



# National Security Law Report

Volume 21, Number 1 STANDING COMMITTEE ON LAW AND NATIONAL SECURITY May 1999

## Representative Bill McCollum Discusses U.S. National Security Policy in the 21st Century

Edited by William E. Conner

*Representative Bill McCollum (R-Fla.) graciously and ably substituted for Rep. Porter Goss (R-Fla.) at the Standing Committee's September 15<sup>th</sup> breakfast meeting. Rep. Goss, Chairman of the House Permanent Select Committee on Intelligence, was called away at the last minute and was unable to speak at the breakfast. In his stead, Rep. McCollum, who also serves on the HPSCI, shared his thoughts on the current state of U.S. national security policy and on the outlook for U.S. security policy in the 21<sup>st</sup> century.*

Despite a strong defense establishment and a general sense of security stemming from a world largely at peace, Rep. McCollum cautioned that the United States faces in many respects a more dangerous world than that which existed during the Cold War. During the Cold War, the United States faced a defined threat from a known enemy in a chiefly bipolar world. Today, the United States is confronted by numerous threats from many different points of the compass which present challenges to U.S. defense and intelligence capabilities, including the proliferation of weapons of mass destruction, destabilization wrought by rouge states and terrorists, and the threat posed by international drug dealers. According to Rep. McCollum, the United States has been slow to adapt its security policy

*Continued on page 4*

## Former HPSCI Chairman David McCurdy Highlights the Private Sector's Role in the Digital Age

Edited by William E. Conner

*The Honorable David McCurdy, president of the Electronic Industries Alliance, a national trade organization representing the full spectrum of U.S. manufacturers in the more than \$500 billion electronics industry, delivered a thought provoking set of remarks to the Standing Committee on March 18, 1999 at the University Club in Washington, DC. Mr. McCurdy also serves on the eight-member congressional Commission to Assess the Organization of the Federal Government to Combat the Proliferation of Weapons of Mass Destruction. He served 14 years in the House of Representatives from the Fourth District of Oklahoma and chaired the House Permanent Select Committee on Intelligence during the 102<sup>nd</sup> Congress.*

Mr. McCurdy observed that the incredible changes that have occurred over the past two decades present formidable challenges to government today. With the end of the cold war and the defeat of communism, nations have been moving ever more swiftly from an industrial age to an information age to a digital age composed of a network society. Mr. McCurdy believes that adaptability is the key trait which has enabled the private sector to enjoy such an unprecedented degree of growth and innovation. According to Mr. McCurdy, private industry is relying less and less on government as the force behind this growth and innovation. For example, advances in computer chip technology and the Internet are spurred less by government needs than by market forces. Indeed, the driving force behind today's staggering technological innovation and growth is not the U.S. government, but the private sector, Mr. McCurdy stated.

And the nature of the private sector itself is changing. According to Mr. McCurdy, industry no longer operates as separate and distinct "stovepipes," but converges to compete across the entire spectrum of information technology applications. It is this convergence that is responsible for much of the tremendous strides in technology growth and innovation. As more and more people

*Continued on page 4*

### Inside

- 2 Russian Delegation addresses export control and nonproliferation
- 3 Book Review — Dr. Curtis on Heymann's *Terrorism and America*
- 3 Book Review — E. Semancik on Quinn's *Democracy at Dawn*
- 4 Milosevic Indicted by ICTY
- 8 Secretary Cohen on NATO ops in Kosovo

## Russian Delegation Addresses Export Control and Non-Proliferation Progress

Edited by William E. Conner

*On October 23, 1998, the Standing Committee and the Lawyers Alliance for World Security (LAWS) jointly hosted a distinguished delegation of senior government officials from the Russian Federation during their five-day trip to Washington, D.C. as part of LAWS's Lawmaking for Non-Proliferation and Export Control Training Tour. Participating on behalf of the Russian government were Ambassador Nickolai Yspenski, Deputy Head for International Affairs of the Security Council Secretariat; Oleg Khodyrev, Advisor to the Deputy Security Council; Eugeny Zverde, Advisor to the Head of the Arms Control and Disarmament Department of the Foreign Ministry; Vadim Khuzmenih, Department Head of the Federal Service on Hard Currency and Export Controls; and Colonel Victor Firsov, Head of the Department of Weapons of Mass Destruction of the Ministry of Defense. In September, LAWS and the Russian Center for Export Controls organized and sponsored a two-day international seminar in Moscow on nuclear terrorism and export controls.*

Ambassador Yspenski began his remarks by noting that the Russian government has placed a high priority on non-proliferation efforts for some time, but especially so in light of recent events in southwest Asia, the Middle East, the Korean peninsula, and in some of the former Soviet republics. Ambassador Yspenski reminded his audience that Russian President Boris Yeltsin declared in his May 12, 1998 address to the governing board of the Ministry of Foreign Affairs that "preventing the spread of weapons of mass destruction and means of their delivery is one of the priority issues for Russia's national security." In his speech, President Yeltsin cautioned that "this problem should not be allowed to become an instrument of political pressure." Ambassador Yspenski explained that Russian lawmaking for non-proliferation comprises two parts, Russian domestic efforts and cooperation with international efforts, especially those involving the United States, and he described the recent steps taken by the Russian government to expand and strengthen its export control system.

In January, President Yeltsin issued two important decrees. The first decree, "Implementation of Government Policy in the Rocket Space Industry" (Presidential Decree No. 54), placed the export and production of missile and space technology under the authority of the Russian Space Agency and directed the government to undertake measures to restructure the Russian rocket and space industry. Four months later, the Russian government issued an

implementing decree (Governmental Decree No. 440) which ratified lists of government agencies and organizations subordinate to the Russian Space Agency, and lists of enterprises and joint stock companies subject to the export control policy outlined in Presidential Decree No. 54.

The second decree issued by President Yeltsin in January, "On Enhancing Export Controls for Dual-Use Goods and Technologies, Related to the Weapons of Mass Destruction and Their Missile Delivery Means" (Presidential Decree No. 57), established a mandatory "catch-all" provision to control any items intended for use in developing weapons of mass destruction. The catch-all provision imposes a heavy burden on exporters to screen their customers and ascertain the end use of exported goods and technology. Although Russia is an active member of various international nuclear, chemical, biological, and conventional weapons export control initiatives, some dual-use items or technologies do not fall neatly within the purview of these export control systems, and therefore, Ambassador Yspenski explained, the catch-all provision represents an important non-proliferation tool.

The ambassador confided that establishing such comprehensive export controls is a new and difficult task because Russia has little experience in implementing such measures. In the west export control regulations have

*Continued on page 5*

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## Book Review

### *Terrorism and America: A Commonsense Strategy for a Democratic Society*

by Philip B. Heymann

Cambridge, Massachusetts, The MIT Press

Pages: 181

Reviewed by Dr. Willie Curtis

Early in the post-Cold War era, many Americans hoped that the end of the ideological struggle between the Soviet Union and the United States would enhance the prospects of a more stable world order in which Americans could turn their attention to domestic issues which had been neglected during the decades of the Cold War. The post-Cold War period, however, has been marked by uncertainty, instabilities, and an international order dominated by conflicts in which the adversaries are warlords, militia, clans and terrorists groups. These non-traditional threats use a variety of weapons and have little incentive to abide by or respect the basic principles of human rights and the rule of law. Religious Millenarian cults such as Japan's Aum Shinrikyo, small terrorist cells, and other socially deranged and brutalized groups seeking revenge now make up the list of potential threats to American citizens.

As the fear of mass-destruction terrorism spreads, government policy-makers are devoting more attention to developing strategies for coping with the threat of terrorism in America. In the wake of the World Trade Center and the Oklahoma City bombings, the need for a strategy to counter the threats without endangering our individual liberties and democratic values is paramount.

Philip B. Heymann's book, *Terrorism and America: A Commonsense Strategy for a Democratic Society* presents just such a strategy. Professor Heymann is the James Barr Ames Professor of Law at Harvard Law School, and a former Deputy Attorney General of the United States. He has also served in the Departments of State and Justice. Professor Heymann modestly states that "the simple message of this book is that we can and must deal intelligently and dispassionately with a resurgent phenomenon, terrorism, that is designed to replace reason with fear and anger." The book performs this task in a clear and logical manner. Professor Heymann seeks to provide American policy-makers with a common sense strategy that will effectively counter the terrorist threats without placing at risk the democratic principles and individual liberties so essential to our democracy.

*Continued on page 5*

## Book Review

### *Democracy at Dawn: Notes from Poland and Points East*

by Frederick Quinn

Texas A&M University Press (1998)

Pages: 250

Reviewed by Elizabeth J. Semancik

From 1993 to 1995, as democratic reform fought its way into Eastern Europe, Frederick Quinn traveled throughout the region, tasting the change and the forces that prevented it. In his book, *Democracy at Dawn: Notes from Poland and Points East*, Mr. Quinn shares his experience with readers, in terms and details so vivid that readers taste not only the political environment of the region, but the herring and music and rain as well. Readers will stand, as did Mr. Quinn, on the battlefield between democracy and its rivals: bureaucracy, ignorance, and mischanneled power.

Mr. Quinn served as head of the Rule of Law programs of the Warsaw Office of Democratic Institutions and Humans Rights (ODIHR), a part of the Conference on Security and Cooperation in Europe (CSCE) [now called the Organization on Security and Cooperation in Europe (OSCE)]. In this position, he compiled this book as "a personal narrative, not a traditional history or legal treatise." He discusses the progress that occurred during his years of service towards more stable rule of law programs: progress in judicial reform, constitutional analysis, free press, and federalism. He discusses, as well, the obstacles to progress: lack of knowledge about the rule of law, lack of stability in constitutions and fundamental laws, need for staff and libraries for the judges, and suspicion from years of turmoil. These countries are not blessed with the clean slate on which to write a government which the American colonists possessed. The governments that write their constitutions were established by the Communists, and their judges are accustomed to direction from government officials on how to vote.

Mr. Quinn urges readers to consider the growth of the rule of law in Eastern Europe and former Soviet countries with "cautious optimism." For independent judiciaries to establish themselves they will require strong bar associations, law schools, a questioning media, and an involved citizenry. However, these countries embark on the rule of law path taking small yet significant steps.

Mr. Quinn's voyage begins in Warsaw, the foundation for the first third of the book. In Warsaw we

*Continued on page 6*

## Bill McCollum . . .

*Continued from page 1*

to counter these new global threats and, as a consequence, a sound, long term national security policy has so far largely eluded U.S. policymakers.

Rep. McCollum reminded his audience that the United States has experienced 14 consecutive years of decreasing defense budgets (in real dollars), and currently has the fewest number of men and women serving in our armed forces since World War II. Rep. McCollum explained that this drawdown in U.S. defense resources is the result of a desire to balance the budget, and from an acknowledgment for the need to reorganize and restructure our forces in the post-Cold War world. However, Rep. McCollum believes that policymakers have not fully appreciated the true nature of how to restructure our forces in a world in which the United States is the lone superpower facing numerous threats from multiple sources.

Rep. McCollum believes a robust Intelligence Community is one of the keys to successfully combating these threats both today and in the next century. In light of global developments since the end of the Cold War and given the nature of the threats facing the United States, we have a far greater need, in Rep. McCollum's judgment, for a vigorous Intelligence Community to effectively combat regional threats and instability, terrorism, the proliferation of weapons of mass destructions, and international drug trafficking. Indeed, Rep. McCollum views terrorism as the single greatest threat to not only U.S. interests, but to western interests in the new century, and he believes that a good intelligence capability is the surest way to thwart terrorism.

More than ever, Rep. McCollum told the Standing Committee, the Intelligence Community needs to expand to meet these new challenges, needs to be better funded, and needs to attract and retain quality personnel. A key ingredient in enhancing the capabilities of the Intelligence Community to deal effectively with our Nation's foes in the next century is the understanding and support of the American people. Rep. McCollum stated that the American people need to be constantly reminded that some of our Nation's finest young men and women serve in the Intelligence Community and put their lives on the line every day in defense of the United States and its allies. If the American people better understand the vital role the Intelligence Community plays in defending the United States and its interest in every corner of the globe, Rep. McCollum explained, policymakers would receive a clear signal to ensure that the United States maintains a well-funded and vigorous Intelligence Community. **ABA**

## Dave McCurdy . . .

*Continued from page 1*

access and use the Internet as part of their daily lives, our society moves increasingly further away from its institutional and traditional market bases toward a network society. Put another way, Mr. McCurdy explained, America is changing from a broadcast society to an access society in which information is constantly and instantly available, for better or worse, in ever-increasing amounts. Thus, the changes in information technology are changing the way people and government make decisions, observed Mr. McCurdy.

Mr. McCurdy expressed concern that government may not possess the agility to keep pace with and take advantage of the rapid developments in information technology. He stated that from his experience government often tries to achieve too much with mixed results, while the private sector focuses on only a few objectives at a time. At a time when it is becoming increasingly difficult to attract and retain the best and brightest for government service, Mr. McCurdy is concerned that the organizations of government which have traditionally addressed national security matters are struggling to effectively deal with such problems. Mr. McCurdy believes a major challenge facing government today is to harness or leverage the phenomenal growth in information technology to solve pressing national security problems, such as the proliferation of weapons of mass destruction. **ABA**

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*And a Special Thanks to*  
**William E. Conner ...**

... for editing the three summaries of the breakfast meetings that appear in this issue of the *National Security Law Report*. Bill is a former Navy intelligence officer who is now an attorney in private practice in Virginia. His support to the Standing Committee has been invaluable.

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## Milosevic Indicted by ICTY

*Summarized from ICTY Press Release JL/PIU/403-E dated 27 May 1999 -- Ed.*

Slobodan Milosevic, the president of Yugoslavia, was indicted on 27 May 1999 by the International Criminal Tribunal for the Former Yugoslavia (ICTY) with three counts of crimes against humanity and one count of violations of the laws and customs of war in Kosovo. This is the first time an international court has charged a sitting head of state.

*Continued on page 7*

## Russian Delegation . . .

*Continued from page 2*

existed for about 50 years, but in Russia such systems have to be constituted virtually from scratch, Ambassador Yspenski said.

The existing legal basis for export controls in Russia consists of both foreign trade and atomic energy laws which contain provisions on export controls, and executive branch decrees. Although this arrangement permits effective implementation of export controls, the Russian government views the adoption of national export control legislation as a logical and important next step in strengthening its export control systems and as a powerful tool in combating proliferation of weapons of mass destruction and their means of delivery. Ambassador Yspenski stated that this past summer President Yeltsin sent to the Duma proposed export control legislation. The proposed legislation would create a uniform national export control system and establish clear cut responsibilities and obligations for the Russian government, regulatory bodies, and exporters. Ambassador Yspenski expects this legislation to be adopted shortly.

The ambassador stated that the emphasis on strengthening export controls descends from the highest levels of government. At the September Summit meeting in Moscow, President Clinton and President Yeltsin issued a joint statement on the importance of expanding export control cooperation between their two countries to halt the spread of weapons of mass destruction. The Moscow Summit outlined several measures to be undertaken in the near term, including the establishment of seven working groups to tackle practical matters of export control and non-proliferation in such areas missile technology, nuclear weapons and materials, law enforcement, customs and licensing, and rapid information exchanges between senior officials of both countries.

Ambassador Yspenski concluded his remarks by observing that Russia and the United States have made much progress in export control and non-proliferation matters, but much work remains to be done. Ambassador Yspenski assured the audience that strengthening export controls and combating proliferation of weapons of mass destruction and their means of delivery are in the national security interests of Russia. As a responsible member of the international community, Russia stands firmly behind its national security policy of non-proliferation and its international obligations. Following the ambassador's remarks, the panel fielded questions from the audience. **ABA**

## Book Review by Curtis . . .

*Continued from page 3*

Professor Heymann argues quite effectively that this country's "stability, . . . security, and capacity to meet terrorist threats effectively are all very great compared to the dangers we have faced and are likely to face." He cautions, however, that our ability to defend America "will remain so as long as terrorism does not shift into a new dimension we have not faced: the use of weapons of mass destruction." With this one exception, Professor Heymann argues that the American people can cope with the threats of terrorism, if and only if we develop a strategy based on common sense rather than unbridled anger.

Professor Heymann makes it clear that terrorism is a political act, calculated to achieve a political objective and that "reason is essential to dealing with a tactic that, in most cases, only appears to be senseless." Terrorism is in fact calculated, and sometimes successful. He stresses that "minimizing that success is very much in the interest of democracies, but to do so requires intelligence more than passion, and calculation more than anger."

Professor Heymann provides an excellent analysis of international terrorism, and this reviewer found the chapters on the risk and possibilities of domestic terrorism of special concern. These chapters highlight that the United States has not experienced domestic terrorism at the levels of some European countries and may lack the requisite experience to effectively respond without infringing on fundamental civil liberties. Of special interest are the approaches to the delicate issues on balancing security with democratic values and principles discussed in Chapters 6, 7, and 8. Chapter 6 focused on preventive steps, Chapter 7 examines the investigation and prosecution of terrorist when prevention has failed, and Chapter 8 examines the critical role of intelligence gathering in a democratic society.

Professor Heymann writes that prevention bridges the gap between international and domestic terrorism for the logic of prevention is the same for both. Prevention of terrorist acts is based on the logic of interrupting the five facets of a terrorist act, which are: (1) locating the target, (2) getting to the target, (3) using associates, (4) collection of information and access to facilities, and (5) the expectation of success. Professor Heymann applies this logic of interruption to several case studies and concludes that preventive measures that block or intervene at the five critical points can reduce the probability of success for terrorists.

While he seems to suggest that catastrophic terrorism might justify governmental restrictions on civil liber-

ties, he posits that the prevention of ordinary terrorism must be carefully balanced with the risk to civil liberties and the alienation of a significant portion of the U.S. population. He deals quite effectively with this issue in Chapter 7 and concludes that "the temptation to depart from familiar judicial proceedings and the established rules regarding arrest, search and interrogation is great in the case of terrorism." He argues, however, that the United States has sufficient resources to investigate and prosecute cases of terrorism within the current judicial system without constraining the liberties of the American people. Indeed, he argues quite effectively that "it would be a foolish gamble with deeply respected civil liberties to make changes in the protective practices of decades or centuries." Moreover, he concludes that in most cases the changes would be unconstitutional.

Indeed, one might argue that violations of individual rights could be one of the objectives of terrorist groups in order to discredit the legitimate government. In Chapter 8, Professor Heymann examines the requirements of gathering information in the domestic environment. The task is to gather information that will assist the government in preempting a terrorist act and assist in responding to the threats. These tasks must be performed within the constraints of a liberal-democratic society, where the rights of the individual are respected. He suggests that the mechanism for accomplishing these tasks is quite sufficient in the United States and further argues that "the United States has not sought significant increase in the powers of its investigations in light of the terrorist bombings of the 1990s." Professor Heymann notes that the FBI solved each of these crimes quickly using the current powers under law and an increase in manpower."

This reviewer would suggest, however, that this premise has not been fully tested for the level of domestic and international terrorism has remained below the levels that other democratic states in Europe have had to contend with. It remains to be seen if an increase in tempo of terrorist acts in this country will prompt governmental officials to exceed what Professor Heymann may see as prudent behavior. Nevertheless, this is an excellent book and should become mandatory reading for governmental officials task with protecting this country against terrorism. Professor Heymann offers a common sense approach to coping with terrorism and balancing individual rights and domestic principles.

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*Dr. Curtis is a Professor in the Department of Political Science at the United States Naval Academy. AB*

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## Book Review by Semancik . . .

*Continued from page 3*

experience some of the problems faced in the rapid economic and governmental changes of central and eastern Europe. It is a place where car radios must be carried or they will be stolen from cars, where neighborhood vegetable gardens have not yet given way to suburbs and commercial buildings.

With Warsaw as a base Quinn travels to Moscow, Moldova, Berlin, Tiraspol, and Venice. The bureaucracy is so thick in the Moscow airport that, based on a passport "problem" the author ends up spending the night sleeping in a lounge in the airport. In Moldova, Quinn discusses their constitutional dilemmas, the Gagauz Republic, difficulties with minorities, and a self-declared independent republic on the east bank of the Dnistr River. Moldova has recently drafted their post-Communist-era constitution, and this draft reflects problems seen in many central European draft constitutions: unclear separation of powers, need for greater judicial independence, and overly-qualified human rights guarantees. The American Bar Association's Central and East European Law Initiative allows American lawyers to assist countries in central and eastern Europe with their processes of democratization. This assistance is much needed as the country's leaders deal with such issues ratification of the new constitutions, judicial modernization, and the difficulty with supplanting "telephone justice."

Quinn emphasizes the importance of the rule of law as a basis for democratic reform in central and eastern Europe. He notes the need for basic education about the rule of law and its fundamental terms such as "federalism," "judicial review," and "separation of powers." Further, he emphasizes the need for increased respect in these countries for the judiciary, a respect that may depend in some part on Western efforts to build these judiciaries into true branches of government.

Quinn's account of these political theories and their real implications is anything but dry. He describes in some detail the Venice Commission for Democracy through Law and the Warsaw Judicial Symposium. Such descriptions, however, are interspersed with lovely cultural descriptions, such as Easter in Poland and personal experiences, such as cold winter trips to art museums.

This rich and complete account of Quinn's experiences continues as he travels from Warsaw to Kazakhstan and the republic of Georgia. In Kazakhstan, high transportation costs and the dissolution of the Russian markets lead to a decline in the economy, but private enterprise begins to flourish in spite of this. The desire for political and economic change is difficult to fulfill without basic legal

and human-rights texts. With a minimum wage of seven dollars per month, Kazakhstan's poverty seems only a "lack of middle class" in comparison with Georgia. In Georgia, Quinn advises drafters of the constitution there, facing obstacles to the rule of law such as a judiciary, appointed by the President, who has only an "advisory role" on constitutional matters.

From Georgia, *Democracy at Dawn* takes readers to Romania, Armenia, the Ukraine, Prague, Latvia, Estonia, and the Chechen Republic. Throughout these travels, as readers experience the need for judicial independence, separation of powers, and the rule of law in these countries so ripe for democracy, we also taste deep-fried Armenian pancakes, view paintings by dissident artists in Prague, and drive past reindeer-crossing signs in Estonia. Life is more than government structures, but government structures influence life. Thus, Mr. Quinn's careful depiction of the life throughout his travels reflects on the need for rule of law and introduces readers to real people about whom we can care, for whom we wish the best in their political and economic struggles.

Quinn concludes with an essay on "Constitutions and Courts" based on his constitutional analysis and judicial reform seminars as he traveled to fifteen Eurasian countries over a two-year period. He fears that many of the constitutions he examined will not endure, based on the instability of the societies in which they were drafted and the uncertainty of the intended constituents. He notes the difficulty of these countries as they waiver between "enforceable and aspirational rights;" they are unable to remove the popular social rights, such as workers' rights to wages, that linger from Communist times and struggle to comprehend the justiciable rights that seem so fundamental to most Americans. Also fundamental to the rule of law is the strengthening of the judiciary from a pool of minor civil servants to a strong governmental branch prepared to settle

disputes between the other branches of government and interpret laws and the constitution. He urges the need for free elections, federalism, and a strong civic culture. Finally, he urges other countries to provide support for these countries' leaders as they embark upon such daunting tasks.

*Elizabeth Semancik is a second-year student at the University of Virginia School of Law. AB*

## Milosevic Indictment . . .

*Continued from page 4*

The ICTY also indicted: Milan Milutinovic, the President of Serbia; Nikola Sainovic, Deputy Prime Minister of the FRY; Dragoljub Ojdanic, Chief of Staff of the Yugoslav Army; and Vljako Stojiljkovic, Minister of Internal Affairs of Serbia. The ICTY issued warrants of arrests against all five suspects.

The indictment alleges that, between 1 January and late May 1999, forces under the control of the five accused persecuted the Kosovo Albanian civilian population on political, racial or religious grounds. By the date of the indictment, approximately 740,000 Kosovo Albanians, about one-third of the entire Kosovo Albanian population, had been expelled from Kosovo. An unknown number of Kosovo Albanians have been killed in the operations by forces of the FRY and Serbia. However, the five indictees are charged with the murder of over 340 persons identified by name in an annex to the indictment.

Yugoslav officials have dismissed the indictment of Milosevic as a political maneuver and have refused to recognize the jurisdiction of the U.N. tribunal in the Netherlands. The indictment and other related documents of the ICTY can be found at the Tribunal's website: <<http://www.un.org/icty/special/index.html>>. AB

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740 15th St., NW

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*On April 15, 1999, the Secretary of Defense testified before the House Armed Services Committee on NATO military operations against the Republic of Yugoslavia. The full text of his remarks can be found at <<http://www.house.gov/hasc/testimony/106thcongress/99-04-15cohen.htm>>. Excerpts from Secretary Cohen's remarks follow. — Ed. AB*

## Statement of the Honorable William S. Cohen

Mr. Chairman. I welcome the opportunity to be here with General Shelton to discuss with you the ongoing NATO military campaign in Kosovo, and the situation in Kosovo generally. We, with our NATO allies, are now in the fourth week of Operation Allied Force. We have a long road ahead, but no one should doubt NATO's capability and determination—or our unity. Our purposes are clear—and they have broad international support. Milosevic must withdraw his military, paramilitary and police forces from Kosovo. He must also allow all refugees to return, with full access for humanitarian assistance and with the deployment of a NATO-led international security force. And the people of Kosovo must be given the democratic self-government which they have too long been denied. Clearly, Milosevic will try to divide NATO. But we will not be divided. Our allies are getting stronger in their determination as the operations continue. Every NATO country is contributing to the effort, in a military or humanitarian capacity. We will stand our ground. And we will be patient. NATO operations will continue until our terms are met. We will intensify our air operation, and we will provide our commanders the tools they need.

Operation Allied Force. Our military objective is to degrade and damage the military and security structure that President Milosevic has used to depopulate and destroy the Albanian majority in Kosovo. NATO forces are making significant military progress. We've gained tactical maneuverability over a tough air defense system, even in the face of difficult weather and terrain. This allows us to fly where we want and when we want with acceptable risk 24 hours a day. We are systematically choking off the Yugoslav army and security forces in Kosovo by cutting their supply lines. We have already eliminated 100% of his refining capability and 50% of his ammunition production. As we isolate and weaken the Serb forces in Kosovo, we are launching aggressive attacks against troops on the ground by hitting staging areas, headquarters, and forces in the field. These attacks will accelerate as we continue to subdue Serb defenses and deploy additional aircraft, including the Apache helicopters which are being deployed to Albania. We will continue to attack Milosevic's command, control and communications and other elements of the infrastructure that supports his machinery of repression. NATO's campaign is showing results. We're seeing decreasing military mobility and eroding morale. There are two important signs of sinking morale in the reports of desertions from combat units in Kosovo and a growing effort by young Yugoslavs to evade the reserve call-ups. ... The United States currently has well over 400 planes assigned to air operations over Yugoslavia, part of an allied force of well over 600 planes. In terms of attack [and overall] sorties, we have flown about 60%, our allies 40%. ....

Ground forces. Let me address the issue of ground forces. We believe, based on the advice of our military commanders and the reports of our intelligence, that the air campaign is being increasingly effective, and will produce the success that we desire. That campaign will continue, with more missions, more sorties, more aircraft – and more targets and more effect. There is no intention to use ground troops in a hostile or non-permissive environment. Nor is there any consensus in the alliance, or among the American public and their representatives in Congress, to do so. And, most important, there has been no recommendation by the NATO military commanders to change our current approach.

NATO has examined the possibility of ground operations from the very beginning of the crisis. There has, of course, been detailed planning for a NATO-led peace implementation force, operating in a permissive environment. In addition, NATO considered an option to enter Kosovo to maintain a cease-fire without a comprehensive peace agreement between Belgrade and the Kosovar authorities. Last year, the NATO military authorities made an assessment for various options for use of ground troops in a non-permissive or hostile environment. The options included an operation to enter the FRY with force against full-scale resistance by Belgrade and conduct offensive operations throughout the FRY, as well as an operation using ground forces against military resistance, but with the objective limited to defeat of the FRY forces in Kosovo itself. ... Without going into details, suffice it to say that any such operation would, while militarily feasible, involve very substantial forces, and carry considerable risks. These assessments could be quickly updated and developed into full-scale operational plans should the need arise. ....

Congressional Engagement. Finally, as I said earlier this week, Congressional debate is healthy and it's helpful. This hearing is one part of our intensive, continuing dialogue with Congress. I was grateful that a number of members of Congress traveled with me during this past week to visit our troops in Aviano and Ramstein, in Germany, and to also consult with our allies at SHAPE headquarters and in Brussels. We've seen a strong and growing consensus in Congress and in the country for the campaign that we have under way. NATO is engaged in a serious military effort in Kosovo. It will not be quick, easy, or neat. We have to be prepared for the possibility of casualties among NATO forces. But we cannot falter, and we will not fail. Our engagement in Operation Allied Force is justified by US interests – strategic, political and humanitarian. We intend to see it through. AB