 American troops would likely be required to invade Iran. Those figures reflect the reality that Iran is much larger and more mountainous than Iraq, and maintains a military that is roughly twice as large as Iraq's military was when the U.S. invaded in 2003.<sup>1</sup>

Considering the hesitance that accompanied the Obama Administration's decision to deploy additional troops to reinforce the U.S. mission in Afghanistan, it would be fair to say that the political support simply does not exist for a large-scale invasion of Iran. Moreover, as operations in Iraq and Afghanistan have underscored, even a successful invasion requires a sizable occupation force to maintain stability. Given the ethnic divisions inherent in the Islamic Republic, there would be a real concern about post-invasion Iran devolving into chaos, spilling over to neighboring Iraq, Afghanistan, and Pakistan—three countries of great importance to American strategic interests. While some estimates put the requirements for an occupation force at 1.4 million, there is reason to believe that the capabilities and experience of the U.S. military would alleviate the need for such a large force.<sup>2</sup> It is impractical to ask the American military to shoulder the burden of three Middle East stability operations at once, however, particularly when the Taliban is gaining momentum in Afghanistan.

The costs are simply too high for invasion to be a realistic option without international support and resources. The United States cannot go it alone considering the blood and treasure that would be required, to say nothing of the anticipated shift in global perspectives following a unilateral invasion and the impact it would have on international cooperation in other areas: the global financial crisis; the Arab-Israeli conflict; North Korea; and international terrorism, to name just a few. As a result, the U.S. military is better served to focus on tactical options that are both politically palatable and achievable in the current strategic environment.

*Gunboat Diplomacy.* One way for the U.S. to display capabilities and tenacity in hopes of pressuring Iran is a tactic known as gunboat diplomacy, which refers to the advancement of foreign policy by exhibiting or flaunting military power. Rear Admiral John F. Sigler, who previously served as the Plans and Policy Officer for U.S. Central Command (CENTCOM), suggests “stationing an air expeditionary wing in Qatar or the UAE for bilateral exercises, adding an additional carrier battle group to the Gulf, or ground force exercises in Kuwait.”<sup>3</sup> Clearly on the low end of tactical options, gunboat diplomacy is a safe means of communicating American resolve when rhetoric alone is yielding diminutive results.

Gunboat diplomacy poses few combat challenges, and as merely a display of military might, it has limited risk. However, this option could become problematic if Iran fails to relent, or worse, becomes more provocative. If Tehran is unresponsive, or audacious, U.S. officials may be forced to choose between escalation and capitulation. Exercising any

of the options outlined by Admiral Sigler would have to be couched in such a way as not to appear weak if Iran's behavior remains unchanged. In some scenarios, gunboat diplomacy may actually accelerate the strategic decision (accept or attack) that U.S. policymakers are trying to avoid. In order to steer clear of embarrassment or the perception of defeat—which would embolden Iran's hard-liners—the United States may be compelled to use whatever additional forces are deployed.

*Covert Action.* Fostering the defection of key engineers or scientists, or carefully and strategically planting counterfeit designs or equipment in Iran's nuclear program, has the advantage of deniability and could substantively disrupt Iran's progress, buying valuable time. Covert action entails little political risk because Iran would likely have insufficient evidence to link the U.S. to such malfeasance, and may even suspect domestic saboteurs from within the splintered regime: outspoken political or ethnic groups like Mujahedin-e Khalq (MeK) or Jundallah, a Baluchi insurgent group responsible for countless attacks against the IRGC.<sup>4</sup>

But without any diplomatic footprint in Iran, or complete intelligence on the nuclear program, covert action is probably, at best, an annoyance to the regime. It will be extremely difficult to cultivate enough defections or target enough facilities to broadly disrupt Iran's nuclear program. Successful operations may be insufficient if Iran has established program redundancy, but targeted missions are still useful. New intelligence could be collected on Iranian facilities, and if any part of the program is disrupted, even temporarily, it could trigger Iranian problem-solving,

yielding valuable information about the program, as well as the psychology of the regime itself.

*Economic Blockade.* Arguably a declaration of war, a blockade of Iranian oil exports and gasoline imports would place considerable economic and political pressure on the regime. Oil exports account for about 80 percent of Iran's export earnings and perhaps as much as 75 percent of government revenue.<sup>5</sup> Additionally, Iran currently imports about 40 percent of its domestic gasoline needs. Iran reportedly has sufficient foreign exchange reserves to absorb a prohibition on oil exports, but the psychological impact of a blockade could provide a serious shot in the arm to the regime's political opposition.

Any blockade would be a clear act of escalation and an easy propaganda tool for the regime internationally, however. Iran currently exports about 2.4 million barrels of oil a day, which is roughly five percent of global production, making it the fourth largest oil exporter in the world.<sup>6</sup> In a tight global oil market, stripping vital supplies is sure to spike the price of oil at a time when the global financial crisis is a fresh agenda item for world leaders. But policymakers may find solace in the ability of the United States and other countries to collectively mitigate the supply shock.

Iranian exports are roughly equal to the world's spare production capacity, most of which is in Saudi Arabia, and could be called upon to blunt any price jumps.<sup>7</sup> The United States and other members of the International Energy Agency could also release oil reserves from strategic petroleum reserves (SPR); and though it would likely take some time to reach its full output, the U.S. SPR, operating at maximum efficiency,

has the potential to contribute up to 4.4 million barrels a day for about 90 days, which is a countermeasure that has been successfully utilized in the past.<sup>8</sup> For example, the United States opened the SPR to full production in 1976 in response to the 1973 Arab oil embargo, and also drew down the reserves hours before the initial air strikes on Iraq in 1991.<sup>9</sup>

---

Without a military option, maximum pressure cannot be applied on the Iranian regime; and ironically, the less credible the threat of military force, the more likely it will have to be used to forestall a nuclear-armed Iran.

*Air Strikes.* There are two basic approaches when one uses strategic aerial forces, and perhaps cruise or long-range missiles, to threaten key infrastructure inside Iran: (1) demonstrating resolve; and (2) increasing the costs of nuclear weapons. Similar to gunboat diplomacy, “demonstration attacks” may be useful in showcasing determination, but involve actual, kinetic operations against relatively inconsequential targets either in allied territory or within Iran. The purpose is to avoid the political fallout associated with collateral damage or retaliation while communicating resolve. Hopefully, merely destroying a benign target is sufficiently coercive, signaling American willingness to escalate further. If not, the United States may have to entertain “punitive strikes” against behavioral infrastructure such as government, economic, or military installations. Such strikes represent a more stringent means of convincing Iran’s leadership that the costs of continued nuclear develop-

ment are too high, especially since successful strikes would require Iran to rebuild and reconstitute key parts of its atomic program.

But while successful strikes have the potential to significantly disrupt Iran’s capabilities—perhaps delaying the acquisition of nuclear weapons for several years or more—they may not compel Iran to reverse course. The intent to acquire a bomb, and the know-how to do so, may still remain. That is why execution is paramount, and why the objective is dissuasion, not retribution.

Unfortunately, optimistic comparisons to successful Israeli strikes on a Syrian nuclear facility in 2007 and an Iraqi reactor in 1981 are misleading. Israel had precise intelligence on those facilities, the risk of collateral damage was minimal, and neither country was expected to retaliate.<sup>10</sup> In the case of Iran, intelligence is imprecise, meaning complete eradication is unrealistic and the ability to verify operational success unreliable. Iran’s nuclear program is larger and more dispersed, and some components, like the uranium-conversion facility at Esfahan, are located near heavily populated areas. More targets also require greater military resources, and the increased risk of collateral damage raises the likelihood of massive political fallout. At least some of Iran’s nuclear sites are hardened, deeply buried targets that may require specialized nuclear bombs to defeat.<sup>11</sup> And while predictability is limited, Iranian retaliation is to be expected.

Because there is considerable risk and uncertainty, such operations should not be taken lightly, particularly given the political momentum now visible inside Iran. But despite the challenges, it is within American capabilities to broadly threaten key



infrastructure in Iran. Indeed, effectively taking the military option off the table is counterproductive. If the goal of U.S. policy is to avoid the binary choice of acceptance or confrontation that Iranian nuclearization would bring, a credible threat of force is necessary. To the extent that the regime is confidently insulated from U.S. military action, coercive diplomacy will fail. Policymakers should recognize that the military option is as legitimate a part of diplomacy as are “carrots.”

### **Considering the strategic consequences**

Any use of force by the United States has the potential to produce an Iranian response that could have a serious and debilitating effect on regional stability. Iranian retaliation is not the only thing to fear, however. The Iranian people may be suspicious of U.S. motives, or merely sensitive to Iran’s sovereignty. Depending on the type of military action—or the circumstances surrounding its use—it could spark fervent nationalism in Iran and a “rally around the flag” mentality. Such a reaction could be cynically exploited by the government and would undoubtedly disrupt recent political momentum inside Iran, lend much-needed support to the regime’s faltering, insecure hardliners, and delay any potential change of either behavior or government.

*Oil Disruption.* While the decreasing price of oil has weakened Iran, the natural resource itself remains a great source of leverage for the regime. Iran may choose to incite global frustration by choking off oil supplies through the Strait of Hormuz, which transports one-fifth of the world’s oil supply and is the lone waterway for transporting regional oil to the open

ocean. Iran has long used this choke point as a method of deterrence. Iran, moreover, has the means to do so; according to U.S. intelligence assessments, Iran could “stem the flow of oil from the Gulf for brief periods by employing a layered force of diesel-powered KILO submarines, missile patrol boats, naval mines, and sea and shore-based anti-ship cruise missiles.”<sup>12</sup> And while the possibility that Iran will employ its economic leverage cannot be discounted, strategic planners may find comfort in two analytical observations.

One, Iran may be unwilling to do so. Cutting off oil exports would have the unintended consequence of serving as a self-inflicted wound on the country’s largest source of revenue, further damaging an already-weak Iranian economy. Moreover, attacking neutral navigation in the Gulf or energy infrastructure in the region risks punishment, including international condemnation or action, and potentially widely endorsed U.S. military retaliation.

Two, Iran may be unable to sustain a blockade for any serious length of time. Large oil tankers are surprisingly difficult to sink, mines could be swept and sea-lanes cleared, and the Strait of Hormuz is large enough to permit healthy tankers to bypass any downed ships.<sup>13</sup> There are also alternative paths to export oil out of the Gulf, most of which run through Iraq, the newest American ally in the region. In the short term, for example, the Iraqi Petroleum Saudi Arabia pipeline, if rehabilitated, could provide additional output of Iraqi and Saudi oil to the Red Sea. Refurbishing the Turkish pipeline in northern Iraq would also increase global production and have a mitigating effect.<sup>14</sup> Assuming the right political accommodations and international

cooperation could be negotiated, the capabilities to blunt Iran's economic countermeasures do exist.

*Targeting U.S. Assets and Allies.* In addition to economic leverage and proximity to a strategic waterway, Iran could also respond militarily. In the past, Iran has attacked Kuwait's main oil terminal and international shipping operations, and has pursued terrorist subversion in neighboring Gulf States and as far afield as South America, bombing the Israeli embassy and a Jewish community center in Argentina. Within range of Iranian missiles are the world's largest oil-processing facility in Saudi Arabia and several water desalination plants providing more than 60 percent of the region's drinking water.<sup>15</sup>

Iran could also strike U.S. forces in Iraq or Afghanistan using its far-reaching paramilitary and intelligence presence. According to Dennis Ross, the Obama Administration's point man on Iran issues, "We have seen only a small token of what the Iranians could do toward our force and toward destabilizing Iraq."<sup>16</sup> Increased Iranian meddling could seriously jeopardize stability in both countries, particularly at a time when the United States is attempting to leave Iraq without sacrificing hard-fought security gains and rescue Afghanistan from the brink of defeat.

Attacks against Europe or other countries throughout the region are also foreseeable. Reportedly, the 1996 Khobar Towers bombing that killed 19 American troops was an Iranian response to a marginal increase in the U.S. covert action budget.<sup>17</sup> Iran's sensitivity certainly cannot be underestimated, and a retaliatory strike on Israel is potentially the most dangerous situation because it could drag the United States into


a wider regional conflict that would traverse ethnic and religious divisions across geographic boundaries.

Despite the variety of options available to Iran, the most likely response is terrorist subversion. Iran has invested significant resources in the military capabilities of proxy groups and is the world's leading supporter of terrorism. Pulling this response lever provides deniability and the element of surprise. Considering Iran's history—which includes losing nearly its entire surface combatant fleet to the United States in 1988, and significant force depletion during its eight-year war with Iraq—Iran has plenty of reasons to avoid a direct confrontation with the United States.<sup>18</sup> Targeting Arab neighbors would undoubtedly foment greater opposition to Iran's cause, and justify American reprisal. Therefore, from an Iranian perspective, a timely, cogent attack through a terrorist proxy would be the most prudent response to U.S. military action against its nuclear program.

The military options outlined above are certainly prone to serious consequences, but if such action becomes an unfortunate necessity, one should find consolation that a range of tactical options exists, and that it is within U.S. capabilities to disrupt Iran's nuclear program. Discussions about the use of force against Iran rarely examine the full range of tactical options. Instead, proponents and opponents alike merely argue the strategic imperatives. This undoubtedly breeds comfort in Tehran, as public discussion is saturated with reasons why military action is not preferable or not feasible. While the former assumption may be true, the latter is not.



1. Kenneth Pollack et al., *Which Path to Persia? Options for a New American Strategy toward Iran* (Washington, DC: The Brookings Institution, 2009), 95.
2. Ibid., 7.
3. John F. Sigler, "Planning for Conflict," in Ilan Berman, ed., *Taking on Tehran: Strategies for Confronting the Islamic Republic* (Lanham, MD: Rowman & Littlefield, 2007), 98-99.
4. Michael Slackman, "Iran Blames U.S. and Britain in Attack," *New York Times*, October 19, 2009.
5. Patrick Clawson and Michael Eisenstadt, "The Last Resort: Consequences of Preventive Military Action against Iran," Washington Institute for Near East Policy *Policy Focus* no. 84 (June 2008).
6. Department of Energy, Energy Information Administration, "Country Analysis Brief: Iran," February 2009, [www.eia.doe.gov/emeu/cabs/Iran/Background.html](http://www.eia.doe.gov/emeu/cabs/Iran/Background.html).
7. Daniel Coats and Charles Robb, *Meeting the Challenge: U.S. Policy toward Iranian Nuclear Development* (Washington, DC: Bipartisan Policy Center, 2008), 64.
8. Department of Energy, Office of Fossil Energy, "Strategic Petroleum Reserve – Quick Facts and Frequently Asked Questions," n.d., <http://fossil.energy.gov/programs/reserves/spr/spr-facts.html>.
9. Robert Bamberger, *The Strategic Petroleum Reserve: History, Perspective, and Issues* (Washington, DC: Congressional Research Service, August 18, 2009).
10. Robert Litwak, *Regime Change: U.S. Strategy through the Prism of 9/11* (Washington, DC: Woodrow Wilson Center Press, 2007), 240.
11. Frederick W. Kagan, "Protracted Wars and the Army's Future," in Gary J. Schmitt and Thomas Donnelly, eds., *Of Men and Materiel: The Crisis in Military Resources* (Washington, DC: AEI Press, 2007), 35.
12. Vice Admiral Lowell E. Jacoby, testimony before the Senate Select Committee on Intelligence, February 11, 2003, <http://intelligence.senate.gov/108161.pdf>.
13. Dennis Blair and Kenneth Lieberthal, "Smooth Sailing: The World's Shipping Lanes Are Safe," *Foreign Affairs* (May/June 2007), 7-13.
14. Coats and Robb, *Meeting the Challenge*, 21.
15. Ibid., 18.
16. Dennis Ross and David Makovsky, *Myths, Illusions, and Peace* (New York: Penguin Group, 2009), 193.
17. Pollack et al., *Which Path to Persia?*, 168.
18. Clawson and Eisenstadt, "The Last Resort," 12-13.



**MOTO44 Mission Critical Portfolio**

**ALWAYS SECURE,  
ALWAYS AVAILABLE**

Information is only useful if it's provided to the right people at the right time. From the command center to the units in the field, Motorola's innovative wireless solutions provide always secure, always available, seamless access to mission critical communications. It's just another way Motorola puts Seamless Mobility into the palm of your hand. **HELLOMOTO.**

**Visit [www.motorola.com/federal](http://www.motorola.com/federal) or call 1-800-367-2346.**

MOTOROLA and the Stylized M Logo are registered in the U.S. Patent & Trademark Office. All other product or service names are the property of their respective owners. © Motorola, Inc. 2010. All rights reserved.

Trusted Partner

Air  
Land  
Sea  
Space

Cyberspace

Innovation. In all domains.

Every day, Raytheon customers undertake vital missions across air, land, sea, space and cyberspace. Our mission is to provide innovative, integrated technologies across these domains to ensure customer success. Raytheon delivers proven and powerful solutions in four core markets — Sensing, Effects, C3I and Mission Support — that bring our Mission Assurance promise of NoDoubt™ performance to new levels. Our expertise means customers can trust Raytheon to deliver a true operational advantage, mission after mission.

[www.raytheon.com](http://www.raytheon.com)

**Raytheon**

*Customer Success Is Our Mission*

© 2010 Raytheon Company. All rights reserved.  
"Customer Success Is Our Mission" is a registered trademark of Raytheon Company.

# BERLIN, THE AYATOLLAHS, AND THE BOMB

---

Matthias Küntzel

---

When Chancellor Angela Merkel addressed both houses of the U.S. Congress on November 3, 2009, her remarks on Iran set off enthusiastic applause. “A nuclear bomb in the hands of an Iranian president who denies the Holocaust, threatens Israel and denies Israel the right to exist is not acceptable,” she explained. “Not only Israel but the entire free world is threatened. This is why the free world is meeting this threat head on, if necessary with tough economic sanctions.” In 2010, Iran and the topic of tough sanctions will be at the top of the international agenda. Will the German Chancellor this year follow through on what she said?

On the one hand, virtually no other country is in a position to exert more effective pressure on Tehran than Germany. In the 1920s Germany built Iran’s industrial infrastructure and since then Germany has remained by far Tehran’s most important high-tech partner. According to the German-Iranian Chamber of Industry and Commerce in Tehran, two thirds of Iranian industrial enterprises and three quarters of its small and medium-sized firms use machines and systems of German origin. As Berlin’s Federal Agency for Foreign Trade affirmed in 2007, Germany is still Iran’s No. 1 supplier of almost all types of machinery apart from power systems and construction, where Italian manufacturers dominate the market. Even in 2008, more than 7,150 Iranian companies visited trade fairs in Germany “in order to find out about new technologies and products,” as the Chamber’s home page boasted in January 2010. “The Irani-



MATTHIAS KÜNTZEL is a political scientist based in Hamburg, Germany. He is the author of *Jihad and Jew-Hatred: Islamism, Nazism and the Roots of 9/11* (Telos Press, 2007). His new book, *The Germans and Iran: The Past and Present of a Fateful Friendship*, was published in German, in 2009.



ans are totally dependent on German spare parts and suppliers,” confirms Michael Tockuss, the Chamber’s former president, “spare parts and suppliers that could not, without further ado, be replaced by Russia or China.”<sup>1</sup> This dependency means that a German-Italian unilateral economic embargo might be enough to paralyze the Iranian economy within a few months and make the theocratic regime seriously consider whether compliance with UN Security Council decisions requiring it to halt its nuclear program might not be the better alternative.

Berlin has consistently chosen another path, however. Over the past 15 years, it has done far more to oppose efforts to stop the mul-lahs’ nuclear program than to contribute to such efforts. The applause with which Congress greeted the chancellor was a snapshot. It may temporarily drown out the bitter German-American dispute over Iran taking place behind the diplomatic scenes, but it does not end it. As long as President Obama remained determined to confine himself to talking to Tehran, this dispute had seemed to be over. Now, however, at the start of what may turn out to be the decisive confrontation, it could well erupt anew. So let’s take a closer look at Germany’s past role in the nuclear dispute with Iran.

### **1993-1998: The Clinton-Kohl controversy**

The German-American conflict over Iran first broke into the open in November 1992 at a G-7 conference in Munich, when the German delegation’s refusal to support a U.S.-initiated resolution criticizing Iran led to strong verbal protests from Washington. Subsequent years saw

consistent intransigence from Berlin to the application of diplomatic pressure on Iran.

By the spring of 1995, it had become apparent that a common Western approach was impossible. Accordingly, Washington pressed ahead with unilateral measures: that spring, U.S. President Bill Clinton prohibited all American firms from trading with Iran. He justified this step with the observation that every diplomatic attempt in recent years to persuade Iran to moderate its policies had failed. “Iran’s appetite for the acquisition and the development of nuclear weapons has only grown greater,” explained the President, while the country continued to be the “instigator and paymaster” of terrorists.<sup>2</sup> Clinton, moreover, announced “that he would make further efforts to put pressure on America’s allies, above all Germany and Japan, to persuade them to follow the U.S. lead in cutting back their trade relations with Iran.”<sup>3</sup>

The German government, however, resisted the mounting American pressure. In fact, the American sanctions effort was systematically undermined by an intensified German export drive. In his recently published memoirs, Iran’s former ambassador to Germany, Hossein Mousavian, mischievously records the great delight this caused in Tehran: “Iranian decision-makers were well aware in the 1990s of Germany’s significant role in breaking the economic chains with which the United States had surrounded Iran... Iran viewed its dialogue and relations with Germany as an important means toward the circumvention of the anti-Iranian policies of the United States.”<sup>4</sup>

On August 5, 1996, Clinton further toughened his stance by sign-

ing the Iran-Libya Sanctions Act, or ILSA, into law. That piece of legislation allowed the U.S. to boycott firms based in foreign countries that did at least \$40 million worth of business a year with the Iranian or Libyan oil or gas industries. This threat of sanctions impacted Germany as well. In response, the German foreign minister, Klaus Kinkel, traveled to the United States, where he warned “that Europe would respond with sharp retaliatory measures” if the measure were applied.<sup>5</sup> Two weeks later, German Chancellor Helmut Kohl also flew to the U.S. in order to lend extra weight to this threat. They were successful. At the end of the Kohl-Clinton summit, the American President retreated, promising that “[he wished] to apply the laws in a way that does not harm our partners.”<sup>6</sup>

Although the new sanctions law thereby lost its teeth, Washington persisted. As former Secretary of State Warren Christopher detailed in his memoirs, “We constantly prodded them to distance themselves from Iran and to suspend trade, as we had done... Unfortunately, the struggle to stop our allies from doing business with Iran has not yet succeeded.”<sup>7</sup>

The U.S. focus was not confined to technologies specifically related to weapons production, but was aimed at the Iranian nuclear program as a whole. The assumption was that the regime would sooner or later divert any “civilian” assistance for its nuclear program to military uses. Germany, however, had other ideas. Because the Islamic Republic was a party to the 1968 Non-Proliferation Treaty (NPT), Berlin supported the Iranian nuclear program since, in a legalistic sense, it did not contradict the NPT.

That analysis, of course, was a mistake. While the NPT was aimed at

stabilizing the international system, the Iranian regime clearly desires the opposite, namely to abolish this “Satanic” secular world order and replace it with a *sharia*-based system of Islamic rule. “The struggle will continue,” the Ayatollah Ruhollah Khomeini promised in his day, “until the calls ‘There Is No God but God’ and ‘Muhammad Is the Messenger of God’ are echoed all over the world.”<sup>8</sup> The nuclear program is part of this revolutionary quest. “Iran’s nuclearization,” President Mahmoud Ahmadinejad told his supporters not long ago, “is the beginning of a very great change in the world.” It would “be placed at the service of those who are determined to confront the bullying powers and aggressors.”<sup>9</sup>

### **2003-2006: Europe as a “protective shield”**

In 2003, it became publicly known that Tehran had been operating a clandestine nuclear program for some 18 years in violation of the terms of the Nuclear Non-Proliferation Treaty. The United States pressed for the matter to be referred to the Security Council. Under IAEA statute, the Iranian violation ought to have been taken up by the UN Security Council by November 2003 at the latest.

But on October 21, 2003, the foreign ministers of Great Britain, France and Germany—Jack Straw, Dominique de Villepin and Joschka Fischer—traveled to Tehran, despite major reservations on the part of the Bush Administration, to “recognize the right of Iran to enjoy peaceful use of nuclear energy in accordance with the Nuclear Non-Proliferation Treaty,” as the text of a declaration agreed to by Iran and the three foreign ministers put it. In return, the Iranian regime agreed to make two

pseudo-concessions: it signed a new oversight treaty with the IAEA—without, however, ever ratifying it—and voluntarily suspended uranium enrichment for a few weeks.

These diplomatic niceties were matched by economic ones. Instead of immediately cutting technology transfers to Iran following the discovery of Iran's secret nuclear facilities, European exports to Iran rose 29 percent, to €12.9 billion, between 2003 and 2005. German exports to Iran, meanwhile, increased by 20 percent in 2003 and another 33 percent in 2004.

Germany and other European states also increased their export guarantees for enterprises doing business with Iran. "The volume of coverage in relation to Iranian orders increased by nearly three and a half times to around €2.3 billion," stated the 2004 annual report on Germany's program of so-called Hermes export credits [*Hermes-Bürgschaften*]. "Thus the Federal Government guaranteed 65% of all German exports to the country. Iran enjoyed the second-highest level of coverage for 2004, only slightly behind China."<sup>10</sup>

Between November 2003 and March 2006, the EU succeeded in preventing the Iranian nuclear question from being referred to the UN Security Council: 28 months that the Iranian regime used to rapidly develop its nuclear facilities. Germany's foreign minister at the time, Joschka Fischer, found the most fitting expression to describe the parallel activism of Iran and the Europeans. "We Europeans," he said, "have always advised our Iranian partners that it is in their considered self-interest to regard us as a protective shield."<sup>11</sup>

## **2006-2007: How Germany "ran from the flag"**

Nonetheless, on December 23, 2006, American diplomacy achieved an important success with the unanimous passage of UN Security Council Resolution 1737. This resolution called on the mullahs to cease all uranium enrichment and plutonium projects without delay, and classified Iran's nuclear program as a threat to international peace. At the same time, the resolution levied sanctions on the Iranian regime. In the event that Tehran failed to comply with international demands, the resolution for the first time threatened additional pressure under Article 41 of Chapter VII of the UN Charter.

No sooner had Resolution 1737 been passed than a dispute about its meaning erupted between Washington and Berlin. The Americans attempted to derive the maximum possible pressure from the resolution, and therefore dispatched envoys to China and the industrialized world to attempt to convince banks and major companies to stop doing business with Iran. Moreover, they also called on European governments to cease underwriting exports to Iran. "Britain is also backing the new push, as is France, although to a lesser extent. Germany, with far more business interests in Iran, is not quite as eager," reported the *New York Times*.<sup>12</sup>

Berlin, however, opposed American attempts to win over the major European banks. "A direct attack by U.S. officials on European firms and banks is not acceptable," insisted a policy paper from the Chancellor's Office.<sup>13</sup> On the Hermes issue, Washington also ran into a brick wall: Berlin was not ready "unilaterally and without UN sanction fully to stop

underwriting business with Iran,” wrote the influential *Frankfurter Allgemeine Zeitung* newspaper. “That would mean surrendering the field to the competition.”<sup>14</sup>

The 60-day period set by the Security Council for the mullahs to meet the demands of UNSCR 1737 ran out at the end of February 2007. Iran didn’t budge. Everything now depended on how the “5+1”—the five permanent members of the Security Council plus Germany—would react to its intransigence. Would they back off, thus undermining the credibility of the UN? Or would they do what Resolution 1737 required, and “adopt further appropriate measures under Article 41 of Chapter VII of the Charter of the United Nations to persuade Iran to comply with this resolution and the requirements of the IAEA”?

The answer was not long in coming. The United States, France and Britain advocated far stronger sanctions against Iran. Russia, China and Germany, on the other hand, rejected a punitive response.

A “5+1” meeting in London ended without agreement. On March 6, 2007, discussions resumed in New York, but again without success. Three video-conferences followed, but again failed to produce agreement. After another two weeks of negotiations a new resolution was agreed, which the Security Council passed unanimously on March 24, 2007. But the new measure, UNSCR 1747, added hardly anything of substance.

At this moment, however, a new player exploded onto the political scene: newly elected French President Nicolas Sarkozy. The conflict with Tehran is the “most dangerous in international politics,” warned Sarkozy on August 27, 2007. Sarkozy spoke of a “catastrophic alternative”—either “the Iranian bomb”

or “the bombing of Iran”—unless Iran were forced to change course in time by non-violent means.<sup>15</sup> Paris instructed major French firms such as Total and Gaz de France to freeze their investments in Iran. At the same time, the French leader advocated “tougher” European sanctions that “should be adopted outside the UN Security Council.”<sup>16</sup>

European sanctions could indeed exert effective pressure. In 2005, 40 percent of all Iranian goods imports came from the EU, with the United Arab Emirates in second place with a mere eight percent. In addition, community-wide sanctions would remove the possibility of European exporters deriving competitive advantage from the situation. However, here too, everything hinged on Germany, the traditional and by far the largest exporter to Iran. “For this reason, French diplomats made special efforts in Berlin to win over the Federal Government to the cause of unilateral sanctions,” reported the *Frankfurter Allgemeine Zeitung* in mid-September. “The Chancellor, however, reacted hesitantly.”<sup>17</sup>

While Britain and the Netherlands, among others, supported the French initiative, Germany, Austria and Italy opposed independent EU sanctions. When the EU Foreign Ministers met in Brussels in mid-October 2007, the French effort had already failed: sanctions continued to be considered exclusively within the UN framework.

Their effectiveness, however, depended upon agreement among the “5+1” countries, and there was none in sight. America’s German ally again “ran from the flag.”<sup>18</sup> In fact, a new lineup was taking shape. On one side were the Western powers: the U.S., France and Britain. On the other, Russia, China and Germany.



This became abundantly clear on September 28, 2007, when the divergent interests of the six powers clashed in a meeting. While “the USA, Britain and France pushed for a third [Security Council] resolution imposing tougher sanctions, Germany rejected this proposal.”<sup>19</sup> According to the *New York Times*, the three Western powers—the United States, France and Britain—only reluctantly agreed to a further postponement of the UN sanctions issue until November 2007. “The delay, a concession to Russia, China and Germany... came after a week of haggling on the outskirts of the General Assembly.”<sup>20</sup> Germany had now not only prevented EU sanctions, but had also, in cahoots with Russia and China, hindered agreement in the “5+1” framework.

The international sanctions cooled down from there. The sanctions came to a halt when U.S. presidential candidate Barack Obama announced that if he won he would enter into negotiations with Iran without preconditions. On September 27, 2008, the Security Council adopted its third and—at least at the time of this writing—most recent sanctions resolution (1835), an expression of impotence which confined itself to reiterating the previous decisions that Tehran had ignored.

## How Obama has affected Berlin

In Berlin, the Obama Administration’s new Iranian policy was greeted with relief. His readiness to talk with Tehran made it easier for Germany to “defend itself against the charge of appeasement and maintain its basic position of the non-exclusion of Iran,” Johannes Reissner of the leading German thinktank *Stiftung Wissenschaft und Politik* observed.<sup>21</sup>

A burst of activity followed, beginning with a four-day visit to Iran by former Chancellor Gerhard Schröder on February 19, 2009.

This visit had been organized in close coordination with the German Foreign Office. And the economic actors who accompanied Schröder had reason to feel satisfied with the results of this visit. “Schröder was serving in Tehran as the emissary of exporters keen to invest,” reported the *Frankfurter Allgemeine Zeitung*. “Particularly in the gas sector” his visit “opened a new chapter in German-Iranian relations,” added the *Tehran Times*.<sup>22</sup>

Just two months later, energy-sector cooperation between the two countries assumed a new dimension. On April 16th, it became known that *Bayerngas* would take part in the conversion of the Iranian petrol station network from gasoline to natural gas. On April 27th, a major German-Iranian economic meeting was hosted by the Near and Middle-Eastern Association (*Numov*) in Düsseldorf, on which Gerhard Schröder serves as chairman. Here, according to Iranian sources, “representatives of over 200 German firms and many Iranian industrial managers” discussed “how bilateral industrial ties could be further developed.”<sup>23</sup>

In May 2009, *Numov* continued its Iranian offensive with an investors’ conference in Berlin presided over by Schröder and the Iranian oil minister, Gholam-Hossein Nozari. At the meeting, Nozari advocated a strategic German-Iranian alliance, with Iran supplying the natural gas and Germany the technology.<sup>24</sup>

In June 2009, the Berlin chapter of the Europe-based campaign “Stop the Bomb” revealed that five days before the Iranian presidential elections the German firm *Basell Poly-*



olefine had signed a record-breaking €825 million (approximately \$1.18 billion) deal on high-tech goods with Iran's state-owned *National Petrochemical Company* (NPC). They were egged on by Gerhard Schröder's call to "be somewhat bolder in seizing and not missing their opportunities" in doing business in Iran.<sup>25</sup> The new economic activism reflected Berlin's true stance on sanctions and Iran's nuclear program. As *Der Spiegel* put it: "Berlin doubts that Tehran can be forced to make concessions by tougher sanctions. They are just the price that has to be paid so that the Americans at least stay peaceful."<sup>26</sup>

### **Accepting the bomb?**

An Iranian nuclear bomb "is not acceptable," Chancellor Angela Merkel assured the U.S. Congress in November 2009. In Germany, however, a majority of the foreign policy establishment has already come to terms with the Iranian bomb.

Why German elites prefer to accept a nuclear Iran over a rupture in German-Iranian relations is unclear. The economic explanation is unconvincing. The value of German exports to Iran reached a historic high (€4.4 billion) in 2005. For that year, the total value for all German exports was €720 billion. The Iranian share of the total, therefore, was just 0.6 percent. "Economic interests cannot fully account for why Germany has adhered to a policy so much criticised in the United States," confirmed Peter Rudolf, a member of the *Stiftung Wissenschaft und Politik*, as early as 1997.<sup>27</sup>

Two other explanations come to mind. The first is the mistaken belief that it is in Germany's interest to ally itself with a nuclear Iran. University of Bonn political science professor Kinan Jaeger spelled out the rationale

behind this approach in *Der Mittler-Brief*, a quarterly newsletter widely read in the German foreign policy community: "Anyone who is capable of bringing Iran to its side is not only 'set up for life' as far as energy logistics are concerned, but could also face the U.S. in a different way." Iran would through the "attainment of an atom bomb... become a hegemonic power in the Gulf and would be capable of confronting the U.S. in the Gulf region more or less 'as an equal.'"<sup>28</sup>

The second interpretation assumes a stubborn adherence to what is apparently tried and tested. Under this view, Germany continues to do what it has gotten used to doing without deviating from the parameters previously established during the Iran dispute between Chancellor Kohl and President Clinton. Among these parameters is the readiness to view Iranian nuclear policy through rose-colored glasses, and to impute good will to the mullahs. Thus, Iranian infringements of the NPT are treated as minor offenses, clear evidence of a weapons program trivialized and the conclusions of IAEA inspectors downplayed.

Today, however, the June 2009 uprising in Tehran and many other Iranian cities has thrown not only the Islamic Republic, but also the friendship between Germany and Iran, into crisis. While the face of the Iranian president has remained the same, the country at large has not. Iran is divided into two hostile camps, and every foreign government and company has to decide which one it intends to support. At the same time, the danger of nuclear adventurism on the part of the Iranian regime has risen. What has been apparent since at least 2005 is now clearer than ever: the prevention of the Iranian nuclear option is a categorical imperative of our time.

Yet, even as the necessity of stopping the nuclear program has dramatically increased, the potential of success through dialogue is blocked. This leaves just two ways to stop the Iranian bomb. A military strike, and with it the risk of a long war, or the use of tools designed to pressure and isolate the Iranian regime. What Germany does, or refrains from doing, carries particular weight. The many ties between Tehran and Berlin can either serve as a safety net for the Iranian regime, or as a means for exerting pressure on Tehran to change course.



1. Interview with Michael Tockuss, *Focus Online*, February 12, 2006.
2. Archiv der Gegenwart 1995, p.39937.
3. Leo Wieland, "Clinton verfügt Handelsembargo gegen Iran [Clinton Orders Commercial Embargo against Iran]," *Frankfurter Allgemeine Zeitung*, May 2, 1995.
4. Seyyed Hossein Mousavian, *Iran-Europe Relations*, Milton Park (Routledge) 2008, p. 133.
5. Carola Kamps, "Kinkel warnt vor Wirtschaftskrieg [Kinkel Warns of Economic War]," *Frankfurter Allgemeine Zeitung*, May 10, 1996.
6. Claus Gennrich, "Amerika hat keinen besseren Freund in der Welt als Deutschland [America Does Not Have a Better Friend in the World Than Germany]," *Frankfurter Allgemeine Zeitung*, May 25, 1996.
7. Warren Christopher, *In the Stream of History*, Stanford, 1998, p. 442.
8. Farhang Rajaei, *Islamic Values and World View. Khomeini on Man, the State and International Politics*, Lanham 1983, p. 83.
9. Y. Mansharof and A. Savyon, "Escalation in the Positions of Iranian President Mahmoud Ahmadinejad – A Special Report," MEMRI, Inquiry & Analysis – Iran, Nr. 389, 17 September 2007, pp. 1ff.
10. German Federal Government, *Annual report on Hermes export guarantees*, 2004, 60.
11. German press office: Speech of the German Foreign Minister, Joschka Fischer, at the opening of the Ambassador's conference on September 6, 2004, in Berlin.
12. Helene Cooper and Steven R. Weisman, "West Tries a New Tack to Block Iran's Nuclear Agenda," *New York Times* (NYT), January 2, 2007.
13. "USA drängen deutsche Firmen aus Iran [The U.S. Urges German Companies out of Iran]," *Handelsblatt*, January 11, 2007.
14. Rainer Hermann und Matthias Rüb, "Beratungen über Iran-Sanktionen in London [Consultation over Iran Sanctioned in London]," *Frankfurter Allgemeine Zeitung*, February 27, 2007.
15. Klaus Frankenberger, "Düstere Aussicht [Dark Prospect]," *Frankfurter Allgemeine Zeitung*, August 29, 2007.
16. "Paris treibt die Europäer im Atomstreit zur Eile an [Paris Propels the Europeans in the Nuclear Dispute to Hurry]," *Frankfurter Allgemeine Zeitung*, September 14, 2007.
17. Ibid.
18. Matthias Rüb, "Im irakischen Treibsand [In the Iraqi Quicksand]," *Frankfurter Allgemeine Zeitung*, November 1, 2007.
19. Horst Bacia, "Reichlich offene Fragen [Plentifully Open Questions]," *Frankfurter Allgemeine Zeitung*, September 22, 2007.
20. Helene Cooper, "Split in Group Delays Vote on Sanctions against Iran," *New York Times*, September 29, 2007.
21. Johannes Reissner, in: Guido Steinberg (ed.), *Deutsche Nah, Mittelost- und Nordafrikapolitik* [German Middle East- and North Africa Policy]. Berlin, May 2009, p. 51ff.
22. Jasper von Altenbockum, "Mehrspurig," *FAZ*, February 23, 2009, and "Iran-German Ties Entering New Chapter, Especially in Gas Sector," in: *Tehran Times*, February 22, 2009.
23. "Iranian-German Businessmen to Discuss Joint Ventures," [www.farsnews.com](http://www.farsnews.com), April 27, 2009.
24. "Nozari: 'Wer unser Gas will, muss in Iran investieren,'" in: *Handelsblatt*, May 8, 2009.
25. Rainer Hermann, "Deutsch-emiratische Dynamik," *FAZ*, June 10, 2009.
26. 'Neue Unübersichtlichkeit,' *Der Spiegel*, November 19, 2009.
27. Peter Rudolf, "Managing Strategic Divergence: German-American Conflict over Policy towards Iran" in *The Iranian Dilemma: Challenges for German and American Foreign Policy* (Washington, DC: American Institute for Contemporary German Studies, April 21, 1997), 3.
28. Kinan Jaeger and Silke Wiesneth, "Energiesicherheit für Europa. Geopolitische Implikationen," *Der Mittler-Brief* 3 (2007), 7.

# CHALLENGING TEHRAN ON HUMAN RIGHTS

---

J. Scott Carpenter

---

**A**s the new year dawns, the Khamenei regime in Tehran has unleashed a harsh crackdown on its own people—men, women, students, workers, journalists, lawyers, clerics, and others who dare to take to the streets to defend their dream of an end to theocratic authoritarianism. Although much remains murky about how the complex dynamics within that country will play out, one thing seems certain: the Islamic Republic as we have come to know it is at its end.

The rise of the Green Movement following the fraudulent June 12th presidential election, and all that has transpired since, has demonstrated clearly to the Iranian people that the foundational elements of the Islamic Revolution—the system of *velayat-i-faqih* (rule of the jurisprudent) and its main implementer, the Supreme Leader—have lost their residual power to persuade. The barrier of fear, the only tool left to the regime, has also been shattered, with its formidable security apparatus increasingly unable to arrest and torture a sufficient number of people to stem the tide of dissent.

The scope and breadth of the opposition has contributed to growing rifts within the regime, impairing most decision-making and allowing a small conservative minority, supported by Supreme Leader Ali Khamenei, President

J. SCOTT CARPENTER, former Deputy Assistant Secretary of State, is the Keston Family Fellow at the Washington Institute and director of its Project Fikra, which focuses on empowering Arab democrats in their struggles against extremism. Mr. Carpenter previously served as director of the Middle East Partnership Initiative at the Bureau of Near Eastern Affairs, and, in Baghdad, Iraq, as the director of the Governance Group for the Coalition Provisional Authority. Prior to serving in Iraq, Mr. Carpenter spent seven years at the International Republican Institute (IRI).



Mahmoud Ahmadinejad and senior leaders within the Islamic Revolutionary Guard Corps (IRGC), to call the shots. The result has been a narrowing of the regime's base and an increase in its brittleness. Hundreds are being arrested across a large swath of society, even as hundreds more in the security and intelligence ranks are purged, providing potential new recruits for an already spreading political wildfire. The situation remains untenable and will likely create conditions for further unrest and violence throughout 2010.

---

The rise of the Green Movement following the fraudulent June 12th presidential election, and all that has transpired since, has demonstrated clearly that the foundational elements of the Islamic Revolution—the system of *velayat-i-faqih* (rule of the jurisprudent) and its main implementer, the Supreme Leader—have lost their residual power to persuade.

The struggle now under way inside Iran, then, is one over the corpse of the theocracy as it has evolved to this point. Will the “Green Revolution,” as some are already beginning to call it, inevitably oust the regime's hard-liners in a democratic evolution? Will the IRGC, already in ascendance, perpetrate an outright military coup? Will the regime find a way to survive by dumping the Supreme Leader and/or the President in order to salvage what it can of the “revolution”? And what will any of this mean to concerns about Iran “going nuclear”? These questions

are not academic, and have profound implications for the United States and its allies.

In order for the United States to construct a new set of policies to advance in this chaotic set of circumstances, the Obama Administration must first have a bedrock understanding of the facts. The Islamic Republic of Iran that it wanted to “engage” with is no longer there, if it ever was. In its stead is an increasingly isolated conservative cabal intent only upon holding on to power and economic privilege. Led by Khamenei and fortified by the IRGC, it seems prepared to do so at any cost and hopes to use its sole remaining card—the nuclear issue—to provoke an international crisis with the West that it can exploit to rally the people to its corner.

Unfortunately, the Obama Administration continues to cling to its *fin de decade* imaginings that a “deal” with the Islamic Republic is still possible. As a result, it remains paralyzed, seeing Iran's internal upheaval as a hiccup to its policy of accommodation with Tehran. This dynamic is creating a dangerous perception of U.S. weakness in Iran. Worse still, it is causing the White House to miss an enormous opportunity to come down on the side of the Iranian people and help them fundamentally reshape, if not overthrow, the regime.

## The end of “engagement”

The Islamic Republic has at the core of its mobilizing myth an irreconcilable animosity to the Great Satan, or “the Great Arrogance,” as Supreme Leader Khamenei calls the United States. This aspect of Iranian policy has been immutable since the earliest days of the Revolution,

and has served as a core element of Khamenei's rhetoric both before and since he became Supreme Leader.<sup>1</sup>

Recognizing this, the Obama Administration sought to entice the regime by offering it diplomatic carrots, and to demonstrate its peaceful intentions by paying respect to its legitimacy. For example, it sought (through still unpublished letters) to convince the Supreme Leader that the United States was committed to a diplomatic solution with Iran, and not interested in regime change. It took a policy decision to address its public rhetoric only to the leadership of the Islamic Republic, and not to the "Iranian people," as President Bush once did. To reassure the regime, the administration rhetorically downplayed its references to human rights and renamed and undercut the previous administration's Iran Democracy Fund.<sup>2</sup> It promised Tehran to join direct talks and sent a senior State Department official, Undersecretary of State Bill Burns, to lead talks with the Islamic Republic's negotiating team in Brussels this past October. The administration clearly believed the combination of these steps, coupled with a diplomatic effort to secure Russian and Chinese support for sanctions later, could be combined to convince Tehran to cut a deal on the nuclear issue.

For a brief moment in October 2009, it seemed like that strategy might work. At the talks in Geneva, Iranian negotiators seemed to tentatively accept a deal that would require Iran to ship the vast majority of its low-enriched uranium (LEU) to Russia and then to France, where it would be returned in the form of highly enriched uranium fuel rods for Iran's nuclear reactors. The deal would have allowed Iran to continue to enrich, as long as it continued to ship the newly-

produced LEU off to Russia. At the end of that month, however, official word came that Tehran would accept the deal only if the West agreed to some "very important changes." These "changes"—exchanging a minuscule amount of its LEU on its own territory in exchange for a ten-year supply of fuel immediately—ended up gutting the original deal.

---

In order for the United States to construct a new set of policies to advance in this chaotic set of circumstances, the Obama Administration must first have a bedrock understanding of the facts. The Islamic Republic of Iran that it wanted to "engage" with is no longer there, if it ever was.

Since then, the rhetoric and actions of Khamenei and the conservatives have been unremittingly hostile toward the West and the United States, in particular. President Ahmadinejad has pledged to build ten more reactors.<sup>3</sup> Foreign Minister Mottaki has issued his own "ultimatum" that the West accept Iran's "counterproposal" by the end of January, even though the terms of the counterproposal are unclear.<sup>4</sup> In the meantime, show trials of foreigners have continued, more arrests have been made and harsh rhetoric related to American desires to overthrow the regime has become more strident. On January 5th, the Ministry of Interior published a list of U.S. and British organizations it accused of waging "soft war" to overthrow the regime.<sup>5</sup> It is now illegal for any Iranian to have contact with these banned organizations.

The Obama Administration's effort to engage the Islamic Repub-



lic, therefore, may have helped convince the rest of the world that the United States was committed to a peaceful negotiation with Iran, but it clearly did nothing to budge Tehran. If anything, the post-June 12th developments inside Iran have made the regime even more recalcitrant.

---

It is time for the Obama Administration to go on a nuanced, if comprehensive, offensive to challenge the regime on human rights grounds. It should do so confident that it is following, not leading, the Iranian people, who are risking their lives to create a new future in Iran.

The Obama Administration's fundamental miscalculation has been to underestimate the paranoia of the regime regarding a U.S.-sponsored "velvet revolution." Khamenei himself speaks often of his fears of a "cultural invasion," and his recent public statements are replete with references to the "soft war" the United States is waging against the Islamic Republic. Having recently witnessed the Orange Revolution in Ukraine, the Rose Revolution in Georgia and the Cedar Revolution in Lebanon, all of which the United States seemed, however misguidedly, to take credit for, Iran's leadership vowed not to allow the same to happen in Iran. As the head of the political office for the Revolutionary Guards, Yadollah Javani, recently put it, "The presence of supporters of Mirhossein Mousavi on the streets is part of the velvet revolution... Any kind of velvet revolution will not be successful in Iran."<sup>6</sup>

Given the regime's clear ideological need to label its domestic ene-

mies as agents of the West, it is now certain that a rapprochement over the nuclear file or any other issue will remain beyond the reach of the United States and its partners. The internal crisis has eroded the Islamic Republic's traditional consensus-oriented politics, and ensured that decision-making on core strategic questions remains paralyzed. Internally, policy decisions now rest with a small group of hard-liners who are increasingly isolated. Not surprisingly, they are also those who would have the most to lose should the regime buckle.

### **Future in flux**

The lack of any prospect for a deal has not stopped the Obama Administration from keeping "the door ajar" for further discussions, even as it has tentatively begun to move forward with sanctions targeting IRGC individuals and assets.<sup>7</sup> These so-called "targeted sanctions" form an important element of a broader strategy, but will have to be combined with other disincentives if they are to have real impact. Although there is no one in Iran today akin to Bishop Desmond Tutu, who in the 1980s requested the world to impose broad-based sanctions on the South African government, many Green Movement activists state privately that rapid, sharp sanctions such as a gasoline embargo would be helpful in increasing pressure on the regime at a key vulnerable moment, like now.<sup>8</sup> So far, however, the administration does not appear inclined to pursue "crippling sanctions," as Secretary Clinton once referred to them, believing the requisite support from Russia and China could never be obtained.

In the meantime, as the domestic crisis in Iran deepens, many observers are convinced that what we are seeing in Iran at the moment is the

transition to a military government nominally headed by the Supreme Leader.<sup>9</sup> According to one well-known commentator, “A military junta is an inevitability.”<sup>10</sup> The trouble with such analysis, of course, is that labeling one *possible* outcome *inevitable* causes policymakers to delay actions that could influence circumstances in an alternative direction, thereby creating a self-fulfilling prophecy. This may be the situation in Iran today. For the moment, the regime is clearly shrinking and becoming more brittle. With a courageous opposition still in the streets, U.S. and European action could yet prove decisive.

It is time for the Obama Administration to go on a nuanced, if comprehensive, offensive to challenge the regime on human rights grounds. It should do so confident that it is following, not leading, the Iranian people, who are risking their lives to create a new future in Iran. Should they succeed, a fundamental reorientation of the regime may be possible, with positive implications for the core American interest of avoiding a nuclear Iran. Here is what the Obama Administration should do now:

#### ***A public diplomacy offensive***

Recently, the Obama Administration has sought to leaven its outreach policy with references to human rights. Yet it has done so only half-heartedly, and only after reassuring Tehran that it remains open to continued negotiations. This bifurcation of policy may once have produced results, but not in the post-June 12 context. At present, the regime is too nervous about its survival to catch the nuance or to care. It welcomes the continued open door, but rejects any interference in its domestic affairs even while

it excoriates the United States for plotting its overthrow. Worse, the “we’re-with-you-but-open-to-negotiations-with-your-government” message is too easily misunderstood by the Iranian people, who are becoming increasingly resentful of American equivocation. A recent Iranian opposition cartoon shows, for instance, President Obama covering his eyes and shaking hands with Ahmadinejad who, in turn, tramples bloodied individuals.<sup>11</sup> One Green Movement activist put it even more starkly, warning that “if the U.S. thought relations between the U.S. and Iran were strained after the Mossadegh coup (in 1953), just wait till they betray the Green Movement.”<sup>12</sup> Clearly, it is time to get the rhetoric right.

To begin with, future policy actions must be set squarely within the context of the administration’s human rights concerns. If the United States resorts unilaterally to targeted or more broad-based sanctions, it should link such action to the IRGC/Basij violations of human rights since June 12th, for instance. Sanctions taken at the UN would, of course, remain oriented toward stopping Iran’s nuclear program, but the way in which the U.S. explains them would change. This message should be conveyed first and foremost by the President, but also by key members of his administration, who should all be made routinely available to the BBC Persian Service and Radio Farda to explain U.S. policy.

Additionally, the United States should seek to expropriate the rhetoric of the Islamic Republic, which has successfully portrayed itself as a victim of the United States for the past 31 years. After June 12th, the power of the government’s “Great Satan” rhetoric rings hollow to most

Iranians. Playing on Iranian psychology, the Obama Administration should now attempt to invert this relationship by portraying itself as the victim of regime dissimulation. The message is a simple one: “The deal that was proposed in Geneva would have given Iran everything it wanted including the right to continue enrichment. Clearly the United States was prepared to compromise its principles to achieve an agreement but we can only go so far. We cannot sacrifice our human rights principles to achieve a deal while the regime kills and tortures its own citizens.”

---

A change in regime provides the best safeguard against a nuclear Iran and may even usher in a period of U.S.-Iranian partnership that could radically impact U.S. efforts to stabilize both Iraq and Afghanistan.

At the same time, the administration should more publicly associate itself with the “martyrs”—a word heavy with connotation for Shi’a—who have paid the ultimate price for challenging the regime. In particular, some prominent official within the White House should publicly convey America’s outrage over the regime’s mockery of the murder of Neda Agha Soltan, the 27-year-old whose death fueled the protests in June. At first, the regime claimed the video capturing her death was faked. Today, it claims Neda was shot by a British journalist.

The administration should also make it known publicly that it is currently planning for the eventuality of a democratic government coming to power in Tehran by preparing the necessary legal groundwork to lift sanc-

tions and remove Iran from the list of state sponsors of terrorism. It should articulate the benefits that would flow from such steps, while also making clear that the process will take time. This would have the twin benefits of making clear that the current regime is *not* democratic while helping to set expectations in the event the regime actually did collapse.

The administration likewise should publicly re-launch a revitalized Iran Democracy Fund or bolster the National Endowment for Democracy’s ability to support democrats inside Iran and elsewhere. In a recent e-mail to the author, a former grant recipient based in Europe begged for more assistance as it looked to accommodate fleeing journalists from Iran to enlist them in the struggle. The State Department, he reported, was cutting their funding. Such actions send powerfully negative messages to those our rhetoric of solidarity is meant to reassure.

Critical in the medium term is to do something dramatic to improve what should be America’s preeminent vehicle for communicating with the Iranian people: the Voice of America’s Persian News Network (PNN). Poorly managed by people who do not know Iran or its politics, PNN’s journalistic professionalism currently meets only minimal standards. Most of VOA’s 200 employees lack any television experience beyond what they have gained at VOA, for example. Its lack of a proper editorial board makes for poor priority-setting, robbing PNN of impact. To cite just one example, on the day after the death of Ayatollah Montazeri, when the BBC Persian Service was blanketing Iranian airwaves with coverage similar to that given in the United States to pop star Michael Jackson’s passing

last summer, PNN was airing documentaries on global warming. Indicative of its lack of impact is the fact that Khamenei rails against the BBC Persian Service, but rarely mentions VOA. The Obama Administration should work urgently with the Broadcasting Board of Governors to appoint a director who knows broadcasting, speaks Farsi, knows both American and Iranian politics, and who can re-tool the organization to meet its Congressional mandate. This is not as hard as it sounds.

### ***Seeing sanctions straight***

The administration should move forward expeditiously on targeted sanctions but not in the typical incremental manner. Doing so only allows for regime elements to develop strategies to avoid the impact of the proposed measures, and robs the individual announcements of their strategic communications impact. Reportedly, the administration has used the past year of “engagement” to devote considerable time and effort to identify the economic underpinnings of the IRGC.<sup>13</sup> If this is true, the time to act is now. It should execute all prospective “targeted sanctions” at the same time as a single tidal wave to boost their intended effectiveness and strengthen their political impact inside Iran.

Targeted sanctions should be combined with the threat of a gasoline embargo—or even the embargo itself. The regime pretends not to care about gasoline sanctions, but adding this measure to the U.S. arsenal would increase pressure on regime hard-liners, giving them something more to worry about and the opposition something additional to blame them for. It is true that since 2007 the regime has recognized its strategic vulnerability and has taken steps to

reduce it. Nonetheless, the current political unrest and cold winter creates a propitious moment for the President to throw his weight behind such measures and legislation that would give him the power to initiate such a ban. But here too, any sanctions or threat of sanctions imposed should be initiated because of the regime’s human rights violations.

### ***Stiffening Europe’s resolve***

As human rights abuses in Iran have mounted and Stalinesque show trials have continued, European populations have become increasingly outraged, putting pressure on their leaders to do something. This has created a shift in official opinion, rhetoric and, occasionally, policy. The Netherlands, for instance, recently joined the United States in listing the IRGC as a terrorist organization, and the European Commission is reportedly in the process of identifying possible sanctions against Iran.<sup>14</sup>

The Obama Administration should create momentum for this shift in attitude by indicating its strong, public support for such initiatives. It should also encourage each European capital to echo its statements on human rights. Although Brussels may yet prove to be a weak reed, London, Paris and Berlin have never been as close to taking real action against Iran as they are now. Moreover, President Obama remains personally popular in Europe, and could use this popularity to good effect by making a public plea on human rights grounds. Without American leadership, however, Europe is not likely to find the will to act. Given that Europe, rather than the U.S., holds the economic leverage vis-à-vis Iran, failing to do so would represent another enormous missed opportunity.

## Shifting gears

In the very near term, given the determination of hard-liners to use force against the people, a democratic breakthrough in Iran remains unlikely. Yet the violence the regime is currently employing is radicalizing those in the streets, and making the Green Movement's putative leadership less inclined to compromise. Proof of this hardening of positions was evident in the recent manifesto issued by exiled intellectuals known to be close to the internal Green Movement leadership, which demands the immediate resignation of President Ahmadinejad as a precondition for talks.<sup>15</sup>

The regime, in other words, is vulnerable. As President Obama's dream of negotiating a nuclear deal has faded, the prospects for confronting the regime by expressing solidarity with the aspirations of the Iranian people have increased. Doing so will reinforce the regime's paranoia and may yet tip the balance in favor of those committed to reshaping or even overthrowing it. A change in regime provides the best safeguard against a nuclear Iran and may even usher in a period of U.S.-Iranian partnership that could radically impact U.S. efforts to stabilize both Iraq and Afghanistan. The Obama Administration should realize its efforts at engaging the regime have failed; it is now time to challenge it.



1. For a detailed discussion of Khamenei's consistent views on anti-Americanism, see Karim Sadjadpour, *Reading Khamenei: The World View of Iran's Most Powerful Leader* (Washington, DC: Carnegie Endowment for International Peace, March 2008).
2. J. Scott Carpenter, "After the Crackdown: The Iran Democracy Fund," *Washington Institute for Near East Policy Policy*

*Watch* no. 1576, September 8, 2009, <http://www.thewashingtoninstitute.org/print.php?template=C05&CID=3114>.

3. Thomas Erdbrink, "Iran Vows to Expand Its Nuclear Program," *Washington Post*, November 30, 2009, <http://www.washingtonpost.com/wp-dyn/content/article/2009/11/29/AR2009112900992.html>.
4. Michael Slackman, "Iran Gives West One-Month 'Ultimatum' to Accept Nuclear Counterproposal," *New York Times*, January 2, 2010, <http://www.nytimes.com/2010/01/03/world/middleeast/03tehran.html>.
5. Golnaz Esfandiari, "Iran Ban Targets Some 60 'Seditious' Western Groups," *Radio Free Europe/Radio Liberty*, January 5, 2010, <http://www.rferl.org/content/article/1921443.html>.
6. Richard Boegner, "I'll Fight, I'll Die but I'll Get My Vote Back," *American Chronicle*, June 18, 2009, <http://www.americanchronicle.com/articles/view/106467>.
7. "Clinton Says US Still Open to Talks with Tehran," *Associated Press*, January 4, 2009.
8. Author's private discussions with Green Movement representatives in Europe, October 1, 2009.
9. See, for example, Ali Ansari's "The Revolution Will Be Mercantiled," *The National Interest*, December 12, 2009, <http://www.nationalinterest.org/PrinterFriendly.aspx?id=22602>.
10. Statement by noted IRGC expert Ali Alfoneh at the Washington Institute Forum on "The Iranian Elections: Politics of the Supreme Leader vs. Power of the President," Washington, DC, January 8, 2010.
11. Nikahang Kowsar Political Cartoon entitled "Bloody Agreement," October 3, 2009, [http://4.bp.blogspot.com/\\_3f1zZBJa-GA/SsgpDp5HYQI/AAAAAAAAACds/B\\_Jg2shiFfw/s1600-h/obamba.jpg](http://4.bp.blogspot.com/_3f1zZBJa-GA/SsgpDp5HYQI/AAAAAAAAACds/B_Jg2shiFfw/s1600-h/obamba.jpg).
12. Comments at an off-the-record roundtable discussion with representatives of the Green Movement convened by the Washington Institute, Brussels, Belgium, October 1-2, 2009.
13. Michael Hirsch and Michael Isikoff, "Obama's Enforcer," *Newsweek*, December 12, 2009.
14. Ilan Berman, "Toughen Up on Iran," *Forbes*.com, December 11, 2009, <http://www.forbes.com/2009/12/11/iran-america-politics-washington-opinions-contributors-ilan-berman.html>.
15. Robin Wright, "Abdolkarim Soroush on the Goals of Iran's Green Movement," *Huffington Post*, January 7, 2010, [http://www.huffingtonpost.com/robin-wright/abdolkarim-soroush-on-the\\_b\\_414882.html](http://www.huffingtonpost.com/robin-wright/abdolkarim-soroush-on-the_b_414882.html).



# DECISION TIME IN JERUSALEM

---

Chuck Freilich

---

In Israel, it has become commonplace—indeed, almost axiomatic—to speak of the Iranian nuclear program as an existential threat. Senior decision-makers and defense officials have repeated this warning so often that the words “existential” and “Iran” have become almost synonymous in Israeli discourse. Foreign media, meanwhile, repeatedly speculate on the prospects of an Israeli attack on Iran, and some have speculated that 2010 may be the “year of decision.”

## **The view from Israel**

Does Iran truly present an existential threat to Israel? Of late, a number of officials have begun questioning this heretofore unassailable claim. Former Foreign Minister Tzipi Livni was the first senior leader to make a statement along these lines. Current Defense Minister Ehud Barak, contradicting previous statements, recently declared that Iran does not in fact present an existential threat to the Jewish state. And such senior defense officials as former Mossad Director Efraim Halevy and IDF General Ben-Israel have both made clear that they consider the Iranian threat to be severe, but not existential.<sup>1</sup>

There is a world of a difference in this characterization. Existential threats must be eliminated at all costs. Severe ones can be dealt with through a variety of lesser means. To make the determination, it is necessary to understand how a nuclear Iran would endanger Israeli security.



CHARLES “CHUCK” FREILICH, a former Deputy National Security Advisor in Israel, is now a Senior Fellow at Harvard’s Kennedy School and teaches political science at Harvard and NYU. He has just completed a book on national security decision-making processes in Israel.

### **Scenario 1: Nuclear Attack**

The ultimate nightmare scenario envisages Iran actually using a nuclear bomb against Israel. Israel, however, is presumed by the international community to be a nuclear power in its own right, with estimates of the size of its arsenal ranging from approximately 100 to 400 warheads and the delivery means at its disposal said to include aircraft and missiles, both ground- and sea-launched.<sup>2</sup> An Iranian nuclear attack would thus presumably risk unleashing a massive and devastating Israeli response, far greater than that which Iran, which has yet to complete development of even its first bomb, will be able to inflict for many years to come. In essence, then, this scenario attributes to Iran either fundamental irrationality, or a willingness to absorb a cost that most others would find wholly irrational.

There is no doubt that the current Iranian regime bears a very deep-seated ideological commitment to Israel's destruction, has devoted considerable thought and resources to this end and is willing to incur severe costs in its pursuit. If Israel could be wiped out at the cost of thousands, tens of thousands or even hundreds of thousands of Iranians, the regime might be willing to go that far. At some point in the regime's strategic calculus, however, the costs presumably outweigh the benefits.

Previous experience indicates that although it is certainly extremist, Iran's regime is not irrational or willing to pay any cost in pursuit of its goals. Its behavior over the issue of its nuclear program, and numerous others, indicates a clear ability to weigh the costs and benefits of its decisions. And, in the majority of cases, the Iranian regime has manifested a preference to minimize

costs and seek less disruptive ways of achieving its objectives. All of which are signs of a "rational actor." Moreover, the decision-making process in Iran is a complex one, with numerous players and a variety of internal "checks and balances." Unlike Saddam's Iraq, which truly was a case of one-man rule, various power centers have to sign on to any major decision in Iran, reducing the latitude for such irrationality.

The Iranian regime is an extremist theological one, however, and when God enters the picture one can never be confident of the other side's ultimate rationality. For Ahmadinejad and his ilk, Israel's destruction may outweigh all other considerations. Unlikely as this may be, a margin for error in this regard does not exist; Israel must treat the Iranian nuclear program as a potential existential threat, even if it probably is not.

### **Scenario 2: Power Projection**

A far more likely result of Iran's acquisition of nuclear weapons would not be their actual use, but the ability it would provide to Iran to project power in various lesser, though nonetheless extremely important, future scenarios. This potential goes a long way toward explaining the deep fear of Iran's nuclear program exhibited by Sunni regimes in the region—they fear the influence that a nuclear capability would provide to Iran. For Israel, the danger is threefold.

Under a nuclear umbrella, Iran would be far freer to encourage, instigate and even further escalate likely future conflicts between Israel and Hezbollah in Lebanon, or Hamas in Gaza. Since the 2006 war, Iran has dramatically expanded Hezbollah's arsenal, even as it has helped Hamas to amass its own growing stockpile of long-range rockets. At the same time,

Iran and Syria have steadily built up their defense relations in recent years, including a bilateral defense pact and expanded strategic cooperation. Iranian encouragement of a renewed Syrian war effort against Israel is not beyond imagining, especially if the now-weakened regime in Tehran seeks a new means of rallying public support.

Putting aside the question of encouragement and even instigation, a nuclear Iran might embolden Syria and other Arab countries to initiate future military operations against Israel on their own, in the knowledge that they enjoyed a “nuclear umbrella.” It is useful to remember that in 1973 Egypt and Syria launched a war against Israel knowing they could not prevail militarily, but seeking to achieve some minimal military success in order to engender a diplomatic process on terms more favorable to them. Clearly, under an Iranian nuclear umbrella, Syria and others might be further inclined to adopt a similar approach.

Of even greater practical danger is the possibility that Hezbollah and Hamas will feel more free to escalate their activities against Israel. It is not at all hard to imagine that Hezbollah could become emboldened enough to use its massive rocket arsenal to bombard all of Israel’s major cities and sites of strategic importance, and to do so on a scale which would make the 4,000 rockets it rained on northern Israel during the 2006 war seem paltry by comparison. Syria might also decide to join the fray, or be drawn into it, with all the attendant dangers of further escalation. In a future post-Mubarak era, Egypt’s role in such a conflict is also unclear. The dangers of a regional conflagration are thus great, precisely what Iran’s millenarian lead-

ers may wish, particularly once they are confident of their own security under a nuclear deterrent.

A nuclear capability might embolden Iran to try to dictate terms in a variety of future scenarios, from military conflict to regional peace talks. Iran might threaten, whether explicitly or only implicitly, that Israel must agree to certain terms or risk an escalation. In a future military conflict, it might demand that Israel cease its advance, or withdraw, at the risk of conflict.

If it is indeed rational, Iran is likely to exercise caution in making explicit nuclear threats against Israel, which would risk precisely the kind of devastating escalation it would presumably wish to avoid. Iran, however, might reason that Israel too would be greatly constrained by the same fear and the very existence of an Iranian nuclear capability would have a fundamental effect on Israel’s decision-making in times of crisis. Quite simply, when nukes are brought into the picture, even indirectly, matters do become existential and state behaviors change. Israel would have to take the worst-case scenario into account, unlikely as it may be; its freedom of maneuver in a future negotiating process or military conflict would be constrained and the final outcome might be affected significantly.

### ***Scenario 3: A Multi-Nuclear Mideast***

In the last few years, over thirteen Arab countries have begun exploring “civil” nuclear programs of their own.<sup>3</sup> The timing is not coincidental. Whereas some forty years of international reporting regarding Israel’s supposed nuclear capabilities were insufficient to induce these states to begin developing nuclear capabilities of their own,

their far greater fear of Iran has now led them to do so. Past experience has demonstrated, however, that Arab “civil” nuclear programs have a “nasty tendency” to turn into military ones. And while it will be many years, probably on the order of one or two decades, before any of these countries could actually develop a nuclear bomb, long-term planning must take this into account. The process, moreover, could be shortened dramatically if these countries were able to acquire the necessary technology and materials, or even a complete bomb, from abroad.

A multi-nuclear Mideast is truly a nightmare scenario. Most of the Arab countries do not have channels of communication with Israel, and many have only minimal contacts with each other—heightening the potential for catastrophic miscalculation. Moreover, the stability of the radical and theological regimes of the Middle East may be in doubt, their decision-making processes are far less well-established and their basic rationality may be in question. It is hard to imagine a crisis scenario more frightening, and more difficult to manage, than a multi-nuclear Mideast.

#### **Scenario 4: Nuclear Terrorism**

A further danger of a nuclear Iran is the possibility that it would supply technologies, fissile materials and conceivably even a complete bomb to terrorist organizations such as al Qaeda or Hezbollah. While one can debate the actual prospects of this happening, to dismiss them entirely would be wholly irresponsible. Al Qaeda, at least, may indeed be the ultimate undeterrable actor.<sup>4</sup>

#### **Scenario 5: Instability in Iran**

A final scenario, of growing concern in recent months, is one deal-

ing with the potential consequences of regime instability. The rise of a moderate regime in Iran is of course highly desirable, and might greatly ease Israeli fears. Until the emergence of growing instability in Pakistan in recent years, for example, Israel did not appear particularly concerned by the so-called “Islamic bomb,” which at the time was clearly directed at India. Similarly, a moderate Iran, even if it retained some level of nuclear capability, would not be viewed with the same alarm in Israel.

There is no guarantee, however, that a future regime in Iran will be more moderate. Moreover, during a period of instability, the danger grows that nuclear materials, technologies or even a completed bomb could fall into unauthorized hands. So does the danger of proliferation to other states and terrorist organizations. In contrast to the conventional wisdom of the past, which held that nuclear states refrain from proliferating nuclear capabilities to others, recent experience indicates quite the opposite—as the cases of North Korean and Pakistani proliferation to countries such as Iran, Syria and Libya bear out.

#### **Assessing the alternatives**

Israel’s repeated statements to the effect that it prefers a negotiated resolution to the Iranian nuclear crisis are not just diplomatic niceties. They reflect a sincere preference; Israel would clearly prefer to see the international community try to reach a diplomatic solution to the current impasse. Israel thus has supported President Obama’s attempt to engage Iran. It has done so both out of hope that the effort would work, and based on the understanding that the United States, let alone the rest of the inter-

national community, would be unable to adopt more serious measures until Iran's basic unwillingness to reach a reasonable settlement had been clearly demonstrated.

Due to Iran's rejection of all compromise offers to date, however, a confrontation with the international community now appears unavoidable. Nonetheless, past experience indicates that this is not the end of the diplomatic route, that Iran will make various last-minute concessions at each crisis point and drag out the process for as long as possible, in order to complete the nuclear program without reaching an ultimate showdown. The Obama Administration, preoccupied with other issues and hopeful that internal developments in Iran may preclude the need for a showdown, is also anxious to avoid one. As a result, it may grasp at whatever straws Iran holds out. The question is how long Israel can allow itself to along with this approach.

Israel's preferences notwithstanding, it increasingly appears that the heightened sanctions expected soon will not be the "crippling" ones the Obama Administration spoke of in the past. Iran, rhetoric and bluster notwithstanding, is highly susceptible to international sanctions. Current attempts to limit Iran's access to the international banking system have already taken a toll and, if further strengthened, could have a significant impact on its economy. Iran imports some 40 percent of its refined petroleum from abroad, and a suspension of these deliveries would have a devastating impact on its economy. An international ban on imports of Iranian crude, a source of some 65 percent of its state budget, would truly bring its economy to its knees. A variety of additional sanctions are also possible.

The international community, however, has yet to demonstrate willingness to impose the truly biting sanctions which might be sufficient to affect Iran's strategic calculus. Russia and China remain the major obstacles to international consensus. In any event, it is questionable whether any sanctions whatsoever, certainly those short of the extreme ones above, would be sufficient to force Iran to back down. For good strategic reasons of its own, Iran has long been deeply committed to the achievement of a nuclear capability. Moreover, the regime has turned the nuclear issue into one of national pride and of its own public standing. As a result, it would be hard pressed to compromise even if so inclined. Israel, in any event, is not a player of importance with regard to sanctions, except as a source of pressure on the international community.

Short of direct military attack, the only other means of preventing Iran from achieving a nuclear bomb may be a naval blockade, either international or (more likely) American. Given Iran's dependence on oil, there is no doubt that a blockade would have a devastating impact on its economy, even if foodstuffs, medicines and other "humanitarian" products were exempted. China, Russia and others will undoubtedly object and accuse the United States of bullying tactics, but this may be the only major military option around which significant U.S. and international support can be rallied once sanctions have failed. It certainly has some advantages over direct attack.

Some Iranian response is to be expected. It is unlikely, however, that Iran would risk the international opprobrium and direct confrontation with the United States that a major response would elicit. Heightened



terrorism, some obstructionism in Iraq and Afghanistan, pinprick attacks against U.S. forces, most likely in the Gulf, are all possible outcomes. But Iran is unlikely to go beyond this, and its ability to do so in practice is far more limited than the highly hyped picture presented in the media. For Israel, a naval blockade may be the only option sufficiently effective to convince it to refrain from military action, if all other measures have failed.

In addition to the preventive options above, Israel also has a number of options for trying to live with a nuclear Iran, if necessary. One possibility is simply to rely on Israel's own deterrent capabilities. Indeed, assuming Iranian rationality, Israel's deterrent capabilities should be sufficient to forestall the danger of an actual Iranian nuclear attack and to instill at least a modicum of caution in Iranian power projection threats, as noted above.

In order to further strengthen its strategic deterrent, Israel might consider ending its policy of "nuclear ambiguity." In point of fact, however, it is unclear what benefits would accrue to Israel by doing so. The international community has long been convinced that Israel is a nuclear power, Iran presumably shares this assessment, and it is not at all evident that the clarity added by a putative explicit nuclear posture would meaningfully enhance its deterrence. Conversely, there is little doubt that it would have a number of significant adverse effects, such as international pressure to expose and dismantle its capabilities and sanctions.

A further means of enhancing Israel's deterrence vis-à-vis Iran would be through American "extended deterrence." One possibility, already alluded to by Secretary of State Clin-

ton,<sup>5</sup> would be for the United States to provide security assurances to states in the region. This could be further strengthened by a specific American assurance to Israel, private or preferably public, and could be codified in a memorandum of understanding or even a formal defense treaty.

Each of the options has various pros and cons, but it is unclear to what extent Israeli deterrence would be materially strengthened. A *de facto* American commitment to Israel's existence already seems to exist—witness the airlift during the 1973 war, deployment of Patriots and other security measures taken during the two Gulf wars and various American statements to this effect. Further elucidation or formalization may, in some way, strengthen Iran's perception of the American commitment, but it is hard to imagine that it doubts that the full force of American might would be brought to bear on it in the event of a nuclear attack against Israel. Conversely, the Israeli defense establishment has never wanted a formal security alliance with the United States, believing that the limitations it would place on Israel's freedom of maneuver outweigh the benefits.<sup>6</sup>

Israel, of course, could enhance its ability to live with a nuclear Iran by doing everything in its power to reduce the room for conflict with it. Admittedly, the Iranian-Israeli confrontation is at its heart a unilateral one, Iranian theological enmity toward Israel, whose basic strategic interest vis-à-vis Iran is to be left alone. Nevertheless, Israel can affect Iran's ability to meddle. One possibility would be for Israel to demonstrate otherwise untoward restraint in the face of future Hezbollah or Hamas provocations. Similarly, Israel could undercut Iran's ability

to play a disruptive role by reaching peace agreements with the Palestinians and/or Syria.

Both of these options are very difficult for Israel, for both strategic and political reasons. Popular pressure for a major response to Hezbollah and Hamas provocations has always had a significant impact on the government's decisions, and it will be particularly compelled to respond forcefully in light of the partial successes in the 2006 war in Lebanon and 2009 operation in Gaza. As for the peace process, putting aside the serious doubts regarding the actual feasibility of peace agreements with the Palestinians and Syria, it is doubtful whether any government in Jerusalem would be willing and able to make dramatic concessions because of the Iranian threat. For Israel, a weakening of Iran's ability to play a disruptive role would be a welcome side-benefit of peace agreements, but for both strategic and political reasons such policies would first have to be justified in their own right.

Hopes for preventing an Iranian nuclear bomb have long faced two competing timelines; the time it will actually take Iran to reach a weapon and the prospects for regime change. Until recently, it appeared almost certain that Iran would achieve a weapon long before a change in regime came about. This is no longer as clearly the case, and regime change has once again become a viable, if problematic, policy option. To the extent that diplomacy, sanctions and other options lengthen the timeline to an Iranian bomb, an American policy of containment and deterrence, pending regime change, becomes more attractive for Israel. The problem, however, is the absence of any assurance that a new regime will indeed emerge before Iran goes nuclear,

or that it will be significantly more moderate. In any event, Israel's ability to affect the prospects for regime change is negligible and the Obama Administration so far has adopted a *laissez-faire* attitude to Iran's unrest.

Finally, Israel has taken various defensive measures designed to minimize the costs to its military capabilities and home front in the event of conventional or nonconventional attack. No defensive system, however, guarantees "hermetic" security, and if "only" one nuclear weapon penetrated Israel's defenses it would cause unacceptable losses. Defensive measures are thus not unimportant, but do not constitute a sufficient option in the face of nuclear attack.

### **A military option?**

Much has been made in the media of a putative Israeli military option, including reports of various exercises ostensibly conducted in preparation thereof, such as the flight of some 100 Israeli aircraft over the Mediterranean in the year 2009.<sup>7</sup> Under what circumstances might Israel, indeed, contemplate attack?

Israel's decision will presumably be a function, first of all, of its assessment of the timetable to an Iranian bomb. To date, these assessments have been postponed repeatedly, and it can be presumed that Israel would prefer to attack at the latest stage possible from a technical viewpoint so as to cause the greatest damage possible to the program.

A second factor is how the American-led international dialogue with Iran plays out. Iran will presumably do everything it can to play for time and an ongoing dialogue, even if of only limited practical benefit, will make it far harder for Israel to justify an attack. Conversely, a clear success of the dialogue, or a clear and

final failure, however unlikely, would greatly ease Israel's decision. The primary difficulties arise in a situation of ongoing ambiguity, where talks are ongoing but it is unclear whether they have or will fail. Indeed, those who wish to prevent an Israeli attack may seek to prolong the talks as a means of preventing Israel from doing so.

The success or failure of international sanctions will have a similar impact on Israel's calculations. To the extent that they have a positive impact and the timeline toward an Iranian capability is delayed, Israel will be able to demonstrate greater restraint. Conversely, a clear Iranian determination to proceed, despite heightened sanctions, will lend greater legitimacy to an Israeli strike.

The American position will have an enormous, possibly decisive, impact on Israel's decisions. An unambiguous red light by President Obama would make an Israeli decision to attack extraordinarily difficult, if not impossible. Putting aside the possible need for an American "air corridor" and acquiescence to various other operational requirements, Israel's dependence on the United States is such that it would be very hard-pressed to act alone, especially when it will need American support in the aftermath, in dealing with the Iranian, regional and international reactions.<sup>8</sup> Israel, admittedly, did not consult with the United States before the 1981 attack on the Iraqi reactor and suffered American sanctions. In the face of an existential danger it may again conclude that this is a price worth paying. Circumstances, however, are different and it is worth noting that Israel, according to press reports at the time, apparently did consult closely with the United States prior to the attack on the Syrian

reactor in 2007.<sup>9</sup> As matters stand, it appears clear that neither President Obama nor the Pentagon, for different reasons, would accede to an Israeli attack.

A further set of considerations refers to the operational feasibility of an attack. The Iranian program is clearly far too advanced and dispersed to be "taken out" and the objective would presumably thus be to delay rather than destroy it. The question then is how long a delay could be achieved and whether it would justify the consequences of military action. Various assessments have been made, ranging from unreasonably low (one year) to optimistic (five years), with a 3-4 year delay probably the most likely.<sup>10</sup>

Israel's national security psyche and *modus operandi* have always been focused on the short-term, taking the approach that a threat delayed today may not emerge at all in the future. For many Israeli strategists, a 3-4 year delay would probably be sufficient to justify an attack, especially since it can be presumed that it would be launched only after all other measures had failed. Moreover, the time gained could be utilized to extend the delay even further, whether through additional attacks or, preferably, if the international community finally took effective action, if only to forestall further strikes.

The heightened prospects for regime change in Iran may further strengthen the case of those who argue for military action simply as a means of buying time. The argument often raised in the international media, that a military attack would merely serve to increase Iranian resolve to achieve a nuclear capability, does not appear to have much resonance in Israel, which is already convinced of Tehran's determina-

tion to do so. Conversely, others may argue that the possibility of regime change, now realistic for the first time, makes the attendant costs of an attack unacceptable.

Israel's basic operational ability to attack the *known* Iranian sites and to cause a few-year delay in the nuclear program does not appear to be in great doubt.<sup>11</sup> The question is whether Israel will have sufficient intelligence to be confident that it had indeed attacked all of the important sites, or whether covert ones exist, rendering a successful attack on the known ones meaningless. Other operational considerations also exist, such as the need to cross foreign airspace and overcome Iranian defenses, including the possible acquisition of the Russian S-300 air defense system.

Finally, Israel's decision whether to attack will be greatly affected by its estimation of Iran's response. Regardless of who attacks, Iran will clearly hold both the United States and Israel responsible, and presumably respond in some way against both. As in the case of a naval blockade, the Iranian response against the United States would probably be limited;<sup>12</sup> Iran will not want to find itself in direct conflict with the United States, has its own reasons for wishing to see relative stability in Iraq and Afghanistan, and understands that the stronger its response, the greater the international opprobrium. While it is hard to imagine that Iran will not retaliate against American interests or facilities at all, it is more likely that it will make do with isolated pinpricks, especially with the United States clearly on alert and anticipating its actions.

Conversely, Israel must take into account the likelihood that Iran will retaliate with every means at its

disposal, including ballistic missiles, massive terrorism and especially rocket fire by both Hezbollah and Hamas. According to one knowledgeable expert, Iran's ballistic missiles would probably cause a degree of damage on an order of twice that of the Iraqi missiles fired during the 1991 Gulf War.<sup>13</sup> As extraordinarily unpleasant as that experience was for Israel, however, it is useful to remember that only a handful of people were killed. Massive rocket attacks by Hezbollah and Hamas present a far greater danger, given the enormous buildup in the former's arsenal and increasingly long-range rockets in the hands of the latter. Regardless of the precise level of destruction caused by Iran and its allies, this is a price that Israel can and should be willing to pay in exchange for a significant postponement of the Iranian nuclear program.



1. The sources for these statements are, respectively, News1.co.il, September 17, 2009; *Ha'aretz* (Tel Aviv), October 18, 2007; *Ha'aretz* (Tel Aviv), October 25, 2007; and "Security Challenges in the 21st Century," Institute for National Security Studies, Tel Aviv University, December 15, 2009.
2. Anthony H. Cordesman and Abdullah Toukan, *Study on a Possible Israeli Strike on Iran's Nuclear Development Facilities* (Washington, DC: CSIS, March 14, 2009), 9, 16; *Nuclear Programs in the Middle East: In the Shadow of Iran* (London: IISS, May 20, 2008), 133.
3. *Ibid.*, 7.
4. For a detailed analysis of the threat of nuclear terrorism facing Israel, see Charles Freilich, *The Armageddon Scenario: Israel and the Threat of Nuclear Terrorism* (Tel Aviv: Begin-Sadat Center, forthcoming spring 2010).
5. "Extended Deterrence, Security Guarantees and Nuclear Weapons: U.S. Strategic and Policy Conundrums in the Gulf," International Analyst Network, January 5, 2010, [http://www.analyst-network.com/article.php?art\\_id=3297](http://www.analyst-network.com/article.php?art_id=3297); "Iran Nuclear Expan-



- sion Complicates Monitoring, IAEA Report Says,” Nuclear Threat Initiative, June 8, 2009, [http://www.globalsecuritynewswire.org/gsn/nw\\_20090608\\_5457.php](http://www.globalsecuritynewswire.org/gsn/nw_20090608_5457.php).
6. Gerald Steinberg, “Walking the Tightrope: Israeli Options in Response to Iranian Nuclear Developments,” in Judith S. Yaphe and Charles D. Lutes, *Reassessing the Implications of a Nuclear-Armed Iran* (Washington, DC: Institute for National Strategic Studies, National Defense University, 2005), 99, <http://www.ndu.edu/inss/mcnair/mcnair69/McNairPDF.pdf>.
  7. Roei Nahmias, “IDF: Air Force Jets Aren’t Training in Iraq,” *Yediot Ahronot* (Tel Aviv), November 7, 2009, [www.ynet.co.il/english/articles/0,7340,L-3566925,00.html](http://www.ynet.co.il/english/articles/0,7340,L-3566925,00.html).
  8. Giora Eiland, former Israeli National Security Advisor, remarks at “Security Challenges in the 21st Century,” Institute for National Security Studies, Tel Aviv University, December 15, 2009.
  9. See, for example, Glenn Kessler and Robin Wright, “Israel, U.S. Shared Data on Suspected Nuclear Site; Bush Was Told of North Korean Presence in Syria, Sources Say,” *Washington Post*, September 21, 2007.
  10. Secretary Gates has estimated 1-3 years. See, for example, William Broad, “Iran Shielding Its Nuclear Efforts in Maze of Tunnels,” *New York Times*, January 5, 2010, <http://www.nytimes.com/2010/01/06/world/middleeast/06sanctions.html>; Stephen Simon, “An Israeli Strike on Iran,” Council on Foreign Relations Contingency Planning Memorandum 5, November 2009, 3.
  11. Simon, “An Israeli Strike on Iran”; Cordesman and Toukan, *Study on a Possible Israeli Strike on Iran’s Nuclear Development Facilities*; Whitney Rasmussen and Austin Long, “Osirak Redux? Assessing Israeli Capabilities to Destroy Iranian Nuclear Facilities,” *International Security* 31, no. 4 (Spring 2007), 7-33.
  12. See for example, Anthony Cordesman, *The US, Israel, the Arab States and the Nuclear Iran, Part One: The Iranian Nuclear Program* (Washington, DC: CSIS, September 23, 2008), [http://csis.org/files/media/csis/pubs/081006\\_iran\\_nuclear\\_part1.pdf](http://csis.org/files/media/csis/pubs/081006_iran_nuclear_part1.pdf).
  13. General (ret.) Yitzhak Ben-Israel, remarks at “Security Challenges in the 21st Century,” Institute for National Security Studies, Tel Aviv University, December 15, 2009.

**YOUR COMMITMENT  
NEVER WAVERS.  
NEITHER DOES OURS.**

For years, L-3 companies have provided training, logistics, engineering, systems integration, aircraft maintenance and many other services to help keep our warfighters strong. That commitment runs deep and across the globe. Just as you’ve always been able to count on each other, you can continue to count on L-3.



[L-3com.com](http://L-3com.com)



# THE JIHADIST LAWS OF WAR

---

Mary R. Habeck

---

President Obama's first speech commemorating the anniversary of September 11th seemed to signal a change in U.S. policy. Rather than describing a nation at war, the President called the attacks that day "a crime," and said that the objective of U.S. policy was to bring the perpetrators to justice. The global war of the Bush Administration was apparently over, replaced by a vision of separate, unrelated conflicts in Afghanistan and Iraq, and the need for a law enforcement approach to deal with terrorism. Executive decisions on national security have supported the rhetoric; the Obama Administration began the process of closing Guantánamo, laid the groundwork for putting mastermind Khalid Sheikh Mohammed on trial, and granted Miranda rights to the Nigerian who attempted to blow up an airliner on Christmas Day 2009.

The shift in the U.S. views of the struggle with al Qaeda and its affiliated groups (collectively known as salafi *jihadis*) has not been met by a change in the rhetoric or actions of America's enemies, however. They have argued since the 1990s that the United States and other western countries are prosecuting a war on Islam and Muslims that must be met with equal violence. Ayman al-Zawahiri and Osama bin Laden have led the charge, describing in detail the "Zionist-Crusader war against the Muslims" that the West began a thousand years ago and has continued to the present day through four "crusades." Their statements and speeches throughout the past eight years have been matched by action:



MARY R. HABECK is an Associate Professor of Strategic Studies at Johns Hopkins School of Advanced International Studies. She is the author of *Knowing the Enemy: Jihadist Ideology and the War on Terror* (Yale University Press, 2006).

guerrilla warfare in Afghanistan, Somalia, and Iraq; mass bombings in Europe, Indonesia, Africa, and elsewhere; and repeated attempts to again attack the United States and Americans around the world.

The conviction of al Qaeda and ideologically affiliated groups that they are involved in a life-or-death struggle—a total war for victory or death—explains why they have embraced legal rulings (*fatwas*) designed for warfare rather than for some lesser conflict. These *fatwas* justify the killing of civilians—including women and children; the use of weapons of mass destruction; and the beheading of kidnapped enemies, setting the stage for an absolute war of annihilation.<sup>1</sup> The contrast between this view and the U.S. desire to fight a limited conflict characterized by legal constraints and law-enforcement methods could not be more striking.

Nowhere is the mismatch more apparent than in three specific components of the salafi *jihadis*' legal framework. The first element states that there are no civilians in warfare, only combatants and noncombatants—categories that depend not on some objective behavioral criteria, but rather on religious affiliation or the judgment of a local expert on their version of *shari'a*. A second law outlines acceptable handling of captives without regard for the Geneva Conventions or other international mandates. The final element proposes a view of warfare that returns the fight to medieval times or even before—when combat was primarily about financial gain. Together, these three laws show al Qaeda's commitment to total war, and underline its rejection of both international legal norms and modern Islamic law.

## Combatants and noncombatants

Bin Laden's 1998 declaration of war against the "Jews and Crusaders" was the earliest public expression of al Qaeda's radical principles of warfare. The statement was not a set of arbitrary remarks, but rather a legal ruling (*fatwa*) that followed a particular version of *shari'a* espoused by salafi *jihadism*. This form of Islam uses violence to undo the interpretations of modernist Islam and return the entire religious community to an imagined past. Although a tiny minority within the Muslim-majority world, salafi *jihadis* number among their members respected clergy who support the movement with legal rulings that validate each of al Qaeda's policies in pursuit of the group's ultimate objectives.

The first principle that these opinions established was that citizens of the United States and its allies were combatants (*ahl al-harb*) who could legitimately be killed. The reasoning used to justify this conclusion varied. Early on, scholars argued that all Americans were combatants because of their support for Israel and blockade of Iraq. Later, the invasion of Afghanistan and Iraq justified the ruling.<sup>2</sup> To avoid the obvious point that this edict would condemn only American decision-makers, Zawahiri and Abu Yahya al-Libi (al Qaeda's top legal expert) clarified that voting for rulers and paying taxes were enough to make citizens complicit in the crimes of their government.<sup>3</sup> The logical conclusion of this line of reasoning was reached in 2004, when a clerical supporter of al Qaeda used evidence from the Qur'an and Islamic commentaries to argue that unbelievers in general had no innate right to life, property, or honor. If al Qaeda had not

made a positive treaty or commitment of security to a particular nation, the group had legal permission to kill all of its citizens at will and to take their property whenever possible.<sup>4</sup>

At the same time, al Qaeda's leaders had to admit that traditional Islamic law, which they supposedly respected, forbade the killing of certain innocents (women, children, and the elderly). To deal with this inconvenient truth, they undermined the protections afforded by the law by arguing that the stipulations were conditional, not absolute, and by detailing numerous exceptions to them.<sup>5</sup> The result of their legal contortions on this point was a *fatwa* that sanctioned the indiscriminate slaughter of ten million Americans with nuclear devices or other weapons of mass destruction.<sup>6</sup>

Other rulings dealt with apostates and collaborators, concluding that the judgment for both was the same: they had left Islam and had to be fought and killed.<sup>7</sup> Al Qaeda theorist Abu Mus'ab al-Suri's lengthy treatment of the global Islamic resistance discussed in considerable detail the legal rulings that mandated death for anyone who aided either the infidels or apostate leaders (i.e., all the rulers of Muslim-majority countries today).<sup>8</sup> A large number of similar statements have followed from al Qaeda's legal experts, declaring that the blood of anyone who works with the Americans, NATO, the UN or other unbelievers in Iraq, Afghanistan, Somalia, and elsewhere was "permitted," an Islamic legal phrase that allows any Muslim to kill them without penalty.<sup>9</sup>

In practice, these opinions have allowed al Qaeda to justify to its members and sympathizers the seemingly random murder of noncombatants. For instance, Abu Mus'ab al-Zarqawi, the late head of al Qaeda in Iraq, used

the same legal arguments put forward to justify the murder of Americans to declare all Shi'a—men, women, and children—worthy of death, and acted on this belief with car bombs that indiscriminately killed thousands of civilians. When al Qaeda's leadership eventually rejected Zarqawi's policy, it was not because they agreed with more traditional scholars that Islamic law prohibited it, but because they thought this slaughter was counterproductive for achieving their objectives in Iraq and elsewhere.<sup>10</sup>

The statements and actions of one al Qaeda affiliated group, the Caucasus Emirate, shows how these rulings affect the war on the ground. In 2006, the Shari'a Court of the Ingush sector issued a *fatwa* that designated the entire Russian population of Ingushetia "invaders," and civilian men, women, and children all "military colonists" that could be killed.<sup>11</sup> In neighboring Dagestan, the ruling—following al Qaeda's *fatwa* on Americans—was even more sweeping: "Dagestan is the land of Islam. Therefore all infidels on the territory of Dagestan are lawful military targets for the mujahidin."<sup>12</sup> In line with these rulings, attacks in both regions deliberately targeted civilian non-Muslims, and Russians in particular.

Other statements specified that the fighters were permitted to kill anyone who helped the enemy by word, deed, or money. This encompassed Muslims who aided or worked for the infidels, people who prevented the introduction of *shari'a* or accepted the laws of the infidels, and those who were "ideologically at war with Islam."<sup>13</sup> The murder of police officers in their homes, politicians on the streets, and ordinary Muslims who spoke out against the killings followed.

## Prisoners of war

Al Qaeda's treatment of prisoners confirms its commitment to an absolute war divorced from international conventions or the beliefs of most Muslims. The theoretical construct for dealing with wartime captives was created by Abu Mus'ab al-Suri, who cited traditional sources of Islamic law to assert that there were three sorts of prisoners: infidel women and children; infidel adult men; and apostates. The first group had to be enslaved—there was no other alternative.<sup>14</sup> The second group had three potential fates: they could be killed outright, ransomed for money or for Muslim captives, or enslaved; the choice between these options was at the discretion of the commander.<sup>15</sup> The apostates, in contrast, had to be killed without a chance for repentance, since they were traitors to Islam. Missing from this menu of choices is the one accepted by the entire international community: that captured fighters are kept as prisoners of war for the duration of the conflict.

Official statements by al Qaeda's leaders, including Zawahiri and Abu Yahya al-Libi, have confirmed that al-Suri's views are the basis for al Qaeda's framework for prisoners. Combatants and noncombatants could be seized as captives and disposed of "in a way that serves the interests of the Muslims," wrote Zawahiri, with ransom as the most desirable outcome. Al-Libi trained new fighters in Northern Pakistan to kill, enslave, or hold for ransom any infidels that fell into their hands, while the Taliban leadership issued a special directive to its soldiers in 2009 confirming that their official policy was the same as that presented by al-Libi and al-Suri.<sup>16</sup>

The Taliban abduction of Koreans is instructive for showing the

linkage between this theoretical landscape and actual practice in war. In the summer of 2007, the Taliban took captive a group of Korean men and women who had traveled to Afghanistan on a short-term missionary trip. Over the following weeks, the Taliban executed the pastor leading the group as well as another male hostage and demanded the release of their own captured fighters, a ransom for the remaining captives, and the withdrawal of Korea from the war in Afghanistan. After receiving a substantial sum for the safe return of the hostages, the Taliban boasted that they used the money to buy weapons and would be taking more captives soon.<sup>17</sup> Not long after the two men were killed, al-Libi issued a statement justifying the conduct of the Taliban according to the salafi *jihadist* version of Islamic law. He argued that the Koreans—even the women—were combatants, and that therefore *shari'a* permitted them to be captured and killed if the Taliban so chose.<sup>18</sup>

Al Qaeda's conduct of war in places as disparate as Iraq, the Caucasus, and the middle of the Sahara show the group's adherence to these principles. Kidnapping for ransom or to compel the release of captured fighters is an integral part of warfare, the killing of prisoners occurs routinely, and in none of the areas under their control has al Qaeda or its affiliated groups attempted to keep prisoners alive in camps.<sup>19</sup> When al Qaeda in Iraq seized and executed captured American and British civilians, at times through public beheading at the hand of Zarqawi himself, Zawahiri condemned the actions not because this was barbaric behavior and against their version of *shari'a*, but because these "scenes of slaughter" were giving the *mujahideen* a bad

name. To stop the criticism, Zawahiri recommended that Zarqawi just put a bullet in the prisoners instead.<sup>20</sup>

## Spoils of war

The targeting of “all Americans” in al Qaeda’s 1998 declaration of war was widely reported in the United States, but another section of the statement that called for supporters to plunder Americans attracted less attention. The justification for spoils of war has, however, a long history in medieval Islamic jurisprudence, beginning with the Qur’an itself and reaching through the reported sayings of Muhammad (the *hadith*) to the rulings of all the schools of Islamic law. Although repudiated by modernist interpreters of the *shari’a*, this legal background provided al Qaeda with a starting point for its call on supporters to seize the wealth of the infidels as an integral part of war with the United States.

Leaders of al Qaeda and affiliated groups have since issued statements further defining and legitimating spoils, and their fighters have acted on these rulings in battlefields around the world. Abu Mus’ab al-Suri again provided the most developed rationalization for booty, beginning with Muhammad himself, who said that his livelihood was “under the shade of swords”—a phrase often cited by salafi *jihadis* to justify plundering the enemy during wartime.<sup>21</sup> Al-Suri argued that, based on Muhammad’s example, the legitimate way to finance any jihad was through contributions from the *mujahideen* and spoils “from the wealth of the infidels and apostates.” Citing legal precedents, al-Suri then justified taking the property and money of most of the rest of the world: the current governments in Muslim-majority countries, “most” foreign

and native infidels in those countries, anyone who cooperated with occupation forces, relatives of those who were proven to support the infidels, and the combatant infidels in their own countries.

The technical terms used by al-Suri in his discussion—*ghanima* and *fay’*—describe spoils taken during combat and booty seized without a struggle, respectively. His approval of *fay’* is particularly interesting, since this could be used to justify stealing property or wealth from any unbeliever. The later determination that infidels have no innate right to property has only reinforced this legal interpretation. Al-Suri explored as well the issue of dividing the *ghanima*, discussed in great detail in medieval Islamic law, with the conclusion that 20 percent of the *ghanima* should be put into a central depository for the *mujahideen* as a group, while 80 percent would be given directly to the fighters who took it.<sup>22</sup> From there, each separate unit could decide how to divide up the booty, although al-Suri recommended that every member of the unit, whether they participated directly in the operation that seized the spoils or not, be given a share.<sup>23</sup>

Later statements by al Qaeda supporters and affiliated groups affirmed al-Suri’s conclusions. An official order by the Taliban decreed that everything seized from infidels during battle was *ghanima* that would be divided as al-Suri had determined: 20 percent would be sent to the main Taliban treasury (the Bayt al-Mal) while 80 percent would be distributed among the *mujahideen* who fought that particular battle. Spoils seized without fighting (*fay’*), including corporations, organizations, or goods being carried to the infidel forces, would be sent entirely to the Bayt al-Mal.<sup>24</sup> Other clerics have



seen it as their duty to incite fighters to take spoils and put behind them any squeamishness about booty created by infidel propaganda. Among others, Shaykh Atiyatallah urged the *mujahideen* to remember that the most honorable material rewards were those gained as war booty, while Anwar al-Awlaqi argued that Muslims who denigrated spoils had bought into an infidel mind-set. In truth, he said, *ghanima* and *fay'* were the reason that Muslims were rich when they fought *jihad* and poor when they neglected the duty.<sup>25</sup>

The first al Qaeda members to put these rulings into practice were the 9/11 hijackers, whose leader instructed them to take booty from anyone they killed, even if it were only “a cup or a glass of water.”<sup>26</sup> Since September 11th, *jihad* fighters in Iraq, Afghanistan, Pakistan, the Caucasus, Somalia, and elsewhere have been eager to boast about booty taken during battle, with many groups asserting that the major source of their financing is spoils.<sup>27</sup> Material described as booty by the *mujahideen* includes everything from ammunition, weapons, and vehicles to cell phones and cameras. At the same time, the issue of spoils has caused some problems for the *mujahideen*. Fighting over the rich *ghanima* seized in Algeria created conflict within the Salafist Group for Call and Combat (GSPC), for instance, leading to charges of misuse of the wealth seized during *jihad*, and the *mujahideen* informing on each other to the security services.<sup>28</sup>

Developments in Iraq, where al Qaeda claimed absolute control over territory in 2006-2007, show what the rulings on spoils would mean in a salafi *jihadist* state. In a statement issued two months after the declaration of the Islamic State of Iraq, the

leader of the new “country,” Abu ‘Umar al-Baghdadi, asserted that he had overseen the implementation of *shari’a*—including the appointment of religious judges, the application of Islamic punishments for sins, and the collection of the spoils of war.<sup>29</sup> These spoils included dozens of villages taken from the Shi’a, along with their houses, farms, and ranches. Al-Baghdadi noted that the property stood empty and ready for settlers, and offered to turn the land over to any Palestinian who wanted to move to the new state.<sup>30</sup>

## Absolute war and limited conflict

The combined effects of al Qaeda’s legal maneuvering can be seen wherever the group or its ideological affiliates has fought for any length of time. In places such as Iraq, the Caucasus, Somalia, and Afghanistan/Pakistan, the murder of thousands of innocent civilians, the capture and execution of prisoners, and the seizure of plunder followed naturally from rulings issued by al Qaeda’s experts in jurisprudence. It is perhaps even more disquieting that when new rulings or reinterpretations of older rulings have appeared, they have tended to make al Qaeda’s war more absolute, rather than reduce its scope. The designation of all non-Muslims as combatants without an innate right to life and property, the legal ruling to kill ten million Americans, and the random execution of captives all came years after September 11th. The direction of al Qaeda’s evolving legal framework is clear, pointing to a redefinition of the conflict from all-out war to a war of annihilation.

All of which clashes fundamentally with the American vision of the conflict. Since the attacks of 9/11, the United States has been highly con-

scious of the legal limits placed on warfare, although immediately after the attacks the Bush Administration sought to push those boundaries outward. After a series of cautionary events at Abu Ghraib, Guantánamo, and elsewhere—as well as through a rethinking of the conflict—the United States moved toward more conventional views of the laws of war. This movement has been given further impetus by the Obama Administration, which has shied away from conceptualizing the clash with al Qaeda as a war at all. The result is a curtailing of U.S. action and a move toward emphasizing law enforcement rather than military means for prosecuting a limited conflict with the people who attacked the United States.

Whether this shift in views and practice will deter, disrupt, and defeat a group intent on carrying out a war of annihilation remains to be seen.



1. An important caveat needs to be made here: there is a sharp distinction between these *fatwas* and the *shari'a* rules recognized by most Muslims. Al Qaeda has reached into the distant past to justify its legal principles, ignoring modern developments in Islamic law and supporting the most extreme interpretations of the *shari'a* in order to carry out an unrestricted campaign against its enemies. The vast majority of Muslims do not share these views of Islam or recognize them as legitimate, and many members of the *'ulama* have condemned their implementation over the last eight years. This has not stopped al Qaeda, however, which sees as one of its duties the replacement of current Islamic practice with its extremist version of the religion.
2. See Yusuf al-'Uyayri, "The Truth of the New Crusader War," August 2, 2002, <http://web.archive.org/web/20020802071104/www.alneda.com/index.php-subject=7&rec=227.htm>.
3. "Knowledge for Acting Upon; The Manhattan Raid," al-Sahab Media Productions, September 10, 2006; "Statement by Abu-Yahya Al-Libi on Korean Hostages," [www.muslm.net](http://www.muslm.net), August 29, 2007, [www.muslm.net/vb](http://www.muslm.net/vb); see also "Ideological and Organizational Methodology for Al-Qa'ida in the Land of Al-Kinana," January 2007, [altabetoun.110mb.com](http://altabetoun.110mb.com).
4. *Essay Regarding the Basic Rule of the Blood, Wealth and Honour of the Disbelievers*, At-Tibyan Publications. August/September 2004.
5. "A Statement from Qaidat al-Jihad regarding the Mandates of the Heroes and the Legality of the Operations in New York and Washington," April 24, 2002, [http://web.archive.org/web/20031011102320/http://www.mepc.org/public\\_asp/journal\\_vol10/0306\\_alqaeda.asp](http://web.archive.org/web/20031011102320/http://www.mepc.org/public_asp/journal_vol10/0306_alqaeda.asp).
6. Shaykh Nasir bin Hamid al-Fahd, "A Treatise on the Legal Status of Using Weapons of Mass Destruction against Infidels," May 2003, [www.jihadspin.com/NuclearFatwa.pdf](http://www.jihadspin.com/NuclearFatwa.pdf).
7. The basis for much of this reasoning was a seminal *fatwa* by Ahmad Shakir, an Egyptian cleric widely respected by traditional Muslims. Shakir argued that anyone who collaborated with occupiers had become an apostate and left the religion of Islam. This was not just a statement about religious beliefs, since the traditional *shari'a* rules for anyone who left Islam were divorce, disinheritance, and death. Two major statements by al Qaeda on the issue of Muslims who help unbelievers against other Muslims quote Shakir's *fatwa* extensively: Zawahiri, *A Treatise on the Exoneration of the Nation of the Pen and Sword of the Denigrating Charge of Being Irresolute and Weak* (As-Sahab Media, March 2008), <http://www.fas.org/irp/dni/osc/exoneration.pdf>, and [no author], *The Operation of 11 Rabi Al-Awwal: The East Riyadh Operation and Our War with the United States and Its Agents*, The Center for Islamic Studies and Research, 2003, <http://www.ratatak.com/docs/ourwar.htm>.
8. Abu Mus'ab al-Suri, *The Call for Global Islamic Resistance*, CENTRA Technology translation, September 2006, 174ff.
9. See, for example, Shaykh Nasir bin Hamid al-Fahd, *The Exposition Regarding the Unbelief [Kufr] of the One Who Assists the Americans* (at-Tibyan Publications, December 2003).
10. "Letter from Zawahiri to Zarqawi," July 9, 2005, <http://www.weeklystandard.com/Content/Public/Articles/000/000/006/203gpuul.asp>.
11. "Amir Habibulla: We Consider Each Russian as an Invader," May 2, 2006, <http://old.kavkazcenter.com/eng/content/2006/05/02/4650.shtml>.
12. "Jama'at 'Shariah' Promises to Attack Sochi and a Synagogue in Shamilkala," February

- 23, 2007, <http://old.kavkazcenter.com/eng/content/2007/02/23/7525.shtml>.
13. "Jama'at 'Shariah': Our Purpose Is the Restoration of Islamic State," March 31, 2007, <http://old.kavkazcenter.com/eng/content/2007/03/31/7890.shtml>; "Jamaat 'Shariah' Press Release," July 28, 2007, <http://web.archive.org/web/20071021025701/www.jamaatshariat.com/ru/content/view/335/34/>.
14. This discussion is based on al-Suri, *The Call for Global Islamic Resistance*, 1148ff. According to medieval jurists, this enslavement also meant, for an infidel woman, that she became sexually available to the Muslim man who captured her.
15. A fourth option, to let the prisoners go free, al-Suri rejected as abrogated by later actions of Muhammad.
16. Zawahiri, *Exoneration*; Labik Video Production, "They Are Coming," n.d., <http://web.archive.org/web/20070202023850/http://siteinstitute.org/> and <http://web.archive.org/web/20070214051300/http://mypet-jawa.mu.nu/archives/186528.php>; "Taliban Set Rules for Handling Captives," *Daily Times* (Pakistan), July 28, 2009, [http://www.dailytimes.com.pk/default.asp?page=2009%5C07%5C28%5Cstory\\_28-7-2009\\_pg7\\_35](http://www.dailytimes.com.pk/default.asp?page=2009%5C07%5C28%5Cstory_28-7-2009_pg7_35). The apparent silence on enslaving captives almost certainly reflects the reluctance of the newspaper to report this ruling rather than a difference in Taliban and al Qaeda views on the issue.
17. "Taliban Website Releases Interview with Official Spokesman Regarding Korean Prisoners," July 29, 2007, [www.alhanein.com](http://www.alhanein.com); "Taliban Says 'A Large Amount of Money Received' on Abduction," *Kyodo Clue III*, September 1, 2007.
18. "Statement by Abu-Yahya Al-Libi on Korean Hostages," August 29, 2007, [www.muslm.net/vb](http://www.muslm.net/vb).
19. In fact, to aid fighters in their captive-taking, al Qaeda put out a guide to kidnapping in one of its official magazines in 2004. Abu Hajar 'Abd al-'Aziz Bin Isa al-Muqrin, "To All Those Who Are Seeking Jihad on the Arabian Peninsula," *al-Battar*, Iss. 10, May 24, 2004, SITE Translation.
20. "Letter from Zawahiri to Zarqawi."
21. The following discussion is taken from al-Suri, *The Call for Global Islamic Resistance*, 1430ff.
22. In medieval Islamic law, this 20 percent would be given to the Caliph for the support of the Islamic state and for God's work.
23. In al Qaeda's "bylaws," the group specified that their "Amir" (Commander) would have full authority to pass fatwas on the distribution of spoils. "Al-Qa'ida Bylaws," n.d., <http://www.ctc.usma.edu/aq/pdf/AFGP-2002-600048-Trans.pdf>.
24. "Unveiled: The Honour Code for Taliban fighters," August 3, 2009, <http://news.rediff.com/slide-show/2009/aug/03/slide-show-1-reading-talibans-rulebook.htm>.
25. Shaykh Atiyatallah, "Great Hopes of Jihad in Somalia," January 8, 2007; Anwar al-Awlaqi, "Allah Is Preparing Us for Victory," n.d., <http://www.kalamullah.com/Books/Allahispreparingusforvictory.pdf>.
26. "Translation of Hijackers' Letter," n.d., <http://212.150.54.123/articles/articlelet.cfm?articleid=419>.
27. "Jama'at 'Shariah': Our Purpose Is the Restoration of Islamic State," March 31, 2007, <http://old.kavkazcenter.com/eng/content/2007/03/31/7890.shtml>; "Ansar al-Sunnah Claims 19 Attacks in Various Iraqi Areas, Posts Video of 'Booty,'" al-Fajr Media Center, June 7-12, 2007, [w-n-n.com](http://w-n-n.com); Dr. Hani al-Siba'i, "Ansar Al-Islam, Ansar Al-Sunnah Army, Abu-Mus'ab Al-Zarqawi, and Abu-Hafs Brigades," Al-Basrah Net, March 14, 2004; MEMRI, "Interview with Seifullah Jalali, the Taliban Commander of Kabul Province, Afghanistan," *al-Arabiyya* TV, December 3, 2009; "Taliban Deputy Leader Rejects Involvement in Afghan Peace Talks," Afghan Islamic Press, June 3, 2009; "Interview with Muhammad Nadir Haqju, Taliban's Military Official in the Sare-Pol Province," *Al-Sumud Magazine* 4, Iss. 42, December 2009, <http://shamikh.net/vb/>; Ikram Miyundi, "Our Heroic Martyrs, Episode 34," *Al-Sumud Magazine* 4, Iss. 42 (December 2009); Ahmad Zaidan, "Interview with Baitullah Mehsum," *al-Jazirah* (Doha), December 2007. The pirates off the coast of Somalia are motivated to carry out their attacks for many reasons, but one salafi *jihadist* writer argued that they should see their "maritime invasions" as a way to take lawful booty for the jihad in the Horn of Africa. "Towards a Religious Jihadi Maritime Invasion," September 24, 2009, <http://www.alqimmah.net/showthread.php?t=11750>.
28. Ikram Ghioua, "GSPC Conflict over Issue of Dividing Spoils (Ghanima)," *L'Expression* (Algiers), December 18, 2006.
29. Abu-Umar al-Husayni al-Qurayshi al-Baghdadi, "Truth Has (Now) Arrived, and Falsehood Perished," December 22, 2006, [www.tajdeed.org.uk/forums/](http://www.tajdeed.org.uk/forums/).
30. Abu-Umar al-Husayni al-Qurayshi al-Baghdadi, "Victory from Allah and a Speedy Help," February 3, 2007.

## ISRAEL AND THE NEW WAY OF WAR

---

Richard Kemp

---

Recent consideration by the UN Human Rights Council of the report by Judge Richard Goldstone, head of their fact-finding mission on the Gaza conflict, has again highlighted the issue of killing of non-combatants in so-called “asymmetric” conflict. In the type of warfare the Israelis fought in Gaza last year, the U.S., British and allied forces have been fighting recently in Iraq, are fighting today in Afghanistan, and are most likely to fight in future conflicts around the world, this is becoming one of the most serious problems we face. Like most military challenges today, the intrinsic difficulties of this issue are increasingly magnified by the ever greater focus and scrutiny of the international media and of NGOs and other international bodies.

### **Uncharted territory**

Soldiers from all Western armies, including those of the United States, Britain and Israel, are educated in the laws of war, the Geneva Conventions. The battlefield—in any kind of war—is a place of confusion and chaos, of fast-moving action. Because of this, the complex laws of war as they apply to kinetic military action are distilled down into so-called “rules of engagement.” In most Western forces, these rules normally regulate military action to ensure that it remains well within the laws of war, giving an additional safety cushion to soldiers against the possibility of war crimes prosecution. In their most basic form,



COLONEL RICHARD KEMP, CBE, was the commander of British Forces in Afghanistan in 2003. His book, *Attack State Red*, an account of military operations in Afghanistan, was published by Penguin in September 2009.

these rules tell you when you can and when you cannot open fire.

Once upon a time, the process was simple. It did not require complex and restrictive rules of engagement. Your side wore one type of uniform, the enemy wore another. When you saw the enemy's uniform, you opened fire. But the chaos of combat rendered even this relatively simple situation difficult, in particular frequently resulting in mistaking your forces for the enemy. The ensuing tragedies are legion throughout the history of war. We call it by different names: blue on blue violence, friendly fire, fratricide. A well-known recent example for the British Army was in the 1991 Gulf War, during which a U.S. Air Force A-10 ground attack aircraft mistakenly attacked a British armored infantry fighting vehicle, killing several British soldiers.

There were other complexities that made apparent simplicity less than simple. Civilians perhaps taking shelter or attempting to flee the battlefield could be mistaken for combatants, and have sometimes been shot or blown up. Enemy forces sometimes adopted the other side's uniforms as a deception or ruse.

These same complexities continue to exist today in conflicts between regular and irregular forces, most of which take the form of counterinsurgency operations. In one recent incident in Afghanistan, a NATO tactical bomber dropped a 500-pound bomb on British soldiers, mistaking their position for a Taliban fire-base. Three men were killed and two seriously wounded. This is the eternal fog of war.

In asymmetric warfare, these age-old confusions and complexities are made a hundred times worse by the fighting policies and techniques of the enemy. The insurgents that we have

faced in these conflicts are all different: Hezbollah and Hamas in Lebanon and Gaza; al Qaeda, Jaish al Mahdi and a range of other militant groups in Iraq; al Qaeda, the Taliban and a diversity of associated fighting groups in Afghanistan. They are different but they are linked, both by the pernicious influence, support and sometimes direction of Iran, and by the complex network of international *jihād*.

These groups—and others—have learned and continue to learn from each others' successes and failures. Tactics tried and tested on IDF soldiers in Lebanon have also killed British and American soldiers in Iraq and Afghanistan. These groups are trained and equipped for warfare fought from *within* the civilian population.

## **(Un)just war**

It would be a grave error to believe that *jihadist* groups ignore the international laws of armed conflict—they do not. They study them carefully, and they understand them well. They know that a British, American or Israeli commander and his men are bound by international law and the rules of engagement that flow from it. They then do their utmost to exploit what they view as one of their enemy's main weaknesses.

Their very *modus operandi* is built on the correct assumption that Western armies will normally abide by the rules. In Gaza as in Basra as in the towns and villages of southern Afghanistan, civilians and their property are routinely exploited by these groups in deliberate and flagrant violation of international laws and reasonable norms of civilized behavior for both tactical and strategic gain.

Stripped of any moral considerations, this policy operates simply and effectively. On the tactical level, protected buildings—mosques,



schools and hospitals—are used as strongholds, allowing the enemy not only the protection of stone walls but also of international law. On the strategic level, any mistake, or in some cases legal and proportional response, by a Western army will be deliberately exploited and manipulated to produce international outcry and condemnation.

Thus, in April 2004, as combined UK and U.S. forces fought to wrest the Iraqi town of Fallujah from al Qaeda's control, media reports screamed of a U.S. "bombardment" of a mosque. The reality of that day was that five U.S. Marines were wounded by fire from that mosque. The Marine commander on the ground exercised great care and restraint, only allowing fire to be directed at the outer wall of the mosque. But the damage was done, and the impression that the Marines had leveled a mosque indiscriminately was firmly established.

Today, British soldiers patrolling in Afghanistan's Helmand Province will come under sustained rocket, machine-gun and small-arms fire from within a populated village or a network of farming complexes containing local men, women and children. The British will return fire. To avoid civilian casualties, rather than drop a 500-pound bomb onto the enemy, they will assault through the village, placing their own lives at greater risk. They might face booby traps or mines as they clear through the streets and alleyways. When they get into the village there is no sign of the enemy. Instead, the same people that were shooting at them twenty minutes earlier will be tilling the land, waving, smiling and talking cheerfully to the soldiers.

These same insurgents will mine roads used by NATO vehicles and tracks used by foot patrols.

Many soldiers have lost their legs or their lives in such attacks. There is, of course, no question of minefields being marked, as is required under international law: the idea would be preposterous to our opponents, but is rarely if ever commented on by the media.

Like Hamas in Gaza, the Taliban in southern Afghanistan are masters at shielding themselves behind the civilian population and then melting in among them for protection. Women and children are trained and equipped to fight, collect intelligence and ferry arms and ammunition between battles.

Female suicide bombers are increasingly common. The use of women to shield gunmen as they engage NATO forces is now so normal it is deemed barely worthy of comment. Schools and houses are routinely booby-trapped. Snipers shelter in houses deliberately filled with women and children.

## **Squaring the circle**

The British and U.S. armies have grappled with these problems, and are now finding some solutions. When an enemy flouts the rules of war, we cannot shy away from hard decisions. When necessary, we now attack protected locations after weighing the risk that non-combatants might suffer.

We respect international norms and the sanctity of holy places. But when our troops take fire from these locations or roadside bombs stored there are used to murder the innocent, we have no choice other than to act. British and American troops now routinely search mosques in Afghanistan and Iraq. But, of course, they do so with sensitivity and tact wherever possible. And when necessary we bring down fire on those locations. This is

not done in a trigger-happy or careless manner but rather in a proportionate way, as set out in the theory of a Just War. And it is always with the aim of minimizing wider suffering.

Obviously this kind of application of force is undesirable. But to emphasize its legitimacy, the following comes from the U.S. military counterinsurgency manual, recently produced under the direction of General David Petraeus and using lessons from Iraq and Afghanistan:

The principle of proportionality requires that the anticipated loss of life and damage to property incidental to attacks must not be excessive in relation to the concrete and direct military advantage expected to be gained. Soldiers and marines may not take any actions that might knowingly harm non-combatants. This does not mean they cannot take risks that might put the populace in danger. In conventional operations, this restriction means that combatants cannot intend to harm non-combatants, though proportionality permits them to act, knowing some non-combatants may be harmed.

General Petraeus then moves ahead of the strict requirements of the laws of war when he adds:

The use of discriminating, proportionate force as a mindset goes beyond the adherence to the rules of engagement. Proportionality and discrimination applied in counter insurgency require leaders to ensure that their units employ the right tools correctly with mature discernment, good judgement and moral resolve.

This is the use of restraint and focused violence as a positive tool in counterinsurgency; not simply as

humanitarian and legal restraint. It recognizes the importance of winning and maintaining the support of the local population—and sometimes even the insurgent himself—perhaps over and above the priority of winning a particular engagement.

## **Battlefield challenges**

Ultimately, in counterinsurgency operations the military commander must balance a series of often conflicting and very difficult judgments, in addition to the other pressures he faces on any battlefield. Every soldier who has been in combat—whether it is Gaza, Lebanon, Afghanistan or Iraq—can testify to the chaos and confusion of war.

It is difficult enough to maneuver large numbers of troops and vehicles across treacherous and inhospitable terrain, sometimes by night, in dust storms, rain or searing heat; in armored vehicles with limited external vision; against near-impossible timelines; and coordinating with neighboring forces, ground attack aircraft, helicopters, artillery, engineers and logistic support.

But the complexities and potential for confusion are hugely increased when the enemy is trying to prevent you from doing it by killing you and blowing up your vehicles and equipment. Piled on top of this are the limits of reconnaissance and the frequent inaccuracy or incompleteness of the intelligence picture, sometimes brought about by the enemy's own operational security, deception and disinformation, sometimes by lack of resources or inadequacy of collection systems.

For every intelligence success, even in modern armies, there are a hundred disappointments. In close combat even the most technologically sophisticated weapons, surveil-

lance systems and communications devices can and frequently do fail—especially when you need them most. Messages are sometimes not transmitted, not received, or garbled.

Precision-guided munitions don't always hit the target they are supposed to and sometimes explode when they shouldn't, or don't explode when they should. Especially in close infantry combat, the concept of the precise, surgical strike is more often pipe dream than practical reality.

The close urban or rural environment often found in Helmand, Gaza or Iraq can also serve to diminish the advantages of technology, frequently putting high-tech NATO forces on an equal footing with their much more basically trained, armed and equipped opponents.

Then there is perceptual distortion, common in combat situations, which can lead a commander or soldier to comprehend events in a way that is different from reality. The stresses and fears of battle, tiredness and the body's natural chemical reactions, including production of adrenaline, can lead to excluding or intensifying sounds, tunnel vision, temporary paralysis, events appearing to move faster or more slowly than they actually are; loss, reduction or distortion of memory and distracting thoughts. These affect different people in different ways and can add to the confusion and chaos of battle.

Amid the disorientation, the smoke, the fire, the explosions, the ear-piercing rattle of bullets, the screams of the wounded, the incomplete intelligence picture and the failure of technology, commanders and soldiers must work on to achieve their mission, no matter how hard it gets.

It is in these conditions that commanders must balance their judgments, mindful always of the laws

of war and the rules of engagement. The balance is between killing the enemy, and achieving the mission—while avoiding civilian casualties. Additionally, the effect on hearts and minds—the support or otherwise of the civilian population—must always be considered.

There is another judgment as well, often overlooked in media and human rights groups' frenzies to expose fault among military forces fighting in the toughest conditions. It is preventing or minimizing casualties among your own soldiers. There will frequently be times when a military commander must make a snap judgement between the safety of his own troops and that of others. Human nature dictates that he will often choose his own men. It is hard to see how it could be otherwise.

There is more to it than the commander's natural human response and loyalty to his men. For soldiers to follow their leader into combat—at any level, but especially at the point of battle—they must trust him. How many soldiers want to die, be blinded, burnt, or have their arms, legs or face blown off? None will trust, or follow, a commander who is profligate with his men's lives.

These calculations and decisions become much harder when one is fighting a tough, wily, skillful enemy, one minute shooting at you or setting a land mine to blow up your vehicle, the next leaning on the threshold of his compound, dressed indistinguishably from the population.

## **In defense of Israel**

Because of these realities, it is incumbent on senior military officers and politicians to support troops in a way which will help them avoid actions that lead to unnecessary civilian deaths and the cre-

ation, perpetuation or deepening of grievances. And which could see soldiers ending up in court for unlawful killing or war crimes, or give the media any excuse to scream abuse of human rights and murder.

General Stanley McChrystal, the U.S. commander of forces in Afghanistan, has made the reduction of unnecessary civilian casualties one of his top priorities. So it should be. From my own experience, I know that it is also a high priority of British commanders in Afghanistan.

I have witnessed the efforts that American and British forces have been making for years in Iraq and Afghanistan to minimize civilian deaths. Though impressive, these have not always worked, for the reasons outlined above: imperfect intelligence, technological failure, and poor communications. While all can be improved through better technology, the fog of war will remain for as long as wars are fought.

There is another factor that we shouldn't forget: there will always be bad soldiers, who deliberately or through incompetence go against orders. We have seen this in the British Army and among the Americans, in well-publicized cases in Iraq among others.

But what of the Israeli Defense Forces, much criticized by Judge Goldstone, others in the UN, many humanitarian organizations and the international media for alleged human rights abuses and their disregard for the lives of non-combatants in Gaza? The IDF during Operation Cast Lead took extraordinary measures to safeguard the rights of Palestinian civilians, some of which could be instructive for other armies.

Commanders on the ground went to great lengths to accurately pinpoint mobile Hamas targets, such

as rocket launchers. Using sophisticated air and ground-based surveillance, including the latest infra-red systems, they carefully triangulated firing positions. When possible, the IDF gave at least four hours' notice to civilians to leave areas thus targeted. Target engagement was carried out using precise sighting systems to achieve accuracy and reduce the chances of collateral damage.

Attack helicopter pilots, tasked with destroying Hamas mobile weapons platforms, had discretion to abort a strike if there was too great a risk of civilian casualties in the area. Many missions that could have taken out Hamas military capability were cancelled because of this.

During the conflict, the IDF allowed huge amounts of humanitarian aid, supplied by the Israeli state, into Gaza. This sort of task is regarded by military tacticians as risky and dangerous in the best of times. To mount such operations, to deliver aid virtually into your enemy's hands, is to the military tactician quite unthinkable. Yet the IDF took those risks.

Israel's border crossing at Erez remained open for casualties to come out of Gaza. In the latter stages of Cast Lead, the IDF unilaterally announced a daily three-hour ceasefire. In agreeing to this, the IDF knew these pauses would give Hamas vital time and space to re-group, re-equip and re-deploy for future attacks.

The IDF dropped over 900,000 leaflets warning the population of impending attacks—to allow them to leave designated areas. Leaflets also urged the people to phone in information to pinpoint Hamas fighters, thereby providing vital intelligence that could save innocent lives. The IDF phoned over 30,000 Palestinian households in Gaza, urging them in



Arabic to leave homes where Hamas might have stashed weapons or be preparing to fight. In addition to this, the IDF broke into radio transmissions in Gaza to warn, in the Arabic language, of the locations of planned operations in Gaza, to enable civilians to leave the area.

Despite Israel's remarkable measures, innocent civilians were killed and wounded as a result of the frictions of war I have outlined. Of course, many of these tragic deaths were an inevitable consequence of Hamas's way of fighting. Not only was Hamas's military capability deliberately positioned behind the human shield of the civilian population, they also ordered—forced, when necessary—men, women and children from their own population to stay in places they knew were about to be or likely to be attacked by the IDF.

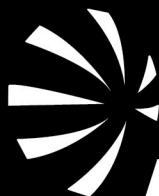
### **Eyes wide open**

The business of fighting in urban areas is tough, partly because of the need to minimize civilian casualties. It is a sad fact that significant numbers of civilian casualties will continue to occur as long as groups like Hamas use the civilian population as a defensive shield. The Goldstone report, however well intentioned, only serves to validate the strategy of these groups.

Make no mistake. Hamas and others like it will have read Judge Goldstone's report. They will weigh its judgments and realize that, far from being viewed by the world as cowardly and murderous, the practice of hiding behind women and children and maximizing civilian casualties is very much in their interest.



**Working  
together we'll  
get it done.**



**DRS**  
TECHNOLOGIES

[www.drs.com](http://www.drs.com)





the symbol of  
**excellence**

You are ready to serve at a moment's notice. No matter when or where, you fulfill your commitment to excel in all you do.

You count on products and systems that also have to perform to the highest standards. The people behind them ensure they do. Every time.

Whenever you see our symbol, be assured there are thousands who share your commitment to excellence – the employees of Finmeccanica.

For more information visit [www.finmec.com](http://www.finmec.com)

 **AgustaWestland**

 **AleniaNorthAmerica**

 **DRS**  
TECHNOLOGIES

 **ELSAG**NorthAmerica

 **OTO MELARA**  
North America

 **SELEX**  
Sistemi Integrati

 **SELEX**  
Communications

 **SELEX GALILEO** Inc.

 **FINMECCANICA**  
Right there with you.

# ANTI-PIRACY, ADRIFT

---

J. Peter Pham

---

**D**espite an unprecedented deployment of international naval vessels in the waters around the Horn of Africa and a series of United Nations Security Council resolutions that authorize taking the fight against them to shore, Somali pirates carried out a record number of attacks and hijackings in 2009. At year's end, some 214 vessels had been attacked and 47 successfully seized, with 11 of those ships and nearly three hundred crew members still held captive for ransom by the pirates. By way of comparison, the International Maritime Bureau reports that less than half that number, 111 ships, were attacked in 2008 – a figure which itself represented a 200 percent increase from 2007 levels.<sup>1</sup>

Piracy, in other words, is a growth industry. And the apparent failure of the international response to this burgeoning challenge to global commerce and security underscores the limits of international law and legal institutions to cope with this problem, and with other transnational threats as well.

## **The piracy plague**

The explosion of pirate activity in the waters off the Horn of Africa that has taken place since the mid-1990s has a direct correlation with the absence of anything even remotely resembling a functioning central government in



J. PETER PHAM is Senior Fellow and Africa Project Director at the National Committee on American Foreign Policy in New York, and nonresident Senior Fellow at the Foundation for Defense of Democracies in Washington, D.C. He is also the incumbent Vice President of the Association for the Study of the Middle East and Africa (ASMEA) and Editor-in-Chief of its *Journal of the Middle East and Africa*.

Somalia. In fact, the first incident of piracy recorded off Somalia in modern times, the seizure of the Jeddah-bound MV *Naviluck* off Raas Xaafuun, the easternmost point in Africa, occurred on January 12, 1991—just as the dictatorial regime of Muhammad Siyad Barre was in its death throes.<sup>2</sup> The overthrow of the old despot, and the failure of every subsequent effort to reestablish a central government there—some fifteen to date—have ensured that factors which have historically favored piracy came together to produce today’s “perfect storm” of maritime lawlessness.

---

Whatever the operational challenges of combating Somali pirates at sea, dealing with them legally should be relatively simple—at least in theory.

Piracy, of course, has always been a crime of opportunity. Naval analyst Martin Murphy has argued that it is sustainable only in places that “offer a combination of rewarding hunting grounds, acceptable levels of risk and proximate safe havens.”<sup>3</sup> The waters off Somalia certainly meet this requirement:

The Gulf of Aden is the main trade route between Europe, the Middle East, and Asia, with approximately 16,000 ships navigating this area each year. The maritime industry off the Somali coast has grown over the years, and today, the Gulf of Aden serves as host to 12 percent of global maritime trade and 30 percent of the world’s crude oil shipments. Despite the economic slowdown in 2008 and its repercussions for global trade, the Gulf of Aden remains a vital and busy international lane of

commerce. Shippers have few alternatives to avoid this route, as the added cost of navigating around the Cape of Good Hope is quite substantial. Pirates thus have a wealth of potential targets that they use to their advantage.<sup>4</sup>

Moreover, the collapse of the Somali state removed not only a government capable of imposing its writ on the Somali people, but also effaced any vestige of effective sovereignty over the longest coastline in Africa (some 3,025 kilometers)—one with rich fisheries in the adjacent territorial waters and exclusive economic zone. While foreign fishing trawlers have moved aggressively into Somalia’s unguarded seas since the early 1990s, the evolution of the piracy phenomenon was far more than simply a local reaction to external exploitation. As analyst Ken Menkhaus has noted:

[W]hat began as a genuine grievance on the part of local fishermen quickly morphed into an enterprise by militia leaders, who saw an opportunity to earn easy cash by demanding fees from foreign fishing ships for “licenses” to fish in waters near territory they controlled. Those who failed to pay the fees ran the risk of capture and kidnapping of the crew. The militia leaders overseeing these “patrols” were utterly unconcerned about the inhabitants of beleaguered fishing communities, who are generally treated as second-class citizens in Somalia. Nor were militia leaders especially aggrieved at the illegal foreign harvesting of Somalia’s fisheries. They were simply seizing upon an easy form of extra income, and were in some ways complicit in the foreign ransacking of Somali fisheries. The Robin Hood narrative of Somali piracy as a grassroots form of coastal patrol against rapacious

foreign fishing vessels is thus only partly true, and at any rate has long since been overtaken by less noble motives. For scholars exploring war economies, Somali piracy is a textbook case of a shift in the motives of an armed group from grievance to greed.<sup>5</sup>

No matter how contrived, the “defensive” narrative nonetheless has had the effect—in combination with more coercive means of persuasion—of creating a social climate in which the actions of pirates are largely accepted by the populace and acquiesced to by what local political authorities do exist. It has also impacted the response of the international community to Somali piracy.

Since the seizure of the Taiwanese trawler MV *Shen Kno II* by the Somali Salvation Democratic Front (SSDF) militia of Darod warlord Abdullahi Yusuf Ahmad in 1997, a capture which was eventually ransomed for approximately \$1 million, the amounts which pirates can earn for the successful capture of a merchant vessel have spiraled upward. At the end of 2009, \$4 million was reportedly paid for the Chinese cargo ship MV *De Xin Hai*.<sup>6</sup> These ransoms undoubtedly have been a boon to the Somali economy, turning the main pirate ports into veritable economic hubs in an otherwise bleak setting.<sup>7</sup> On the other hand, the same illicit revenue flow is also affecting an already complicated political landscape, creating new centers of power, with potentially adverse consequences for the subregion.

Piracy also imposes costs on the global economy with everything from a forty-fold increase in insurance rates for ships in the last two years to fuel and other costs associated with diverting shipping around

the Cape of Good Hope to the “bad neighborhood syndrome” that now discourages investment and tourism in Somalia’s neighbors. Estimates of the direct and indirect costs of piracy to global trade range as high as \$16 billion annually.<sup>8</sup>

To combat this threat, the international community has deployed nearly three dozen warships to the waters off Somalia in three multinational task flotillas: the United States-coordinated Combined Task Force 151 (CTF-151), NATO’s “Operation Allied Protector,” and the European Union Naval Force (EU NAVFOR) “Operation Atalanta.” They have been supplemented by additional vessels from China, France, India, Malaysia, and Russia, among others, which are not formally integrated into one of the three naval groups. However, as this author warned a Congressional panel last year, “The marauders have hardly been cowed by the international naval presence... The pirates have simply shifted their operations to areas which they know are not being patrolled, with strikes increasingly taking place on the high seas of the western Indian Ocean.”<sup>9</sup> In fact, attacks recently have taken place as far as 1,000 nautical miles from the Somali coast, and even the transit corridor in the Gulf of Aden that is supposed to be secured by international naval forces is not all that secure, as the late December 2009 seizure of the British tanker MV *St. James Park* amply demonstrated.<sup>10</sup>

### **International law...**

Whatever the operational challenges of combating Somali pirates at sea, dealing with them legally should be relatively simple, at least in theory. From time immemorial—that is, before international law in the modern sense of the term even

existed—pirates have been regarded by the Law of Nations (*jus gentium*) as *hostes humani generis*, enemies of the entire human race, because their actions were considered to be tantamount to war against all civilized nations. Consequently, they were subject to the universal jurisdiction of any state that succeeded in laying its hands upon them.

---

Given the apparently robust position that international law takes against piracy, one would expect that legal proceedings against suspected pirates would be relatively smooth. In reality, the opposite has been the case.

The universal proscription against piracy was carried over into the UN Convention on the Law of the Sea (UNCLOS),<sup>11</sup> which has been ratified by 160 countries (albeit not by the United States). Article 101 of UNCLOS defines piracy broadly as “any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed: (i) on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft; (ii) against a ship, aircraft, persons or property in a place outside the jurisdiction of any State” as well as “any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft” or “any act of inciting or of intentionally facilitating” of such. The treaty also calls on nations to “cooperate to the fullest possible extent in the repression of piracy on the high seas or in any

other place outside the jurisdiction of any State” (art. 100).

UNCLOS is reinforced by the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (SUA Convention),<sup>12</sup> which has been ratified by 156 countries, including the United States. While the SUA Convention favors the jurisdiction countries whose flag is flown on the attacked ship or whose nationals are on board, it allows any state party to the accord to prosecute anyone who “seizes or exercises control over a ship by force or threat thereof or any other form of intimidation”(art. 3). Unlike UNCLOS, the SUA Convention covers not only vessels on the high seas, but those in the territorial waters of countries as well.

The UN Security Council has also moved to strengthen the international legal framework for dealing with Somali piracy with the unanimous adoption of Resolution 1816 and follow-up resolutions, all of which invoked Chapter VII authorities.<sup>13</sup> Acknowledging the utter ineffectiveness of Somalia’s rather notional transitional “government,” these measures have authorized “States cooperating with the TFG” to “enter the territorial waters of Somalia for the purpose of repressing acts of piracy and armed robbery at sea, in a manner consistent with such action permitted on the high seas with respect to piracy under relevant international law” and to “use, within the territorial waters of Somalia...all necessary means to repress acts of piracy and armed robbery.”<sup>14</sup>

Subsequently, following the unanimous passage of Resolution 1851,<sup>15</sup> which called upon “all States and regional organizations fighting piracy and armed robbery at sea off the coast of Somalia to establish an



international cooperation mechanism to act as a common point of contact between and among states, regional and international organizations on all aspects of combating piracy and armed robbery at sea off Somalia's coast," an *ad hoc* international Contact Group on Piracy Off the Coast of Somalia was established in January 2009. The forty-five countries and seven international organizations belonging to the Contact Group meet quarterly in plenary sessions as well as in four working groups dealing with military operations, judicial issues, shipping concerns, and public information.

Finally, following the precedent set by the United States in 2006, when the guided missile destroyer USS *Winston S. Churchill* intercepted and captured ten pirates and then turned them over to Kenyan authorities,<sup>16</sup> and with the explicit sanction of UN Security Council Resolution 1851, the United Kingdom, the United States, the European Union, and the People's Republic of China have all signed memoranda of understanding with Kenya for the East African country to receive and prosecute suspected pirates in its domestic courts.<sup>17</sup>

### **...and its limits**

Given the apparently robust position that international law takes against piracy, one would expect that, whatever the operational and tactical challenges, legal proceedings against suspected pirates would be relatively smooth. In reality, the opposite has been the case. For example, in mid-December 2009, just as the Somali pirates were concluding a year of record predations, the Royal Netherlands Navy frigate HNLMS *Evertsen*, serving as part of EU NAVFOR's Operation Atalanta, released some thirteen Somalis cap-

tured earlier in the month. Despite being seized in a speedboat laden with ladders, grappling hooks, automatic weapons, grenades, and other ammunition, the Somalis were put back into their own vessel and given food and fuel after the European Union decided it was impossible to bring charges against them.<sup>18</sup>

The Dutch treatment of the Somali pirates is by no means atypical. According to the count kept by the U.S. government, some 706 individual pirates were encountered by naval vessels of the ad hoc counter-piracy coalition between August 2008 and December 2009. Of these, 11 were killed resisting arrest, while 269 were turned over for prosecution, with 46 convicted and 23 acquitted so far. Nearly 60 percent of the pirates encountered, however, were simply released.

With this virtual expectation of impunity, it is no wonder that one pirate leader told a *New York Times* correspondent that he was not worried about the navies nabbing his crew since "his men would probably get no more punishment than a free ride back to the beach." The pirate affirmed: "They can't stop us. We know international law."<sup>19</sup>

Unfortunately, he may be right. While the classical Law of Nations facilitated the elimination of pirates as *hostes generi humanis*, enemies of mankind, through military action or even summary execution, modern international law—to say nothing of its most vocal proponents—is considerably less accommodating. In fact, Resolution 1851 and other documents approving the use of armed force against the pirates specifically require that it be employed in a manner "consistent with applicable international humanitarian and human rights law." This latter

body of norms has been increasingly interpreted in a manner restrictive to regular armed forces in their actions against unlawful combatants.<sup>20</sup> Certainly the modern anti-piracy operation has nowhere near the range of preventive or punitive measures available to its predecessors in the age of sail. If the contemporary international legal order seems to have gone out of its way to condemn the “targeted killings” of terrorists by countries under attack like the United States and Israel, one can only imagine what view might be taken of any similar actions against Somali pirates at sea, much less once they were back on shore and commingled with civilian populations in havens like Eyl, Hobyo, and Xarardheere.

Unfortunately, if armed force to repress piracy is effectively not an option outside of a very narrow set of circumstances—that is, when the pirates are caught *in flagrante delicto*, but before they actually seize control of the attacked ship (after which concern for the crew and vessel tends to counsel negotiation), *and* if the attackers resist the naval force’s defense of the boat under assault—prosecution is no easier. Once alleged pirates are brought to shore, the practical and legal hurdles multiply, because the prisoners are not able to claim some of the extravagant Geneva Convention protections human rights activists have tried to claim for them.<sup>21</sup>

Nor is the current choice of venue sufficient. While Kenya has been a convenient dumping ground for the majority of pirates caught recently, the East African country’s judiciary is simply not capable of processing the large number of pirates being captured since the various international naval task forces began deploying in the region in late 2008. Even if Kenyan courts were able to cope with

all the new cases, the country has its own restive ethnic Somali and Muslim populations whose preexisting sense of alienation from the rest of the body politic will hardly be assuaged by a seemingly endless parade of accused Somalis. And trying large numbers of Somalis in the courts of a neighboring country might well permit the pirate syndicates, which have shown themselves quite clever in their use of public relations, to wrap themselves in the mantle of Somali nationalism and thus broaden their base of support.

Unfortunately, the international law obligations of *non-refoulement*—that is, not sending people to countries where they are likely to be abused—don’t allow for many other options. Somalia’s TFG is not a government, at least not by any common-sense definition of the term. In addition to a less than exemplary human rights record, Yemen across the Gulf of Aden may well be on its way to joining Somalia in the “failed state” category of international basket cases, as its government simultaneously battles a tribal insurgency in the north, allegedly backed by Iran, and secessionists in the south, recently aligned with al Qaeda in the Arabian Peninsula.

Nor is bringing pirates back to Europe or North America the most expedient option. Aside from the burden of prosecuting cases which Western judiciaries have not heard in over a century, there is the additional concern that, exploiting still other international human rights obligations, the pirates will seek asylum either after their acquittal or upon completion of their sentences if convicted. This concern is not merely academic; in early 2008, the British Foreign and Commonwealth Office actually warned the Royal Navy that captured pirates could claim asylum in Britain.<sup>22</sup>

One question left largely undressed in this discussion is that of the responsibility of the government of Somalia, such as it is, for the acts of pirates operating from its territory. Insofar as the international community maintains the legal fiction that the collapsed state has a government, the principle of responsibility and the so-called “Condonation Theory” employed by arbitral tribunals come into play. Under these rules, the regime’s failure to bring offenders to justice is tantamount to approval of their criminal acts. There appears to be a legal inconsistency here, insofar as the TFG is accorded the benefits of international sovereignty, but has thus far assumed none of the obligations. This state of affairs could come back to haunt the TFG should it, against all expectation, survive and succeed in establishing itself as an effective entity with real assets, however limited, which those who have been victimized will have the ability to target.

### **No model for emulation**

If there is a lesson to be learned from the failure of efforts to date to counter piracy off the Somali coast, it is that international law and institutions are only effective insofar as they are firmly anchored in reality. While the theoretical framework exists for bringing the pirates to justice, the evidence from state practice has been that the countries most involved in anti-piracy operations have been less than willing to open their courtrooms to try accused offenders. The reasons for this reluctance vary, but it boils down to the difficulty of actually securing convictions given the constraints of international and domestic law, coupled with doubt about whether such prosecutions, even if successful,

will actually deter piracy given the opportunities and potential rewards.

---

While the theoretical framework exists for bringing the pirates to justice, the evidence from state practice has been that the countries most involved in anti-piracy operations have been less than willing to open their courtrooms to try accused offenders.

This hard truth is rather ironic because since September 11, 2001, a number of authors have argued that the difficulties in dealing with transnational terrorism might be overcome by appealing to the precedent of the international criminalization of piracy.<sup>23</sup> Yet, judging from the case of maritime piracy off the Horn of Africa, where there is supposedly general consensus as to an international response, one would be forced to conclude that modern international law is not particularly well-suited to dealing with organized transnational networks prepared to use violence against the liberal global order. And if international criminal justice is unable to cope with Somalis in open skiffs bearing light arms and scaling ladders, how can it be expected to deal with war criminals backed by the force of the modern state, much less extremist ideologists armed with weapons of mass destruction and inspired by visions of the final battle? Moreover, when some of the states which have been the most vociferous in promoting universal jurisdiction fail to assume responsibility for something as basic as the prosecution of an offense long and unequivocally sanctioned by the

Law of Nations, even when its victims are their own citizens and vessels, the new international legal order is left hopelessly adrift.



1. International Maritime Bureau, *Piracy and Armed Robbery against Ships: Annual Report, 1 January-31 December 2009* (London: International Chamber of Commerce, 2010).
2. Alan Greenblatt, "Attacking Piracy: Can the Growing Global Threat Be Stopped?" *CQ Global Researcher* 3, no. 8 (August 2009), 217.
3. See Martin N. Murphy, *Small Boats, Weak States, Dirty Money: Piracy and Maritime Terrorism in the Modern World* (New York: Columbia University Press, 2009), 30.
4. Shani Ross and Joshua Ben-David, "Somali Piracy: An Escalating Security Dilemma," *Harvard Africa Policy Journal* 5 (2009), 58.
5. Ken Menkhaus, "Dangerous Waters," *Survival* 51, no. 1 (February-March 2009), 22-23.
6. See Lula Ahrens, "China 'Rescues' Hijacked Ship's Crew," *Radio Netherlands Worldwide*, December 28, 2009, <http://www.rnw.nl/int-justice/article/china-rescues-hijacked-ships-crew>.
7. See J. Peter Pham, "The Pirate Economy," *ForeignPolicy.com*, April 13, 2009, [http://www.foreignpolicy.com/story/cms.php?story\\_id=4817](http://www.foreignpolicy.com/story/cms.php?story_id=4817).
8. See Raymond Gilpin, "Counting the Cost of Somali Piracy," U.S. Institute of Peace working paper, June 22, 2009, 8-9.
9. See J. Peter Pham, Testimony before the U.S. House of Representatives, Committee on Foreign Affairs, Subcommittee on Africa and Global Health, June 25, 2009, <http://foreignaffairs.house.gov/111/pha062509.pdf>.
10. Tristan McConnell, "Pirates Hijack British Tanker in Sea 'Safety' Zone," *Times of London*, December 30, 2009, <http://www.timesonline.co.uk/tol/news/world/africa/article6970307.ece>.
11. United Nations Convention on the Law of the Sea, December 10, 1982, [http://www.un.org/Depts/los/convention\\_agreements/texts/unclos/unclos\\_e.pdf](http://www.un.org/Depts/los/convention_agreements/texts/unclos/unclos_e.pdf).
12. Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, March 10, 1988 (entered into force March 1, 1992), <http://treaties.un.org/doc/db/Terrorism/Conv8-english.pdf>.
13. United Nations Security Council Resolution 1816, June 2, 2008, <http://www.un.org/News/Press/docs/2008/sc9344.doc.htm>.
14. See Douglas Guilfoyle, "Piracy Off Somalia: UN Security Council Resolution 1816 and IMO Regional Counter-Piracy Efforts," *International and Comparative Law Quarterly* 57, no. 3 (July 2008), 690-699.
15. United Nations Security Council Resolution 1851, December 16, 2008, <http://www.un.org/News/Press/docs/2008/sc9541.doc.htm>.
16. See Michael Bahar, "Attaining Optimal Deterrence at Sea: A Legal and Strategic Theory for Naval Anti-Piracy Operations," *Vanderbilt Journal of Transnational Law* 40, no. 3 (January 2007), 1-85; see also James Kraska and Brian Wilson, "Fighting Pirates: The Pen and the Sword," *World Policy Journal* 25, no. 4 (Winter 2008-2009), 41-52.
17. James Thuo Gathii, "Jurisdiction to Prosecute Non-National Pirates Captured by Third States under Kenyan and International Law," working paper, April 8, 2009, [http://works.bepress.com/james\\_gathii/16](http://works.bepress.com/james_gathii/16).
18. See "Suspected Somalia Pirates Freed by Dutch Navy," BBC, December 18, 2009, <http://news.bbc.co.uk/2/hi/8420207.stm>.
19. Jeffrey Gettleman, "Pirates Outmaneuver Warships Off Somalia," *New York Times*, December 15, 2008, <http://www.nytimes.com/2008/12/16/world/africa/16pirate.html>.
20. See David B. Rivkin, Jr., and Lee A. Casey, "Leashing the Dogs of War," *The National Interest* 73 (Fall 2003), 57-69.
21. See Michael H. Passman, "Protections Afforded to Captured Pirates under the Laws of War and International Law," *Tulane Maritime Law Journal* 33, no. 1 (Winter 2008), 1-40.
22. Marie Woolf, "Pirates Can Claim UK Asylum," *Times of London*, April 13, 2008, <http://www.timesonline.co.uk/tol/news/uk/article3736239.ece>.
23. See Douglas R. Burgess, Jr., "The Dread Pirate Bin Laden: How Thinking of Terrorists as Pirates Can Help Win the War on Terror," *Legal Affairs* 4, no. 4 (July/August 2005), 32-36.

# REDRAWING THE MAP

---

Cleo Paskal

---

There are a lot of things humans do right, when given the chance. One of them is basing societies on the rule of law, rather than the rule of mobs. Yet writing laws, treaties and regulations is not a stand-alone undertaking. Before starting, other relevant laws must be examined to make sure there are no contradictions, and the implications of the new measure must be “gamed” in order to ensure that it will accomplish the desired outcome. The process is similar to building a new house in a heavily populated area. During the design phase, you have to make sure that it links with existing infrastructure, won’t infringe on anyone else’s territory and that, ultimately, it will still be a comfortable place to live.

While the international community has become fairly good at writing laws, treaties, regulations and similar measures, the vast majority still take one thing for granted: that the physical environment which they govern will not change. Yet environmental change can swamp and paralyze legal infrastructure in the same way flooding can damage heavily populated areas, and that can have a direct impact on security and geopolitics.

## **Water: conflict or cooperation?**

Water-sharing agreements provide a clear case in point. When it was signed back in 1959, the agreement between Egypt and Sudan governing access to



CLEO PASKAL is a Fellow at Chatham House, London, and a consultant for the U.S. Department of Energy’s Global Energy and Environment Strategic Ecosystem. Her book *Global Warring: How Environmental, Economic, and Political Crises Will Redraw the World Map* was published by Palgrave Macmillan in January 2010.



the Nile divided the entire estimated flow of the river at the time between the two countries, allocating 18.5 billion cubic meters to Sudan, and 55.5 billion cubic meters to Egypt. In the years since, Egypt and Sudan have each built dams and irrigation systems, chosen crops and allowed settlements all on the assumption they will always be able to extract the same fixed amount of water.

---

Because a substantially changing coastline and large-scale disappearance of islands was not accounted for in the UN Convention on the Law of the Sea, the answers may become less a matter of law and more a matter of politics.

This, however, is not at all a certainty. For one thing, the Nile passes through several other nations, including Rwanda, Burundi, Democratic Republic of Congo, Tanzania, Kenya, Uganda and Ethiopia. As these countries aren't guaranteed supply, they have little incentive to protect the river system. As a result, water quality and flow is already degrading. At the same time, changes in precipitation and temperature patterns have the power to affect river levels, and population increases are adding to demand, all of which can combine to cause interlinked economic, political and security problems.

These sorts of rigid treaties clearly don't hold up under new realities. This was acknowledged by the leaders of the Nile states when, in 1999, they founded the high-level Nile Basin Initiative to try to reach a more flexible and stable agreement for water usage and sharing along the Nile.<sup>1</sup> The need to find peace-

ful solutions is urgent, because if national governments don't back citizens in their quest to secure water, it is possible communities along the banks of the Nile will take matters into their own hands—potentially with the support of outside forces who would benefit from more instability in the region.

Nor is the Nile situation an isolated one. The Lake Mead and Lake Powell reservoirs in the western United States went from close to full in 1999 to around half-full by 2007,<sup>2</sup> prompting attempts to create a new, more adaptive agreement to govern the sharing of water. But with so many interests vying for the increasingly scarce resource, the agreement is currently caught up in the courts.<sup>3</sup> There are also concerns that water sharing between the U.S. and Mexico may become problematic as the environment changes. As Anne Castle, the Interior Department's Assistant Secretary for Water and Science, put it recently: "In the face of climate change, we have to evolve, we have to adapt our operations."<sup>4</sup>

In many cases, understanding what is needed, and successfully adapting, can bring about ancillary positive side effects. In Israel, for example, it was acknowledged long ago that water has the potential to inflame regional relations, and that supply is limited and variable. While the situation can still be tense, a large-scale rollout of desalination technology has helped to increase water supply, and grassroots initiatives—such as the "good water neighbors project"<sup>5</sup> that brings Israeli, Palestinian and Jordanian communities together to work on regional water issues—have had some success in turning water from a source of conflict to a common cause. These efforts take constant maintenance

and monitoring, and require flexibility and investment. In the region, the stakes of falling behind the tide of necessary adaptation to environmental change are impossibly high, and one critical component of ensuring that water is a pathway to peace, not a cause of conflict, is enacting adaptive legal and regulatory frameworks that can manage the coming change.

These vignettes provide a microcosm of the national security and foreign policy dilemmas that might be brought about or exacerbated by environmental change. Yet the discussion of the large-scale adaptation of legal infrastructure to these shifts is still relatively newborn. In many ways that we are only now starting to understand, legislation that seems to have little to do with the environment will also be affected.

### **Sea of trouble**

Take the UN Convention on the Law of the Sea, also known by its acronym, UNCLOS.<sup>6</sup> Enormous effort was put into designing this comprehensive agreement that, among other things, normalizes maritime boundaries between nation-states. Most countries have signed on to the convention, and even in the United States—one of the lone holdouts—there now seems to be growing political momentum for ratification.

One tenet of the Convention is that coastal nations can claim a 200-nautical-mile exclusive economic zone (EEZ) off their coastline. To do that, the nation deposits a map of its claim with the Convention authorities and, once approved, the claim belongs to it, unless challenged by another state.

What this presupposes, however, is that the coastline itself won't change. But what if the coastline is a delta, as with Nigeria, or Bangladesh,

and a relatively small sea-level rise pushes the coastline inland by a few dozen miles. Will the EEZ retreat by a commensurate amount?

Similarly, if an offshore island is anchoring an EEZ claim, and it disappears, say due to rising sea levels, does the claim disappear along with it? And, in an extreme example, but one that highlights the complexities of these issues, if an entire nation, such as the low-lying Maldives, becomes uninhabitable or submerged, and needs to be evacuated, does it cease to exist as a country? Does it lose its seat in the UN? Do the waters become international waters? And if the islands submerge and are depopulated, but then reemerge in the future as a result of lowering sea levels, who will own them then?

Because a substantially changing coastline and large-scale disappearance of islands was not accounted for in the Convention, the answers may become less a matter of law and more a matter of politics. Very simply put, the way the Convention works is that unless the approved map is changed by the state in question, or challenged by another state, the borders exist as they were according to the map. This arrangement, however, opens up the possibility of political blackmail, in which the threat to challenge a changed border could become a lever to accomplish an entirely different end.

Currently, some nations threatened by substantial coastal change or extinction are trying to enact one-off fixes (Bangladesh, for instance, would like to fix its borders in perpetuity, in part so that it can clear the way for offshore hydrocarbon exploration<sup>7</sup>), or examining the possibility of bilateral arrangements that bypass the Convention entirely, as with the Maldives and India. One idea floated

by the Maldives was that its entire population of approximately 310,000 could move to nearby India.<sup>8</sup> What is unclear, however, is if India would then extend its own maritime EEZ to incorporate the erstwhile Maldivian EEZ—potentially administering fishing/mining rights, etc., on behalf of the new Indo-Maldivians, and thereby providing the settlers with a guaranteed income. That, of course, would have the corollary effect of giving New Delhi extended reach into the strategically important Indian Ocean.

---

Applying freedom of the seas in a rapidly thawing Arctic could seriously undermine North American and U.S. security, especially as China also becomes a more ambitious polar nation.

The bilateral arrangement being considered by India and the Maldives could become a model for other threatened nations. If New Zealand, for example, takes in the approximately 115,000 citizens of another threatened atoll nation, the Republic of Kiribati in the Pacific, could New Zealand help protect and exploit Kiribati's maritime EEZ, which is about the size of India, on behalf of its new residents? If so, could China offer a competing bid to take them in, in exchange for the same sort of arrangement?

This is literally uncharted territory, and developments and precedents need to be very closely monitored and assessed. So far, the response has tended to be more reactive than proactive. For example, in September 2009, news broke about a Mexican island off the Yucatan coast that, though appearing on maps

dating back centuries, didn't seem to be there anymore.<sup>9</sup> This was a rather large issue for Mexico as the island was the basis for a 55-mile extension of its EEZ into potentially hydrocarbon-rich waters. Some in Mexico even claimed the CIA had deliberately blown it up. The U.S. position was simple: no island, no claim.

This is a precedent that might come back to haunt U.S. policymakers, however. The Cuba–United States maritime border, for example, was set by a 1977 bilateral treaty that is renewed every two years. It is based on the equidistant principle, under which the border is set halfway between the two countries. The Cuba coastline is fairly stable and above sea level. The U.S. coastline, however, is not. It uses as its starting point the Florida Keys, an extremely low-lying area that may eventually be rendered uninhabitable by rising sea levels.

What this means is that it is not inconceivable that, at some point, the new coastline for Florida is up around Miami. Leaving the Bahamas aside for hypothetical purposes, if Cuba (potentially backed by Russia, which is already drilling for hydrocarbons in Cuba's Gulf waters) brings up the U.S. precedent—no island, no claim—the next time the treaty comes up for what should be *pro forma* ratification, it could get tricky. Of course, this is unlikely to happen, but even the threat of a challenge to claims may become a factor in international relations because of the failure of law to incorporate environmental change.

## The scramble for the Arctic

Interestingly, the one area where there is a lot of talk about threats to sovereignty as a result of environmental change—the Arctic—is actually

one of the regions where the Convention is likely to prove useful. While there is some coastal erosion in the Arctic, the coastlines are unlikely to change dramatically in the foreseeable future and the continental shelf claims are largely based on underwater geology. The idea that there have to be people living in specific parts of the high Arctic for the claims to be valid is legally inaccurate.

There is one legally fuzzy area that could become a security problem, however, and that is the Northwest Passage.<sup>10</sup> The Northwest Passage largely weaves through the islands of the Canadian Arctic. It can cut a substantial distance off travel between the Atlantic and Pacific. The London-to-Tokyo route, for instance, is thousands of miles shorter than traveling via either the Panama or Suez Canals.

Using the Convention, Canada claims the Northwest Passage as its internal waters, giving it the legal right to control entry and search and seize vessels it considers a danger. The United States, and much of the rest of the world, considers it to be an international strait, stipulating free access for all. While this might seem a good thing from a U.S. point of view, it makes it legally difficult to stop suspect vessels, including submerged military submarines, ships full of illegal immigrants, and cargo vessels carrying weapons. The underlying assumption of the freedom of the seas doctrine is that the seas are free, but under U.S. watchfulness. Unfortunately, in the Arctic the United States is woefully inequipped to be effective.

Russia has around 16 icebreakers, many of them nuclear-powered. By comparison, the U.S. and Canada have no nuclear-powered icebreakers, and a few years ago, the United States had to rent a Russian vessel

to get to the U.S. research station in the Antarctic.

Applying freedom of the seas in a rapidly thawing Arctic could seriously undermine North American and U.S. security, especially as China also becomes a more ambitious polar nation. The PRC has an icebreaker and research stations in both the Arctic and Antarctic.<sup>11</sup> As bilateral relations between Canada and China have recently been tested over attempts at large investments by Chinese companies in the oil sands, China has opened a second line of engagement with the people of the North. In a bid for secure supplies of natural resources, and strategic advantage, it is actively trying to build ties to the aboriginal communities in Canada that control access to resources through land claims. In the fall of 2008, over two dozen chiefs and representatives went to China at the invitation of the Chinese Communist Party. According to delegation head Chief Calvin Helin, "Canadian aboriginals own or control about a third of the Canadian land mass," and, he said, they went to Beijing to "tell China that Aboriginal Canada was open for business."<sup>12</sup> He told Chinese political and business leaders that "the biggest source for uncertainty for developing natural resources in Canada is aboriginal land claims. If aboriginal people are your partners, that uncertainty disappears." Another member of the delegation, Chief Glenn Hudson, explained, "Our future is not only in Canada, but partnering with other countries."<sup>13</sup>

Increased, unfettered and unmonitored shipping by China to resource access points in the North American Arctic is a real possibility, and the U.S. position on freedom of the seas is what makes it possible. This is a case where environmental change is opening

up new security vulnerabilities, but unchanged mind-sets are restricting the ability of existing laws to adapt to the new conditions. Ideally, the United States and its allies would work with longtime partner Canada to ensure that Northwest Passage shipping is safe. This could be complemented by, in conjunction with Russia, setting up a verification site at the Bering Strait and requiring all shipping going in to the Arctic to pass safe standards. A toll could be charged, that would go to defray the cost for the increased need for patrols and search and rescue in the Arctic. The cost to the shipping line could be offset by lower insurance premiums, as the insurers would be assured that standards were being met. Similar sites could be set up at eastern entry points, such as Iceland or the Faroe Islands and could double as cargo hubs.

---

Unless that new variable of environmental change is included, instruments designed to make us safer and promote growth could end up generating new and entirely unnecessary vulnerabilities.

### **Plugging leaks**

All of this, however, would take a proactive, cohesive approach to the relationship between law and environmental change, rather than the reactive, piecemeal one that prevails today. Many critical pieces of legal infrastructure, including water-sharing agreements and UNCLOS, but also fisheries treaties, agricultural subsidies, local zoning regulations and more, all make the same sort of assumptions about the environment remaining stable.

For example, much of the stimulus package funding for infrastruc-

ture did not include an assessment to ensure that the new or rebuilt infrastructure was in a location that was protected from environmental change. Also problematic is the National Flood Insurance Program. This perpetually money-losing government-funded program steps in and backs flood insurance policies when private insurers deem them too much of a risk. The result is that infrastructure and people continue to be located in areas that are known danger zones, risking not only economic development but also human safety. Once the impact of environmental change on those zones, and the ones nearby, is included in the analysis, the folly of the way the program is currently being implemented becomes even clearer. The taxpayer is subsidizing an increasing potential for disaster.

This is particularly problematic as the United States has the tools to substantially increase physical defenses against environmental change. For now, however, not only are many legal mechanisms creating vulnerabilities, others which are designed to protect and promote growth are not taking full advantage of what is on offer. For instance, because of the way projects are chosen, a force that should be one of the United States' best defenses against environmental change, the U.S. Army Corps of Engineers, has often served to undermine physical resilience, as was tragically seen with the failure of the levees and the inappropriately designed waterways that contributed to the flooding of New Orleans by Hurricane Katrina in 2005. One problem is that protection of existing developments is not properly valued, making it difficult to justify the expenditure of building a defense for what is already there, in comparison to putting up entirely



new developments elsewhere. As a result, new subdivisions are built on what was, until recently, swampland, while historic districts are left inadequately protected.

Ideally, legislation would require all new Corps projects to include an environmental change assessment component, protection of existing infrastructure would be properly valued, and the Corps itself would develop expertise in adaptation techniques and technologies. This could work well with soft power initiatives employed by the Department of Defense to build trust through helping allies bolster environmental security. The U.S. national security community, after all, is acutely aware of the destabilizing impact of environmental change. According to the National Intelligence Council, the intelligence community's clearinghouse for information and analysis, over 30 U.S. military installations are at risk of rising sea levels, and the Pentagon's 2010 Quadrennial Defense Review includes a section on "Crafting a Strategic Approach to Climate and Energy."<sup>14</sup> So far, however, this expertise is not being fully utilized to help build non-military domestic environmental security.

Unless that new variable of environmental change is included, instruments designed to make us safer and promote growth could end up generating new and entirely unnecessary vulnerabilities. Moreover, in many cases, incorporating environmental change into laws, treaties, regulations, and so on, is just a matter of asking the right questions. Getting it right will ensure strong, stable nations and relations, bolstered by an adaptive rule of law—and it is a matter of growing urgency and importance for domestic, and global, security.

1. Patricia Kameri-Mbote, "Water, Conflict, and Cooperation: Lessons from the Nile River Basin," Woodrow Wilson Center for International Scholars, *Navigating Peace* no. 4 (January 2007), <http://www.wilsoncenter.org/topics/pubs/NavigatingPeaceIssuePKM.pdf>.
2. Randal C. Archibold, "Western States Agree to Water-Sharing Pact," *New York Times*, December 10, 2007.
3. Bettina Boxall, "Colorado River Water Deal Overturned," *Los Angeles Times*, January 15, 2010.
4. Anne Castle, remarks as prepared for delivery at the Colorado River Water Users Association, December 10, 2009, [http://www.interior.gov/secretary/speeches/121009\\_speech\\_castle.html](http://www.interior.gov/secretary/speeches/121009_speech_castle.html).
5. Friends of the Earth Middle East, "Environmental Peacebuilding Theory and Practice: A Case Study of the Good Water Neighbours Project and In Depth Analysis of the Wadi Fukin/Tzur Hadassah Communities," January 2008, [http://www.foeme.org/index\\_images/dinamicas/publications/publ93\\_1.pdf](http://www.foeme.org/index_images/dinamicas/publications/publ93_1.pdf).
6. *United Nations Convention on the Law of the Sea*, 1982, [http://www.un.org/Depts/los/convention\\_agreements/texts/unclos/unclos\\_e.pdf](http://www.un.org/Depts/los/convention_agreements/texts/unclos/unclos_e.pdf).
7. "Bangladesh, Myanmar Agree to Compromise on Sea Boundary Dispute," Indo-Asian News Service, January 9, 2010.
8. "Maldivian President on Five-Day Visit to India," *The Hindu*, October 20, 2009.
9. Matthew Campbell, "Oil Boom Fuels Mystery of the Missing Island in the Mexican Gulf," *Sunday Times* (London), September 6, 2009.
10. For more on security in the Arctic, see Cleo Paskal, *Global Warring: How Environmental, Economic and Political Crises Will Redraw the World Map* (New York: Palgrave Macmillan, 2010), 65–125.
11. Jo Chandler, "China Flags Polar Resource Goals," *The Age*, January 7, 2010.
12. Rhéal Seguin, "Native Group Forging China Link," *Globe and Mail*, November 13, 2008.
13. "Aboriginal Chiefs Pitch Business Deals to China," Canwest News Service, November 4, 2008.
14. United States Department of Defense, *Quadrennial Defense Review Report*, February 2010, 84.





BRINGING  
SUPPORT  
TO OUR  
WARFIGHTERS.

Elbit Systems of America –  
Supporting our troops.  
Supporting freedom.

***Elbit Systems***  
***of America***

© 2010 Elbit Systems of America, LLC. All rights reserved.

The Spirit of Innovation<sup>SM</sup>



# DOCUMENT

## **Russia's New Arctic Strategy**

*In late March 2009, the Kremlin publicly released the full text of its new Arctic strategy. That document, first issued on September 2008, lays out a dramatic expansion of official Russian sovereign interests in what was previously agreed-upon as part of the so-called "global commons." The full text of the strategy appears below, courtesy of the American Foreign Policy Council. It was translated from the Russian by Maxim Rusnak and Ilan Berman.*

### **The Foundations of Russian Federation Policy in the Arctic until 2020 and Beyond**

Issued September 18, 2008

#### **I. General Provisions**

1. Current principles determine the main goals, main challenges, strategic priorities and mechanisms for implementing the state policy of the Russian Federation in the Arctic, as well as the means for strategic planning of the socio-economic development of the Russian Federation's Arctic zone and the maintenance of national security of the Russian Federation.
2. Based on current principles, the Arctic zone of the Russian Federation is understood as the part of the Arctic which includes, either fully or partially, the territories of the Republic of Saha (Yakutiya), Murmansk and Arkhangelsk regions, Krasnoyarsk Krai, Nenets, Yamalo-Nenets and Chukotka Autonomous Okrug, as defined by the decision of the Government Commission on Arctic Issues under the Council of Ministers of the USSR on April 22, 1989, as well as landmasses and islands included in the Decision of the Presidium of the Central Executive Committee of the USSR on April 15, 1926, in its "declaration of landmasses and islands in the Arctic Ocean

as territories of the USSR,” and water bodies attached to these territories, landmasses, and islands, territorial sea, exclusive economic zone and continental shelf of the Russian Federation, inside which Russia retains sovereign rights and jurisdiction, in accordance with international law. The borders of the Arctic zone of the Russian Federation can be defined in accordance with the normative legal acts of the Russian Federation, as well as by the norms of international contracts and agreements of which the Russian Federation is a participant.

3. The special features of the Arctic zone of the Russian Federation, which influence the formation of governmental policy in the Arctic, include the following:
  - a) extreme climate conditions, including constant ice cover or drifting ice masses in the Arctic seas;
  - b) the unique character of economic and industrial development of the territory and low population density;
  - c) the distance from major industrial centers, high resource capacity, and dependence of the private and public sectors on the delivery of energy and goods from other regions within Russia;
  - d) low levels of stability of ecological systems, which establish biological balance and climate of the Earth, and their dependence on the smallest anthropogenic effects.

## **II. National Interests of the Russian Federation in the Arctic**

4. The main national interests of the Russian Federation in the Arctic are:
  - a) the utilization of the Russian Federation's Arctic zone as a national strategic resource base capable of fulfilling the socio-economic tasks associated with national growth;
  - b) the preservation of the Arctic as a zone of peace and cooperation;
  - c) the protection of the Arctic's unique ecological system;
  - d) the use of the North Sea passage as a unified transportation link connecting Russia to the Arctic
5. National interests determine the main goals, main challenges and strategic priorities of Russia's governmental policy in the Arctic. The realization of the Russian Federation's national interests in the Arctic is provided for by government institutions together with institutions of the civil society in strict accordance with the law of the Russian Federation and Russia's international contracts.

### **III. Main Goals and Strategic Priorities of Russian State Policy in the Arctic**

6. The main goals of the Russian Federation's official state policy in the Arctic are:

a) in the sphere of socio-economic development, to expand the resource base of the Arctic zone of the Russian Federation, which is capable in large part of fulfilling Russia's needs for hydrocarbon resources, aqueous biological resources, and other forms of strategic raw material;

b) in the sphere of national security, the protection and defense of the national boundary of the Russian Federation, which lies in the Arctic zone of the Russian Federation, and the provision of a favorable operating environment in the Arctic zone for the Russian Federation, including the preservation of a basic fighting capability of general purpose units of the Armed Forces of the Russian Federation, as well as other troops and military formations in that region;

c) in the sphere of ecological protection, the preservation and protection of the natural ecosystem of the Arctic, and the mitigation of the ecological consequences of increased economic activity and global climate change;

d) in the sphere of information technology and telecommunications, the formation of a unified information space in the Arctic zone of the Russian Federation.

e) in the sphere of international cooperation, guaranteeing mutually beneficial bilateral and multilateral cooperation between the Russian Federation and other Arctic states on the basis of international treaties and agreements to which the Russian Federation is a signatory.

7. The main strategic priorities of the Russian Federation's official state policy in the Arctic are:

a) the active interaction of the Russian Federation with other Arctic states for the purposes of delineating maritime boundaries on the basis of international legal norms and cooperative agreements, taking into account the national interests of the Russian Federation;

b) the increase in efforts of Arctic states to create a unified regional system of search and rescue, as well as prevention of technical accidents and the mitigation of their consequences, including the coordination of rescue forces;

c) the strengthening of Russia's relations with other Arctic states, both bilateral and multilateral, including the Arctic Council and the Barents Euro-Arctic Region, by promoting greater economic, scientific, technological, and cultural interaction, as well as cooperation in the field of border control and in the areas of natural resources and ecosystem preservation in the Arctic;



- d) assistance in the creation and use of transit and cross-polar aerial routes in the Arctic, as well as in the use of the North Sea passage for international maritime navigation within the jurisdiction of Russian Federation and in accordance with Russia's international agreements;
- e) the promotion of participation of Russian state organizations and public organizations in the activities of international forums dedicated to the Arctic, including interparliamentary cooperation within the Russia-EU partnership;
- f) the delineation of the maritime territory of the Arctic Ocean and securing a mutually beneficial presence for the Russian Federation on the Spitsbergen peninsula;
- g) the improvement in state management of the socio-economic development of the Arctic zone of the Russian Federation, including the expansion of applied scientific research in the Arctic;
- h) an improvement in the quality of life of the indigenous population of the Arctic and the social conditions of economic development in the Arctic;
- i) the development of the resource base of the Russian Federation's Arctic zone through the use of promising technologies;
- j) the modernization and development of the transportation infrastructure and fishing industry of the Russian Federation's Arctic zone.

#### **IV. Main Challenges and Means for Implementing Russian State Policy in the Arctic**

- 8. The main goals of the state policy of the Russian Federation in the Arctic are achieved by solving the following basic problems:
  - a) in the area of socio-economic development it is necessary:
    - to finalize the collection of geological, geophysical, hydrographical and cartographical data necessary for the delineation of the outer border of the Arctic zone of the Russian Federation;
    - to provide for an increase in the reserves of natural resources originating in Arctic waters, partially by launching state programs for investigating and integrating the continental shelf of the Russian Federation, as well as by initiating the process of mastering the natural gas and oil reserves in the Arctic zone of the Russian Federation;
    - to develop and introduce new technologies designed to acquire sea minerals and aqueous natural resources under Arctic conditions, including in ice-covered regions, and to create a base for aviation technology and fishing vessels, as well as the necessary infrastructure for work under Arctic conditions;

- to optimize the economic mechanisms of the “Northern Delivery” project, by utilizing renewable and alternative sources of energy, including local sources, and by reconstructing and modernizing energy production;
- to promote the restructuring of North Sea Passage traffic, by means of state support for the production of icebreaking, emergency, rescue and support vessels, as well as coastal infrastructure;
- to establish a system of maritime navigation security and transportation control in regions of intense naval traffic, including through the creation of a set of hydrometeorological and navigational provisions for the Arctic zone of the Russian Federation;
- to create a system of complex security for the defense of the territories, population, and objects in the Arctic zone of the Russian Federation critically vital to Russian national security from threats of a natural and technical character;

The primary means for implementing state policy in the area of socio-economic development of the Arctic zone of the Russian Federation are:

- government support for industrial subjects active in the Arctic zone of the Russian Federation, specifically in the areas of hydrocarbon and other natural resources, by the means of utilizing innovative technology, developing transportation and energy infrastructure, improving customs and tax regulation;
- stimulating the expansion and completion of new Arctic assimilation projects by co-financing them with the aid of various levels of the Russian budget system and outside resources, and by guaranteeing state payment for labor, including research and exploration;
- modernization of social infrastructure, including educational facilities and medical facilities, as well as construction of housing and national projects of high priority;
- provision of training for specialists for work in Arctic conditions, and of assurance of government aid and compensation for persons working and living in the Arctic zone of the Russian Federation;
- provision of accessible and quality medical care for all peoples living and working in the Arctic zone of the Russian Federation, partially by expanding and modernizing first-aid systems;
- improvement of educational programs for the native population of the Arctic zone of the Russian Federation, especially by preparing children for life in a modern society with the ability to cope with extreme weather conditions, including equipping educational facilities and remote residential areas with technology necessary for distance learning;
- guaranteeing the implementation of nature preservation techniques and ecologically safe tourism in the areas of residence of native peoples, as well as the preservation of their culture, language, and traditions;

b) in the sphere of military security, defense, and protection of the Russian border in the Arctic zone of the Russian Federation it is necessary to do the following:

- to create general purpose military formations drawn from the Armed Forces of the Russian Federation, as well as other troops and military formations (most importantly, border units) in the Arctic zone of the Russian Federation, capable of ensuring security under various military and political circumstances;
- to optimize the complex system of control over the situation in the Arctic, including border control at the entry points to the Russian Federation, the introduction of an administrative border regime in the Arctic zone, and technical control over straits, river mouths, estuaries on the North Sea Passage;
- improve the capabilities of the border troops to match the sophistication of potential threats to Russian national security in the Arctic.

The main means of implementing state policy in the area of military security, protection of territorial integrity and the border of the Russian Federation in the Arctic are the following:

- the creation of an active, functioning system of coastal security within the Federal Security Service (FSB) in the Arctic zone of the Russian Federation, and an increase in the effectiveness of cooperation with the border guard of neighboring states on the issues of maritime terrorism, contraband, illegal migration, and the protection of sea-based resources;
- the development of border infrastructure along the Arctic zone of the Russian Federation, and re-equipment of its border guard;
- the creation of an administrative system dealing with the maritime situation in the Arctic zone of the Russian Federation, and strengthening of governmental control over economic activity in the Russian Arctic zone.

c) in the area of ecological security, it is necessary to do the following:

- to guarantee the preservation of biological diversity of Arctic flora and fauna, partially by expanding the network of natural preserves, in order to preserve the Arctic ecosystem in the face of expanding economic and industrial activities and climate change;
- to utilize nuclear-powered vessels during their established periods of operation;

The main means for implementing official state policy in the area of ecological security in the Arctic zone of the Russian Federation are:

- the establishment of special rules for the exploitation of natural resources and environmental protection, including the monitoring of pollution, in the Arctic zone of the Russian Federation;
- the re-cultivation of natural landscapes, the utilization of toxic waste abatement, and the establishment of biochemical safeguards, especially in densely-populated areas;

d) in the area of informational technology, it is necessary:

- to introduce modern information and telecommunication technology (including mobile) for the purposes of broadcasting, navigation

(both of sea vessels and airplanes), remote sensing of the Earth, monitoring the glacial layer, as well as hydro-meteorological and hydrographic provisions and systems for scientific research;

- to create a reliable system for navigation, hydro-meteorological and informational services, guaranteeing effective control over economic, military, and ecologic activity in the Arctic, as well as predicting catastrophic situations, mitigating damage in case of their occurrence, partially by utilizing the global satellite navigation system GLONASS.

The main means for implementing official state policy in the area of information technology and communication in the Arctic zone of the Russian Federation must be directed towards production and mass usage of innovative technologies, including cosmic means and multi-process universal networks;

e) in the area of science and technology, it is necessary:

- to introduce innovative technologies, including those used for clearing the territories of islands, coastal zones and the waters of the Arctic from anthropogenic pollution, as well as to develop materials and products suitable for the environmental conditions of the Arctic;
- to guarantee the creation of a government program for naval research, overseeing deepwater and hydronautics, to include technical instruments suitable for conducting polar research.

The main means for implementing official state policy in the area of scientific research in the Arctic zone of the Russian Federation are:

- establishing long-term perspectives and trends for various types of activity in the Arctic;
- studying dangerous and hazardous natural occurrences in the region, as well as developing and implementing innovative technologies and methods to predict the changing climate;
- forecasting and analyzing the consequences of global climate change taking place in the Arctic zone of the Russian Federation due to naturally-occurring factors, over the medium and long term, in the middle-term and long-term perspectives, including on the stability of infrastructure;
- conducting research on the history, culture, and economics of the region, as well as law enforcement activity in the Arctic;
- studying the effects of hazardous factors on the health of residents, the establishment of standards for medical care of the Arctic population, and the creation of a set of measures aimed at improving the well-being of the ecosystem and local residents.

9. The solution to the main tasks of official Russian state policy in the Arctic is implemented through strategic planning for the socio-economic development of the Arctic zone of the Russian Federation, and providing for Russian national security:

- a) the development and implementation of a strategy for the Arctic zone of the Russian Federation aimed at protecting national security;
- b) the creation of a monitoring system, including through the improvement of informational and statistical observation, for tracking potential national security threats in the Arctic zone of the Russian Federation;
- c) the preparation of normative legal assessments to clarify the geographic boundaries of the Arctic zone of the Russian Federation, in particular its southern zone, along with a list and status of all local governmental bodies located within each zone;
- d) an increase in the effectiveness of administration of the Arctic zone of the Russian Federation.

## **V. Main Mechanisms for Implementing Official Russian State Policy in the Arctic**

10. The state policy of the Russian Federation in the Arctic is carried out by the relevant federal organs of the executive branch, governmental organs of the Russian Federation, organs of local authorities, and commercial and non-commercial organizations active within the public-private partnership framework, as well as within the framework of Russian cooperation with other states and international organizations, including:
  - a) improvement, taking into consideration the national interests of Russia and the specific character of the region, of legislation in the areas of socio-economic development, environmental protection, military security, border protection, scientific research and international cooperation in the Arctic on the basis of international legal norms and the Russian Federation's international responsibilities;
  - b) development and implementation of special programs, financed by the various levels of the budgetary system of the Russian Federation and other extra-budgetary sources;
  - c) introduction of strategies aimed at developing territorial planning schemes and socio-economic development programs for subjects of the Russian Federation;
  - d) elaboration by the means of mass media of questions dealing with the national interests of the Russian Federation in the Arctic, including organizing exhibitions, conferences, "roundtable" meetings dedicated to Russian explorers of the Arctic, all with the aim of creating a positive image of Russia;
  - e) organization of systematic monitoring and analysis of Russian state policy implementation in the Arctic.



## **VI. Implementation of Russian State Policy in the Arctic**

11. Current principles will be achieved in several steps:

- a) during the first stage (2008-2010), the following must be accomplished:
  - conducting geologic, geophysical, hydrographic, cartographic, and other research for the purpose of preparing materials for delineating the border of the Arctic zone of the Russian Federation;
  - expansion of possibilities for international cooperation, partially for effective utilization of natural resources of the Arctic zone of the Russian Federation;
  - realization of goal-based programs, financed by means of various budgets of the Russian Federation as well as extra-budgetary sources, including the creation of a government program dedicated to developing the Arctic zone until the year 2020, within which high-tech energy production and fishing clusters, as well as special economic zones, will be created;
  - realization of promising public-private sector investment projects related to the strategic development of the Arctic zone of the Russian Federation;
- b) during the second stage (2011-2015), the following must be accomplished:
  - delineation of the internationally-recognized exterior border of the Arctic zone of the Russian Federation, and realization on this basis of the competitive advantages of Russia in the extraction and delivery of energy resources;
  - structural reconstruction of the economy in the Arctic zone by expanding the mineral and raw-materials base and utilizing sea-based biological resources of the region;
  - formation and development of infrastructure and administration systems for effective communication along the North Sea Passage and for improvement of Eurasian transit paths;
  - completion of a single informational space for the Arctic zone of the Russian Federation;
- c) during the third stage (2016-2020), it will be necessary to establish the Arctic zone of the Russian Federation as a leading strategic and resource base for Russia. Overall, in the mid-term, the implementation of official policy will allow the Russian Federation to maintain its status as a leading Arctic power. In the long run, it is necessary to utilize Russia's comparative advantage to strengthen its position in the Arctic, enhance international security, and maintain peace and stability in the region.





*The beauty beneath our logistics solutions is our  
ability to move fast — helping the military save lives.  
What can we do for you?*



Science Applications International Corporation delivered, prepared, and fielded over 9,000 MRAP military vehicles in one year. Our fast and efficient joint logistics integration program provides solutions from C4ISR electronics networks to analytics to total asset visibility. Smart people solving hard problems.

For detailed information, visit [saic.com/logistics](http://saic.com/logistics)

Energy | Environment | National Security | Health | Critical Infrastructure



© Science Applications International Corporation. All rights reserved.

NYSE:SAI



# PERSPECTIVE

## **The Past and Future of Missile Defense**

An Interview with  
Lieutenant General Henry Obering

Lieutenant General Henry “Trey” Obering, USAF (ret.) served as Director of the Missile Defense Agency, the Pentagon’s dedicated ballistic missile defense organization, from July 2004 to January 2009. He is currently a Senior Vice President at Booz Allen Hamilton. He was interviewed in January 2010 by *Journal* editor Ilan Berman on the state of the missile defense debate in the United States, and the mounting threat to American security posed by foreign ballistic missile arsenals.

In December 2002, the Bush Administration made the momentous decision to abandon the 1972 ABM Treaty in favor of a policy of protecting the United States from ballistic missile attack. It did so by seeking to create a “system of systems” designed to defend the United States, its allies and its deployed forces. What was the rationale behind that approach?

*Defeating ballistic missiles is a tough challenge that requires the “system of systems” approach that you refer to, implemented in an integrated, layered fashion. In this manner, you can take advantage of all phases of the missiles’ flight (boost/ascent, midcourse, and terminal). In addition, we were building defenses against all ranges of missiles (short, medium, intermediate and long). We were developing the Airborne Laser (ABL) and the Kinetic Energy Interceptor (KEI) for the boost/ascent phase, the Ground-based Midcourse system (GMD) and Aegis Standard Missile 3 (SM-3) for the midcourse phase, and the Terminal High Altitude Area Defense (THAAD) and Patriot 3 systems for the terminal phase. These interceptors were supported by orbiting infrared satellites, powerful new land- and sea-based radars, along with upgraded legacy radars. While the ABM treaty served its purpose with respect to the United States and Soviet Union, it was critical for us*

*to leave the ABM treaty because it would have prevented us from deploying such a system of systems to address the serious emerging ballistic missile threats from North Korea, Iran and other countries.*

Since taking office, the Obama Administration has charted a very different course. Current plans call for a reduction of some \$1.4 billion in the Missile Defense Agency's year 2010 budget. What systems will fall by the wayside as a result?

*The good news here is that the administration did not do what many observers expected, and eliminate the missile defense program outright, or reduce its budget by more than \$5 billion. This did not happen because of the demands of warfighters and an increasing awareness on the part of the administration of the value in continuing the development and deployment of missile defenses.*

*The \$1.4 billion reduction was a major factor in the termination or cutback of the ABL, KEI and GMD programs, however. In addition, the termination of the Multiple Kill Vehicle (MKV) program was a major setback; it would have provided KEI, GMD and Aegis interceptors with the ability to destroy more than one object per interceptor, thereby addressing the emerging countermeasures we expect an attacker to employ in the ascent or midcourse phases. And if the budget continues to be reduced, the Missile Defense Agency will have trouble adequately funding needed development programs to address maturing threats, carrying out robust testing to ensure that the systems we develop are effective, procuring sufficient numbers of interceptors and sensors, and maintaining the systems we have already fielded.*

The most direct consequence of the Obama Administration's new approach to missile defense has been the cancellation of Bush-era plans for a "third site" of interceptors and radars in Poland and the Czech Republic. What was the rationale behind the "third site," and what effect will its termination have?

*Under the original plan, we were addressing the short- to medium-range threats from Iran by modifying more Aegis ships for BMD capability, more than doubling the number of SM-3s and THAADs (to a combined total of more than 440 by 2015-2016), and initiating the land-based SM-3. To address the emerging long-range threat, we had planned for a forward-deployed radar in the Caucasus or Southeastern Europe, a proven radar in the Czech Republic (operational in 2013), two-stage ground-based interceptors in Poland (beginning in 2013 and completing in 2015), assuming ratification of all the necessary basing agreements in late 2008 or early 2009. This architecture would have provided short- to medium-range protection in the near term, and long-range protection of both the United States and Europe starting in the 2013-15 time frame. The deployed architecture would also have had an ability to deal with an initial complement of countermeasures/decoys.*

*The new plan in essence eliminates the GBIs in Poland and the radar in the Czech Republic while maintaining the forward-deployed radar and adding UAV-based infrared sensors into the architecture. It also calls for the deployment of a land-based SM-3 in the 2015 time frame, with eventual deployment of more sophisticated SM-3s toward the end of the decade.*

*The real difference between the two plans is that the United States has delayed any defense against intermediate to long-range threats until the end of the decade. One other distinction is that we were pretty far down the road in our European site efforts. We had done extensive site surveys, soil analysis, initial designs and layouts along with detailed program management planning. The new plan, on the other hand, is just beginning to unfold; I am not aware of any announcements of specific site locations or plans.*

The alternative missile defense plan put forward by the Obama Administration entails a significant reorientation toward sea-based midcourse defenses. What are the reasons underpinning this shift? What are its benefits and drawbacks?

*There are probably several reasons for the shift. First, the administration's revised threat assessment is that the Iranians would not have an intermediate- or long-range missile until much later than the original projection of 2015. Second, the Russians strongly opposed the stationing of long-range interceptors and radars in Poland and the Czech Republic, for largely geopolitical reasons. Third, there was a sense that sea-based missile defenses were more mature and more proven.*

*The benefits of the new approach are that we are moving ahead with developing and deploying missile defenses against the short- to medium-range threats in the European theater. Continuing to engage with NATO and our allies on this deployment is beneficial. In addition, there is inherent flexibility in the planned sea-based defenses, which provide valuable capability to the warfighter.*

*But there also risks inherent in this new approach. It is clearly based on the long-range missile threat projections from the intelligence community regarding Iran. Intelligence threat assessments should be factors in laying out strategy, but not foundational because these projections can be inaccurate. I am reminded of the threat assessments regarding North Korea released in 1998. Those stated that they would not be able to launch a multi-stage long-range missile for years. They did so just a few weeks later.*

*There are also technical risks inherent in this approach. The two-stage long-range interceptor that had been planned for Poland is nearly identical to the three-stage version that has been so successful in its tests to date. The version of the SM-3 missile now planned for deployment in Europe, however, has not flown yet and is dramatically different from the SM-3 variant already tested. As for the more sophisticated versions of the SM-3 now planned, those have yet to be fully designed—much less built or flown.*

Looking forward, what do you see as the greatest ballistic missile dangers facing the United States in the years ahead?

*Iran can be expected to continue its robust missile development program. In the last two years alone, Iran has successfully launched the SAFIR space vehicle, demonstrating a multi-stage orbital capability, and twice successfully flown an indigenously produced solid-propellant missile with a range of 2,000 kilometers. Look for them to fly an intermediate-range missile capable of 3,500 kilometers or more*



*within the next two to three years. Iran has also shown a propensity to proliferate, supplying short-range missiles to terrorist groups to be used against Israel. Combine these efforts with their nuclear program, and it makes them a very dangerous threat in the future.*

*North Korea is also pursuing a robust missile development program of short-range solid propellant missiles and medium- to long-range liquid fueled missiles. Their launch of an ICBM-quality multi-stage missile, the Taepo Dong 2, last year came very close to being successful. It demonstrated that North Korea had solved some of the more daunting challenges in building long-range missiles. The regime there has apparently already demonstrated a nuclear capability, which may be weaponized in the future, and poses an even greater proliferation threat than Iran.*

*Russia certainly has the numbers and quality of missiles to threaten the United States and our interests. But by far the country with the most active and accelerated ballistic missile development program is China. It has multiple programs for all ranges of missiles, and is tailoring its missile capabilities to counter U.S. power projection with our carrier battle groups and strategic reconnaissance with our satellites. It is also important to note that Russia has deployed a missile defense system, and China is in the process of doing so.*

*Finally, one cannot rule out the potential for an attack from an off-shore ship using a short- or medium-range missile. The ship could then be scuttled, which could eliminate any attribution. Several countries have actually demonstrated this capability as part of their test programs.*





# DISPATCHES

## Berlusconi's Bum Rap

Amy K. Rosenthal

ROME—This has not been an easy year for Silvio Berlusconi. Throughout much of 2009, the Italian prime minister has been plagued by controversy. The self-made media-tycoon-turned-politician has had his share of public and private headaches: legal battles involving alleged bribery, fraud and mafia links; a messy divorce from his second wife; and sex scandals, including one involving a young girl and another relating to private escorts. As if all this weren't enough, the 73-year-old leader was violently assaulted at a political rally in Milan on December 13th by a lone protester.

Indeed, the anti-Berlusconi campaign waged by the center-left inside Italy in recent months has been relentless. Articles by prominent newspapers such as *La Repubblica*, *L'Unità* and *Il Manifesto* have dedicated their ink to his sex life, even as they failed to concentrate on his government's policies.

The reasons have everything to do with the disarray plaguing Italy's Left. That disorder is historical in nature. Italy had the largest Communist Party in Western Europe until the fall of the Berlin Wall in 1989. The bulk of that contingent changed its name a couple of times (today it's known as the Democratic Party, or PD). But the Italian Left has never undertaken an "examination of conscience" by fully repudiating its past, reconciling itself to post-9/11 international realities, or standing up unflinchingly for human rights. Furthermore, for all their talk of "much-needed institutional reforms," its leaders seem incapable of overcoming their internal squabbles in order to devise a cohesive program that could defeat Berlusconi and his center-right government at the ballot box. Indeed, one of the precious few rallying points that the Italian Left appears to have is its visceral hate and contempt for Berlusconi himself.



AMY K. ROSENTHAL is Adjunct Professor of International Relations at the American University of Rome and a journalist for Italy's conservative daily, *Il Foglio*.

Italians, however, don't feel the same way. Since he strode onto the political scene, Berlusconi has won three separate national elections—in 1994, in 2000 and again in 2008. He lost the 2006 election to the center-left coalition led by Romano Prodi by just a tiny margin: 0.1 percent. In 2008, he won against the center-left by a large margin: 9 percent. Since taking office in May 2008, Berlusconi's personal approval rating has consistently exceeded 50 percent, only dipping below it in the last two months of 2009. Today, it stands at 48 percent.

At home, the Italian Left's vilification of Berlusconi hides its lack of political savvy in reforming Italy's bloated bureaucratic system. Berlusconi, meanwhile, is attempting to do just that. And his pledge "to combat the fiscal, judicial and bureaucratic oppression of Italians," as well as his support for "freedom, the individual, family, enterprise, as well as the Italian and Christian tradition" has resonated among Italians.

Berlusconi so far has lived up to his promises. His government has responded admirably to a series of domestic problems, from expanding sanitation in Naples to providing disaster relief to the city of Aquila. Berlusconi's administration also has cracked down on organized crime, arresting mafia figures who have remained at large for decades, and taken pragmatic steps to address everything from illegal immigration to improving the Italian economy.

On the international scene, meanwhile, Berlusconi has abandoned the ambiguity of previous Italian governments and aligned himself wholeheartedly with the Western world. In 2003, his government deployed 3,200 troops to southern Iraq, the third-largest contingent there after the U.S. and the UK. (The center-left Prodi government withdrew those troops in 2006.) As of December 2009, Italy, which commands the International Security Assistance Force (ISAF) in western Afghanistan, has a contingent of close to 2,800 men in the country, and has agreed to deploy another 1,000 next year as part of the new Afghan strategy drawn up by President Barack Obama. Most noteworthy, however, is that under Berlusconi's leadership the Italian government has shifted its traditional position on foreign policy from being the most pro-Arab western government into becoming a steadfast ally of the United States and Israel.

Berlusconi, in other words, is no flash in the pan. And the Italians who vote for him are neither a fringe group nor naïve. No populace or government fitting that description could have what it takes to be the world's seventh-largest economy, and the fourth-largest in Europe, or the capacity to manage a global economic crisis with such finesse or commit its troops abroad in the battle against international terrorism.

Berlusconi has pledged to go on with his political agenda despite the "campaign of hate" launched against him. Good, because if nothing else, this should offer the Italian Left ample time to transform itself into a cohesive and modern center-left entity that will be able to muster the consent of the Italian electorate. Until that day arrives, though, Italians will continue to support their leader.



## Appeasement, German Style

Benjamin Weinthal

BERLIN—Traditionally, the point of departure for German foreign policy has been to placate authoritarian Muslim states in the Mideast. Back in 1984, Germany's foreign minister at the time, Hans-Dietrich Genscher, commenced the so-called "critical dialogue" with the Islamic Republic of Iran—a dose of cognitive therapy that was supposed to spur a change in the behavior of Iran's revolutionary regime. But, as expatriate Iranian journalist Amir Taheri has written, the sum total of "critical dialogue" between Tehran and Berlin turned out to be jointly criticizing American foreign policy. This and subsequent diplomatic dalliances with despotic Islamic regimes have made Berlin complicit in the perpetuation of instability in the Mideast.

Berlin's foreign policy fecklessness abroad has been matched by a dangerously meek posture toward radical political Islam at home. Perhaps the most telling example can be found in the treatment of Iranian proxy militia Hezbollah, which enjoys the status of a legal political group in Germany. Hezbollah has 900 active members in Germany, according to the country's domestic intelligence agency, known as the Federal Office for the Protection of the Constitution. And while the United States has outlawed Hezbollah because of its global terrorist activities, and the United Kingdom has banned its military wing, Germany has contented itself with a fluffy partial ban on *Al Manar*, the Hezbollah-controlled television station based in Lebanon. Pursuant to Interior Ministry decree, *Al Manar* is not permitted to broadcast in German hotel rooms, but can continue to air its programming inciting hatred and violence against the West and Israel in private residences.

This soggy approach to political Islam can also be seen in the absence of a clear German war strategy in Afghanistan, which is setting back the Obama Administration's efforts to dislodge the Taliban and advance democratic institutions in that country. There are approximately 4,300 German troops stationed in Afghanistan, and Germany's current parliamentary mandate permits as many as 4,500. Yet German officials like newly-minted Foreign Minister Guido Westerwelle have blustered that they have little interest in simply "providing troops."

To be sure, there is a pressing need to pump more resources into civil society programs to reverse the repression of women, rebuild Afghan institutions, and enhance the country's school system. Yet Westerwelle and Defense Minister Karl-Theodor zu Guttenberg have been engaging in linguistic flip-flops by refusing to term the conflict in Afghanistan a war. A commitment to clarity would help draw a line in the sand against radical Islam, and at the same time inspire those German troops forced to grapple with the daunting task of serving as both social workers and trained soldiers.



BENJAMIN WEINTHAL is a Berlin-based journalist who writes for Israeli and German publications.

That Berlin lacks this kind of resolve speaks volumes about the nature of German foreign policy. Germany today is driven by a naïve pacificism that is an outgrowth of the defeat of Nazi Germany, and by the hyper-jingoism that punctuated German foreign policy during the first half of the 20th century. There is also an unsettling absence of historical understanding; the application of massive military force liberated Germany from the Hitler movement, yet the need for the same to emancipate Afghanistan from Taliban oppression has not been sufficiently communicated to “Otto Normalverbraucher,” the German term for “John Q. Public.” According to surveys, a majority of Germans reject a troop presence in northern Afghanistan.

Revolutionary political Islam, whether animated by the mullahs in Iran or the Taliban in Afghanistan, is increasingly downplayed in Germany. That helps to explain the pooh-poohing of domestic and international threats from radical Islamic groups that takes place among German politicians and the public. It also accounts for the tolerance for intimidation that is routinely waged by those same elements.

Take Seyran Ates, the charismatic German-Turkish lawyer and author who has been subjected to death threats because of her legal activities opposing honor killings and forced marriages among Muslims. In late 2009, the publication of her book *Islam Needs A Sexual Revolution* prompted a new wave of calls for her death. Political and societal indifference to Ates’s situation is reminiscent of that toward Ayaan Hirsi Ali, the Dutch-Somali politician and critic of political Islam, who was forced to flee to the United States to escape assassination attempts.

That Ates is forced to be a fugitive because of her criticism of political Islam shows the interplay between an impotent foreign policy and the fear of targeting home-grown radical Islam that is endemic to Germany today. But all is not lost; a clean break with the “critical dialogue” foreign policy approach toward political Islam, together with an assertive domestic approach to the German branch of Hezbollah and greater support for champions of Western freedoms like Ates, can help breathe life into a new role for Berlin in the war on terror.





## Waging a War of Ideas with Russia

Victor J. Yasman

PRAGUE—Over the past decade, U.S.-Russian relations have steadily deteriorated, and now can be said to be at their nadir. This realization is what spurred President Obama to launch his vaunted “reset” with Russia—a policy shift that the Kremlin has accepted. The results are already becoming visible on a number of fronts; work on a new strategic accord, more Russian cooperation for U.S.-led Coalition operations in Afghanistan, and greater Kremlin support on the Iranian nuclear problem and other pressing international security issues.

While many skeptics may question the wisdom of such a policy, Russia’s ability to fulfill its obligations, or even its sincerity in doing so, one thing is clear. A stalemate in bilateral relations, or a further deterioration of them, is not in anyone’s interest. When it comes to engaging Russia ideologically, however, American efforts are falling conspicuously short.

There are objective reasons why the image of the United States has deteriorated so drastically there over the past decade. The most potent is the new anti-Americanism that permeates today’s Russia. This is different from that which emanated from the Soviet Union during the Cold War. Back then, massive Communist propaganda cultivated a “class approach” that highlighted the difference between “Wall Street capitalists” and the “hard-working and talented American people.” Not any more. In today’s Russia, anti-American clichés indiscriminately depict all Americans as stupid, ignorant, obese and generally Russophobic.

These beliefs, moreover, have been aided and abetted by official policy. During Vladimir Putin’s presidency, anti-Americanism had a purely practical domestic goal. It was aimed at consolidating the support of the country’s nationalist and Communist electorate around the Kremlin. But until his famous Munich speech in February 2007, Putin and other Russian officials refrained from making anti-American remarks publicly. Since that time, however, the Kremlin has wielded anti-American rhetoric overtly when it was politically advantageous.

To be sure, since President Dmitry Medvedev established personal contacts with President Obama, anti-American rhetoric on state television channels has been noticeably curtailed. But anti-Americanism as a cultural phenomenon remains pervasive, as does nostalgia for Soviet times, another trend actively sponsored by the Kremlin.

At the same time, exploiting his liberal image, Medvedev has begun to rebrand Russia’s image abroad. In 2009, for example, the 24-hour pro-Kremlin English-language news channel *Russia Today*, launched by Putin in 2005, began expanding its outreach to Spanish- and Arabic-speaking countries. *Russia Today* also now boasts special English-language programming aimed at foreigners who live in Russia. And this is only the beginning. This year, the Kremlin will launch a new state-controlled channel known as *My Planet*, a Russian variant of the *Discovery Channel* and *National Geographic*. Another new broadcast outlet,



VICTOR J. YASMAN is a political consultant and analyst based in Prague. A veteran of the human rights movement in the Soviet Union, he worked for over two decades as a senior analyst at RFE/RL in Munich and Prague.

*Our Country*, is intended to propagate a patriotic image of Russia's regions. Around-the-clock sports and children's channels will follow in short order. The Kremlin, in other words, is increasing its investment in state-supported media in spite of the global economic crisis.

Under Medvedev, the Kremlin has also made great efforts to attract elements of the country's younger generation who are not part of the so-called "Putin majority." Last year, the Russian president launched his video blog, in which he regularly addresses topical political issues, often using informal language and Internet slang. Other Russian politicians and personalities are now following suit, among them Medvedev's own wife, Svetlana, and Boris Yeltsin's daughter, Tatyana Yumasheva. But while personal blogging may be booming, the Kremlin still dominates the informational scene; despite the illusion of diversity, the same old pro-Kremlin content is presented.

Once upon a time, the United States could meet this intellectual challenge. During the Cold War, U.S. international broadcasting served as one of the primary tools of U.S. outreach. And Radio Free Europe/Radio Liberty in Prague was deservedly considered one of the most important informational outlets in the Soviet bloc. Not only was RFE/RL the single most potent source of free information for people behind the Iron Curtain, it was also a persuasive intellectual weapon against Communist ideology. RFE/RL learned to fight and win the battle of ideas with Communism.

Today, however, RFE/RL is just a shadow of its former self. It is now behind the times, poorly equipped ideologically for the new theater of intellectual combat with Russia: the Internet. Its Russian-language website lags far behind many pro-Kremlin websites in terms of innovative concepts and content. It has little video blogging, the format at which Russia's state-controlled Internet sites and Moscow-based radios and newspapers excel. And paradoxically, it has devoted very little space or airtime to address the problems of Russia's most sophisticated audience, its youth. Programming for women is similarly lacking. The result is programming that looks for all the world like a throwback to the 1990s. This disconnect persists even now, when more and more people in Russia reject the policies of the present regime.

It does not have to be this way. If it reverses course, U.S. public diplomacy can win Russian hearts and minds today as it did in the past. To do so, however, Washington will need to identify effective pro-democratic forces in Russia, make American values and ideals attractive once again by backing democratic groups, and help these forces to recapture the political initiative and resume their country's movement toward the civilized world. Nobody wants a new Cold War. But the battle of ideas is something different. It is an intellectual contest that can be won once again.





# BOOK REVIEWS

## **Architect of Power**

Joshua W. Walker

AHMET DAVUTOGLU, *Strategik Derinlik, Türkiye'nin Uluslararası Konumu* (Strategic Depth, Turkey's International Position) (Istanbul: Kure Yayinlari, 2001), 584 pp. 22 YTL.

The recent activism of Turkish foreign policy under the leadership of Prime Minister Recep Tayyip Erdogan and the ruling Justice and Development Party (AKP) has caused political waves throughout Europe, the Middle East, and the West. In attempting to decipher Turkey's foreign policy trajectory, serious attention has focused for some time on Professor Ahmet Davutoglu, for good reason. Davutoglu has served as Prime Minister Erdogan's chief foreign policy advisor since 2002, and the enormous respect he commands

within the AKP has made him perhaps *the* most important architect of contemporary Turkish foreign policy. This status was affirmed in May 2009, when Davutoglu ascended to the post of Foreign Minister in Erdogan's cabinet.

Yet Davutoglu remains something of an enigma in the West. Given his status as a former professor of international relations, Davutoglu's ideas about the world—and Turkey's place in it—are comparatively well known in Turkish academic circles. But they have rarely been examined more broadly, in part because there is no English-language translation for his seminal 2001 book, *Strategik Derinlik, Türkiye'nin Uluslararası Konumu* (Strategic Depth, Turkey's International Position). This is a critical shortcoming, for the ideas



JOSHUA W. WALKER is a postdoctoral fellow at the Transatlantic Academy of the German Marshall Fund, and a Ph.D. candidate in Politics and Public Policy at Princeton University.

contained therein provide the foundation for a large portion of the foreign policy agenda now being put into play by Davutoglu himself.

*Strategic Depth* argues that a nation's value in world politics is predicated on its geo-strategic location and historical depth. Following this logic, Davutoglu explains, Turkey is uniquely endowed both because of its geographic location, particularly its control of the Bosphorus, as well as its historical legacy as heir to the Ottoman Empire. While traditional measures of Turkey's national power tend to overlook the cultural links fostered by a shared common history, Davutoglu emphasizes Turkey's connections to the Balkans, the Middle East, and even Central Asia. In the same vein, Davutoglu argues that Turkey is the natural heir to the Ottoman Empire that once unified the Muslim world and therefore has the potential to become a "Muslim super power."

Accordingly, Turkey is not simply an "ordinary nation-state" that emerged at a certain point due to political circumstance or the designs of the outside powers—like, for example, many new states in Central Europe in the aftermath of the First World War. Rather, Turkey is a regional power in its own right, having strong traditions of statehood and broad strategic outreach. Thus, Davutoglu concludes, "It has no chance to be peripheral, it is not a sideline country of the EU, NATO or Asia."

To the contrary, Davutoglu—and by extension the AKP—contends that Turkey is a centrally positioned international player. "Turkey is a country with a close land basin," he writes, "the *epicenter* of the Balkans, the Middle East and the Caucasus, the *center* of Eurasia in general and is

*in the middle* of the Rimland belt cutting across the Mediterranean to the Pacific"[emphasis added]. Such geo-strategic vision reflects the newly-acquired self-confidence on the part of the AKP, which is supportive of a more proactive foreign policy—particularly in what it calls the Ottoman geo-political space—and highly critical of Turkey's traditional Cold War reluctance to embrace its obvious historical and geographical advantages.

The implications are practical. "Strategic depth," as applied by Davutoglu, seeks to counterbalance Turkey's dependencies on the West by courting multiple alliances to maintain the balance of power in its region. Its basic premise is that Turkey should not be dependent upon any one actor, and should actively seek ways to balance its relationships and alliances so that it can maintain optimal independence and leverage on the global and regional stage.

This new reading of Turkey's history is practical. It neither seeks to sever all ties with Turkey's pre-republican past, nor rejects all things Ottoman. The appeal of this interpretation has allowed Davutoglu to work with many nationalists and ardent secularists within the Turkish state who actively seek to embrace both Turkey's Ottoman past and former geo-political space. In this sense, the proposed strategic outlook is not merely national but regional; it replaces Turkey's perception of being on the periphery of international affairs to an acceptance of its central role in important historical developments.

Of course, the specific policy implications of *Strategic Depth* depend heavily upon interpretation and emphasis. The broad strokes of contemporary Turkish foreign policy-making, however, are clearly visible.

Turkey's most recent interest in cultivating warmer relationships with formerly estranged neighbors such as Russia and Iran while simultaneously building inroads with China and India may have caught Washington by surprise, but are all part of making Turkey a central player in the global arena. Closer to home, there is a renewed interest in re-engaging Turkey's former Ottoman space, both in the Balkans and in the Middle East. And Turkey's engagement with Syria and Iraq has followed at a breakneck speed that draws directly on the region's cultural and historic ties as extrapolated on by Davutoglu and now being implemented by his foreign ministry.

Taking this line of reasoning further, it follows that Turkey will strive to take on a larger role as a champion of its former Middle Eastern colonies—which might welcome Turkey's "return" to the Middle East with particular focus on healing intra-Arab and Sunni rivalries. A nuanced reading of this same line of reasoning also indicates a Turkey that is willing to take on greater responsibility for regional stability in not just the Middle East, but also in the Balkans and the Caucasus. Part of this paradigm shift is the resolution of historic differences with Armenia.

Turkey's religious identity figures here as well. *Strategic Depth* emphasizes Turkey's potential role within the Muslim world, given that Istanbul was the last seat of the Caliphate. Davutoglu outlines the logic of using this latent leverage to engage Central Asia by offering an economic model of development through Turkish businesses, construction, education, and NGOs while also reaching out to Afghanistan and Pakistan. While helping Turkey capture its place as a "Muslim super power,"

as Davutoglu advocates, may be a bridge too far, stronger connections with places as far away as Malaysia and Indonesia does have tangible benefits for Ankara, allowing it to speak authoritatively on behalf of the Muslim world in the G-20 and at the UN Security Council.

Turkey's new self-awareness as a regional power coincides with a new administration in Washington. Rather than simply being able to rely on Turkey to be an instrument of U.S. power in its region, the Obama Administration is now facing a stronger and more assertive government in Ankara that can and will disagree on key foreign policy issues, ranging from Iran's nuclear program to Israel's Gaza offensive. Davutoglu's *Strategic Depth* provides an important template for understanding how the current government in Turkey sees these issues, and its own place in the world.





## TOGETHER WE RISE TO THE TOP.

A strong foundation gives us limitless potential to reach new heights and accomplish what was never thought possible.



## Warrior Politics

James S. Robbins

RICHARD B. MYERS with Malcolm McConnell, *Eyes on the Horizon: Serving on the Front Lines of National Security* (Simon & Schuster, 2009), 338 pp. \$27.00.

Former Joint Chiefs Chairman General Richard B. Myers opens his autobiography at a moment of high drama: the September 11, 2001, attacks, and particularly the attack on the Pentagon. It was a defining moment in a long and dynamic career, and the four years that followed were nothing like what he expected.

In *Eyes on the Horizon*, Myers relates his evolution into a military officer, from his youth in Kansas through education at Kansas State University and entry to the Air Force. For years he had been afraid of aircraft—one of his earliest memories was witnessing a B-24 bomber crashing a few blocks from his house during World War II, when he was two years old—but when offered the choice between Army and Air Force ROTC at school, he chose the latter. He did not get off to a promising start. His first training report read, “Cadet Myers does not have much of a future as an Air Force Officer.” But he persevered, and served forty years in uniform through thirty assignments.

During that time, Myers saw warfare at every level, from tactical aerial warfighting in Vietnam to planning grand strategies as 15th Chair-

man of the Joint Chiefs of Staff. He was commissioned in 1965, the year the United States began major operations in the Vietnam War. During his tours in Southeast Asia, Myer logged 600 combat hours in the F-4 Phantom, frequently flying hazardous radar suppression runs in support of strategic bombing missions. He suffered the personal and professional pain of seeing the United States abandon South Vietnam to the communist North, and writes emotionally of the defeat and its impact on the military. Myers drew the lesson from Vietnam that in time of war “our forces should be committed in appropriate strength, with clear objectives, which keep relentless pressure on the enemy to capitulate.” Furthermore the military should not be committed without “reasonable assurance” of continued support from the American people and the Congress. None of these requirements were met in the Vietnam conflict, a lesson that the junior officers of the era remembered well as they matured to senior command rank.

Gen. Myers went on to have a distinguished career during the rest of the Cold War and into the 1990s, serving as 5th Air Force commander, Commander of Pacific Air Forces, then Commander in Chief of North American Aerospace Defense Command and later the U.S. Space Command. His story interspersed with vignettes of



JAMES S. ROBBINS is Senior Editorial Writer for Foreign Affairs for the *Washington Times*, and Senior Fellow in National Security Affairs at the American Foreign Policy Council. He is the author of the forthcoming *This Time We Win: Rethinking the Tet Offensive*.

family life, and in some respects it is a story similar to that of any long-serving member of the military: the stresses of multiple deployments, moving from post to post, all the while sustaining a marriage, raising children and keeping ties with friends and family across countries and continents.

*Eyes on the Horizon*, however, is also an important addition to the recent historical record, providing an inside account of important events in American national security. Myers was acting Chairman of the Joint Chiefs of Staff on September 11th, and took over the Chairmanship formally on October 1, 2001, a week before the United States launched military operations in Afghanistan. He served as Chairman through September 30, 2005, and during his tenure coordinated the initial military response to the 9/11 attacks, oversaw the planning and conduct of Operation Enduring Freedom, played the same role during the War in Iraq, and helped shape national-level strategies for the War on Terror through most of the first term of the Bush Administration.

This period saw signal triumphs of American arms, but also significant political controversies arising from the unprecedented and unconventional nature of the war. Gen. Myers discusses the formulation of detainee policy in the Pentagon in 2002, and his view that the Taliban and al Qaeda detainees captured in Afghanistan were entitled to protections under the Geneva Conventions, a position that became the consensus among the civilian leadership at the Pentagon. But the White House chose to lean heavily on strictly legal interpretations of the rights of detainees, and he believes that this overreliance on lawyers tended to sidetrack key strategic and political considerations. "There were much broader strategic issues

here that needed more than simply legal analysis," he writes. The policy changed over time, which Gen. Myers cites as proof that "the system worked." But the episode nevertheless provided one of the avoidable controversies that plagued the Bush Administration.

Myers rounds out his work with a discussion of future strategies for the ongoing war on terrorism. He offers a detailed description of a "global insurgency" paradigm that he and his staff developed in 2004, and which remains salient today. The paradigm grew from the effort to answer a simple question: "Have we defined our adversary correctly?" Myers sought to replace a narrow, tactical view of terrorism with a strategic view of violent extremism as one aspect of a larger challenge "aimed at limiting America's power in large swaths of the planet so that alternative forms of government, such as an Islam-based global Caliphate, can reign."

Myers notes that the global Islamic insurgency is by its nature limited by paradoxes, such as the fact that the extremists wind up killing many more Muslims than non-Muslims; and that "because fighting is winning they cannot stop. They recognize the corollary to this maxim is: Not fighting is losing." These contradictions limit the effectiveness of the global insurgency as well as stymie its growth potential. But this is not enough to cause the movement to implode by itself. In order for the United States to make comprehensive progress in the struggle, "grand strategy must attack the enemy's strategy." In keeping with this line of reasoning, he recommends a three-part approach of disrupting and destroying terrorist organizations through direct action, breaking the links that tie local and regional Islamic movements to the global struggle, and most importantly seeking ways

to “bring Muslim society to an accommodation with the modern world.” This third point is the most difficult to achieve, and clearly a long-term enterprise. But it holds within it the power to eliminate the support structure undergirding Islamic radicalism; as the grievances that extremists exploit begin to fade, terrorists will enjoy less public support, and their stated rationale of defending Muslim civilization against the encroachments of outsiders will be fatally undermined.

*Eyes on the Horizon* is a timely addition to the other memoirs of leading policymakers and military commanders who led the U.S. national security establishment in the formative years of the war on terrorism. It is also a testament to a life well lived in service to our country, the story of a career guided by a sense of duty, competence and integrity. Cadet Myers did have a future as an Air Force officer after all, and he made history along the way.



**YOU  
WANT  
THE  
NFL?**

**GO  
TO  
THE  
NFL.**



**NETWORK**



***NORTHROP GRUMMAN***

---



*We're all shareholders in the community.*

[www.northropgrumman.com](http://www.northropgrumman.com)

- ▼ More than just a place to live, a community is a center of life where people come together to support one another. We're proud to participate in the community, and to nurture its vitality through a broad range of charitable, educational, arts and civic programs.



## A Missile Double Standard?

Tom Karako

DENNIS GORMLEY, *Missile Contagion: Cruise Missile Proliferation and the Threat to International Security* (Praeger Security International, 2008), 272 pages. \$54.95.

Dennis Gormley, currently a senior fellow at the Monterey Institute's Center for Nonproliferation Studies, was writing about cruise missile proliferation long before cruise missile proliferation became cool. *Missile Contagion* represents his most mature assessment of this complex problem. While the focus appears narrow—a subset of cruise missiles, Land Attack Cruise Missiles (LACMs)—its exhaustive treatment of missile proliferation makes *Missile Contagion* an important analysis of nonproliferation regimes, the subtle interrelation of cruise and ballistic missiles, and the strategic import of defenses against them.

The cruise missile threat was proven during Operation Iraqi Freedom. Deployed PAC-3 anti-missile systems batted a thousand against ballistic missiles, but failed to intercept or even detect all five primitive cruise missiles that were launched during hostilities. The surprise was partly due to the difficulty of simultaneously looking for missiles on both high and low trajectories.

The lessons are instructive, and alarming. Future adversaries may combine ballistic and cruise missiles

into salvos to confuse defenses. Russia may be doing so already, Gormley warns, with a dual configuration of an SS-26 *Iskander* and a new R-500 LACM fired from the same launcher.

First, some seemingly good news. Cruise missile technology may seem deceptively simple, but it turns out to be closer to rocket science after all. More precisely, the engineering ability of complex systems integration sharply distinguishes the industrial and developing worlds. Gormley grinds an axe with those who claim that rogue states and al Qaeda could easily upgrade ubiquitous 90km anti-ship *Silkworms* into 310km LACMs. The difference between failed and successful missile programs turns upon access to the “black arts” of systems integration.

But every dismissal of such scenarios includes a proviso—namely, that even al Qaeda could engineer one with enough foreign assistance. Iranian-provided anti-ship cruise missiles of Chinese pedigree were given to Hezbollah; one damaged an Israeli ship during the 2006 Lebanon war. Another from North Korea was used by the Tamil Tigers in their (now obsolete) insurgency against the Sri Lankan government. And, Gormley details, “Chinese fingerprints are all over” Pakistan's brand-new *Babur* LACM, tested in 2005. True, the benefit of post-2003 forensics reveals that despite some assistance an Iraqi



TOM KARAKO is a visiting assistant professor at Kenyon College and a senior fellow of the Claremont Institute.

program to substantially extend the range of anti-ship missiles did not succeed. With help from all the usual suspects, Iran and its clients may have better luck.

Gormley scores several points arguing a double standard for cruise and ballistic missiles. Nonproliferation regimes like the Missile Technology Control Regime (MTCR) and the Hague Code of Conduct against Ballistic Missile Proliferation (HCOC) have tended to prioritize ballistic missile proliferation. Whereas South Korean ballistic missiles are capped at 300km, Washington looks the other way and allows 500km-range cruise missiles. No one says much about Taiwan's cruise missiles, and a 2005 U.S. intelligence report confessed to missing a dozen Chinese missile developments, with a new long-range LACM topping the list. Two MTCR founders, Britain and France, agreed in 1998 to sell shiny new *Black Shaheens* to the UAE, blatantly violating the MTCR's "strong presumption to deny" such transfers.

Gormley blames existing nonproliferation regimes for "fostering an epidemic of LACMs." True, the MTCR was originally limited to ballistic missiles, with cruise missiles added only later, and the 2002 HCOC omits cruise missiles altogether. But the baby-step approach may reflect the limitations of what was possible at the time. Just as ballistic missiles and SLVs are almost interchangeable, many cruise missile technologies resemble those of benign aircraft. If the HCOC could not include both, would it be better to have done neither? It is hard to see how the HCOC has done either much good or much harm. Perhaps the lesson here is that traditional nonproliferation is not enough.

Another major difficulty in crafting cruise missile export controls,

Gormley explains, is the "wiggle room with respect to range... because of their inherent modularity." Russia and China exploited this ambiguity by understating the range of cruise missiles to comply with MTCR and SALT II. Exports derived from 3,000km Kh-55 cruise missiles "have suddenly taken on a conveniently tactical character," first to 500-600km (to SALT II limits) in 1992, later to 280km after Russia was admitted to the MTCR (with a 300km limit). Gormley likewise casts doubt on the stated range of Russia's recent export versions of missiles sold to India and China. Ukraine may have tried to pull a similar stunt in 2005, marketing a 300km-range *Korshun* which looked a lot like the old Kh-55s, twelve to twenty of which had been delivered by Ukraine to China and Iran around 2001.

What, then, to do? In principle, missile defenses and nonproliferation are complementary means to raise the cost of missiles and lower their reliability. But this alliance "is effective only if the same relationship applies equally to both cruise and ballistic missiles." Already, ballistic missile defenses have served the role of defensive deterrent, prompting shifts to cruise missiles. The obvious remedy would seem to be cruise missile defenses. But instead of advocating such capabilities, Gormley seems willing to trade away ballistic missile defenses for nonproliferation cooperation with Russia and China.

This doesn't seem much of a bargain. Russian engineers did the yeoman's work on the current *BrahMos* project with India. China has graced Pakistan with the *Babur* and Iran with *Silkworms*. Gormley even makes the provocative suggestion that North Korea may have tested its new BM-25 missile *within* Russia's geographic boundaries. If we trust in Russian and Chinese cooperation, to use Gorm-

ley's words, "Fox[es] will surely be guarding the henhouse."

*Missile Contagion* argues compellingly that cruise missile threats have grown right under our noses; that traditional nonproliferation regimes must be enhanced; and that missile defenses have been too lopsided. Missile defenses without cruise missile defense are akin to leaving the windows open while closing the front door. But gambling away the same in exchange for more rigorous cruise missile nonproliferation does not make sense. *Missile Contagion* supplies many reasons to moderate expectations for nonproliferation. But the answer cannot be to swing open the front door just because we decide to start closing some windows.



**Combat proven.** Yeah, I know what that means. **I've been there and have friends that are still there.** Each mission is about performance, and lives depend on it. That's why we build military vehicles the way we do. We're all thinking about getting our friends home.



**OSHKOSH**

**DEFENSE**

[www.oshkoshdefense.com](http://www.oshkoshdefense.com)

Carrie, Assembler, 4 years

©2010 OSHKOSH CORPORATION Oshkosh and the Oshkosh logo are registered trademarks of Oshkosh Corporation, Oshkosh, WI, USA

The views expressed in this advertisement are solely the views of the employee and do not imply endorsement or approval by the Department of Defense.



# EMERGING THREATS. EVOLVING STRENGTHS.

## The Mission Matters Most

An effective fighting force is well-trained,  
well-equipped, and ready for any challenge.

Alion's engineering, IT and operational  
experts deliver comprehensive solutions to  
ensure our warfighters are fully prepared  
to meet current and emerging threats.

Because that's what matters.

[www.alionscience.com](http://www.alionscience.com)



Aligned with your needs.

## Crucible of Creativity

Jim Colbert

DAN SENOR and SAUL SINGER, *Start-Up Nation: The Story Of Israel's Economic Miracle* (Twelve Books, 2009), 320 pp. \$26.99.

*Start-Up Nation* is the second book in what seems to be a minor, albeit startling, trend in the publishing industry: books that extol Israel's virtues. George Gilder's highly recommended *The Israel Test* would be the first. But where Gilder contends that any given country's future prospects can be divined by its attitude toward states that surpass it in the creation of wealth and individual liberties—holding up Israel as the “Test”—Dan Senor and Saul Singer's *Start-Up Nation* hews to a narrower path, one made clear by its subtitle.

What Senor and Singer present is not so much a story as a string of anecdotes illustrating their core contention: that Israel's leading status as a global incubator for cutting-edge technology comes as a result of unique conditions. Senor and Singer, however, make it clear that there is hope for the rest of us. And, in essence, that is what their book is about, learning the lessons of the Israeli approach to research, development and innovation.

Unfortunately, their story brings with it a sobering truth: that inculcating those lessons across a society does not seem possible unless those

countries suffer as Israel has. For it is precisely there, in the suffering, where the seeds of Israel's culture of innovation took root.

The daily struggle to defend their country from the nefarious designs of their neighbors compelled Israel's early leaders to create a conscript military unlike any before it. This mandatory military service became a crucible within which Israeli civil society was flattened, where “the professor acquires respect for his student, the boss for his high-ranking clerk.” Senor and Singer explain, in an eminently readable style, the Israeli military's central role in breaking down hierarchies that constrain civilian sector innovation elsewhere in the world and serve as a boot camp for high-tech entrepreneurship.

In the Israel Defense Forces (IDF), all citizens serve a mandatory two to three years of service and then, for the large percentage who do not become career officers, continue to serve in the same reserve unit for a month a year for the next 20-plus years. This is a valuable experience not repeated elsewhere in the world, “a unique space where young men and women work closely and intensely with peers from different cultural, socioeconomic, and religious backgrounds.” “In fact,” Senor and Singer write, “Israeli job applicants' military experience tells prospective employ-



JIM COLBERT is Director for Communications at the Jewish Institute for National Security Affairs, and Managing Editor of *The Journal of International Security Affairs*.



ers what kind of selection process they navigated, and what skills and relevant experience they may already possess.”

That experience is intensified in the IDF's elite units, veterans from which routinely set the pace of Israeli high-tech innovations and start-ups. The most coveted employees of all are air force pilots and veterans of the several elite commando units. To survive and thrive there, the soldier must be exceedingly well-rounded, disciplined as well as a creative problem-solver. The same goes for the elite intelligence units, chief among them Unit 8200 and Mamram, the computer systems division. Together, these military units serve as Israel's MIT, Stanford and Harvard.

Such fostering of creative thinking leads to an Israeli specialty, mashups: the combination of radically different technologies and disciplines. Take the biotech firm Compugen. Its founders met in the IDF. Twenty-five of the 60 mathematicians in the company joined through the founders' network of IDF contacts. While still in the military, Eli Mintz, the company's president, created algorithms for sifting through reams of intelligence data to find the critical information that plays a large role in Israel's successes in destroying terrorist networks. According to Senor and Singer, when Mintz's wife, a geneticist, described the problems her team was having in analyzing enormous quantities of genetic data, Mintz and his partners brought to bear their expertise in data mining and, in doing so, revolutionized the process of genetic sequencing. The American pharmaceutical giant Merck bought Compugen's first sequencer in 1994, a year after the startup was founded and long before the human genome had been successfully mapped.

But the military can also do something much more counterintuitive: it breaks down hierarchies. Normally, when one thinks of military culture, what comes to mind is unwavering obedience to superiors. But the IDF doesn't fit that description. One way that the IDF exhibits a flat, non-hierarchical culture, more like a start-up than a large corporation, is that it works to drill responsibility down to lower levels. “The IDF is deliberately understaffed at senior levels. It means that there are fewer senior officers to issue commands,” Edward Luttwak, a military historian, recently told *Newsweek* magazine for a feature on the book. “Fewer senior officers means more individual initiative at the lower ranks.”

This is not to say that soldiers aren't expected to obey orders. Amos Goren, a venture-capital investor with Apax Partners in Tel Aviv and a veteran Israeli commando, in the same article, said that “Israeli soldiers are not defined by rank; they are defined by what they are good at.” This creates an openness to challenging, debating, and probing, even of one's superiors, that permeates the Israeli start-up scene; it helps produce unconventional solutions to tough business problems.

Analysts at Barclays Bank noted recently that Israel is “the strongest recovery story” in Europe, the Middle East and Africa. It has been reported that Israel, with seven million people, attracts as much venture capital as France and Germany combined. Clearly, tiny Israel, with its unique society, outstrips its neighbors. The surrounding Arab states do not have the tradition of free intellectual exchange and technical creativity. Between 1980 and 2000, Egyptians registered 77 patents in the United States. Saudis registered 171. Israelis registered 7,652.

By dispensing with the traditional stories of politics, war and diplomatic intrigue, Senor and Singer have written a new type of book—one that focuses on a largely-unknown aspect of Israel, the entrepreneurial spirit that has made it a modern business marvel, punching far above its weight in technological innovation. Though they're not the first to examine the Israeli business cultures' resilience in times of national threat—Dan Carrison's 2004 *Business Under Fire: How Israeli Companies Are Succeeding in the Face of Terror—And What We Can Learn from Them* blazed the trail in this regard—*Start-Up Nation* is destined to be the bigger seller. Even though Senor and Singer may not be providing a literal instruction manual for those seeking to capture some of Israel's success, their book certainly helps all who are fortunate enough to pick it up to understand the irrepressible forces that have shaped "Israel's Economic Miracle."



## KAYE SCHOLER LLP

Our ability to handle sophisticated representations has consistently attracted clients who depend on the highest standard of legal counsel.

A combination of worldwide resources, professional leadership and entrepreneurial spirit defines Kaye Scholer, a firm renowned for its capabilities in a wide range of substantive practice areas.

[www.kayescholer.com](http://www.kayescholer.com)

Chicago

Frankfurt

London

Los Angeles

New York

Shanghai

Washington, DC

West Palm Beach

Kaye Scholer refers to Kaye Scholer LLP and its affiliates operating in various jurisdictions.

"Unconventional warfare requires unconventional thinkers."

—Secretary of Defense Robert Gates, April 2008



## **PROXY AVIATION SYSTEMS**

**A PIONEER IN UNMANNED AVIATION WITH THE UNCONVENTIONAL SOLUTION**

**THE POWER OF COOPERATIVE FLIGHT**  
ONE OPERATOR, MULTIPLE UAVS, SHARING  
INFORMATION, ACTING AS A TEAM.



Proxy Aviation Systems is a portfolio company of L Capital Partners, a New York venture capital firm.

---

The Jewish Institute for National Security Affairs (JINSA), Inc., is an independent, non-profit, non-partisan, non-sectarian educational organization established in 1976 to fulfill a two-fold mandate: To educate the American public about the threats and dangers facing our country and our global allies; to explain why a mobile, technologically superior military is vital to America's security; to provide leadership on issues affecting American national security and foreign policy; to explain to Americans and others the importance of U.S. security cooperation with like-minded democratic partners around the world and to explain the key role Israel plays in the Mediterranean and Middle East as an outpost of liberty, a linchpin of stability and a friend and ally of the United States.

The Jewish Institute for National Security Affairs, Inc., incorporated in the District of Columbia, is a tax-exempt organization under section 501(c)(3) of the U.S. Internal Revenue Code.

THE **Journal** OF  
INTERNATIONAL  
**Security Affairs**

---

[www.securityaffairs.org](http://www.securityaffairs.org)

1779 Massachusetts Ave., NW • Suite 515 • Washington, D.C. 20036