

TESTIMONY

Terrorist Safe Havens After Bin Laden: An Assessment

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Chairman McCaul, Ranking Member Keating, distinguished Members of the Committee, thank you for the opportunity to testify today.

In my testimony, I will address several of the questions the Committee is exploring, with an emphasis on those areas where my experience is greatest. In particular, I will review 1) an estimate of the threat Al Qaeda poses today; 2) which overseas havens currently pose the greatest threat to the United States; 3) the struggle of the United States to construct a successful policy toward Pakistan; and 4) some opportunities for improved government reporting on terrorism raised by the findings of the General Accountability Office report, "Combating Terrorism: U.S. Government Should Improve Its Reporting on Terrorist Safe Havens."

Al Qaeda after the Death of Osama Bin Laden

Almost a decade after the September 11 attacks, the threat to the United States from Al Qaeda-related groups is diminishing but persistent.

Most encouragingly, Al Qaeda has failed politically, and by doing so, has isolated itself. Its violence and absence of constructive political ideas and programs has caused Muslim populations and important constituencies to turn away, limiting its potential in recruitment and fundraising. The death of Osama Bin Laden will challenge the group to manage the first leadership succession crisis in its history. Al Qaeda will likely struggle continue in the forms it has presented since its founding in 1988. The odds are rising that it will fragment into even more autonomous regional groups and that some of those groups will turn increasingly to criminal activity such as kidnapping-for-ransom. Such criminality will accelerate a positive trend, namely, that Al Qaeda's claim on the grievances and imaginations of disenfranchised Muslims is waning.

Yet no terrorist organization requires a mass following to inflict substantial and disruptive damage. Al Qaeda remains capable from time to time of killing dozens, even hundreds of American citizens at once, including on American soil, as evidence from recent plotting makes clear. In September 2009, an Afghan-American who had been recruited by Al Qaeda, Najibullah Zazi, planned an attack against subway trains in Manhattan; Zazi had the intent and means to succeed, but fortunately, intelligence and law enforcement officers intercepted him. Three months later, Umar Farouq Abdulmutallab, a Nigerian who was recruited by Al Qaeda in the Arabian Peninsula, attempted to destroy Northwest Flight 253 as it vectored to land in Detroit. He, too, had the intention and means to succeed, but fortunately, his bomb makers were imperfect.

External attacks of this scale have been attempted by Al Qaeda and related groups at regular intervals since September 11. Attempts of this magnitude are certain to continue. It is also conceivable that a small, talented, clandestine group, probably originating from Pakistan, could carry out a larger-scale, even more spectacular attack, for example, of the media-driven type witnessed in Mumbai, India, in November 2008. It would be very difficult for such a group to act within the United

States without being detected first, but the possibility cannot be ruled out entirely, as the capacity and intention of some radicals in Pakistan to attack the United States directly clearly remains. Some Pakistani groups with international ambitions, such as Lashkar-e-Taiba, draw on well-educated volunteers who include scientists, doctors and other talented urban professionals who might have the creativity and resources required. In addition, the ability of dangerous, determined groups to form and plan in Yemen is likely to grow as that country's internal conflicts worsen.

More recently, homegrown attacks by radicalized individuals living in the United States have increased in frequency and seriousness. The most serious of these was the attack carried out by Maj. Nidal Malik Hasan, who killed 13 people at Fort Hood, Texas, in 2009.

The nature and scale of all these threats must be kept in perspective. Last year, the New America Foundation and the Maxwell School at Syracuse University surveyed and analyzed the cases of the 180 individuals indicted or convicted in Islamist terrorism cases in the United States since the September 11 attacks. The research found that only four of the homegrown attacks caused casualties in the United States, and that these attacks resulted in a total of seventeen deaths – thirteen from the Fort Hood attack. By way of comparison, according to the F.B.I., between 2001 and 2009, 73 people were killed in hate crimes in the United States. About fifteen thousand Americans are murdered each year.

The Safe Haven Map

In August, 2010, responding to a congressional mandate, the State Department's *Country Reports on Terrorism* identified thirteen terrorist safe havens: The Trans-Sahara (Algeria, Mali, Maritania, and Niger); Venezuela; the Colombia Border Region (Brazil, Ecuador, Panama, Peru, and Venezuela); the Tri-Border Area (Argentina, Brazil and Paraguay); Yemen; Somalia; Pakistan; the Sulu/Sulawesi Seas Littoral (the maritime boundaries of Indonesia, Malaysia, and the Philippines); the Southern Philippines; Afghanistan; Northern Iraq; Iraq; and Lebanon.

Of these thirteen, at least six currently contain Al Qaeda or related groups that have historically displayed international ambitions. These most prominent areas are the Trans-Sahara, Yemen, Somalia, Pakistan, Afghanistan, and Iraq. Inside all of these havens violence and kidnapping have been regular occurrences in recent years.

In the case of Somalia there is incipient evidence of international terrorism, but most of the violence is local. But of the six havens with an Al Qaeda presence, two currently stand out in the open sources for the extent to which they have recently and will likely produce potent attacks beyond the borders of the haven: Yemen and Pakistan.

Before we turn to those two cases, it is worth examining what is not marked on the State Department map. Understandably, for reasons of definition and foreign policy clarity, State defines safe havens in a way that emphasizes the impunity that

terrorists or financiers may enjoy when they take root in ungoverned spaces or areas where local authorities find it convenient to collaborate with terrorist groups, for ideological or financial reasons, or because they are too weak to oppose the terrorists. This approach to thinking about safe havens inevitably produces a map biased toward weak states.

Consider, by way of contrast, what a map of the *actual planning, travel and transit* of convicted terrorists would look like. It would show many individuals spending many hours in hotel rooms, dormitories, and residential housing in the United States, Europe, Dubai, Asia and elsewhere – very often undetected. It would show almost all of those individuals using communications technologies rooted in the United States and distributed globally. The point here is that in conceptualizing the challenge of safe havens, it would be a mistake to locate our thinking only in the cartoonish image of a Dr. Evil holed up in a cave or foggy compounds beyond the reach of the law and Special Forces. Modern terrorism is a media-leveraging tactic embedded in the structures of our prosperous, globalized economy. It cannot be successfully contained if it is only considered as an external threat from weak states.

An implication of this argument is that in addition to the sort of mapping analysis mandated of State in its *Country Reports*, it might be useful to Congress, in its oversight role, to obtain analysis of the terrorist threat that is more reverse-engineered from actual terrorist activity. What does this activity show about their use of actual havens and transit and communications corridors, whether of the traditional ungoverned-territory type or the post-modern, Internet-and-airport-lounge type? What policy-relevant insights might be obtained from such bottom-up analysis?

Certainly, traditional, external havens in weak states, such as Pakistan and Yemen, remain very important. As I have argued, considering the residual international threat posed by Al Qaeda, they remain the two most important cases.

In Yemen, Al Qaeda in the Arabian Peninsula, headed by Bin Laden's former personal secretary Nasir al-Wahayshi, has emerged as the organization's most internationally ambitious and capable franchise. Because of political changes and conflicts in Yemen resulting from anti-government protests of this Arab Spring, the political and territorial spaces enjoyed by A.Q.A.P. are likely to expand in Yemen during the next few years. The country seems now to be falling into civil war. In recent, earlier eras of civil conflict in Yemen, Al Qaeda has exploited the fighting to gain space and allies, and it is likely to attempt this again.

Al Qaeda's roots in Yemen trace back decades. The Bin Laden family immigrated to Saudi Arabia from the Hadramawt, an interior region of Yemen. Osama Bin Laden identified with his family's roots in Yemen, particularly after he was deprived of Saudi citizenship; he financed and otherwise participated in Islamist uprisings there during the country's civil conflicts between 1990 and 1992; he reportedly explored moving to Yemen at later points; he took a wife from the country; and Al Qaeda has continually funded violent activity there. The most significant of these attacks was

the bombing of the *U.S.S. Cole* in 2000. Yemen's weak strongman President, Ali Abdullah Saleh, sought to co-opt Islamist groups and to contain Al Qaeda, particularly to the extent that its activity jeopardized American aid flows. His position became more difficult after 2003, when a crackdown on Al Qaeda cells in neighboring Saudi Arabia sent dozens of terrorist refugees scurrying to Yemen. They regrouped, particularly in the southern Abyan Governate. In general, Saleh's political influence has been weakened in the south by a succession movement there.

The arrival in Yemen of American-born media innovator Anwar al-Awlaki amplified these changes. Through his online magazine *Inspire* and various self-produced videos, al-Awlaki has become a significant voice in English-medium discourse for Al Qaeda, filling an important gap in the group's language channels. The extent of his operational role is not entirely clear from the open sources, but it is plain that he has participated in plotting international violence and recruiting, and that he has both the intent and the capability to facilitate significant violence.

The course of anti-government protests against Saleh and their implications for Yemen's political future are unclear. Civil war increasingly seems a possibility, although who will win the current military confrontation between Saleh and some of his tribal opposition is difficult to predict. It is all but certain, however, that Yemen's weak central government will weaken further and that its recent internal conflicts – a mostly sectarian uprising in the north, a secession movement in the south – will accelerate and mix in with new conflicts.

On May 29, news reports indicated that armed men had seized the town of Zinjibar in the Abyan Governate; officials in the capital of Sanaa claimed the rebels had ties to Al Qaeda. Such claims by a besieged dictator whose legitimacy in Western eyes has derived from his (partial) willingness to accommodate Western counterterrorism policy should be taken with a shaker full of salt. Nonetheless, it is likely that Al Qaeda and historically aligned Islamist groups will seek and gain advantage in Yemen's coming turmoil. During the civil war twenty years ago, they played a role in the fighting and, following victory, were rewarded by Saleh's relatively accommodating policies. They will likely seek a fighting role again.

Saleh's irrational resistance to proposals for his resignation, and the violence his resistance has precipitated, has already weakened the state that his successor will inherit. All of this will make intelligence collection and the pursuit of pressure on A.Q.A.P. through collaboration with Yemeni security forces more difficult. So far as is apparent in the open sources, the ability of the United States to collect intelligence and act unilaterally against Al Qaeda in Yemen is considerably more limited than in Pakistan and Afghanistan. The collapse of the Yemeni political order, the fragmentation of its security forces and the prospect of sustained internal conflict will make this harder still. Full-on civil war or a series of concurrent, intensifying internal conflicts may draw A.Q.A.P. into local battles for a time but it may also provide them more resources and freedom of maneuver, particularly in southern Yemen, which faces pirate-infested sea channels across from ungoverned and Al Qaeda-influenced Somalia.

In Pakistan, too, the current trend lines for American counterterrorism policy look unfavorable. The discovery and killing of Osama Bin Laden in a walled compound in Abbottabad, not far from the Pakistan Military Academy, has brought U.S.-Pakistani relations, already troubled, to a low point, comparable at least in the levels of mutual mistrust to the breach in relations in the early 1990s. This deterioration of relations will have an impact on American intelligence collection and paramilitary activity in Pakistan. For example, Pakistan has demanded that the United States reduce the number of American military, diplomatic and administrative personnel in the country; one of Pakistan's motivations is to reduce American intelligence collection capabilities within the country, and to channel a greater share of American intelligence activity through joint operations, where Pakistan can maintain greater control.

The discovery of Bin Laden in Abbottabad has raised questions about how and why sections of Pakistan's Army and intelligence service, the I.S.I., might provide haven to Al Qaeda. Many of the specific questions about whom in Pakistan's security services knew what about Bin Laden's sanctuary may never be answered satisfactorily. But a few points can be made with relatively high confidence.

First, in the Pakistani political economy, it is simply not possible to build an expensive, heavily secured, walled compound in a closely-policed town such as Abbottabad without collaboration from at least some government officials. For example, Pakistan has one of the lowest rates of tax participation in the world, even among countries of its economic profile. The reason is that police, intelligence officers, and other government officials routinely extort payments from wealthy householders to protect them from tax raids. It seems likely that at least some Pakistani officials were on the payroll of Bin Laden's compound for this reason. Whether they would have known that Bin Laden was living there, or where the money came from, is another matter. If I.S.I. officers were among those extracting supplemental incomes from the Abbottabad compound, as would seem possible, if not likely, they may or may not have informed their superiors. I.S.I. is a large, complex organization, a state within the Pakistani state; it is also an organized economic or criminal enterprise with diverse, autonomous, self-rewarding cells scattered throughout.

Second, the circumstances in which Bin Laden was discovered were not by themselves unusual. Listed terrorist leaders from anti-Indian organizations such as Lashkar e-Taiba and Jaish-e-Mohammed have lived for years in similarly ambiguous walled compounds and apartment buildings around Pakistan. The fugitive mastermind of the 1993 bombings in Mumbai, the underworld figure Ibrahim Daoud, has reportedly lived and prospered in Karachi for many years. Sometimes the circumstances of these listed terrorists are described by the Pakistani government as "house arrest;" other times they are described as "fugitives in hiding." The ambiguity is deliberately constructed by I.S.I. and the Pakistani state to maintain the greatest degree of flexibility at home and in its long-running struggle against India. Afghan Taliban leaders known to be living in exile in Pakistan

presumably enjoy the same haven policies. That Bin Laden, too, found a place in this much larger system is shocking to Americans because of the scale of murderous violence he authored on September 11. In the local context, however, the circumstances of his hiding place were not unusual among terrorists sheltering in the country.

In Yemen, “safe haven” is largely a function of weak state formation. In Pakistan, the state is weak but the sources of haven are more varied and more directly tied to state policy. Fundamentally, Pakistan provides safe haven for violent Islamist groups, including listed terrorists such as Al Qaeda, for two reasons. First, the Army and I.S.I. find some of these groups to be useful levers in regional competition with India and Afghanistan. Second, having nurtured Islamist groups for three decades (initially, during the anti-Soviet war in Afghanistan, in collaboration with the United States), Pakistan has been weakened by their virulence and revolutionary ambition, and the state now lacks the capacity to wipe out the groups without paying a very high price and incurring great risks; accommodation, therefore, seems the wiser policy, even in the face of rising evidence that this approach may not work.

American Policy in Pakistan

The United States has an obvious interest in Pakistan’s success and stability. The country possesses the world’s fastest-growing nuclear arsenal and is adopting defense policies that are likely to destabilize its military balance with India in the years ahead. The Pakistani Taliban, influenced and perhaps aided by Al Qaeda, has mounted an insurgency aimed at overthrowing the country’s military and civilian leadership. The Pakistan Army has contained the insurgency at a high price, but the level of violence and pressure the Taliban is producing within Pakistan is very disturbing.

Ultimately, only a stable, economically growing, pluralistic Pakistan with much stronger civilian leadership, healthier civil-military relations, and a more sustainable defense policy can prevent the country from remaining a terrorist haven. American attempts to construct a policy that will aid the emergence of this Pakistan- a “normal” if chronically troubled country - have evidently failed to date. Unfortunately, it may be beyond the capacity of the United States to decisively influence the outlook of the Pakistan Army and the I.S.I. about India and Pakistani national security, and it is the Army’s outlook on security matters, more than any other factor, that has created the landscape in Pakistan we see today.

Over the long run, a more successful Pakistan will only emerge if its military and civilian elites decide that it is in the country’s national interest to increase cooperation with India, particularly cooperation that will lead to greater economic integration in South Asia. Full peace is not necessary to produce the sort of incentive-changing trade and internal growth that has altered similar patterns of internal violence, terrorism, and failed civil-military relations during the past two decades, to varying degrees, in countries such as Indonesia, Colombia, the Philippines, and Turkey. India’s high rates of economic growth are proving to be

transformative within that country; to change, Pakistan needs greater access to that regional engine of growth and middle class formation.

American policy toward Pakistan has long been imprisoned by compelling but narrow security imperatives – the invasion of Afghanistan, nuclear proliferation and the rise of Al Qaeda and related groups, to name three – at the expense of sustained, highly prioritized policy to pursue regional economic integration and broadly distributed Pakistani economic growth. Only the latter policy offers the hope of a Pakistan capable of delivering on its obligations and interests in the international system.

In the meantime, once again, the United States' security interests remains trapped by short-term security needs. These are, currently, not only the problem of terrorism and safe havens, but also supply lines that run through Pakistan to support more than 100,000 American troops in Afghanistan. The need to reduce troop levels without empowering the Taliban or touching off civil war, a project that will require some degree of Pakistan's cooperation.

Another "reset" in American policy toward Pakistan is on the horizon. In the security realm, what seems required is a clearer, more manageable effort to identify and act on shared interests – against Al Qaeda, and in the transition ahead in Afghanistan. Both countries will benefit from a period of less hopeful, transformative ambition and more clear-eyed focus on shared interests. At the same time, it would be helpful for the United States to reset its medium-term and long-term planning to construct a pragmatic vision to promote regional economic integration and Pakistani growth.

The G.A.O. Report

In their report, "Combating Terrorism: U.S. Government Should Improve Its Reporting on Terrorist Safe Havens," researchers at the General Accounting Office raise a number of interesting question about congressionally mandated reports on safe havens and terrorism more generally. Although this is not my particular area of experience or putative expertise, as an independent analyst who often makes use of this government reporting, I thought I would offer a modest idea about how the reporting might be improved.

Annual reporting on terrorism by State serves a number of purposes. It provides Congress with a sound, specific basis for oversight. It informs the public. It also coerces governments and security services that harbor or might consider harboring terrorists by calling attention to their activity in an influential way.

It should be the ambition of the United States to produce credible reporting about states that support terrorism that is as effective and impactful as the reporting the State Department publishes annually about human rights. The State Department's annual human rights reports are credible and constructive. They provide a basis for substantial media reporting in countries where abuses occur; they provide cover for international civil society activists challenging local authoritarians and dictators;

and they coerce and influence governments that receive unfavorable, embarrassing notice. In my judgment, State's human rights reports pull the occasional punch but in comparison to other government reporting of this type they are generally honest, forthright, and highly credible. Partly this is because civil society investigators at groups such as Human Rights Watch and Amnesty International produce their own highly credible investigations; this marketplace effect helps keep State's work honest.

The G.A.O. points out a number of ways in which State's reports on safe havens and the counterterrorism policies of foreign governments could be improved. In my reading of the reporting, one problem is the extent to which the published assessments are compromised by the need not to offend flawed foreign security and intelligence services on which the United States depends for cooperation. In comparison to its human rights reporting, that is, the U.S. counterterrorism reporting is less forthright and convincing.

One way to counter this problem would be to commission annual analytic reports by independent experts – perhaps a standing commission, perhaps a rotating panel. Just as American economic policy benefits from the diverse views and debates generated by independent Federal Reserve governors, so might American counterterrorism policy benefit from assessments of safe havens, foreign government performance, and U.S. policy from experts who have no bureaucratic or policy equities at stake, and no operational need to shave the facts in order to get along with a particular foreign government. Such work need not be expensive; it would also have the benefits of aiding congressional oversight, informing the public, and putting pressure on under-performing governments.

Thank you again for the opportunity to participate in this hearing.