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## **Counterterrorism in African Failed States: Challenges and Potential Solutions**

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# **COUNTERTERRORISM IN AFRICAN FAILED STATES: CHALLENGES AND POTENTIAL SOLUTIONS**

**Thomas Dempsey**

**April 2006**

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## FOREWORD

Failed states—states in which government authority has collapsed, violence has become endemic, and functional governance has ceased—have emerged in the period since the end of the Cold War as one of the most difficult challenges confronting the international community, especially in the region of Sub-Saharan Africa. Transnational terrorist groups use the chaos of failed states to shield themselves from effective counterterrorism efforts by the international community. The potential nexus of failed state-based terrorism and terrorists' access to Weapons of Mass Destruction (WMD), especially nuclear WMD, escalates the risk that such groups pose to the United States and to its allies in the Global War on Terror.

In this monograph, the author finds that current counterterrorism strategies have yielded limited results in addressing the threat posed by terrorist groups operating in and from failed states. He argues that the uniquely challenging conditions in such states require a new approach to counterterrorism. By integrating the law enforcement and military instruments of power, U.S. strategists can craft an approach to counterterrorism that leverages the core competencies of both the military and law enforcement communities. The author concludes that the synergies available from an integrated approach promise to be more effective in locating, apprehending, and bringing to justice terrorists and suspected terrorists in failed states than either the military or law enforcement communities operating independently.

The Strategic Studies Institute is pleased to offer this monograph as part of the ongoing debate on global and regional security and stability.

  
DOUGLAS C. LOVELACE, JR.  
Director  
Strategic Studies Institute

## BIOGRAPHICAL SKETCH OF THE AUTHOR

THOMAS DEMPSEY is the Director of African Studies in the Department of National Security and Strategy at the U.S. Army War College. Colonel Dempsey is an Infantry officer who has held command and staff positions in the 25th Infantry Division and the 101st Airborne Division (Air Assault), and is a veteran of Operations DESERT SHIELD and DESERT STORM. He has served as a strategic intelligence analyst for Africa at the John F. Kennedy Special Warfare Center, Fort Bragg, North Carolina, and as Chief of Africa Branch for the Defense Intelligence Agency in Washington, DC. Prior to his assignment to the U.S. Army War College, Colonel Dempsey was the U.S. Defense Attache for Liberia and Sierra Leone, stationed in Monrovia, Liberia. He has published articles in *Infantry* and *Armor Magazine*, as well as in *Brassey's Defense Analysis*. Colonel Dempsey has a B.A. in History from Wichita State University, an M.A. in African Area Studies from the University of California at Los Angeles, and an M.M.A.S. in Theater Operations from the School of Advanced Military Studies at Fort Leavenworth, Kansas. He is currently a Doctoral Candidate in Public Administration at Penn State Harrisburg.

## SUMMARY

Failed states offer attractive venues for terrorist groups seeking to evade counterterrorism efforts of the United States and its partners in the Global War on Terror (GWOT). State failure entails, among its other features, the disintegration and criminalization of public security forces, the collapse of the state administrative structure responsible for overseeing those forces, and the erosion of infrastructure that supports their effective operation. These circumstances make identification of terrorist groups operating within failed states very difficult, and action against such groups, once identified, problematic.

Terrorist groups that are the focus of the current GWOT display the characteristics of a network organization with two very different types of cells: terrorist nodes and terrorist hubs.<sup>1</sup> Terrorist nodes are small, closely knit local cells that actually commit terrorist acts in the areas in which they are active. Terrorist hubs provide ideological guidance, financial support, and access to resources enabling node attacks. An examination of three failed states in Sub-Saharan Africa – Liberia, Sierra Leone, and Somalia – reveals the presence of both types of cells and furnishes a context for assessing the threat they pose to the national interests of the United States and its partners.

Al Qaeda established terrorist hubs in Liberia and Sierra Leone to exploit the illegal diamond trade, laundering money, and building connections with organized crime and the illegal arms trade. In Somalia, Al Qaeda and Al Ittihad Al Islami established terrorist hubs that supported terrorist operations throughout East Africa. A new organization led by Aden Hashi 'Ayro recruited terrorist nodes that executed a series of attacks on Western nongovernment organization (NGO) employees and journalists within Somalia.

Analysis of these groups suggests that while the terrorist nodes in failed states pose little threat to the interests of the United States or its GWOT partners, terrorist hubs operating in the same states may be highly dangerous. The hubs observed in these three failed states were able to operate without attracting the attention or effective sanction of the United States or its allies. They funneled substantial financial resources, as well as sophisticated weaponry, to terrorist

nodes operating outside the failed states in which the hubs were located. The threat posed by these hubs to U.S. national interests and to the interests of its partners is significant, and is made much more immediate by the growing risk that nuclear Weapons of Mass Destruction (WMD) will fall into terrorist hands.

The burgeoning proliferation of nuclear weapons and the poor security of some existing nuclear stockpiles make it more likely that terrorist groups like Al Qaeda will gain access to nuclear weapons. The accelerating Iranian covert nuclear weapons program, estimated to produce a nuclear capability within as little as one year, is especially disturbing in this context.<sup>2</sup> A failed state terrorist hub that secures access to a nuclear weapon could very conceivably place that weapon in the hands of a terrorist node in a position to threaten vital American national interests.

The U.S. response to terrorist hubs operating in failed states has been less than adequate. Four general approaches are discernable in U.S. counterterrorism strategy. Military strikes which target terrorists directly have enjoyed few successes in failed states and can legitimate terrorist groups by providing them combatant status under the Geneva Convention. Law enforcement efforts have likewise enjoyed few successes in failed states, as civilian law enforcement lacks the capacity to penetrate or to operate effectively in the violent failed state environment. Security assistance programs, while enjoying some remarkable successes elsewhere on the African continent, require partnering with host nation security institutions that are simply not present in a failed state. While attempts to address the root causes of terrorism may offer an effective counterterrorism strategy, such efforts require extended periods of time to show results—time that may not be available.

Integrating the U.S. foreign intelligence community, U.S. military forces, and U.S. law enforcement offers a more effective strategy for countering terrorist hubs operating in failed states. The foreign intelligence community is best equipped to identify terrorist hubs in failed states that are developing global reach and threatening to acquire a nuclear dimension. Once those hubs have been identified, a synthesis of expeditionary military forces and law enforcement elements will be far more effective in dealing with those hubs than

either element will be acting independently. The military force establishes access to the failed state for law enforcement officers, and provides a secure environment for those officers to perform their core function of identifying, locating, and apprehending criminal, in this case terrorist, suspects.

Once terrorists have been identified, located, and apprehended, military tribunals should screen them individually to confirm that they are, indeed, who law enforcement officers believe them to be, and that they are, in fact, associated with the activities of the terrorist hubs in question. Upon confirmation of their status as participants in the operation of the terrorist hub, those tribunals should refer their cases to appropriate international tribunals for disposition. This strategy avoids legitimizing terrorist activity by treating them as military targets, and also addresses the limitations that U.S. criminal justice procedures place on prosecuting terrorists apprehended in failed states.

## ENDNOTES

1. Marc Sageman, *Understanding Terror Networks*, Philadelphia: University of Pennsylvania, 2004.

2. Henry Sokolski and Patrick Clawson, eds., *Getting Ready for a Nuclear-Ready Iran*, Carlisle Barracks, PA: Strategic Studies Institute, 2005.





# COUNTERTERRORISM IN AFRICAN FAILED STATES: CHALLENGES AND POTENTIAL SOLUTIONS

## **Introduction.**

Monrovia, the national capital of Liberia, was a frightening place in 1998. Eighteen months after the end of active hostilities and 7 months after the inauguration of a democratically elected government, Liberia remained a classic example of a failed state. Liberian security services remained factionalized, dysfunctional and inherently violent, and frequently preyed upon the very civilians they were charged with protecting. The criminal justice system was nonexistent: courts were, for the most part, not operating at all, and extra-judicial killings by Liberian police were common. The only forces enjoying any real legitimacy and displaying any genuine functionality were the African soldiers of the Economic Community of West African States (ECOWAS) peacekeeping forces.

Beyond the limitations of government security forces, conditions within Liberia made any effort to assert government authority or identify criminal elements problematic. The country was without public utilities: no power, no running water, no functioning communications system, and no public transport. Road systems were primitive at best, with most of the country served by seasonal roads that became completely impassable during the two rainy seasons. Government administration, whether at the local, county or national level, was almost nonexistent. There were no written or electronic records of residents, births, deaths, tax compliance, no drivers licenses, no government data bases, nothing left of the prewar criminal justice record system, and no functioning intelligence system. This environment, typical of states which have failed completely during extended periods of conflict, makes identifying, apprehending, or targeting terrorist actors very difficult.

Such circumstances would appear to make failed states very attractive venues for terrorists and terrorist groups seeking to avoid the reach of criminal justice systems and of military counterterrorist forces. U.S. Department of State Policy Planning Director Stephen Krasner and Office of Reconstruction and Stabilization Coordinator

Carlos Pascual endorsed that view in 2004, when they identified failed states as an “acute risk” to U.S. national security, due in part to their potential as havens for terrorist groups.<sup>1</sup> Other U.S. government officials, prominent academics, and independent think tanks have echoed Krasner’s and Pascaul’s concerns, asserting that U.S. policymakers should be giving more recognition to the threat posed by terrorist groups operating in and from failed states.<sup>2</sup>

This monograph will examine the terrorist threat posed by groups and individuals operating from failed states in Sub-Saharan Africa. It will assess the nature of that threat and analyze the strategies developed by the United States in response to it. In the concluding section, alternative approaches will be presented that may prove more effective in countering terrorist activities and groups in failed states.

Based on case studies of Somalia, Sierra Leone, and Liberia, the author will argue that terrorists operating from failed states in Sub-Saharan Africa pose a real and significant threat to the U.S. homeland. Current strategies being pursued by U.S. law enforcement and military forces are not likely to be effective, given the challenges posed by the failed state environment. Countering this threat within failed states will require a cooperative effort by both law enforcement and the military instrument of power: the military to secure protected access to these areas, and law enforcement to exploit that access for the purpose of locating and taking into custody the terrorists posing the threat.

## **Defining State Failure.**

In the period since the end of the Cold War, state failure has emerged as one of the leading security challenges in the field of Public Policy. In a seminal article addressing strategy in the face of state collapse, Robin Dorff defined state failure as follows:

[T]he essential characteristics of the failed or failing state seem clear and consistent: the state loses the ability to perform the basic functions of governance, and it loses legitimacy . . . the inability of political institutions to meet the basic functions of legitimate governance is also accompanied by economic collapse . . . this economic collapse is almost everywhere present in cases of state failure.<sup>3</sup>

The above definition is broadly representative of and generally accepted in the literature on state failure.<sup>4</sup> For purposes of this analysis, loss of government legitimacy, loss of public sector functionality, and economic collapse will constitute the defining characteristics of state failure.

Rotberg explored the operative manifestations of state failure in the context of counterterrorism in his 2002 article, "Failed States in a World of Terror."<sup>5</sup> He catalogues the consequences of state dysfunction, loss of legitimacy, and economic collapse for counterterrorism efforts, focusing on the collapse of local criminal justice systems and the criminalization of state security services. While examples of state failure can be found in almost every region of the world, the problem has been especially prevalent in economically depressed and politically unstable areas of Sub-Saharan Africa. Within that region, Liberia, Sierra Leone, and Somalia provide concrete illustrations of state failure according to Dorff's definition, and of the operating environment reflected in Rotberg's descriptive analysis.

### **Case Study Methodology.**

Analyzing terrorism in failed states requires both a theoretical framework and an empirical foundation. The heuristic framework for this monograph is provided by the recent work of several authors who have examined terrorism and terrorist groups in the context of network analysis.<sup>6</sup> Sageman's differentiation of terrorist network components into "hubs" and "nodes" is especially useful, and will provide an organizing concept for the examination of specific cases.<sup>7</sup> The empirical foundation for the analysis is provided by an examination of terrorism and counterterrorism in Sierra Leone, Liberia, and Somalia. The analysis is broadened in the section on alternative strategies to incorporate an assessment of U.S. counterterrorism initiatives across Sub-Saharan Africa and their applicability in a failed state environment.

Conditions in failed states present significant challenges to research methodology. Endemic violence poses real and significant risks to academic researchers. The chaotic conditions,

poor infrastructure, and limited public services make traditional quantitative research methodologies almost unworkable. As a result, very little quantitative research is available in the failed state literature. Even qualitative approaches are limited by the high levels of fear, suspicion, and outright intimidation common to failed states. These limitations restrict most researchers to secondary sources and qualitative methodologies that do not require extensive data bases broadly comparable across multiple cases.

An exploratory, qualitative case study methodology with limited numbers of cases is supported by available secondary sources. That is the methodology adopted in this analysis. Creswell and Yin have both explored the strengths of a qualitative case study approach where the study is exploratory in nature, and quantitative data are limited or unavailable.<sup>8</sup> For purposes of this monograph, three general categories of secondary sources are especially useful to a qualitative case study approach: traditional academic research, studies by independent public policy “think tanks,” and statements by members of the public policy community, both in the United States and in the international community as a whole. While the number of relevant studies in academic journals is very limited, the other two sources offer valuable material on terrorism and counterterrorism in Somalia, Liberia and Sierra Leone.

Generally independent (in terms of not having a partisan political affiliation) think tanks on the Rand model have emerged as important sources of information where failed states are concerned. Examples include the Center for Strategic and International Studies (CSIS), the U.S. Institute of Peace (USIP), Partnership Africa Canada, and the International Crisis Group (ICG). These organizations have leveraged their influence with U.S. and other government policymakers to obtain access in failed states that is unprecedented and generally unavailable to independent academic researchers.

The series of ICG studies on Somalia is typical. The studies include interviews with key players in the most violent failed state settings.<sup>9</sup> ICG willingness to accord anonymity to sources and its lack of direct association with any national government facilitates candid exchanges with critical public and private figures within or involved with Somalia. Employing the same approach, Partnership Africa Canada has enjoyed similar access to sources in Sierra Leone.<sup>10</sup> Such

studies provide the best available access to information on conditions and events in genuinely failed states. These sources have limitations, however: the very anonymity that guarantees access to sensitive sources precludes an independent assessment of reliability or veracity. In addition, while generally nonpartisan, these organizations are unquestionably advocacy groups with policy agendas. It is difficult for the independent researcher to assess the degree to which such agendas are influencing the analysis presented by the studies.

Statements by the official community offer important sources for the failed state researcher. U.S. officials, in particular, enjoy access to the full range of classified U.S. intelligence on both failed states and terrorism. Their assessments of the terrorist threat in failed states are thus significant in terms of the information supporting those assessments. When former U.S. Ambassador to Sierra Leone Joe Melrose testifies before Congress that he believes rebels in Sierra Leone have sold illegal diamonds to representatives of Al Qaeda, those statements must carry weight with the researcher.<sup>11</sup>

As is the case with think tanks, statements by former and current government officials have limitations. As agents of the state, current officials are by definition pursuing political agendas on behalf of their respective administrations, and the same is true to a degree of former officials testifying before Congress, granting interviews to the press, or publishing in academic journals. Independent researchers, lacking their own access to the classified intelligence that may be influencing the statements of government officials, are not in a position to fully assess their assertions and policy statements. As the controversy over weapons of mass destruction (WMD) in pre-war Iraq makes clear, the veracity of public officials is sometimes problematic.

### **Networks, Nodes and Hubs: A Model for Terrorism in Failed States.**

This monograph will employ a two-celled network model of terrorist groups pioneered by Raab and Milward in 2003 and fully developed by Marc Sageman in his analysis of Al Qaeda published in 2004.<sup>12</sup> In this network model, centralized organizational elements provide ideological context, resources, very limited administrative support, and, most importantly, connectivity among decentralized

and geographically distributed groups of terrorist cells. The decentralized cells are the executors of terrorist attacks and of related actions in the locales in which they are active.

Raab and Milward introduced the two-celled “hollow corporation model” in the specific context of Al Qaeda operations. A centralized Al Qaeda command and control element handled operational planning, finances, strategy, and some administrative support. Decentralized and geographically distributed operating cells, similar to “project teams” in the business model, utilized the centrally provided planning and resources to actually carry out terrorist attacks.<sup>13</sup>

Marc Sageman developed a two-celled model similar to that of Raab and Milward in his study of Al Qaeda and its affiliated elements published in 2004. Sageman’s report is based upon a detailed analysis of more than 150 terrorists and terrorist suspects, informed by Sageman’s own extensive backgrounds in both counterterrorism and forensic psychiatry. It is one of the few relatively rigorous empirical studies of terrorists and terrorist groups available, although like most research in the field, Sageman’s study is qualitative and anecdotal rather than quantitative in methodology.<sup>14</sup>

Sageman’s two-celled terrorist model discriminates between “hubs” and “nodes” in describing the structure of Al Qaeda and its affiliates. Hubs provide centralized direction and communication linkages among nodes that are decentralized and largely, if not entirely, independent of each other. Sageman describes the function of these two distinct elements as follows:

Small-world networks are composed of nodes linked to well-connected hubs. Hubs receive the most communications from the more isolated nodes. Because of their larger numbers, innovations are more likely in the nodes. The nodes link to hubs who, in turn, send the information along their numerous other links.<sup>15</sup>

Sageman viewed the hubs as essential elements in the direction of Al Qaeda operations, while the nodes provided local capabilities and operational presence in areas of interest to the organization as a whole. Sageman described the linkages between centralized hubs and distributed nodes as weak and frequently nondirective in nature, but his analysis clearly reflected a command and control role for network hubs. He asserted that this centralized directive role

made the distributed Al Qaeda networks especially vulnerable to destruction of network hubs.<sup>16</sup>

The strongest element of Sageman's argument was found in his careful examination of network nodes. His analysis indicated that the nodes were typically small groups of individuals, isolated from their surrounding communities and from each other. They were the product of local free associations rather than of a centralized recruiting effort by the hubs. While ties between node and hub were weak, ties within the node itself were very strong and quite resistant to erosion. Consequently, nodes were extremely difficult to detect and monitor even for local law enforcement agencies.<sup>17</sup>

Other studies of terrorist groups have confirmed the main elements of Sageman's model while noting important new trends in the evolution of such groups since the terrorist attacks in the United States of September 11, 2001 (9/11). Jessica Stern has noted the movement of the Al Qaeda network away from central direction and planning towards decentralized, self-directed operations in response to the U.S.-led Global War on Terror (GWOT).<sup>18</sup> Gunaratna has argued in a similar vein that aggressive, proactive counterterrorist campaigns have reduced the prominent role played by Al Qaeda as a "vanguard" for terrorists, transforming the role of what Sageman describes as network hubs from operational direction to ideological leadership and material support.<sup>19</sup>

More recent incidents and studies of terrorist groups confirm the evolving relationship of terrorist nodes and hubs suggested by Stern and Gunaratna. Mishal and Rosenthal, in their examination of Al Qaeda after the American invasion of Afghanistan, describe a "Dune organization" in which hubs have largely abandoned their role of operational planning and control. Instead, Al Qaeda hubs have transitioned to providing ideological guidance and furnishing assistance to nodes operating in a quasi-independent fashion. Hubs channel "financial aid or guidance" without asserting active control or direction; nodes identify targets and initiate terrorist operations largely independent of the hubs, but making use of hub resources and assistance.<sup>20</sup>

An important enabler of the new hub role is the electronic connectivity that has accompanied globalization. Sageman identified internet-based networking as a critical element in the ability of hubs



to connect with and influence geographically distributed terrorist nodes.<sup>21</sup> With that connectivity comes the capability to marshal and move funds, tap into organized crime activities and illegal arms markets, and facilitate the movement of people, ideas, money, and other resources to and among network nodes. The U.S. Department of State *Country Reports on Terrorism 2004* acknowledges the dimensions of this capability in its discussion of measures taken by the United States and the international community to counter the efforts of terrorist hubs in this area.<sup>22</sup>

Several recent terrorist incidents both confirm the nature of the evolving terrorist threat and illustrate the characteristics identified in the evolving hub-node model. Bombings in London in July 2005, and in Egypt and Indonesia 3 months later, appear to have been initiated by small, local groups operating on their own, although with assistance, encouragement, and ideological support from terrorist hubs.<sup>23</sup> The nodes that perpetrate such attacks are very difficult to detect in advance of an attack, even in nations with well-developed and capable law enforcement systems. The small groups involved in these attacks were not, apparently, operating under the control or direction of central Al Qaeda hubs, although they all benefited in direct or indirect ways from Al Qaeda funding, assistance or ideological guidance.

Hubs and nodes in this evolved terrorist paradigm present two very different kinds of terrorist threat in a failed state context. Nodes represent the threat of direct terrorist attack, either in the country in which they are operating, or in other countries to which the nodes have direct access. The threat posed by hubs is very different, and indirect. It is reflected in the ability of the hub to facilitate the operations of preexisting nodes and to enable attacks by those nodes on whatever targets the nodes determine are appropriate. The different natures of these two threats emerge clearly in the cases of Sierra Leone, Liberia, and Somalia.

### **Liberia and Sierra Leone: The Diamond-Terror Nexus.**

Liberia and Sierra Leone in the 1990s provide classic examples of the conditions described by Rotberg as attending state failure. Both countries began their descent into chaos with civil wars beginning

in the 1980s. These wars eventually culminated in what Rotberg describes as “state collapse” in both countries in the late 1990s.<sup>24</sup> Liberia reached that state with the factional fighting that devastated its capital, Monrovia, in April 1996. Sierra Leone collapsed in May 1997 with the coup that ousted the democratically elected government of Tejan Kabbah.

The emergence of Al Qaeda in Liberia and Sierra Leone occurred during the interregnum that followed the collapse of both states. Al Qaeda’s appearance was related to the easy availability of gemstone-quality diamonds in the Sierra Leone diamond fields, and the black marketing of those diamonds in large quantities as governance in both countries largely disappeared. While the diamonds actually were mined in Sierra Leone, the majority of them were smuggled out of the region through Liberia. The details of this illicit diamond trade were explored in detail by Partnership Africa Canada in *The Heart of the Matter* and also in the *Report of the Panel of Experts appointed pursuant to Security Council resolution 1306 (2000), paragraph 19, in relation to Sierra Leone*.<sup>25</sup>

The Al Qaeda connection to the Sierra Leone diamond trade was first alleged by journalist Douglas Farrah in a series of articles in the *Washington Post*.<sup>26</sup> Farrah described a sophisticated Al Qaeda operation in which Al Qaeda operatives participated in the illicit diamond trade in Liberia and Sierra Leone. The trade in illicit diamonds not only generated direct profits to support the organization’s activities, it permitted Al Qaeda to launder money in a venue which made identifying and freezing Al Qaeda assets very difficult for Western counterterrorism experts. Participation in the trade also furnished Al Qaeda access to the booming illegal arms market that was associated with the illicit diamond trade and with the ongoing violent conflicts in Liberia and Sierra Leone.

The allegations in the *Post* were subsequently corroborated by several other sources. Testimony in the trials of the terrorists responsible for the bombings of U.S. embassies in Kenya and Tanzania in 1998 claimed that Al Qaeda was using proceeds from the illicit diamond trade to finance its terrorist operations.<sup>27</sup> Further support for Farrah’s allegations emerged during U.S. congressional hearings on the connection between illicit diamond trade and terrorism.

During the hearings, former U.S. Ambassador to Sierra Leone Joe Melrose testified that he believed the Revolutionary United Front (RUF) rebels in Sierra Leone were selling conflict diamonds to Al Qaeda, based on his own interviews with RUF leaders during his tenure as Ambassador.<sup>28</sup> Also testifying were Alan Eastham, Special Negotiator for Conflict Diamonds in the U.S. Department of State, and Timothy Skud of the enforcement arm in the U.S. Department of Treasury, as well as Loren Yager from the General Accounting Office. All three noted the lack of transparency characterizing financial transactions in failed states, and the opportunities extant in such states for terrorist groups like Al Qaeda to launder money, profit from illicit trade, and acquire arms and other resources to support their operations.<sup>29</sup>

More recent evidence supporting Al Qaeda presence and operations in Sierra Leone and Liberia was provided by David Crane, Chief Prosecutor for the Special Court for Sierra Leone, in October 2004. Crane, responsible for interviewing and prosecuting rebels accused of war crimes during the fighting in Sierra Leone, has had unique and generally unfettered access to the key players in Sierra Leone's illicit trade in diamonds and guns. He has confirmed Al Qaeda's involvement in this trade, describing a process in which rebels and terrorist organizations, including Al Qaeda, were "taking blood diamonds from the mines of eastern Sierra Leone and trading them for cash to buy weapons to sustain the conflicts throughout the region or international terrorism."<sup>30</sup>

The Al Qaeda cells operating in Liberia and Sierra Leone do not resemble the nodes that Sageman, Stern, Mishal, and Rosenthal describe in their models of terrorist networks. The small, close-knit, locally spawned clusters of angry young men that characterize the Al Qaeda nodes in Sageman's model do not appear to have emerged at all in Liberia or Sierra Leone. The U.S. Department of State, reporting on terrorism over the past 5 years, does not mention direct attacks perpetrated or sponsored by Al Qaeda in Liberia or Sierra Leone, although the 2001 Report does mention Al Qaeda participation in the conflict diamond trade.<sup>31</sup>

In contrast, the Al Qaeda cells in Liberia and Sierra Leone fit perfectly the description of an evolving terrorist hub in the hub-and-node model. Al Qaeda was able to use the cover of violently

chaotic conditions in both countries to evade effective surveillance or sanction by the international community or by U.S. counterterrorism forces. That same chaos did not, however, prevent the Al Qaeda cells from laundering money, participating in the illicit diamond trade, or from exploiting the extensive network of illegal arms dealers that proliferate in failed states. All of these activities are hallmarks of the evolving terrorist hub.

The detailed descriptions provided by the United Nations (UN) report of arms smuggling networks in Sierra Leone and Liberia is especially relevant to the operation of hubs in these two countries. The extent of the networks and their ability to procure almost any weapon desired by RUF buyers is well-documented in the UN report.<sup>32</sup> It seems very likely, in view of what has already occurred in the region, that terrorist hubs operating in Sierra Leone or Liberia could gain access to highly sophisticated weaponry of almost every sort, as well as the expertise to employ it.

While the lack of infrastructure and collapse of government services may restrict some operations by terrorist groups, they do not appear to limit the electronic connectivity that permits hubs to interact with geographically distributed nodes. Satellite-based internet access does not depend upon sophisticated infrastructural networks on the ground. Internet access is already penetrating even the most violence-prone areas of Sub-Saharan Africa: by 2002, every country in Africa enjoyed some level of internet connectivity, including several countries that were clearly failed states.<sup>33</sup>

It is the nexus of electronic connectivity – virtual networking – with the dramatic expansion of the illegal arms trade following the end of the Cold War that lends terrorist hubs operating from failed states their truly threatening character. Al Qaeda or other terrorists groups that operate hubs from Sierra Leone or Liberia may be able to exploit failed state-based finances to tap into the global arms market. Such groups may be able to establish a virtual network that connects arms smugglers with geographically distributed terrorist nodes, and provides necessary financial resources to facilitate the acquisition and delivery of weapons by those nodes. Depending on the nature of the weapons that the hubs are able to gain access to, as noted in the subsequent section on the nuclear dimension of the terrorist threat,

the danger from terrorist hubs operating in failed states like Liberia or Sierra Leone may be significant.

### **Somalia: Nodes and Hubs since 9/11.**

Somalia is frequently cited by the failed state literature as an example of a failed state that has suffered complete collapse. Zartman identified Somalia as one of two cases of “clear collapse” in Sub-Saharan Africa in the early 1990s, while Robin Dorff treats it as the definitive case in his 1999 study of strategies for coping with state failure.<sup>34</sup> In 2002 Rotberg noted that “Somalia is the model of a collapsed state: a geographical expression only, with borders but with no effective way to exert authority within those borders.”<sup>35</sup>

Conditions of state failure persist in Somalia today. The latest Department of State reporting on terrorism notes the continuing absence of effective governance and the prevalence of violent instability in Somalia.<sup>36</sup> Menkhaus, in his 2004 study of terrorism in Somalia, describes a collapsed state in which conditions are so chaotic and violent that even terrorist groups find it a difficult venue in which to operate.<sup>37</sup> The most recent International Crisis Group (ICG) study of Somalia describes an area in which state collapse is endemic and persistent, observing “its lack of a functioning central government” and “the absence of functioning police, immigration, customs, and intelligence agencies.”<sup>38</sup>

Various terrorist groups have operated in Somalia since it experienced state collapse in the early 1990s. The most prominent of these groups include Al-Ittihad al-Islamiyyaa (AIAI), Al Qaeda itself, and a small, recently emerged, extremely violent jihadist cell led by Aden Hashi ‘Ayro. AIAI seems to have acted as a terrorist hub for other groups active in Ethiopia, while the ‘Ayro group has operated as a terrorist node in the evolved two-celled network model. Al Qaeda has demonstrated and suspected links to AIAI and ‘Ayro, and appears to have developed Somalia as a key hub for attacks throughout East Africa.

Ken Menkhaus provides the most detailed study of AIAI. He describes a fairly sophisticated organization with political, religious, social, and economic elements. Like Hezbollah in Lebanon and Hamas in the Gaza Strip, AIAI emerged in the 1990s as a legitimate

political actor inside Somalia. Its involvement with terrorism emerged through its support of a series of terrorist attacks in Addis Ababa, Ethiopia, during the mid-1990s. AIAI appears to have acted in classic hub fashion, providing financial assistance, planning, and ideological encouragement to terrorist attacks in Ethiopia by Somali irredentists seeking the return to Somali rule of Ethiopia's Ogaden Desert.<sup>39</sup>

The Ethiopians regarded AIAI as a significant terrorist threat. An Ethiopian military response, targeting the center of AIAI administration and influence in the Somali town of Luuq in 1996, significantly damaged the movement. In response to the Ethiopian attacks, AIAI decentralized its operations, distanced itself from further terrorist attacks, and moved back into the Somali political mainstream.<sup>40</sup> Since that time, while AIAI has continued to be a focus of attention for U.S. counterterrorist analysts, there is little evidence of active AIAI participation in terrorist attacks.<sup>41</sup>

The AIAI support for terrorist attacks in Ethiopia illustrates the potential for terrorist hubs, even in an environment as violent and chaotic as Somalia, to marshal effective support for terrorist attacks by geographically distributed terrorist nodes. The AIAI example also illustrates some limitations of that support. AIAI influence was a function of a porous contiguous border with Ethiopia. It also depended upon the presence in Ethiopia of an ethnic Somali population sympathetic to Somali irredentist ideological appeals. Both factors suggest that AIAI ability to act as a terrorist hub in the context of the two-celled network model is extremely limited beyond the immediate region surrounding Somalia.

The Jihadist group led by Aden Hashi 'Ayro may be one of the best current examples of an evolved terrorist node. Little is known about this shadowy group. The best (and one of the only) studies describing its operations is the ICG July 2005 study, which is notable for the level of access it achieved to sources within the U.S. counterterrorism community and within Somalia itself. The ICG report describes a sophisticated, tightly organized, and highly secretive group which has initiated numerous terrorist attacks against Westerners in Somalia over the past 3 years.<sup>42</sup>

The 'Ayro group appears to have developed independently of both AIAI and Al Qaeda, and to operate without direction from

either, although ties to Al Qaeda, in particular, are suspected. Since 2003, it has succeeded in killing an Italian nurse, two British teachers, a German aid worker, and a prominent BBC journalist. While a few members of the group have been arrested by local security forces operating in Somaliland, the leadership remains at large. By January 2005, the group had established itself openly in Mogadishu. It continues to be of great concern to local Somali clans as well as to regional, U.S., and international counterterrorism efforts.<sup>43</sup>

The 'Ayro group provides important insights into the threat posed by evolved terrorist nodes operating in a failed state. Such nodes are extremely difficult to locate and neutralize, supporting the idea that failed states offer shelter, concealment, and protection to terrorist organizations. On the other hand, the victims of 'Ayro group attacks demonstrate the greatest drawback facing terrorist nodes in such environments: few targets of significance to international terrorist groups are available in failed states. Even when attacks succeed in killing a prominent western journalist, as the group did in February 2005, the lack of media presence and the endemic violence associated with the Somali environment reduce the psychological impact of such attacks. Most of the 'Ayro group's attacks have received little or no attention outside Somalia. They appear to have had little impact with other than purely local audiences.

Al Qaeda presence in Somalia has been much more extensive, much more persistent, and much more pervasive in terms of terrorism and support for terrorism than that of either AIAI or the 'Ayro group. Al Qaeda activity in Somalia has been explored by Menkhaus, and is described in far greater detail by the July 2005 ICG report. Al Qaeda activity manifested itself in four separate terrorist incidents: the bombings of U.S. embassies in Kenya and Tanzania in 1998; the bombing of a hotel in Mombasa, Kenya in 2002; attacks on an Israeli airliner in Kenya using SA-7 *Strella* surface-to-air missiles, also in 2002; and an attempted attack on the U.S. embassy in Nairobi employing light aircraft which was foiled by Kenyan authorities in 2003.<sup>44</sup>

Al Qaeda cells located in and operating from Somalia participated in all four incidents. Their roles differed slightly in each case, but included marshalling funding for the attacks, facilitating planning

and preparation by local terrorist nodes in Tanzania and Kenya, providing expertise to the attackers, procuring sophisticated weapons for the attacks, and acting as a source of ideological inspiration for the attackers. Somalia provided a secure location from which the Al Qaeda hub was able to furnish this support, being practically opaque to Western and regional security forces. Somalia provided connections to the illicit arms trade which flourished in the region, and to sources of funding from Islamic charities which Al Qaeda was able to tap into. There is evidence to suggest that an Al Qaeda-AIAI connection provided a means of channeling funds from AIAI-affiliated Islamic charities through Al Qaeda to terrorist nodes in the region.<sup>45</sup>

It is important not to overstate the significance of the direct participation by Somali Al Qaeda cells in the series of attacks in Kenya. That direct participation – Al Qaeda cells operating as nodes rather than hubs – was a function of porous contiguous borders between Kenya and Somalia that facilitated easy and clandestine movement of groups and individuals between the two countries. It was also a function of local (Kenyan) ethnic Somali populations sympathetic to the agendas of groups inside Somalia that Al Qaeda had links to and an ideological agenda in common with. The ability of Somali-based Al Qaeda cells to operate as terrorist nodes in areas outside this immediate region is highly suspect.

On the other hand, the level of support provided to the attacks by Somali-based Al Qaeda cells functioning in their role as terrorist hubs is far more significant. Al Qaeda operatives were able to move freely into, out of, and within Somalia with little or no visibility by external security and intelligence agencies. Al Qaeda cells moved financial resources, acquired sophisticated weapons, and actively encouraged the preparation and launching of the attacks, and did so without coming to the attention of or provoking effective retaliation by regional, U.S., or other national or international counterterrorist efforts.

The case of Somalia suggests that failed states do, in fact, offer an effective venue for operations by evolved terrorist hubs. The environment in such states can provide what may be the greatest level of protection available to terrorist organizations from counterterrorism operations by military forces or law enforcement



agencies. The case of Somalia also suggests that the violent and chaotic conditions within failed states may reduce dramatically the impact of local attacks by terrorist nodes, but will not preclude terrorist hubs from operating in their new, evolved mode to inspire ideologically or assist financially or materially the operations of geographically distributed nodes.

The electronic connectivity provided by satellite-based internet access will probably enable failed state-based terrorist hubs to extend their connectivity beyond the immediate region of the failed state. This was certainly the case with the diamond-trading Al Qaeda hubs in Liberia and Sierra Leone, and it seems likely that similar opportunities exist for Al Qaeda hubs operating from Somalia. The potential threat that such hubs present to the international community is real, and not geographically bounded. The magnitude of that threat is limited by the means available to the evolved hubs. In this context, recent developments in the control and proliferation of WMD are not reassuring.

### **Raising the Stakes:**

#### **The Nuclear Dimension of the Terrorist Threat.**

The threat that terrorist hubs based in failed states pose to the United States and to its allies escalates dramatically if those hubs can obtain access to nuclear weapons. The risk that such weapons will find their way into terrorist hands is increasing significantly as a result of three interrelated factors. The end of the Cold War has witnessed an alarming erosion of control and security of Russian nuclear technology and weaponry. It has also witnessed increasing nuclear proliferation among non-nuclear states. The circumstances surrounding that proliferation – primarily its clandestine and covert nature – make it far more likely for nuclear weapons to find their way from state proliferators into the hands of terrorist groups.

The problematic issue of accounting for and controlling Soviet-era nuclear weapons and technology has been explored thoroughly by Jessica Stern in her 1999 study of terrorism and WMD. Stern described a Soviet-era military that was melting down, unpaid, and rife with corruption. Loss of accountability for fissionable materials, poor controls on the technology of nuclear weapons production,

and poor supervision of Russia's militarized scientific community characterized the post-Cold War Russian nuclear sector. Lapses may have even included loss of operational nuclear devices.<sup>46</sup>

More recent reporting on the situation is hardly more encouraging. A survey in 2002 of 602 Russian scientists working in the Russian WMD sector revealed that roughly 20 percent of the Russian scientists interviewed expressed a willingness to work for nations identified as WMD proliferators: Iran, North Korea or Syria.<sup>47</sup> Most recently, Busch and Holmes have catalogued the efforts of rogue states and of Al Qaeda to acquire nuclear weapons capability from the inadequately controlled Russian nuclear sector, and have identified the human element of that sector as being especially vulnerable.<sup>48</sup> When viewed in combination with the growing influence and reach of Russian organized crime, the lack of security in the Russian weaponized nuclear technology sector represents a significant risk of nuclear capability finding its way into the hands of terrorist hubs. Exacerbating this risk are the efforts of non-nuclear states that are seeking to develop a nuclear strike capability.

While North Korea frequently is cited as the best example of this sort of nuclear proliferation, in the context of terrorist access to WMD, Iran may prove to be far more dangerous. The clandestine Iranian nuclear weapons program is reportedly well-advanced. A recent study of the Iranian nuclear program published by the U.S. Army War College considers Iranian fielding of operational nuclear weapons to be inevitable and estimates the time frame for such a fielding to be 12 to 48 months.<sup>49</sup> Given Iran's well-established relationship with Hezbollah in Lebanon and its increasingly problematic, even hostile, relationship with the United States, the Iranian nuclear weapons program would seem to offer a tempting opportunity to Al Qaeda elements seeking clandestine access to nuclear technology. Even if the Iranian leadership does not regard sharing nuclear secrets with terrorist groups as a wise policy, elements within the Iranian government or participants in its nuclear weapons program may be willing to do so for their own reasons. The nature of clandestine nuclear weapons programs makes them especially vulnerable to compromise, as the Pakistani experience has demonstrated.

The clandestine nuclear weapons program directed by Dr. Abdul Qadeer Khan on behalf of the Pakistani government exemplifies the

risks inherent in such secret undertakings. As the details of Khan's nuclear weapons operation have emerged, it has become increasingly evident that he exercised little control over the elements of his network operating outside of Pakistan. His non-Pakistani partners in acquiring nuclear technology appear to have been motivated almost entirely by money, and Khan himself seems to have operated with minimal oversight from the Pakistani government.<sup>50</sup> Under such circumstances, the risk that critical nuclear technology will be diverted to groups like Al Qaeda is particularly high, especially when those groups have access to significant financial resources, and program participants are able to profit from diversion with little chance of detection by either the proliferating state or by opponents of that proliferation.

While both hubs and nodes exist in failed state terrorist networks in Sub-Saharan Africa, only the hubs present a threat of genuinely serious proportions to U.S. interests. Escalating nuclear proliferation offers terrorist hubs sheltering in failed states the opportunity to translate funding into weapons access. If those hubs are successful in maintaining even a tenuous connection through their virtual network to terrorist nodes existing within the United States or the territory of its allies, or in other areas of vital U.S. interest, then the risk posed by terrorist groups operating from failed states becomes real and immediate. The recent attacks by terrorist nodes in London, Cairo, and Madrid suggest that such is the case.

Developing the nexus between nuclear weapons acquisition, delivery to a local terrorist node, and employment in a terrorist attack probably will require significant resources and considerable time. Evolved terrorist hubs operating in failed states like Sierra Leone, Liberia, or Somalia may have both. Identifying those hubs, locating their members, and entering the failed state in which they are located to apprehend or destroy them will be a complex and difficult task.

### **The U.S. Response: Current Strategies and Their Limitations.**

U.S. strategies in response to terrorist hubs and nodes operating in Sub-Saharan Africa can be divided into four broad categories. Military operations target terrorist hubs, seeking to destroy them with direct military strikes. Security assistance programs focus on

building local state capacity to combat terrorists within individual nation states, cultivating local and regional partners who can obviate the requirement for direct U.S. intervention. The U.S. Department of Justice exploits extradition agreements and partnerships with host nation law enforcement agencies and internal security forces to identify, apprehend, and bring to justice terrorist suspects operating or taking refuge in foreign countries, and works with host nations and international organizations to restrict the ability of terrorist groups to operate in the global commons. Finally, in a much broader context, the United States has endorsed strategies to address the root causes of terrorism and the conditions that foster it. While all four of these approaches have enjoyed some success in the GWOT, none of them are likely to prove effective in a failed state environment.

Direct military action targeting identified terrorist cells has been the predominant U.S. approach. Examples include the bombing of Libya in 1986 by the Reagan administration in response to Libyan-sponsored terrorist attacks against U.S. targets in Europe; the U.S. cruise missile attacks on targets in The Sudan and in Afghanistan in 1998 in response to the Al Qaeda bombings of U.S. embassies in Kenya and Tanzania; the invasion and occupation of Afghanistan in 2002 in response to the 9/11 attacks; and ongoing U.S. military operations to locate and destroy Al Qaeda cells still operating in eastern Afghanistan. The strategy has enjoyed some remarkable successes, including the decision by Libya to publicly renounce its support for terrorist organizations and attacks, the recruitment of The Sudan as a supporter of the GWOT, and the elimination of Al Qaeda-run, Taliban-supported terrorist training camps in Afghanistan. Direct military action has been much less successful in addressing terrorist cells operating in failed states.

The limitations of military power in a failed state environment became starkly evident during U.S. efforts to neutralize Mohammed Farah Aideed and his subordinate leaders in Somalia in 1993. Kenneth Allard has described the challenges posed by state failure in Somalia to U.S. military operations, noting the endemic violence, lack of infrastructure, and the complete absence of state security or criminal justice systems.<sup>51</sup>

The best examination of those challenges is found in Mark Bowden's *Black Hawk Down*, which describes in detail both the failed

state environment in Somalia and the impact of that environment on the U.S. Army Rangers and Delta Force Commandos trying to locate and neutralize Aideed and his militia leaders.<sup>52</sup> In a similar vein, Mark Huband has described the environment in Liberia following its collapse in 1990 and the impact of that environment on U.S. and regional military operations.<sup>53</sup> The lessons of these experiences do not support strategies that depend on direct military action to address terrorist groups operating in and from failed states.

Direct military action against terrorist targets requires accurate, timely intelligence. Such intelligence is typically not available in a failed state environment. U.S. technical intelligence capabilities are marginally effective where communications infrastructure is primitive at best and where most communication is face-to-face or by messenger. Human intelligence—HUMINT, as it is called in U.S. intelligence circles—is equally poor. U.S. intelligence agencies typically have no presence on the ground in failed states, and even where they do, the ability of human intelligence collectors to operate effectively is constrained by lack of security, ignorance of local customs and languages, and the practical difficulties of operating in areas with poor to no communications or transportation infrastructure or services. The failure of U.S. forces in Somalia to recruit effective agent networks in support of U.S. military operations is described thoroughly by Bowden, and is a function of conditions and circumstances common to failed states.<sup>54</sup>

Even where accurate intelligence is available, military strikes confront severe limitations in failed states. Poor infrastructure limits the deployment and maneuver of military forces in the same way that it limits the effectiveness of humanitarian NGOs. The high levels of violence prevalent in failed states require inordinate amounts of military capability simply to protect the force, significantly reducing its capability to pursue its operational missions. Counterterrorism missions require personal interaction between military forces and local communities. Such interaction is a necessity if military forces are to locate small numbers of terrorists who have been identified by intelligence sources, but who are not easily distinguishable from the surrounding population. In a failed state, such interaction entails serious risks for soldiers and civilians alike, and is not likely to yield much in the way of cooperation from local communities immersed

in the criminal violence and social disintegration that accompany state failure.

A final problem with direct military action involves the status that it confers on the terrorists who become military targets. Treating the terrorists as belligerents and applying the international law of war to their pursuit and destruction legitimizes, in a very real and concrete way, their status under international law and in the eyes of the international community. Even labeling terrorists as “unlawful combatants” under the provisions of the Geneva Convention, as the Bush administration has consistently sought to do, invites them to argue that the targets of the 9/11 attacks were legitimate military targets and that the loss of civilian life was incidental to the military objectives of the attacks.

Removing acts of terrorism from the context of national criminal justice systems foregoes the delegitimizing process that the arraignment and conviction of terrorists in criminal courts provides. Michael German, a veteran U.S. law enforcement officer with extensive counterterrorism experience in both the military and law enforcement communities, has made this very point in the context of counterterrorism strategy:

By treating terrorists like criminals, we stigmatize them in their community, while simultaneously validating our own authority. Open and public trials allow the community to see the terrorist for the criminal he is, and successful prosecutions give them faith that the government is protecting them . . .<sup>55</sup>

In this context, employment of direct military action in failed states is especially problematic. Coercive force, especially lethal coercive force, already has been delegitimized in failed states by the endemic, illegitimate violence that permeates the failed state environment. Military action against terrorist targets in such circumstances runs the risk of being seen as simply one more manifestation of that violence.

Building local state capacity to combat terrorists within individual nation-states has emerged since the 9/11 attacks as a critical component of U.S. counterterrorism strategy. This element of U.S. strategy has been particularly important in areas of the world characterized by weak or failing states and by less than fully

capable state security forces, both of which characterize much of Sub-Saharan Africa. The Pan Sahel Initiative (PSI) and Trans-Sahel Counterterrorism Initiative (TSCTI) are excellent examples of this approach, as are the East Africa Counterterrorism Initiative (EACTI) and the establishment of Joint Task Force Horn of Africa (JTF HOA) in Djibouti.

PSI was initiated in 2002 to help countries in the Sahel region of northern Africa improve border security and enhance counterterrorism capabilities. The intent of the program was to enhance the ability of U.S. partners in Africa to deny use of their territory to terrorist groups.<sup>56</sup> TSCTI, the follow-on initiative, has provided additional funding and sought to foster regional cooperation among Sahelian states in addressing the regional terrorist threat.<sup>57</sup> Kraxenberger implies that the effort has contributed directly to successful counterterrorist operations by PSI partners, a assessment that was shared by Stephen Ellis in a 2004 analysis of PSI.<sup>58</sup>

Operations by JTF HOA and the EACTI pursue similar objectives with similar programs in the Horn of Africa. David Shinn, a veteran Foreign Service officer with extensive experience in the sub-region, has described both JTF HOA and EACTI in a broader treatment of counterterrorism initiatives in the Horn. Shinn notes the successes of both activities in building capacity and fostering effective engagement with key partners in East Africa. He notes, however, that neither program has had much effect in Somalia, observing that “the country [Somalia] is still a failed state where terrorist elements can move with impunity.”<sup>59</sup> The failure of JTF HOA and EACTI to penetrate or influence the environment in Somalia, despite continuing evidence of Al Qaeda presence there, illustrates the inability of this approach to address terrorist cells in failed states effectively.

The PSI, TSCTI, EACTI and JTF HOA security assistance efforts partnered with governments that, while weak, still enjoyed legitimacy and some minimal level of functionality. Neither condition is extant in truly failed states like Somalia, Liberia, and Sierra Leone. In the complete absence of a functioning security sector, failed states offer little venue for absorbing capacity-building efforts by external players. Even if such efforts enjoy some limited success, that outcome can actually be counterproductive in environments where

the receiving agencies are ineffective, corrupt, and possibly already infiltrated by the very terrorist groups that Western assistance efforts are focused against.

The political costs of providing assistance to indigenous security forces in a failed state also can be extremely high. In a failed state, any organized group employing armed force is likely to have been involved with criminal activities or to have members that have perpetrated, or are perpetrating, atrocities and violence against civilians. Initiatives like PSI, if pursued in failed states like Somalia, risk political repercussions if the United States is seen as complicit in the criminal activities and violence of local warlords and their militias. In such circumstances, U.S. assistance and training almost certainly will be exploited by those warlords to further their own narrow agendas. They will also be exploited by individual militia members for personal aggrandizement. In either case, the impact of such assistance in the best case is likely to be minimal, and in the worst case may actually make the problem of finding and apprehending terrorist groups more difficult.

Counterterrorism efforts by the U.S. Department of Justice and other U.S. agencies involved in law enforcement have enjoyed some remarkable successes since 9/11. Justice and Treasury have posted major accomplishments in restricting the ability of terrorist groups to operate in the global commons. General Accounting Office officials testifying before Congress in 2004 noted striking successes in combating money laundering and in restricting financial operations by terrorist organizations. Those same officials also noted, however, that when terrorist organizations use “alternative financing mechanisms to earn, move, and store their assets,” enforcement is much more difficult and progress much harder to gauge.<sup>60</sup> Since alternative mechanisms are the norm in failed states, terrorist organizations are able to avoid most of the scrutiny by Justice and Treasury, and by their host nation and international partners.

The U.S. Department of Justice also has enjoyed some remarkable successes partnering with host nation law enforcement agencies to identify, apprehend, and bring to justice terrorist suspects operating or seeking refuge in foreign countries. The primary means for affecting this partnership are the 23 Legal Attache Offices maintained by the



U.S. Federal Bureau of Investigation in U.S. embassies around the world.<sup>61</sup> Unfortunately, none of these offices are located in failed states, which typically do not possess functioning American embassies. As an example, the U.S. Legal Attache stationed in Nairobi, Kenya, has responsibility for Somalia. The embassy in Nairobi, however, has no means of exercising embassy functions in the dangerous and volatile streets of Mogadishu, where even the most routine activities require that U.S. personnel be accompanied by robust U.S. security forces.

The limited capabilities of U.S. Legal Attache offices accentuate another limitation of the U.S. law enforcement community: it lacks an “expeditionary capability.” Conditions in failed states, as already mentioned, require both robust security capabilities to provide for protection of deployed personnel, as well as the capacity to bring whatever materials, communications, and logistics support are necessary for operations on the ground. U.S. law enforcement does not have the self-sufficient “fly-away packages” of personnel, equipment, and logistics support that characterize the expeditionary forces of the U.S. military. It also lacks robust security forces to establish secure areas of operations in failed states, and to escort law enforcement officers into and out of highly volatile neighborhoods where fire fights are common and where criminal gangs sport heavy machine guns, mortars, and rocket-propelled grenades. Even if access were possible, the conditions in failed states pose daunting obstacles to law enforcement officers.

In the absence of any functioning local criminal justice or judicial system, certain characteristics of the U.S. criminal justice system become problematic. U.S. constitutional requirements for warranted searches and seizures presuppose a legitimate court system able to rule on requests for warrants by law enforcement officers. Chains of custody for evidence, sworn affidavits from witnesses, and right to legal counsel for criminal suspects are hardly practical in the chaotic and violent conditions prevalent in failed states. As a practical matter, law enforcement officers, whether local, regional, U.S., or international, have no means of conducting a normal investigation to apprehend and bring to trial suspected terrorists in a failed state. These limitations preclude current U.S. law enforcement-based strategies from enjoying much success against terrorist hubs operating in failed states.

The final counterterrorism strategy, and one that is generating growing attention in policy communities and academic circles alike, is that of addressing the root causes of terrorism. Sageman identifies addressing the underlying issues that provoke young Muslim men to seek out the salafi jihad as a critical requirement of counterterrorism strategies.<sup>62</sup> Lyman and Morrison assert that the Bush administration must “deal with the . . . fundamental problems – economic distress, ethnic and religious fissures, fragile governance, weak democracy, and rampant human rights abuses – that create an environment in which terrorists thrive.”<sup>63</sup> President Bush himself identified the task of reducing conditions that can be exploited by terrorists as a goal of his 2003 *National Strategy for Combating Terrorism*.<sup>64</sup>

Efforts to implement a root causes approach in countering terrorism confront several challenges in failed states. The ability of U.S. strategists to influence terrorists or potential terrorists in failed states is limited by the same conditions that limit law enforcement efforts and military strikes. Whatever efforts the United States is able to pursue globally to diminish the propensity of potential recruits to join Al Qaeda cells or to discourage existing members from initiating attacks are not likely to penetrate the violent and chaotic environment that permeates collapsed states like Somalia and Sierra Leone.

Several researchers and policymakers have suggested that the United States and its allies should focus on promoting failed state recovery. Addressing the conditions of state failure itself, these authors suggest, will remove the situation that furnishes sanctuary and cover to terrorist cells.<sup>65</sup> The historical record is not encouraging in this regard.

Somalia remains a failed state despite successive interventions by large and very capable U.S., coalition, and UN peacekeeping forces. Sierra Leone and Liberia likewise do not show evidence of genuine state recovery despite the efforts of successive Economic Community of West African States interventions and of the largest UN peacekeeping mission in the history of the organization. Even where some progress in state recovery appears to be underway, as in Kosovo, the effort requires years of effort at tremendous cost. The threat that evolved terrorist hubs in failed states will obtain access to nuclear weaponry and deliver that weaponry into the hands of

terrorist nodes in a position to threaten vital U.S. interests may not accommodate the timelines required by root cause approaches.

### **Finding Synergy in Military and Law Enforcement Efforts: An Alternative Approach.**

The limitations of current counterterrorism strategies in failed states argue for an entirely new approach to the problem. The military and law enforcement communities bring very different core competencies to the table. Neither community, by itself, has the skill set to implement counterterrorism strategies in failed states effectively. Both communities working in tandem, however, offer capabilities that may prove effective in dealing with the complex failed state problem set.

U.S. military forces may not be ideally suited to apprehending individual terrorists, but they are superb at carving out a secure area of operations in difficult and violent environments. Marine Expeditionary Forces and U.S. Army Brigade Task Forces, supported by Air Expeditionary Wings and Naval Amphibious Task Forces, are not only capable of establishing secure bases in the midst of the most violent and chaotic failed state, but they also are capable of projecting a secure presence into the most difficult and problematic areas of that state. Despite their failure, ultimately, to locate and take Mohammed Farrah Aideed into custody, the Army Rangers and Delta Force commandos of *Black Hawk Down* were able to penetrate into, and sustain themselves for an extended period of time within, the most dangerous area in all of Somalia.

While the U.S. foreign intelligence community has not enjoyed much success in locating individual terrorists in failed states, it can identify terrorist hubs operating from failed states that are developing and exercising global reach. It is in exercising their connections with geographically distributed nodes that terrorist hubs will make themselves most vulnerable, as Sageman has pointed out. Those hubs that are close to achieving access to WMD will have the highest profile.

Those organizations making up the U.S. foreign intelligence community are the agencies most likely to detect terrorist hubs

developing global reach and WMD capability, and to identify the failed states that they are operating from. Having done so and having provided the basis for launching a military operation to obtain access to the failed state in question, the challenge of locating and apprehending individual terrorists on the ground remains. In confronting this challenge, the U.S. law enforcement community can make its greatest contribution.

Locating, positively identifying, and apprehending dangerous individuals in the midst of a civilian community is a core competency of U.S. law enforcement. More specifically, it is a core competency of American law enforcement at the local, and particularly at the municipal, level. American law enforcement officers are among the best trained, best equipped, and most professional in the world. The level of sophistication and capability routinely present in larger metropolitan police departments in the United States exceeds the capabilities of most nation-states. Two strategic approaches to law enforcement, one pioneered by American police forces and one developed in the United Kingdom, can provide a framework for effectively locating and apprehending terrorist suspects in failed states. Those approaches are community policing and intelligence-led policing.

Community policing developed in the United States in the early 1970s as an alternative to traditional law enforcement strategies. Traditional law enforcement focused on apprehending criminals following the commission of a crime and emphasized centralized control, efficiency, and shifting resources to meet requirements, largely through the use of vehicular patrols. Community policing, in contrast, emphasizes dismounted patrols, and partnership between patrolmen and community residents. It also emphasizes problem solving as opposed to arrest rates, developing empathy on the part of patrolmen for the neighborhoods that they police, and establishing a common identity between police officers and community members.<sup>66</sup>

The skill set fostered by community policing is precisely the skill set necessary to establish rapport with the violence-ridden and chaotic communities in a failed state. Particularly relevant here is the fact that failed states spawn significant expatriate, immigrant

communities living in large American urban areas. The police forces in these American cities, all of which have adopted community policing as a foundational neighborhood policing technique, deal routinely with immigrant communities from the same failed states that furnish sanctuaries for terrorist hubs.

Large Somali, Liberian, and Sierra Leonean immigrant communities currently live in metropolitan areas throughout the eastern United States. Police officers who are familiar with those communities, and who have patrolled in them and developed relationships with their members, should be highly effective in the failed state from which those communities immigrated.

Members of immigrant communities from failed states typically remain in close touch with families in their country of origin. They may very well provide information of value to police officers deploying to those countries in support of counterterrorism efforts. The communities also can provide a source of interpreter-translators whose reliability is already known to law enforcement, and who will probably regard favorably the opportunity for lucrative employment with U.S. Government agencies. This aspect by itself will be immensely valuable to U.S. counterterrorism expeditionary forces that are reluctant to employ or trust local interpreters whose loyalties and credibility are highly suspect.

Intelligence-led policing is a concept that emerged in the United Kingdom during the 1990s. Blair Alexander, a veteran Oakland, California, police officer with extensive counterterrorism experience as a U.S. Army Reserve Military Police officer, described the concept in a study of local policing techniques and counterterrorism.<sup>67</sup> Intelligence-led policing focuses on the development of overt and covert intelligence collection in a targeted fashion against individuals of interest to the police. Modern electronic filing systems and sophisticated analytical techniques pioneered by foreign intelligence communities are employed to correlate data, identify and analyze networks, and establish relationships between individuals and groups. The intelligence products developed through this process are then utilized to shape law enforcement operations by identifying and focusing on the most serious offenders.<sup>68</sup>

Colonel Alexander ultimately assessed intelligence-led policing as unsuitable for use within the United States in view of

constitutional constraints in the American criminal justice system, and the likely public distaste for the invasion of privacy that the technique seems to require. Intelligence-led policing techniques may, however, be appropriate and well-suited to identifying, locating, and apprehending terrorist suspects in a failed state. This is especially so if police intelligence units can be established to operate in tandem with the all-source, National Intelligence Support Team (NIST) that typically accompanies U.S. military expeditionary forces deploying into a failed state. The potential synergies of combining foreign intelligence and law enforcement expertise in the information collection and analysis process offers significant improvements in an area that has been especially problematic in failed states.

An alternative approach to counterterrorism in failed states would consist of four elements. The foreign intelligence community would identify failed states harboring terrorist hubs that are developing global reach and threaten access to WMD technology. A military expeditionary force would insert itself into the failed state. A NIST, including a civilian law enforcement element and using intelligence-led policing, would identify those areas of the failed state in which the terrorists are operating, and provide information to facilitate their identification. The military expeditionary force would then provide protected access to that area for teams of U.S. law enforcement officers with extensive and culturally relevant community policing experience. Those teams of law enforcement officers would make final identifications and actually apprehend the terrorists. Teams of veteran law enforcement officers with community policing experience, inserted and protected in failed states by robust military expeditionary forces, and guided by a synthesis of foreign intelligence and intelligence-led policing, will prove significantly more effective at locating and apprehending terrorist hubs than either military forces or law enforcement acting alone.

Once members of a terrorist hub have been taken into custody, their subsequent disposition remains an issue. Involving veteran law enforcement officers in their apprehension will not remove the problems posed by conditions in a failed state for American criminal justice procedures. Nor will it address the legitimacy issues that treating terrorists as combatants and military targets creates.

Convening a conventional grand jury followed by a formal arraignment by the U.S. criminal justice system is one alternative for disposing of apprehended terrorists. Such an approach is limited by the previously mentioned conditions in failed states, which make it very difficult to apply the procedural standards required of the U.S. criminal justice system. A possible solution to these problems could be provided by leveraging the robust U.S. military justice system and international fora like the International Criminal Court.

The U.S. military possesses a robust and sophisticated criminal justice system that operates independently of civil law enforcement, but with oversight from the federal judiciary. Constituting military tribunals to review the status of terrorists identified and apprehended by civil law enforcement elements could bolster the legitimacy of the entire process and ameliorate problems with criminal procedures that are not consistent with normal U.S. practice. The U.S. military has extensive experience with such tribunals, and includes a core of experienced military prosecutors, military defense counsels, and military judges.

Establishing an oversight body that is independent of apprehending law enforcement agencies provides a process by which the decisions of those agencies to apprehend a particular individual can be reviewed by parties without a direct, vested interest in the outcome of the proceedings. The U.S. military justice system is accustomed to dealing with battlefield environments where normal criminal procedures are problematic, and has developed a robust system of prosecutorial practices and military jurisprudence to cope with that environment. Including military tribunals as a check on the activities of expeditionary law enforcement can address domestic U.S. concerns with lack of due process and can also provide a hedge against mistakes or misconduct by those agents who actually identify terrorists and take them into custody.

Once terrorists have been apprehended by expeditionary law enforcement and their cases processed by military tribunals, they can be referred to international venues for final disposition. The record of the International Criminal Tribunal for the Former Yugoslavia has demonstrated the ability of such tribunals to effectively prosecute cases referred from chaotic and violent environments.<sup>69</sup>

The International Criminal Court is in the process of establishing a similar record, a development which may argue for reconsideration by the United States of its position on the Court.<sup>70</sup> David Crane, Chief Prosecutor for the Special Court for Sierra Leone, has shown that international tribunals can prosecute cases from even the most violent of failed states effectively.<sup>71</sup>

Referral of cases to an international tribunal for disposition can help address both of the legitimacy issues associated with current U.S. strategies. Trial of terrorist suspects before an international criminal tribunal avoids the pitfall of legitimizing terrorist actors by conferring belligerent status upon them as combatants under international law. It also accommodates the limitations inherent to U.S. criminal justice procedures: such tribunals are not bound by U.S. constitutional law, nor by the procedural constraints which have developed over many years as part of the American system of checks and balances between executive branch investigators and prosecutors, on the one hand, and judicial branch adjudicators on the other.

## **Conclusion.**

Terrorist hubs operating in African failed states threaten to make the connection between WMD capabilities and terrorist nodes a reality. The nexus of terrorist hubs operating from failed states, terrorist nodes located in or with access to areas of vital interest to the United States, and nuclear weapons technology or devices is one that demands strategies that will be effective immediately. Current strategies being pursued by the United States in the GWOT are not likely to be effective in identifying and neutralizing terrorist hubs operating from failed states.

The foreign intelligence community is best equipped to identify terrorist hubs in failed states that are developing global reach and threatening to acquire a nuclear dimension. Once those hubs have been identified, a synthesis of expeditionary military forces and law enforcement elements will be far more effective in dealing with those hubs than either element will be acting independently. The synergies created by integrating the military instrument of power



with American law enforcement core competencies can be exploited most effectively if they are supported by an intelligence capability that blends traditional foreign intelligence collection and analysis with intelligence-led policing practices from the criminal justice sector.

Once terrorists have been identified, located, and apprehended, military tribunals should screen them individually to confirm that they are, indeed, who law enforcement officers believe them to be and that they are, in fact, associated with the activities of the terrorist hubs in question. Upon confirmation of their status as participants in the operation of the terrorist hub, those tribunals should refer their cases to appropriate international tribunals for disposition.

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