

EMERGING MILITARY CAPABILITIES: NORMATIVE AND LEGAL CHALLENGES

WORKSHOP

APRIL 13-14, 2004



PROJECT ON THE MEANS OF INTERVENTION
CARR CENTER FOR HUMAN RIGHTS POLICY
AND
McCORMICK TRIBUNE FOUNDATION

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WASHINGTON, D.C.

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AND

McCORMICK TRIBUNE FOUNDATION

Cover photos

Top

(Left): Captain Jane Dalton, USN

(Right): Steve Goose, Ken Bacon

Bottom

(Left): Dan Goure, John Barry

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PREFACE

On April 13-14, 2004, the Project on the Means of Intervention, in conjunction with the McCormick Tribune Foundation, held the eighth meeting in its Washington workshop series. The meeting provided an introduction to the challenges of applying existing legal norms and expectations to new military tools, concepts and capabilities. The following workshop report captures the essence of the discussion, without attribution of specific comments.

The Project fosters a dialogue between the military and humanitarian communities about timely and challenging *jus in bello* issues. The Project is supported by the Carnegie Corporation of New York and is based at the Carr Center for Human Rights Policy at Harvard University's Kennedy School of Government. The effort explores the significant intersection of military concerns about the efficient and effective use of force with humanitarian concerns about minimizing harm to civilians during war. The Project aims to develop a shared understanding of this issue, and to identify policies and actions that can promote common goals.

Prior workshops have focused on the U.S. application of airpower during the past decade, the targeting process, the assessment and understanding of collateral damage, operations in Iraq and Afghanistan, and other issues. Information about prior workshops, as well as reports and working papers, can be found at <http://www.ksg.harvard.edu/cchrp/intervention.shtml>.

The April 2004 workshop, cosponsored by the McCormick Tribune Foundation, was held in Washington, D.C. It involved approximately sixty participants from the military and international security communities and from human rights and humanitarian organizations. Retired and active-duty military officers, humanitarian relief workers, human rights activists, and journalists discussed the challenges of assessing effects-based operations (EBO) and non-kinetic or non-lethal technologies using traditional standards, guidelines, and laws regarding the use of force. Both the EBO concepts for using force and non-lethal weapons represent efforts to apply force more deliberately and discriminately, shifting away from traditional "attrition-based," "kinetic-based" warfare. The new tools strive to achieve increasingly precise and less destructive

ends. Despite heightened expectation, questions remain regarding how directly they can be linked to objectives and whether these means can reliably deliver what they promise.

Participants also raised questions about applying legal standards – which were devised with traditional concepts of warfare in mind – to these new approaches. Though EBO and non-lethal weapons share a goal of reducing civilian harm, both potentially involve civilians and civilian objects more directly than previously judged to be acceptable under international humanitarian law (IHL).¹ In addition to the *jus in bello* issues, participants debated the *jus ad bellum* implications of new tools and technologies. Some wondered whether the promise of limited civilian casualties would prompt us to “do things we wouldn’t otherwise do,” thereby resulting in more frequent use of force. Similarly, a participant noted that while using controversial means may undermine the legitimacy of using force, more humane means alone cannot compensate for an illegitimate rationale for war.

I would like to express appreciation to the McCormick Tribune Foundation, and in particular Brigadier General David Grange, USA (Ret.), for generous financial and substantive support for this meeting.

Sarah Sewall
Director, Project on the Means of Intervention
Carr Center for Human Rights Policy

¹ For the purposes of this report, international humanitarian law (IHL) refers to the body of treaties and customary international law, including the law of armed conflict (LOAC) that governs the use of military force.

EMERGING MILITARY CAPABILITIES: NORMATIVE AND LEGAL CHALLENGES

This report summarizes discussion at the workshop on effects-based operations and non-lethal weapons sponsored by the Carr Center for Human Rights Policy at Harvard University's John F. Kennedy School of Government and the McCormick Tribune Foundation. The event was held in Washington, D.C. on April 13-14, 2004. It brought together American and international military and human rights practitioners as part of an ongoing dialogue fostered by the Project on the Means of Intervention, with support from the Carnegie Corporation of New York.

As is the practice in the Project on the Means of Intervention, comments are not attributed to individuals in order to preserve the openness of the exchange. The meeting agenda and list of participants are included in the appendix.

EFFECTS-BASED OPERATIONS

INTRODUCTION

The U.S. Air Force spearheaded a shift in recent U.S. military thinking from attrition-based warfare, which gradually degrades an adversary's military, to effects-based operations (EBO), which seek to exploit precision stand-off capabilities to achieve strategic objectives without necessarily engaging enemy forces.¹ The EBO planning, execution, and assessment framework links objectives (rather than weapons or methods) and results, and is intended to define a desired end state, rather than a specific task. One participant described EBO as “a new set of questions to ask about the relationship between means and ends.” An effects-based order might be to “render 50% of an enemy brigade ineffective,” compared to a task-based order to “destroy 50% of the enemy's tanks.”² To achieve such effects, EBO target a broader array of objects and aim to achieve goals more precisely than traditional warfare, potentially with lower levels of violence (e.g. neutralize or disable, rather than destroy, targets).

Participants generally encouraged the EBO approach of deeper inquiry into what military operations seek to achieve and how best to do so. A human rights representative positively described EBO as encouraging the political and military leadership to “think logically about the long-term consequences of actions and adopt long term objectives that really work” and praised its efficiency, effectiveness, and potential to reduce harm to civilians. Several participants expressed concerns about the United States' ability to satisfy the intensive information requirements necessary to adequately define objectives and accurately predict and achieve the desired effects. They felt this called into question how effectively an EBO concept can be pursued. Some individuals alternatively worried that “the illusion of predictable effects” may tempt U.S.

¹ The Joint Forces Command Glossary defines EBO as “a process for obtaining a desired strategic outcome or effect on the enemy, through the synergistic, multiplicative, and cumulative application of the full range of military and nonmilitary capabilities at the tactical, operational, and strategic levels.” [available at <http://www.jfcom.mil/about/glossary.htm>]. For more information, see, for example, United States Air Force, Air Force Doctrine Document 2-1.2 “Strategic Attack,” May 20, 1998 [available at http://www.dtic.mil/doctrine/jel/service_pubs/afd2_1_2.pdf]; Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics, Report of the Defense Science Board Task Force on Discriminate Use of Force, July 2003 [available at <http://www.acq.osd.mil/dsb/duf.pdf>]

² Doctrine Watch #13: Effects-Based Operations, November 30, 2000.

planners to unrealistically expand the goals of a campaign. Other attendees worried that EBO would lead to a loosening of restrictions on targeting civilian objects that have been traditionally seen as off-limits under IHL, thereby undermining legal and moral standards on using force. EBO’s defenders acknowledged that the United States will never attain perfect intelligence or be able to predict effects with absolute certainty. They maintained, however, that the new approach is preferable to what they consider to be outdated concepts of warfare, due to EBO’s potential to achieve objectives more efficiently and with less collateral damage.

DEFINING OBJECTIVES

One participant discussed EBO’s utility as a conceptual model and as a potential driver for interagency planning: “it is a valuable planning methodology to help better identify military/nonmilitary objectives and provide commanders a better toolset and better advice to help the political leadership understand the consequences of policy decisions.” A human rights participant lauded EBO’s potential to prompt greater restraint in using force than required by the laws of war. He felt that the United States placed limits on bombing regular Iraqi troops during Operation Iraqi Freedom even though it would have been legal, since doing so would not have contributed to the campaign’s objective.

Yet according to one military participant, although objectives should drive the EBO process by pointing toward the targets needed to achieve the desired effects, a lack of guidance on objectives often prompts the military to begin planning with a target list (and second-guessing the political objectives) without fully understanding the desired end state. He acknowledged that “EBO strategy is coming from the bottom up – but guidance needs to come from the top.” Policy makers’ failure to provide adequate direction regarding objectives can lead to actions that may ultimately prove counterproductive, this participant argued, such as bombing the Danube bridges during Operation Allied Force in 1999. He said that in hindsight, the long-term damage of the bombing outweighed the military advantage of the attack. He believed that the intense scrutiny of likely consequences

“We need an approach that goes beyond targeting and the discriminate use of force. We need to go beyond diplomacy to achieve an intimate encounter with our opponent that reflects a deep understanding of them, and engage with them on multiple levels.”

encouraged by the EBO structure would help avert such actions in the future and he proposed implementing EBO-style planning concepts across the joint community. Likewise, human rights participants suggested that while bombing the Al Firdos bunker during Operation Desert Storm was legal, it was not crucial for achieving the campaign’s objectives; the disconnect between the motivation for targeting the structure and the public justification provided afterwards led some participants to question whether it would have been proposed as a target under an EBO framework. The high degree of *post facto* scrutiny of the Al Firdos bunker resulted from the deaths of hundreds of civilians taking shelter in the bunker without U.S. knowledge. This underscores the importance of adequate intelligence to assess the potential effects of given actions.

PREDICTING AND UNDERSTANDING EFFECTS

Participants from both communities noted concerns about understanding the full and extended effects of various actions comprehensively enough to predict the outcomes of an effects-based campaign. A participant said that until we understand the empirical evidence of “what part of the campaign made us win,” (e.g. the accumulation of targets and effects, the defeat of an army, or the denial of enemy objectives), we cannot design an effective EBO campaign or justify loosening restrictions on dual-use targeting. One individual asserted that the lack of perfect information should not be used as an excuse for inaction or for “not trying to methodically understand as much as we can,” which he called the objective of the EBO process. A non-military participant maintained that action is not always preferable to inaction: “if we don’t know what we’re doing, it’s better not to act.” While there was disagreement over how much information should be considered *enough*, there was a general consensus regarding the need to determine on a case-by-case basis whether the available information is adequate under the circumstances.

“The US military establishment is not currently capable of blending the detailed analytic preparation and refined operational judgment required to use force in the highly discriminate and potentially decisive manner that is technically conceivable.”

Attendees also discussed the importance of assessment for adequate planning to respond after strikes are conducted; for example, to provide water a treatment capability if an electrical system is targeted. One participant said that addressing this challenge will require a deeper

understanding of cause and effect than has ever been applied, and that the United States must augment its capacity to integrate and synthesize large quantities of information. He recommended a move away from the current battle damage assessment (BDA) process – which he observed was too focused on tactical-level imagery of “target damage” – toward a broader conceptual “effects assessment.”

TARGETING DUAL-USE AND CIVILIAN OBJECTS

Though the EBO concept may discourage attacks on targets that are legal but do not further an operation’s objectives, some participants noted that EBO also increases the attractiveness of targeting civilian objects in the belief that destroying them will achieve desired military or political effects. A military participant argued that the U.S. ability to fight a quick, precise war requires the flexibility to target dual-use infrastructure. This logic caused a human rights participant to caution that “EBO thinking gives you tantalizing options of attacking targets that might not be acceptable under traditional IHL thinking.”

“If we get to the point where we agree that it is possible to conduct EBO with low collateral damage, then we should update our ideas of civilian and dual-use objects.”

One military participant rejected the criticism that EBO encourages any change in the definition of “military objective” and emphasized that attacks on dual-use facilities must still be linked in a “concrete and direct” way to a specific military purpose in EBO. Yet military participants in general seemed to suggest that traditional notions of legitimate targets are outdated, and that attacks on non-military objects which produce low collateral damage may yield a military advantage that can ultimately help prosecute a military campaign more efficiently and therefore reduce civilian suffering.

A military participant noted that controversy over attacking electricity subsided with the use of new capabilities which allowed electrical grids to be targeted discriminately, thereby limiting the length and extent of destruction. That electricity is considered a more acceptable target today – not inherently illegal even though it is dual-use – suggests the focus of earlier concern may have been on the potential damage rather than the dual-use nature of the target.

In discussions, the most controversial objects of attack were broadcast and communications facilities. While military participants maintained that these targets remain a legitimate option because most are used for both military and civilian purposes, human rights participants argued that the legality of an attack is based upon the degree of direct military use of the communication system. One human rights participant distinguished between communications facilities, which he said were legitimate targets, given their likely role in military communications, and broadcast facilities. For broadcast facilities, he suggested a conditional standard: if they are used to give military orders, as in the case of Rwandan radio stations, the facilities are legitimate targets. However, where they are only used for political propaganda, as he asserted was the case of Radio Television Serbia (RTS) in the former Yugoslavia, he saw no justifiable “concrete and direct military advantage” as required in Additional Protocol I (AP I) to the Geneva Conventions. In such circumstances, he said, only non-kinetic means such as jamming would be legal under AP I.

Participants discussed the potential military advantage of targeting media to curb U.S., local, and international media coverage of civilian casualties. All agreed that such images damage U.S. and international morale, and therefore overall U.S. strategy. A military participant said that since televised images of civilian casualties help recruit foreign fighters to Iraq, for example, then limiting them is a military benefit – implying that their targeting may fall within AP I. Another

“Once you accept that civilian morale is a legitimate target, it’s hard to draw a line between targeting civilians directly and other forms of mistreatment.”

participant warned of a slippery slope – the logic could justify targeting all media, including Western outlets. It was noted that although Coalition forces in Operation Iraqi Freedom declared official Iraqi TV a legitimate target due to its broadcasts of uniformed military officials, it was not attacked. Other participants pointed out that attacks on the media can cause backlash, citing the outrage caused by harm to Arab media assets and personnel and the uprising sparked by the March 2004 closure of the Iraqi paper *Al Hawza*, controlled by the anti-American Shia cleric Muqtada al-Sadr.

Participants debated whether it is legitimate under IHL to target civilian morale using military means (while noting the irony that nonmilitary means such as sanctions, diplomacy, and disinformation are not subject to IHL, regardless of their effects). A human rights participant argued that until 1977 morale was considered a legal target, but said that AP I now forbids attacks

on civilian morale.³ Human rights representatives worried that accepting any targeting of civilian morale makes it harder to draw the line between indirect attacks on civilian objects and directly targeting civilians. One individual warned that the March 11, 2004 bombing in Madrid could be misinterpreted by some as an “EBO success” since it affected a change in government by targeting civilian morale and that the United States should not want its EBO logic taken to such an extreme.

Military participants largely supported maintaining the option of targeting civilian morale by attacking civilian objects, under circumstances in which the attack could be justified under IHL because the target provided a direct military advantage. Some individuals supported adopting a more expansive approach to IHL under which civilian objects could be targeted only because they influenced the behavior of a regime. Participants discussed the targeting of assets held by close associates of former Federal Republic of Yugoslavia president Slobodan Milosevic during Operation Allied Force in 1999. Several attendees debated the legitimacy of such targets, given what they saw as a lack of Serbian civilians’ influence on the government. Others distinguished between plausible military rationales for targeting auto parts manufacturing plants and the lack of such a justification for attacking tobacco factories owned by Milosevic’s colleagues.

“Simply because national will is a bona fide military objective does not mean that civilians or civilian objects can be made the object of direct attack.”

APPLICABILITY OF IHL

Participants spoke of ways in which EBO targeting challenges traditional legal assessments of the conduct of war and they debated whether existing laws and regimes should be reexamined or whether new legal mechanisms are required. IHL stipulates that attacks be conducted only against targets which yield a “concrete and direct military advantage” and should not cause “excessive” civilian harm (i.e. that the military result should be proportional to the risk to civilians). While praising instances of targeting restraint beyond what is legally permissible (e.g. official Iraqi TV), human rights participants worried that assessing the military advantage and proportionality of attacks is complicated by a shift away from targeting military forces and objects, as per discussion in preceding section.

³ Article 51 (2) states: “The civilian population as such, as well as individual civilians, shall not be the object of attack. Acts or threats of violence the primary purpose of which is to spread terror among the civilian population are prohibited.” [Available at <http://www.unhchr.ch/html/menu3/b/93.htm>].

Echoing a recurring theme from past workshops, a military participant noted that human rights analysts tend to examine individual targets “in a vacuum” and recommended a comprehensive weighing of the ultimate effects of an attack and the broader campaign. For example, while a human rights observer may assess the proportionality of bombing a single node in a communications system, the military considers how a combination of strikes might produce an overall effect (e.g. targeting 4 of 12 nodes to disable the system). Given the general lack of transparency, it can be difficult for external observers to understand how a given strike fits into a larger target set or operation. More fundamentally, military participants pointed out a target-by-target approach to assessing military advantage would deny the United States the ability to take advantage of the relative precision and humanity in EBO targeting strategies.

Discussions revealed that assessing the legality of EBO becomes more complicated with the use of certain non-kinetic capabilities (e.g. electronic warfare). IHL presumes that a state of armed conflict exists; human rights participants argued that it is sometimes unclear when the use of non-kinetic capabilities triggers IHL. From the military point of view, it may be an advantage not to know whether non-kinetic use constitutes armed conflict, since such operations may be most effectively conducted without the adversary’s knowledge. Military participants also noted that some non-kinetic means that may be advocated by human rights groups as alternatives to using military force (e.g. sanctions) may be less discriminate than kinetic means; achieving precise effects, according to this logic, may ultimately cause less civilian harm.

Some participants noted that current U.S. operations challenge traditional notions of war and IHL applicability. The Predator hellfire missile strike on an alleged terrorist in Yemen in 2002 prompted deliberation about whether warfighting (IHL) or law enforcement standards should apply outside what one individual termed the “traditional battlefield”; there were calls for a transparent legal authorization process for what may be a growing trend of targeting individuals or small groups of alleged combatants outside recognizable war zones.

Some participants expressed concern that the United States would downplay IHL compliance if an adversary refused to comply, which led to questions about how to fight the war on terrorism. Terrorist tactics directly contravene IHL by failing to

“When the United States tries to push the envelope on IHL, it becomes harder to criticize the adversary for doing so.”

distinguish between combatants and noncombatants. Some individuals argued that rather than abandon legal restraints, the United States should more vigorously support IHL's applicability in war and uphold distinctions between civilian and military actors and targets. A military participant made the pragmatic case that U.S. compliance with IHL is a strategic benefit, and that failure to observe these requirements jeopardizes U.S. international standing and legitimacy. A human rights participant used a moral argument for unilateral IHL compliance by noting that U.S. efforts to erode the distinction between combatants and noncombatants weakens the United States' moral high ground and makes it harder to win sympathy, for example, for the kidnapping of Westerners in Iraq.

NON-LETHAL WEAPONS

INTRODUCTION

For the purposes of this report, the term “non-lethal weapons” denotes the variety of weapons, technologies and capabilities in development and in use which are intended to compel behavior without killing or seriously injuring people. The Defense Department defines non-lethal weapons as “weapon systems that are specifically designed and primarily employed so as to incapacitate personnel or materiel, while minimizing fatalities, permanent injury to personnel, and undesired damage to property and the environment.”⁴ While non-lethal weapons are developed and assessed elsewhere in the U.S. government research community, the meeting examined only the unclassified capabilities under the Joint Non-Lethal Weapons Directorate (JNLWD).

Participants discussed a number of technologies either currently in use or near deployment (e.g. TASER guns, long-range acoustic devices, area denial systems) and those further in the future (e.g. calmatives, malodorants, arresting technologies). Discussions touched on a number of *categories* of non-lethal weapons, defined by the military as: 1) electromagnetic (e.g. microwave, millimeter wave, infrared lasers); 2) mechanical (blunt impact devices, barriers); 3) acoustic; 4) chemical (e.g. riot control agents, foams); and 5) ancillary (e.g. markers, encapsulants).⁵ In addition, there was mention of both *core capabilities*:⁶ counter-personnel requirements (the ability to influence the behavior of both potentially hostile crowds and rioting mobs; incapacitate individuals for capture; deny individuals access to an area using physical barriers or discomfort; clear facilities and structures of personnel) and counter-materiel requirements (deny land areas to vehicles using physical barriers; disable equipment or facilities, for example by altering fuels or lubricants, reducing traction, decaying rubber, or using adhesives).⁷

⁴ Department of Defense Directive 3000.3, *Policy for Non-Lethal Weapons*, 9 July 1996 [available at http://www.dtic.mil/whs/directives/corres/pdf/d30003_070996/d30003p.pdf]

⁵ United States Joint Forces Command, *Joint Warfighting Center Joint Doctrine Series Pamphlet 2: Doctrinal Implications of Low Collateral Damage Capabilities*, January 27, 2003 [available at http://www.dtic.mil/doctrine/jel/other_pubs/jwfc pam2.pdf].

⁶ Department of the Navy, Joint Non-Lethal Weapons Directorate, *Joint Concept for Non-Lethal Weapons*, 5 January 1998. [Available at <https://www.mccdc.usmc.mil/futures/concepts/jnlw.pdf>]

⁷ For additional information, see Council on Foreign Relations, “Nonlethal Technologies: Progress and Prospects,” July 1999. [Available at <http://www.cfr.org/publication.php?id=3326>]; *Nonlethal Weapons and Capabilities*, Report of an Independent Task Force sponsored by the Council on Foreign Relations, 2004 [available at http://www.cfr.org/pdf/Nonlethal_TF.pdf]

Military participants described the development of the non-lethal program within the U.S. military, which began in the late 1960s and early 1970s and gained prominence in 1993 when General Anthony Zinni used non-lethal capabilities during the withdrawal of UN forces from Somalia in Operation United Shield in 1995. The Commandant of the Marine Corps was designated the Executive Agent for the JNLWD in 1996, with responsibility for coordinating non-lethal weapons requirements. The tactical employment of non-lethal technology is handled by the Non-Lethal Individual Weapons Instructor Course at the U.S. Marine Corps Military Police School at Fort Leonard Wood, Missouri.⁸

Participants discussed historical scenarios where non-lethal weapons might have been employed and explored the potential impact of such use. One military participant used the example of the 1983 bombing of the Marine barracks in Beirut as an example of where, had the unarmed guard had non-lethal options available to stop the suicide bomber, a tragedy could have been prevented. He also asserted that non-lethal capabilities could have made U.S. responses to the Fallujah school protest in April 2003 and to attacks from mosques and other protected sites less harmful to civilians, thus potentially diffusing some anti-American sentiment in Iraq. Soldiers returning from combat in Iraq and Afghanistan will be angry, he said, that investment in non-lethal capabilities could have avoided civilian (and U.S. military) casualties.

Differences of opinion regarding the role and impact of non-lethal weapons were evident in discussions about the bombing of the U.S.S. *Cole* in 2000. One participant held that the bombing was due to a failure in ROE, and underestimating the threat, and that the only correct response to the approaching dinghy should have been the use of lethal force. Other participants maintained that the availability of a non-lethal option to determine lethal intent would have made the crew more likely to challenge the small boat. Yet some participants were skeptical that non-lethal weapons would have been useful at all, and warned against the notion that technological solutions can solve problems caused by a lack of clear strategy and policy.

One individual argued that non-lethal weapons should be used *instead of*, not *with*, kinetic tools because otherwise adding non-lethal weapons simply adds to the United States' "posture of overwhelming force" and will provoke the enemy to be more aggressive. The military views non-

⁸ U.S. Marine Corps, Training and Education Command, *Non-Lethal Individual Weapons Instructor Course Overview* [available at <http://mcdetflw.tecom.usmc.mil/iniwic/nioverview.asp>]

lethal capabilities as complements, not simply alternates, to lethal systems. Military participants supported DOD's policy that the availability of non-lethal weapons should not imply a requirement to use them before using lethal force, because weapons choice depends on the situation. Several participants worried that access to non-lethal weapons may increase the pressure for their use, even when they may not be the most appropriate tool to employ. The alternative view was that, by providing flexible options, the United States may have greater capability to act, although not using non-lethal weapons where appropriate could draw criticism. Human rights participants accordingly expressed concern that the availability of less harmful means of attack may lower the threshold for using force.

Despite increasing attention to non-lethal weapons, it remains a small, largely theoretical program. "More people at the Pentagon deal with parking than with non-lethal weapons," explained one participant. One individual attributed the military's reluctance to push non-lethal weapons to fears that they have limited potential, unpredictable impact, and that outsiders have excessive expectations they will not cause harm.

"The underlying logic behind the initiative to develop NLW – the idea that the available tools are inadequate – is commendable."

He also said the military believes that non-lethal weapons may fail to deter or punish, and that alternatives (i.e. do nothing or use kinetic means) exist. In addition, he noted that they are logistically difficult to deploy and integrate (e.g. into training, doctrine, and rules of engagement). The Non-lethal Weapons Capability Set that is available for deployment includes capabilities such as wooden batons, body shields, and blunt-impact munitions.⁹

Resistance to non-lethal weapons research, development, and use at various levels from the civilian and military leadership, policy makers, and ground commanders, as well as differences among the Services, were also discussed. While one participant asked "how do we convince the warfighters to employ these weapons?" another asserted that the larger challenge was obtaining strategic, top-down guidance from the senior political and military leadership. While military institutions were described as reluctant to integrate new weapons and the accompanying doctrine and tactics, techniques and procedures (TTPs), one military participant took issue with this characterization, and maintained that commanders are eager to incorporate new capabilities into their training.

⁹ <http://www.wood.army.mil/warmod/nlcstspopsec/main.htm>

The hesitation to develop non-lethal weapons reflected a fundamental disagreement, said one participant, about how the U.S. military should be used, both functionally (warfighting vs. occupations) and strategically (elective wars vs. wars of national survival). He posited that if police functions and occupations were genuine priorities, then the institutional support to develop the necessary tools, such as non-lethal weapons, would follow. Another attendee said that neither operational need nor technological promise had created sufficient incentives for the development or use of non-lethal weapons.

There was broad theoretical support from attendees for exploring non-lethal options, which many individuals agreed could reduce the risk to civilians in situations such as crowd control or checkpoints. A military participant argued in particular that “we need tools to make us as good in the urban environment as we are in the air and sea.” At the same time, human rights participants expressed concerns over the criteria for development, transparency, restrictions on use, and the appropriate standards to apply.

Participants from both communities broadly agreed that non-lethal weapons should be evaluated on a case-by-case basis, rather than as a category, with some requiring more careful scrutiny than others. A human rights participant explained that his organization does not oppose non-lethal weapons as a *class*, noting that most capabilities he is aware of are not inconsistent with humanitarian principles. Different approaches to handling these scenarios, some noted, varied between precise non-lethal weapons (e.g. electromagnetic capabilities) and non-precise capabilities (e.g. riot control agents). Yet he cautioned that non-lethal weapons represented “entire new modes of weapons that involve new physical principles that we haven’t talked about before.” He suggested that some weapons and capabilities in development (e.g. acoustics, lasers, incapacitants, and calmatives) might be inconsistent with IHL or have a negative humanitarian impact. A military participant called such human rights concerns “noble and well-intentioned,” but warned that “the end result is counterproductive, because the troops aren’t given the non-lethal options.”

“We should distinguish between non-lethal weapons that are precise and can discriminate, allowing us to have less lethal effects against the intended target, and ones that offer non-lethal means to overcome the inability to be precise.”

NON-LETHAL WEAPONS DEVELOPMENT

A military participant explained that the external assessment process for non-lethal weapons and capabilities in development uses an impartial, multidisciplinary approach. External evaluators review whether a proposed program has a coherent plan, whether testing has been adequate to determine human effects, and whether there is a definite military utility. This evaluation and analysis process involves literature reviews; requirements workshops and review groups; preliminary and final legal reviews (domestic and international); independent technology assessment; public acceptability surveys; milestone decision reviews; and a number of types of testing, such as models and simulation; surrogate and human testing; and field tests. Independent technology assessment is done early in the evaluation cycle, according to the participant, and the Human Effects Review Board analyzes data on human effects and provides recommendations on how to reduce risks.¹⁰ There is also a Human Effects Center of Excellence that identifies experts, manages data, and helps refine the research methodologies on human effects for program managers. Achieving repeatable, consistent, and desired human effects, in which no death or serious injury results, is the driving design criteria behind the testing and evaluation process, the participant said.

Human rights participants were uneasy about the development of capabilities that could be used inappropriately. They argued that DOD did not always define the appropriate circumstances for using the new techniques, and worried that not everyone would be disciplined enough to consistently use these systems in the same way in the same situations. Military participants supported a scenario-based approach to development even though they required that some capabilities have limited uses.

A key NGO complaint about the development process is a lack of public information. At the same time, participants suggested that human rights groups' criticism may deter development of non-lethal weapons. Therefore, greater military transparency might address both of these issues. Human rights representatives requested more information about the process of reviewing non-lethal technologies and capabilities, particularly regarding the application of the law and assessing human effects. A human rights participant advocated a 4-part legal evaluation to assess whether the system: 1) is inherently indiscriminate or prone to indiscriminate use; 2) passes the

¹⁰ For more information, see, for example, Susan D. Levine and Major Noel Montgomery, USAF, "Non-Lethal Weapon Human Effects: Establishing a Process for DOD Program Managers," *Program Manager*, July-August 2002 [available at www.dau.mil/pubs/pm/pmpdf02/July2002/lev-ja2.pdf]

proportionality test; 3) causes unnecessary suffering, especially among vulnerable populations; or 4) is considered abhorrent by general societal norms. He also supported expanding the assessment of potential effects beyond medical impact to include technical, legal, policy, socioeconomic, environmental, and moral issues and concerns; and examining unintended consequences.

While human rights concerns such as these may be currently addressed by the military, participants noted that a lack of clarity and transparency makes it unclear to outsiders whether the United States is complying with Article 36 of AP I, which requires a legal review of new weapons.¹¹ Although military participants argued that some secrecy regarding non-lethal capabilities in development was necessary to maintain operational security and keep sensitive information out of the hands of potential adversaries, there was broad agreement that the military should release more information before deploying certain tools. According to one participant, failure to pave the way for new technologies may provoke negative responses from the local population which could endanger U.S. military personnel and negatively affect U.S. foreign policy. A Department of Defense (DOD)-led information campaign, such as the EBO outreach effort before Operation Iraqi Freedom,¹² could help to explain the uses and limits of non-lethal weapons to make clear that they are not a ‘silver bullet,’ but an alternative to using lethal force in challenging situations.

NON-LETHAL WEAPONS USE

DOD policy maintains that non-lethal weapons should be used to 1) discourage, delay, or prevent hostile action; 2) limit escalation; 3) take military action where lethal force is undesirable;

¹¹ The article states: “In the study, development, acquisition or adoption of a new weapon, means or method of warfare, a High Contracting Party is under an obligation to determine whether its employment would, in some or all circumstances, be prohibited by this Protocol or by any other rule of international law applicable to the High Contracting Party.” [available at <http://www.unhchr.ch/html/menu3/b/93.htm>]. A human rights participant described the International Committee of the Red Cross checklist on implementation of Article 36: 1) the review should be mandatory; 2) should review both weapons and methods of warfare; 3) should be held at early stage; 4) should be formal guidelines, directives, legislation; 5) should take a multidisciplinary approach (e.g. legal, technical, environmental); 6) should be better information exchange about weapons reviews between states, NGOs, ICRC. See Isabelle Daoust, Robin Coupland, and Rikke Ishoey, *New Wars, New Weapons? The Obligation of States to Assess the Legality of the Means and Methods of Warfare*, June 2002. [available at [http://www.icrc.org/Web/eng/siteeng0.nsf/3e02cd6224ce0af6012568b20048a62f/b12db125e37b11c6c1256bf900309a80/\\$FILE/345_364_Daoust.pdf](http://www.icrc.org/Web/eng/siteeng0.nsf/3e02cd6224ce0af6012568b20048a62f/b12db125e37b11c6c1256bf900309a80/$FILE/345_364_Daoust.pdf)]

¹² Colonel Gary Crowder, USAF, Chief, Strategy, Concepts and Doctrine, Air Combat Command, “Effects Based Operations Briefing,” March 19, 2003. [available at http://www.defenselink.mil/transcripts/2003/t03202003_t0319effects.html]

4) enhance force protection; and 5) temporarily disable equipment, facilities, and personnel.¹³ One participant said that non-lethal capabilities are intended to enable the military to operate in urban environments in which combatants and noncombatants are mixed and it is hard to be discriminate. According to the JNLWD, “Non-lethal capabilities offer commanders more flexibility, allowing adoption of less restrictive rules of engagement (ROE) without necessarily increasing casualties or destruction.”¹⁴ The concept of using non-lethal capabilities at checkpoints for approaching vehicles, for crowd control, and to determine hostile intent was generally received favorably. Yet human rights participants advocated more thought into the limits of the capabilities’ use and suggested the need to develop appropriate rules for their employment.

The discussions about the vehicle-mounted area denial system (ADS) highlighted several points of disagreement among participants, such as the need for transparency, effectiveness of the testing and evaluation process, and potential usefulness. The ADS uses millimeter waves – rather than microwaves, which a military participant said was a common misconception – to heat the skin’s surface to cause temporary discomfort at a range of hundreds of meters. That the range and characteristics of the system are classified led to skepticism on the part of some human rights participants about the ability of external analysts to accurately and adequately assess the potential humanitarian implications of non-lethal weapons. The military participant said that although the ADS is not tested at close range, it is presumed to be harmful in such situations – which led some to question its usefulness in scenarios such as crowd control, in which non-lethal weapons are thought to have the most potential use. Systems in development seek to extend the stand-off range of such weapons to improve their utility in urban settings.

“I wouldn’t want to be an NGO that criticizes the military for using lethal force and then criticizes them when they try to use non-lethal force.”

To describe the process taken to contemplate the use of non-lethal weapons, a military participant recounted the decision-making process involved with the considered use of sticky foam in Somalia in Operation Restore Hope in 1992-93. He explained that the Marines that intended to use it to deny access to crowds at the debarkation point trained with it, studied the possible risks, and ensured they were prepared to treat them. In addition, they examined whether it would have the intended effect, explored how to explain the use in an information campaign, and ultimately decided against its use due to concerns about environmental impact.

¹³ *Policy for Non-Lethal Weapons*

¹⁴ *Joint Concept for Non-Lethal Weapons*

STANDARDS

One human rights participant advocated the development of standards and guidelines to fill the “legal vacuum about what rules should apply to non-lethal weapons.” Disagreement over which standards to apply was complicated in part by uncertainty over where non-lethal weapons belong on the spectrum of conflict.

As in the EBO discussions, there were debates over whether the scenario, the means, or the effects should be the basis for determining when or whether IHL applies to the use of non-lethal weapons. A human rights participant suggested that police standards might apply in crowd control scenarios, thereby requiring the least amount of force possible. He called for a higher level of scrutiny before using non-lethal weapons than other non-kinetic means even though the latter (e.g. sanctions) can be lethal. Another human rights participant recommended that it is more appropriate to apply IHL standards based on tools’ effects rather than their specific character.

Human rights participants asked whether all non-lethal weapons were discriminate in every use – or whether they could be legal in certain cases but fail to discriminate between combatants and noncombatants in other contexts. The basic IHL principle of distinction would be challenged, for instance, with the use of an area-effect weapon in a crowd of combatants and noncombatants. Another key IHL requirement is proportionality of force. Participants questioned the ability to assess proportionality if the effects of these weapons on people are not fully understood, especially on vulnerable segments of the population.

At the same time, military and human rights participants broadly agreed that reconsidering some provisions of the Chemical Weapons Convention (CWC) could allow the development of useful non-lethal capabilities. One military participant argued that the CWC prohibited important non-lethal chemical research that might lead to more effective non-lethal capabilities. Participants pointed to Russia’s use of a calmativ agent during the Moscow theater hostage crisis in 2002 as an example of the need for more research and testing of non-lethal chemical agents. A human rights participant said there could be positive outcomes to this research, since it could support a law enforcement approach (e.g. the use of non-lethal gas to capture, rather than kill, Saddam’s sons). He said, “I wouldn’t mind changing the law to allow that, if that’s the problem.”

Apart from legal considerations, there are questions regarding which non-lethal technologies have cultural acceptance. A human rights participant attributed the ban on developing ‘blinding’ lasers in part to concerns that their use may “violate the dictates of public conscience.” Discussions also explored the question of who should determine the standards for use and transparency for non-lethal weapons development, and reinforced the importance of more open dialogue between the military and civilian communities regarding non-lethal capabilities.

CONCLUSIONS

Participants generally concluded that neither EBO nor non-lethal weapons affords a conceptual or technological “silver bullet” that solve the larger strategic or policy problems surrounding whether and how to use military force. Yet they noted that both may help address concerns that the legitimacy of a military operation is judged in part on “how nicely you conduct an operation.” While the wisdom of this trend was debated, most agreed that it was important to be able to minimize the strategic costs of killing civilians. They agreed that EBO and non-lethal weapons may help achieve the goal of using force more discriminately and therefore should be pursued. However, participants noted legal and institutional barriers to doing so.

Many participants disagreed about how these new concepts and capabilities fit within the framework of existing regimes and norms. Some saw a need to reexamine the legitimacy, applicability, and desirability of existing norms in light of new concepts and capabilities because of the potential human benefits. Others wanted to ensure that existing legal frameworks were maintained in applying EBO and developing non-lethal weapons because of concerns that norms underlying those laws would erode, potentially backfiring on the United States. Perspectives on the legal status of EBO and non-lethal weapons varied between issues of reinterpretation of the law (for example, to allow targeting civilian objects) and changing the law (for instance, to allow the development of non-lethal chemical weapons). While some individuals resisted any notion of adapting or reinterpreting legal principles, one participant cautioned that adhering too strictly to ‘static’ legal interpretations may risk a decline in status of IHL as individuals or institutions apply that law in increasingly divergent ways.

Despite the potential advantages of these tools, participants also discussed institutional impediments to their further development and use. They acknowledged that it can take a long time for a capability to be deployed and incorporated into training and doctrine, and that this is affected by the extent to which the political leadership understands the programs and their potential. Participants determined that EBO needs better direction from and links to the policy level for defining objectives more clearly and fully, and that greater understanding of non-lethal weapons capabilities and prospects is needed at the senior levels in order to gain support for their development and use.

It would be counterproductive, some attendees asserted, to portray EBO and non-lethal weapons as changing the nature of war. Participants worried that promising that these new capabilities will minimize civilian harm may encourage unrealistic expectations of fighting bloodless wars and expose the United States to criticism that all incidents of civilian casualties are deliberate. Yet there appeared to be a strong common interest between the military and human rights communities to continue dialogue about the legal and normative issues surrounding these capabilities and to develop a clear understanding regarding their purposes and limits.

APPENDIX I: WORKSHOP AGENDA

TUESDAY, APRIL 13, 2004

Welcome and Introduction

Sarah Sewall, Carr Center

Effects-Based Operations Overview

Colonel Gary Crowder, USAF, Air Combat Command

Response: John Steinbruner, University of Maryland

Emerging Capabilities Overview

Lieutenant General Greg Newbold, USMC (Ret.), Potomac Institute for Policy Studies

Response: Steve Aftergood, Federation of American Scientists

Infrastructure and Other Dual-Use Targets

Ken Roth, Human Rights Watch

Brigadier General Charles Dunlap, USAF, Air Combat Command

William Arkin, Johns Hopkins University

Daniel T. Kuehl, National Defense University

Moderator: Colonel Mace Carpenter, USAF, Joint Staff

Dinner Address: Vice Admiral Arthur K. Cebrowski, USN (Ret.), Director, Office of Force Transformation, U.S. Department of Defense

WEDNESDAY, APRIL 14, 2004

Non-Lethal Capabilities

Colonel Andrew Mazzara, USMC (Ret.), Pennsylvania State University

Colonel Gary Anderson, USMC (Ret.), SAIC

Steve Goose, Human Rights Watch

Moderator: Ken Bacon, Refugees International

Combining New Concepts and Capabilities

Claudio Cordone, Amnesty International

Dan Goure, Lexington Institute

John Barry, Newsweek

Moderator: Sarah Sewall

Closing Remarks

Sarah Sewall

John Sirek, McCormick Tribune Foundation

APPENDIX II:

PARTICIPANT BIOGRAPHIES

Steven Aftergood

Mr. Aftergood is a senior research analyst at the Federation of American Scientists (FAS). He directs the FAS Project on Government Secrecy, which works to reduce the scope of government secrecy, to accelerate the declassification of cold war documents, and to promote reform of official secrecy practices. He has authored or co-authored papers and essays in *Scientific American*, *Science*, *New Scientist*, *Journal of Geophysical Research*, *Journal of the Electrochemical Society*, and *Issues in Science and Technology*, on topics including space nuclear power, atmospheric effects of launch vehicles, and government information policy. From 1992-1998, he served on the Aeronautics and Space Engineering Board of the National Research Council. Mr. Aftergood is an electrical engineer by training, and joined the FAS staff in 1989.

Colonel Gary Anderson, USMC (Ret.)

Colonel Anderson is a senior Director with the Center for Adaptive Strategies and Threats (CAST) at Hicks and Associates, Inc. His current work centers on Red Teaming, Measures of effectiveness, military transformation, and war-gaming. Prior to joining Hicks and Associates Mr. Anderson was a Senior Fellow at the Potomac Institute for Policy Studies. From 1971-2000, Mr. Anderson served in the Marine Corps retiring at the rank of Colonel. Prior to retirement he had several major commands and served as the Director of Marine Corps War-Gaming, as well as Chief of Staff of the Marine Corps Warfighting Lab.

William Arkin

Mr. Arkin is a columnist for *The Los Angeles Times* Sunday opinion section and a military analyst for NBC News. He is also a Senior Fellow at the Center for Strategic Education at the Johns Hopkins University School of Advanced International Studies. In the past, Mr. Arkin has served as Senior Military Adviser to Human Rights Watch and as disarmament research director for Greenpeace International. He has also been an Adjunct Professor at the School of Advanced Air and Space Studies, and was a columnist for the *Washington Post's* online service, writing the bi-weekly "DOT.MIL" column from 1998-2002. He also served in the U.S. Army as an intelligence analyst in West Berlin from 1974-1978. Mr. Arkin is author or co-author of several books, most recently NBC's book *Operation Iraqi Freedom: 22 Historic Days in Words and Pictures*.

Kenneth Bacon

Mr. Bacon is President and CEO of Refugees International, an organization that monitors conditions of refugees and displaced peoples around the world and works with the United Nations, the United States and other governments and non-government organizations to improve responses to humanitarian crises. He previously served as Assistant Secretary for Public Affairs in the Department of Defense and as a Reporter and Editor Columnist for the *Wall Street Journal*. Mr. Bacon holds a B.A. in English from Amherst College and an MBA. and M.A. in Journalism from Columbia University.

John Barry

Mr. Barry has been a national security correspondent since he joined *Newsweek's* Washington bureau in July 1985. He has reported extensively on American military intervention in Haiti, Bosnia and Somalia, and Iraq, as well as the changing role of the United States in the post-cold war world. He previously worked at *The Times* of London and *Der Spiegel*. Mr. Barry has written or coauthored five books, his current project being a history of NATO nuclear policy. He has also made several television documentaries, including a six-part series on the history of NATO for the BBC.

Kate Benson

Ms. Benson is the Events Coordinator at the Carr Center. She manages logistics and publicity for weekly speaker events and directs student outreach. During her undergraduate career, Ms. Benson assisted in the coordination of the Genocide Awareness Lecture Series at Hobart and William Smith Colleges. She received her B.A. in Religious Studies from William Smith College.

Group Captain William Boothby, RAF, UK

Group Captain Boothby works as Assistant Director Legal at the UK Joint Doctrine and Concepts Centre, Shrivenham, and Group Captain Legal London. He has served in the Royal Air Force Legal Branch since 1981. Group Captain Boothby has served in the UK, Germany, Cyprus, Hong Kong, and Croatia. His areas of legal focus include international law, weapons law, CCW issues, future law, and evolving doctrine and concepts.

Colonel P. Mason “Mace” Carpenter, USAF

Colonel Carpenter is the Deputy Director, Joint Capabilities Division, Joint Staff/J8, Pentagon. He was instrumental in planning Operation Iraqi Freedom (OIF) as Commander, 32 Air Operations

Group, and served as the CENTAF Chief of Strategy for OIF. In addition, he flew combat missions in Operations Desert Shield/Desert Storm, and Allied Force. Colonel Carpenter holds a B.S. in Military History from the US Air Force Academy, an MPA from Troy State University, a Master's of National Security Strategy from the National War College, a Master's of Airpower Art and Science from the Air University, and is a distinguished graduate of the National War College.

Major Roger D. Carstens, USA

Major Carstens commands a Special Forces Company at Ft. Bragg, NC. A writer on national security affairs, he has been published in *USA Today*, the *Washington Times*, the U.S. Naval Institute's Proceedings, *The National Review Online*, the *Christian Science Monitor* and has been a featured guest on C-SPAN's Washington Journal. He is a graduate of the U.S. Military Academy and holds a Master's Degree in National Security and Strategic Studies from the Naval War College.

Colonel Lyle Cayce, USA

Colonel Cayce is presently a student at the United States Army War College. He served as the Staff Judge Advocate for the Third Infantry Division from June 2000 until July 2003. In this capacity, he advised senior commanders concerning international law and rules of engagement issues during Operation Iraqi Freedom. Previous assignments include Staff Judge Advocate, Fort Eustis, Virginia; Region Defense Counsel, United States Army Trial Defense Service, Heidelberg, Germany; Judge Advocate, National Support Element, Taszar, Hungary; Chief, Civil and Administrative Law, Office of the Staff Judge Advocate, V Corps, Heidelberg; and Deputy Staff Judge Advocate, 1st Armored Division, Bad Kreuznach, Germany.

Major Robert J. Caulfield, USA

Major Caulfield is presently the Deputy Director of Concepts and Requirements for the Joint Non-Lethal Weapons Directorate at Quantico, VA. He is an Infantry officer with a variety of command and staff experience in the 2d Infantry Division, the 75th Ranger Regiment, the 24th Infantry Division, US Army Special Operations Command, 82d Airborne Division and the 25th Infantry Division.

Vice Admiral Arthur K. Cebrowski, USN (Ret.)

Vice Admiral Cebrowski is Director, Force Transformation in the Office of the Secretary of Defense, where he monitors Service and Joint experimentation programs and makes policy recommendations to the Secretary and Deputy Secretary of Defense. Admiral Cebrowski is a

Naval Aviator with combat experience in Vietnam and Desert Storm. His Joint assignments included service as the Director, Command, Control, Communications and Computers (J-6), Joint Staff. Admiral Cebrowski retired from the Navy in 2001 with over 37 years of service, after serving as the President of the Naval War College in Newport, Rhode Island.

Carl Conetta

Mr. Conetta is co-director of the Project on Defense Alternatives (PDA). Prior to joining PDA, he was a Research Fellow of the Institute for Defense and Disarmament Studies (IDDS) and also served for three years as editor of the IDDS journal *Defense and Disarmament Alternatives*, and the *Arms Control Reporter*. Prior to 1986, Mr. Conetta was an editor for four years at South End Press and taught for two years at the University of Connecticut.

Martin L. Cook

Dr. Cook is Professor of Philosophy at the U.S. Air Force Academy. Previously, he was Professor of Ethics in the Department of Command, Leadership and Management (DCLM) of the United States Army War College in Carlisle, PA. Prior to joining the DCLM faculty, he was a tenured professor at Santa Clara University, CA, where he had taught since 1982. He has also taught at the United States Air Force Academy; the Graduate Institute of St. John's College in Santa Fe, NM; The College of William and Mary; Gustavus Adolphus College; and St. Xavier College, Illinois. Dr. Cook was awarded the Elihu Root Chair in Military Studies at the U.S. Army War College in 2001.

Claudio Cordone

Mr. Cordone is Senior Director for International Law and Organizations at Amnesty International's International Secretariat. Prior to his current position, he worked for Amnesty International as director of its main policy unit (1994 to 2002) and as a researcher on the Middle East (1985 to 1994). In 1997-1998 he took a leave of absence from Amnesty International to set up the Human Rights Office of the UN Mission in Bosnia and Herzegovina, in charge of conducting human rights investigations as part of the UN program of police reform in the country.

Colonel Gary L. Crowder, USAF

Colonel Crowder is Vice Commander of the 505th Command and Control Wing at Hurlburt, AFB in Florida. Until recently, he was Chief, Strategy, Concepts and Doctrine Division, Directorate of Plans, Air Combat Command, which articulates preferred concepts of operation for the

employment of air and space power. Previous positions include Chief, Combat Operations, Combined Air Operations Center, Operation Enduring Freedom; Deputy Director of Operations and Battle Staff Director, Balkan Combined Air Operations Center, Operation Allied Force; Director, Combat Plans, Headquarters Joint Task Force Southwest Asia; Chief planner, Operation Desert Fox; and flight commander, Operation Desert Storm. Colonel Crowder is a graduate of the Air Force Academy.

Edward R. Cummings

Mr. Cummings is the Assistant Legal Adviser for Arms Control in the Office of the Legal Adviser of the U.S. Department of State. He is a career member of the Senior Executive Service. He joined the State Department in 1979 after serving in the U.S. Army in the Office of the Judge Advocate General of the Army (1974-1979). He is currently the Head of the U.S. Delegation to the Convention on Conventional Weapons Review Conference, and has participated in many humanitarian law negotiations since 1977. He served previously as the Counselor for Legal Affairs at the U.S. Mission in Geneva (1995-2000) and as the Assistant Legal Adviser for Politico-Military Affairs (1987-1995).

Mr. W. Harvey Dalton

Mr. Dalton serves as the Associate Deputy General Counsel (Intelligence) in the Office of General Counsel in the Department of Defense. He received his LLB from the University of North Carolina - Chapel Hill in 1965 and his LLM from the University of Miami in Ocean Law in 1973. He is a retired officer and specialized in international and operational law throughout his 30-year Navy career.

Captain Jane G. Dalton, USN

Captain Dalton is the Navy's Assistant Judge Advocate General for Civil Law. She manages a 70-person legal team that advises the Secretary of the Navy, the Chief of Naval Operations, the Judge Advocate General, and Navy commanders world-wide in the areas of international and operational law, admiralty law, environmental law, administrative law, claims and tort litigation, other general Navy litigation, immigration and legal assistance, and national security and intelligence oversight law. Previous positions include the Legal Counsel to the Chairman of the Joint Chiefs of Staff (2000-2003) and Commanding Officer, Naval Legal Service Office, North Central (1998-2000).

Dorothy E. Denning

Dr. Denning is a Professor in the Department of Defense Analysis at the Naval Postgraduate School (NPS). Her current work encompasses the areas of conflict and cyberspace, trust and influence, terrorism and crime, information operations and warfare, and information security. She has published over 120 articles and four books, including *Information Warfare and Security*, and has testified before the U.S. Congress on encryption policy and cyber terrorism. She was on the faculty at Georgetown University before joining NPS.

James Der Derian

Dr. Der Derian directs the Information Technology, War, and Peace Project at the Global Security Program at Brown University's Watson Institute. He is also professor of political science at the University of Massachusetts at Amherst and has been a visiting scholar at the University of Southern California, MIT, Harvard, Oxford, and the Institute for Advanced Study at Princeton. Dr. Der Derian has written extensively on international relations and war, technology, and the media. His most recent book is *Virtuous War: Mapping the Military-Industrial-Media-Entertainment Network* (2001). Dr. Der Derian was a Rhodes Scholar at Oxford University, where he completed a M.Phil. and D.Phil. in international relations.

Bonnie Docherty

Ms. Docherty is a researcher in the Arms Division at Human Rights Watch (HRW). She investigated the conduct of war in Iraq in May 2003 and in Afghanistan in March 2002 as part of separate HRW field missions. She co-authored Human Rights Watch's recent report *Off Target: The Conduct of the War and Civilian Casualties in Iraq* and in 2002 wrote the report "Fatally Flawed: Cluster Bombs and Their Use by the United States in Afghanistan." She received her J.D. from Harvard Law School and her A.B. from Harvard University. Before law school, she worked for three years as a journalist.

Knut Dörmann

Dr. Dörmann has been Legal Adviser, Legal Division, at the International Committee of the Red Cross headquarters in Geneva since 1998, dealing with issues related to the conduct of hostilities. He has been member of the ICRC delegation to the Preparatory Commission for the International Criminal Court. Prior to his work with the ICRC he was Research Assistant and Research Associate at the Institute of International Law of Peace and Armed Conflict, University of Bochum (1988-1997). He has published widely on international humanitarian law and international criminal law.

Brigadier General Charles J. Dunlap, Jr., USAF

Brigadier General Dunlap is the staff judge advocate for the U.S. Air Force's Air Combat Command. In December 2001 he deployed to Southwest Asia for a special mission in support of Operation Enduring Freedom. Previous assignments include legal advisor, Combined Air Operations Center, Egypt for BRIGHT STAR 99/00; senior legal advisor, Operation Desert Fox; deployment to Saudi Arabia in support of Operation Vigilant Warrior; deployment to Africa in support of relief operations in Somalia. He has degrees from St. Joseph's University and Villanova University School of Law, and is a distinguished graduate of the National War College.

Kelley Friel

Ms. Friel is a Research Assistant at the Carr Center, where she works on the Project on the Means of Intervention. Prior to joining the Carr Center, she worked as a Research Associate at the Institute for Foreign Policy Analysis. There, she engaged in various research and writing projects related to U.S. foreign and defense policy, foreign defense markets, and homeland security. Previously, Ms. Friel worked as an Intelligence Analyst at the Central Intelligence Agency. She holds a B.A. in International Studies/Political Science from the University of North Carolina-Chapel Hill and an M.A. in National Security Studies from Georgetown University.

Lieutenant General Robert Gard, USA (Ret.)

Lieutenant General Gard currently is a consultant in education and international security. During his 31-year military career, he served in the Korean and Vietnam wars, as military (executive) assistant to two Secretaries of Defense, and as president of the National Defense University. General Gard was director of the Johns Hopkins University School of Advanced International Studies Center in Bologna, Italy, for five years, and president of the Monterey Institute of International Studies for nearly 11 years. He holds a Ph.D. in Political Economy and Government from Harvard University.

Marc Garlasco

Mr. Garlasco is the Senior Military Analyst at Human Rights Watch (HRW). He led a 5-week mission to Iraq from April to June 2003 to assess the conduct of the war. Before coming to HRW he was the Pentagon's Senior Intelligence Analyst on Iraqi Leadership in the Pentagon's J2 Iraq Task Force.

Stephen Goose

Mr. Goose is Executive Director of the Arms Division of Human Rights Watch. Mr. Goose and Human Rights Watch were instrumental in bringing about the 1995 protocol banning blinding laser weapons. Previous positions include Associate Staff, House Appropriations Subcommittee on Foreign Operations; and Senior Research Analyst, Center for Defense Information. Mr. Goose holds a B.A. in History from Vanderbilt University and an M.A. in International Relations from the Johns Hopkins School of Advanced International Studies.

Daniel Goure

Dr. Goure is a Vice President with the Lexington Institute, a nonprofit public-policy research organization headquartered in Arlington, Virginia. Dr. Goure has held senior positions in both the private sector and the U.S. Government. Most recently, he was a member of the 2001 Department of Defense Transition Team. Dr. Goure spent two years in the U.S. Government as the director of the Office of Strategic Competitiveness in the Office of the Secretary of Defense. He also served as a senior analyst on national security and defense issues with the Center for Naval Analyses, Science Applications International Corporation, SRS Technologies, R&D Associates and System Planning Corporation. Prior to joining the Lexington Institute, Dr. Goure was the Deputy Director, International Security Program at the Center for Strategic and International Studies.

Wolff Heintschel von Heinegg

Dr. Heintschel von Heinegg is the Charles H. Stockton Professor of International Law at the U.S. Naval War College and former Professor of International Law at the University of Frankfurt-Oder and the University of Augsburg, Germany. He was the Rapporteur of the International Law Association Committee on Maritime Neutrality and is currently the Vice-President of the German Society of Military Law and the Law of War. Dr. Heintschel von Heinegg was among a group of international lawyers and naval experts who produced the San Remo Manual on International Law Applicable to Armed Conflicts at Sea. He is a widely published author of articles and books on the law of sea and naval warfare.

James Turner Johnson

Dr. Johnson is Professor of Religion and Associate Member of the Graduate Department of Political Science at Rutgers—The State University of New Jersey. His research and teaching primarily focus on the historical development and application of moral traditions related to war, peace, and the practice of statecraft. He is a Trustee, Editorial Board member, and former General Editor of the *Journal of Religious Ethics*.

Thomas A. Keaney

Dr. Keaney is the Executive Director of the Foreign Policy Institute and Senior Adjunct Professor of Strategic Studies at the School of Advanced International Studies at Johns Hopkins University. Previously, he was Professor of Military Strategy at National War College, and Director of its core courses on Military Thought and Strategy. From 1991 to 1992 he was a researcher/author with the Gulf War Airpower Survey, during which time he co-authored two reports: *The Summary Report and The Effects and Effectiveness of Airpower* (both published by the U.S. Government Printing Office in 1993). His most recent publications include: *Revolution in Warfare?: Airpower in the Persian Gulf*, 1995 (with Eliot A. Cohen) and *Armed Forces in the Middle East, Politics and Strategy*, 2002 (ed. with Barry Rubin).

Helen Kinsella

Dr. Kinsella is currently a fellow of the Boston Consortium on Gender, Security, and Human Rights sponsored by the International Security Program, Belfer Center and the Women and Public Policy Program, both at Harvard University. Next year (2004-2005) she will be a postdoctoral fellow at the Center for International Security and Co-operation at Stanford University, before taking up her position as an assistant professor of international relations at the University of Wisconsin, Madison in September of 2005. Her research is on the history and implementation of the laws of war, the principle of distinction in particular. She received her Ph.D from the University of Minnesota.

Lieutenant Colonel Fred Krawchuk, USA

Lieutenant Colonel Krawchuk is currently serving as a Military Fellow in the State Department. He has served in variety of Special Operations assignments in the United States, Latin America, and Europe. A published author on leadership and a grant recipient for work on counter-terrorism, he served as an Olmsted Scholar in Spain and is currently a Term Member with the Council on Foreign Relations. Colonel Krawchuk is a General MacArthur Leadership Award winner and holds a B.S. from the U.S. Military Academy at West Point, an MPA from Harvard, and an MBA from IESE.

Daniel T. Kuehl

Dr. Kuehl teaches military and national security strategy at the National Defense University, where he is the director of a specialized curriculum on national security in the information age. He teaches on public diplomacy, the strategic use of the internet, and information operations. His

current research focuses on the relationship between the information age and national security, and he is currently writing a book on the early history of electronic warfare. Before his retirement from the Air Force as a Lieutenant Colonel, Dr. Kuehl was part of the “Checkmate” planning team that in August 1990 developed the “Instant Thunder” plan for a strategic air campaign against Iraq, after which he served as chief of the Air Staff element that supported the Secretary of the Air Force's landmark Gulf War Airpower Survey (GWAPS).

Ariel (Eli) Levite

Dr. Levite assumed the position of Principal Deputy Director General (Policy) at the Israeli Atomic Energy Commission on September 1, 2002. Prior to that he was on sabbatical for two years as a Visiting Fellow at the Center for International Security and Cooperation (CISAC), and the Co-leader of the CISAC Discriminate Force project. Some of his previous government jobs include Deputy National Security Advisor (Defense Policy), and Head of the Bureau of International Security at the Israeli Ministry of Defense. Prior to joining government service, Dr. Levite worked for 5 years as a Senior Research Associate and Head of the Project on Israeli Security at the Jaffee Center for Strategic Studies, Tel-Aviv University, and did six 6 years of military service, rising to the rank of Major in the I.D.F. reserves. He has authored numerous articles as well as several books. He holds a bachelor's degree from Tel-Aviv University, and an M.A. and Ph.D. from Cornell University.

Colonel John Ley, USA

Colonel Ley is presently Chief of the Army's International and Operational Law Division, Office of The Judge Advocate General. Over the last 25 years, he has served in a wide variety of legal positions and has completed seven tours of duty overseas. Prior to coming to his present job, he served concurrently as the senior legal advisor to the commanders of Eighth U.S. Army, U.S. Forces Korea, and the United Nations Command.

Major Gregory S. Mahoney, USA

Major Mahoney currently works in the Office of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict. Major Mahoney has served in the army for 16 years and has served with both the 1st and 10th Special Forces Groups, holding the positions of Detachment Commander, Battalion Adjutant, Group Plans Officer, and Company Commander. As a Foreign Area Officer, he served as acting Defense Attaché at the US Embassy in Moldova and as assistant Defense Attaché at the US Embassy in Kyrgyzstan. MAJ Mahoney is a combat veteran of the

Persian Gulf War in 1991 and Operation Iraqi Freedom. He holds a B.S. in Biology from Loyola University of Chicago and an M.A. in International Relations from Columbia University in New York.

Colonel Andrew Mazzara, USMC (Ret.)

Colonel Mazzara directs the Institute for Non-Lethal Defense Technologies at the Applied Research Laboratory at The Pennsylvania State University. Prior to his current position, he worked at Raytheon as the Director of Operations and Site Executive in State College, Pennsylvania supporting the national intelligence community. He retired from the Marine Corps as Director, Joint Non-Lethal Weapons Directorate. He is a graduate of the United States Naval Academy, the U.S. Army War College, and holds a Masters Degree in Systems Management from the University of Southern California.

Matthew McKinzie

Dr. McKinzie is currently a staff scientist with the Nuclear Program at the Natural Resources Defense Council (NRDC). He holds a Ph.D. in experimental nuclear physics, and before working at the NRDC held a postdoctoral position at Cornell University. His recent research activities have included the use of satellite imagery and databases to assist in bomb damage assessment and war crimes investigations. In collaboration with William Arkin, Dr. McKinzie has just completed the beta version of the Gulf War Target Analyst—a multimedia historical and analytical software package developed for the School of Advanced Air and Space Studies at Maxwell Air Force Base.

Captain Daniel McSweeney, USMC

Captain McSweeney currently serves as media officer for plans, policies, and operations at Headquarters, Marine Corps. In that capacity, he acts as a primary point of contact for media representatives covering Marine Corps activities and the Department of Defense's Joint Nonlethal Weapons Directorate. Prior to transferring to the Pentagon, Captain McSweeney served as public affairs officer for the 24th Marine Expeditionary Unit, participating in overseas military exercises and Operations JOINT GUARDIAN (Kosovo) and Iraqi Freedom.

Colonel Phillip S. Meilinger, USAF (Ret.)

Colonel Meilinger is currently a senior analyst in Northrop Grumman Corporation's Analysis Center in Arlington, Virginia. During his thirty-year Air Force career he served as a pilot, staff officer and educator. He flew C-130 and HC-130 aircraft in Europe and the Pacific, was a staff

officer in the Pentagon during the Persian Gulf War, and taught at the Air Force Academy, School of Advanced Airpower Studies, and the Naval War College. He has a Ph.D. in military history from the University of Michigan, and has written extensively on military affairs. His publications include five books and 60 articles; his latest work is *Airwar: Theory and Practice* published by Frank Cass in 2003.

Stephen Mihm

Dr. Mihm is the Harvard-Newcomen Postdoctoral Fellow at the Harvard Business School. He is a contributing author to the *New York Times Magazine* who covers science and technology issues. He graduated Phi Beta Kappa from Haverford College with a BA in Classical and Near Eastern Archaeology.

Karl P. Mueller

Dr. Mueller is a Political Scientist in the Washington office of the RAND Corporation, where he works on strategy-related projects for the U.S. Air Force and other defense agencies, and is an Adjunct Associate Professor in the Security Studies Program at Georgetown University. From 1994 to 2001 he was a professor at the USAF's graduate school for future strategists, the School of Advanced Air and Space Studies. Dr. Mueller has written and lectured on a wide variety of national security topics, including conventional and nuclear military coercion, economic sanctions, counter-terrorism strategies, space weaponization, and the moral and legal dimensions of U.S. foreign policy. He is currently working on projects examining preemptive and preventive military strategies, military innovation and learning, and the implications of globalization and technology diffusion for U.S. national security.

Lieutenant Colonel Sam Mundy, USMC

Lieutenant Colonel Mundy is currently serving a one year fellowship with The Brookings Institution. Prior to this assignment, he served successive tours with Marine operating forces from battalion to Marine Expeditionary Force level and has worked in several training and staff billets. Most recently, he participated in combat operations during Operation Iraqi Freedom. Colonel Mundy earned a B.S. from Auburn University in 1983, an M.B.A. from Averett College in 1996, and has completed both the Marine Corps Command and Staff College, and the Marine Corps School of Advanced Warfighting.

Lieutenant General Gregory Newbold, USMC (Ret.)

Lieutenant General Newbold is the Executive Vice President and Chief Operating Officer of the Potomac Institute for Policy Studies. Previously, he was the Director of Operations (J3) of the Joint Chiefs of Staff. While Lieutenant General Newbold commanded the 15th Marine Expeditionary Unit, this force was in the vanguard of the U.S. commitment for Operation Restore Hope in Somalia. Prior to reporting to his current assignment, he served as Commanding General, First Marine Division. Lieutenant General Newbold has served tours outside the Fleet Marine Force as tactics instructor at The Basic School, officer assignment officer at Headquarters Marine Corps, Warfare Policy Planner on the Joint Staff, Military Assistant to the Secretary of the Navy, Head of the Enlisted Assignment Branch at Headquarters Marine Corps, and as the Director, Manpower Plans and Policy Division, Headquarters Marine Corps, Washington, DC.

Dinah PoKempner

Ms. PoKempner is General Counsel of Human Rights Watch, a non-governmental monitoring group that does extensive reporting and analysis on the laws of armed conflict and international crimes. She is responsible for the legal and policy positions of the organization in this area. PoKempner has published numerous articles and reports on armed conflict and human rights, testified before Congress frequently, and conducted field research in conflict situations such as Cambodia and former Yugoslavia. She is also working on a book on the investigation of war crimes.

Kenneth Roth

Mr. Roth is the Executive Director of Human Rights Watch, a post he has held since 1993. The largest US-based international human rights organization, Human Rights Watch investigates, reports on, and seeks to curb human rights abuses in some 70 countries. From 1987 to 1993, Mr. Roth served as Deputy Director of the organization. Previously, he was a federal prosecutor for the U.S. Attorney's Office for the Southern District of New York and the Iran-Contra investigation in Washington. He also worked in private practice as a litigator.

Leonard Rubenstein

Mr. Rubenstein has been Executive Director of Physicians for Human Rights (PHR) since 1996. A graduate of Harvard Law School, Mr. Rubenstein has spent fifteen years in the field of advocacy for human and civil rights. Before coming to PHR, Mr. Rubenstein was the director of the Bazelon Center for Mental Health Law in Washington. He has lectured and written extensively

on disability rights, human rights, and medical ethics. He has also served as an Adjunct Professor at the Georgetown University Law Center.

Sarah Sewall

Ms. Sewall directs the Project on the Means of Intervention at the Carr Center for Human Rights Policy at Harvard University's Kennedy School of Government. She served as Deputy Assistant Secretary of Defense for Peacekeeping and Humanitarian Assistance during the Clinton Administration and as Senior Foreign Policy Advisor to Senate Majority Leader George J. Mitchell. She has worked at a variety of security institutes and written on multilateralism, military operations, and international law.

Jared Silberman

Office of the General Counsel
U.S. Department of the Navy

John M. Sirek

Mr. Sirek is currently the citizenship program director at the McCormick Tribune Foundation. The citizenship program funds initiatives that seek to actively engage young people in civic affairs, honor patriotism, and strengthen the nonprofit sector. It also coordinates the foundation's Cantigny Conference Series. Prior to joining the foundation Mr. Sirek was the executive director of the Alfred Friendly Press Fellowships, a visitor training program for journalists from developing countries. Mr. Sirek is a member of the Chicago Council on Foreign Relations and the International Visitors Center of Chicago. He is also on the Board of Directors of the Alfred Friendly Press Fellowships and the Grantmaker Forum on Community and National Service.

John D. Steinbruner

Dr. Steinbruner is Professor of Public Policy at the University of Maryland and Director of the Center for International and Security Studies at Maryland (CISSM). Previously he served as Director, Foreign Policy Studies, Brookings Institute; Associate Professor, Department of Political Science, Yale University; and Associate Professor of Public Policy, John F. Kennedy School of Government, Harvard University. Dr. Steinbruner is currently Vice-Chair of the Committee on International Security and Arms Control of the National Academy of Sciences, Chairman of the Board of the Arms Control Association, a fellow of the American Academy of Arts and Sciences, and the Co-Chair of its Committee on International Security Studies. In recent years he has also

served on the Defense Policy Board of the Department of Defense and the Carnegie Commission on Preventing Deadly Conflict.

Ward Thomas

Dr. Thomas is Assistant Professor of Political Science at the College of the Holy Cross. He is the author of *The Ethics of Destruction: Norms and Force in International Relations* (Cornell, 2001). His article “Norms and Security: The Case of International Assassination” appeared in the journal *International Security*, and his essays have appeared in *The Boston Globe* and *Holy Cross Magazine*. In 1998-1999 he was a Postdoctoral Fellow at the John M. Olin Institute for Strategic Studies at Harvard University.

Carly Tubbs

Ms. Tubbs is an associate in the Arms Division of Human Rights Watch. She provided research and production assistance for the recent Human Rights Watch report *Off Target: The Conduct of the War and Civilian Casualties in Iraq*. She graduated from New York University in 2003 with a B.A. in comparative literature/psychology.

Elizabeth Turpen

Dr. Turpen is a Senior Associate and co-director of the “Security for a New Century” project at the Henry L. Stimson Center. Her previous employment was with Senator Pete V. Domenici (R-NM) as a legislative assistant responsible for defense, nonproliferation and foreign affairs. Prior to coming to Washington in 1998, she was a consultant on nonproliferation policy, U.S.-Russia programs, and the national security implications of technological advances for a high tech company in New Mexico. Dr. Turpen received her Ph.D. from the Fletcher School of Law and Diplomacy at Tufts University.



PROJECT ON THE MEANS OF INTERVENTION

SARAH SEWALL
PROGRAM DIRECTOR

KELLEY FRIEL
RESEARCH ASSISTANT

Through the Project on the Means of Intervention, the Carr Center for Human Rights Policy aims to advance our understanding of humanitarian challenges that arise in the context of using military force. The effort, which is supported by the Carnegie Corporation of New York, brings active duty and retired officers from the United States military and other security specialists together with members of the human rights and humanitarian communities in a series of workshops to explore how human rights considerations are factored into, and affected by, military intervention.

The way that military force is used receives far less attention in policy circles than does the question of when states should intervene militarily. Yet the means of military intervention have dramatic implications for the security of civilians in the target country, the security of intervening forces, and the effectiveness of the intervention itself.

Some Project participants view military interventions as concerned with force protection and mission accomplishment at the expense of protecting vulnerable civilians in the target country. Others see humanitarian constraints, whether legal or political in nature, as unduly complicating the use of force and compromising its effectiveness. By bringing these perspectives together, the project hopes to illuminate a range of topics while exposing participants to competing views. A central question for this project is the degree to which moral and pragmatic interests may overlap in applying force consistent with humanitarian principles.

The first phase of the workshop series included six meetings from 2001-2003 and incorporated discussions on general topics such as air power, targeting, collateral damage, ground operations, and civil-military coordination as well as specific U.S. military engagements including Operation Enduring Freedom and prospective operations in Iraq. The second phase of the Project will delve deeper into the issues surrounding the humanitarian effects of war and assess the lessons learned of the conflict and post-conflict stages of Operation Iraqi Freedom.

The project aims to illuminate a set of issues that have become increasingly important during the last decade. It intends to foster more critical and nuanced thinking among participants and their associated institutions, and to promote understanding between the military and human rights communities both in the policy process and ultimately on the ground. Ultimately, the project aims to affect the way nations intervene militarily, making the use of military power more consistent with humanitarian principles.



THE CARR CENTER FOR HUMAN RIGHTS POLICY

MICHAEL IGNATIEFF
DIRECTOR

MICHELLE GREENE
EXECUTIVE DIRECTOR

The mission of the Carr Center, like the Kennedy School, is to train future leaders for careers in public service and to apply first-class research to the solution of public policy problems. Our research, teaching and writing are guided by a commitment to make human rights principles central to the formulation of good public policy in the United States and throughout the world.

Since its founding in 1999 through a gift from Kennedy School alumnus Greg Carr, the Center has developed a unique focus of expertise on the most dangerous and intractable human rights challenges of the new century, including genocide, mass atrocity, state failure and the ethics and politics of military intervention.

In approaching such challenges, we seek to lead public policy debate, to train human rights leaders and to partner with human rights organizations to help them respond to current and future challenges. We also recognize that the solutions to such problems must involve not only human rights actors, but governments, corporations, the military and others not traditionally conceived of as part of “human rights” efforts. Thus, we seek to expand the reach and relevance of human rights considerations to all who influence their outcomes.

The Center uses its *convening power* to create a safe space for human rights organizations and other policy actors to engage in constructive self-criticism and to forge new partnerships.

The Center uses its *research capacity* to evaluate the human rights policies of the United States and other governments and to analyze the dilemmas that need to be resolved when human rights principles are brought to bear on major public policy choices.

The Center uses its *teaching capacity* to inspire future leaders to make respect for human rights principles a central commitment of democratic leadership.

PROGRAMS

AMERICAN EXCEPTIONALISM

This colloquium series explores the unique nature of American rights culture and America's longstanding habit of exempting itself from international human rights obligations and international legal frameworks. Leading scholars from a variety of fields explore the origins and impact of "American Exceptionalism" in areas ranging from freedom of speech to economic and social rights. The series has produced a vibrant intellectual exchange among many of America's leading scholars in preparation for an edited volume on the causes and consequences of this exceptionalism, edited by Michael Ignatieff.

NATIONAL SECURITY AND HUMAN RIGHTS

This unprecedented initiative, led by Sarah Sewall, brings U.S. military officers and other security experts together with members of the human rights and humanitarian communities in a series of workshops to discuss how humanitarian considerations are affected by, and factored into, military operations. The program fosters dialogue and promotes critical thinking among participants and their associated institutions. Publications and public conferences bring substantive analysis from this program to a wider audience.

TERRORISM AND HUMAN RIGHTS

The Carr Center's Terrorism and Human Rights program investigates the ethical dilemmas of democratic states responding to terror, where the central political dilemma for a constitutional state waging a war on terror is how to keep control of counter-terrorism measures that may violate human rights and humanitarian principles in the process. This series provides an opportunity for scholars to present and receive feedback for cutting edge research on topics such as religious militants and the conflict between civil rights and national security interests.

RESPONSES TO GENOCIDE AND MASS ATROCITIES

Publication of Samantha Power's groundbreaking book, "A Problem from Hell": America and the Age of Genocide (Basic Books, 2002), marked the culmination of the Carr Center's extensive research project on U.S. policy responses to genocide in the 20th century. The Carr Center continues to explore legal, political, and military responses to mass atrocity through the program, and has hosted numerous speakers at the Kennedy School to analyze national and international mechanisms geared to curb atrocity.

NONGOVERNMENTAL ORGANIZATION (NGO) EFFECTIVENESS

The Carr Center's research into human rights nongovernmental organization effectiveness has led to facilitative efforts in conferences on topics from the role of human rights NGOs in reporting on the war in Kosovo to how human rights NGOs can increase their advocacy around the global AIDS crisis. Research has also led to critical analyses of human rights NGO work in publications by Carr Center faculty and staff.

THE SOCIAL PSYCHOLOGY OF CONFLICT ESCALATION

This program examines the application of social psychology of conflict to human rights policy. Led by Carr Center faculty affiliate Professor Keith Allred and sponsored by the Carr Foundation, the program's project on resolving the Nez Perce/local government conflict in Idaho applies conflict resolution research to a dispute between a tribal government and surrounding city and county governments.

COMPREHENSIVE SECURITY AND SUSTAINABLE DEVELOPMENT

This initiative, led by Professor Sanjeev Khagram, produces cutting-edge research, teaching, and practitioner engagement on the shift from a globalization model focused narrowly on national security and economic growth to one designed to achieve comprehensive security and sustainable development.

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