



Osama bin Laden's Death: Implications and Considerations

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Summary

The May 1, 2011 killing of Osama bin Laden (OBL) by U.S. forces in Pakistan has led to a range of views about near- and long-term security and foreign policy implications for the United States. Experts have a range of views about the killing of OBL. Some consider his death to be a largely symbolic event, while others believe it marks a significant achievement in U.S. counterterrorism efforts. Individuals suggesting that his death lacks great significance argue that U.S. and allied actions had eroded OBL's ability to provide direction and support to Al Qaeda (AQ). For these analysts, OBL's influence declined following the U.S. invasion of Afghanistan to a point where prior to his death he was the figurehead of an ideological movement. This argument reasons that a shift of terrorist capability has occurred away from the core of AQ to affiliated organizations. Still others argue that OBL pursued a strategy of developing the AQ organization into an ideological movement thus making it more difficult to defeat. They contend that, even if OBL were no longer involved in the decision-making apparatus of AQ, his role as the inspirational leader of the organization was far more important than any operational advice he might offer. As such, his death may not negatively affect the actions of the ideological adherents of AQ and as a martyr he may attract and inspire a greater number of followers.

Individuals suggesting that his death is a major turning point in U.S. counterterrorism efforts contend that OBL remained an active participant in setting a direction for the strategy and operations of AQ and its affiliates. In addition to disrupting AQ's organizational activities some believe his death may serve as a defining moment for the post 9/11 global counterterrorism campaign as current and potential terrorists, other governments, and entities that wish to threaten U.S. interests will take note of the U.S. success in achieving a long-held security goal. The death of OBL may have near and long-term implications for AQ and U.S. security strategies and policies.

The degree to which OBL's death will affect AQ and how the U.S. responds to this event may shape the future of many U.S. national security activities. Implications and possible considerations for Congress related to the U.S. killing of OBL in Pakistan are addressed in this report. As applicable, questions related to the incident and U.S. policy implications are also offered. They address:

- Implications for AQ (core, global affiliates, and unaffiliated adherents)
- Congressional Notification
- Legal Considerations
- National Security Considerations and Implications for the Homeland
- Military Considerations
- Implications for Pakistan and Afghanistan
- Implications for U.S. Security Interests and Foreign Policy Considerations

The death of OBL is a multi-faceted topic with information emerging frequently that adds perspective and context to many of the issues discussed in this report. This report is based on open-source information and will be updated as necessary.

Contents

Implications of the Death of Osama bin Laden	1
Congressional Notification.....	1
Possible Questions	1
Legal Considerations.....	2
Military Considerations.....	3
Command and Control of the Operation	4
Possible Questions	4
Al Qaeda, Regional, and Country Implications	4
Implications for AQ, Affiliates, and Unaffiliated Adherents	4
Implications of OBL's Death on AQ's Global Affiliates	5
Pakistan	6
Implications for the U.S.-Pakistan "Strategic Partnership"	8
Possible Implications for Pakistan-India Relations.....	12
Possible Implications for Pakistan-Afghanistan Relations.....	12
Issues in Pakistan's Domestic Setting	13
Afghanistan	14
Possible Questions	15
U.S. Strategy and Security Implications.....	16
National Security Considerations	16
Background	16
Possible Questions	17
Possible Implications for the Homeland	19
Homegrown Jihadists	19
Possible Questions	20
FBI Investigations.....	20
Possible Implications for U.S. Security Interests.....	21
Near Term Implications for U.S. Security Interests	21
Long Term Implications for U.S. Security Interests	21
Implications for U.S. Foreign Policy in the Middle East	21

Contacts

Author Contact Information	23
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Implications of the Death of Osama bin Laden

Issues and questions related to the killing of Osama bin Laden (OBL) are multifaceted and may have operational, regional, and policy implications. Operational policy issues include congressional notification, legal considerations, and current and future military activities.

Congressional Notification¹

The chairmen of the House and Senate intelligence committees have stated that they were briefed on OBL's whereabouts during the past few months including, according to Representative Mike Rogers, Chairman of the House Intelligence Committee, some details regarding the Abbottabad compound. The Senate Majority Leader, Senator Harry Reid, has also indicated that he had been briefed on the plans to confirm OBL's location and take action. Chairman Rogers indicated that the entire "Gang of Eight" had been briefed on the plans although not all were briefed at the same time. The Gang of Eight refers to the eight Members of Congress (the Speaker, House Minority Leader, the Senate Majority and Minority Leaders, and the chairmen and ranking members of the two intelligence committees) who, by statute, must be advised of Presidential Findings of covert actions (along with other members of the congressional leadership as may be included by the President).² A finding is an official determination by the President that a specific covert action is in the national interest.³ A covert action is an activity to influence political, economic, or military conditions abroad where the role of the U.S. will not be apparent or acknowledged publicly.⁴ In a PBS News Hour interview on May 3, CIA Director Leon Panetta stated, "this was what's called a 'Title 50' operation, which is a covert operation, and it comes directly from the President of the United States who made the decision to conduct this operation in a covert way." He added that, consistent with Title 50, he commanded the mission but it was carried out by Vice Admiral William McRaven, the commander of the Joint Special Operations Command.

For additional background on covert action notification issues, see CRS Report R40691, *Sensitive Covert Action Notifications: Oversight Options for Congress*.

Possible Questions

Notwithstanding the notification process that was carried out with this particular operation, other considerations and questions may still emerge. For example,

- In retrospect, was congressional notification overly restrictive? When was the written Presidential Finding (required by 50 USC 413b(a)(1)) reported to the several members of the Gang of Eight? Has the written Finding now been shared with all members of the two intelligence committees?
- Did the operation necessarily constitute a covert action? Could it have been considered a traditional military activity? Was the role of the CIA Director

¹ Prepared by Richard Best, Specialist in National Defense.

² 50 USC 413b(c)(2).

³ 50 USC 413b(a).

⁴ 50 USC 413b(e).

essential to carrying out the operation? Could it have been carried out by the Secretary of Defense? Other than the role of Director Panetta what was the contribution of CIA officials to carrying out the raid?

- Should there be statutory provisions requiring that the Armed Services committees (or their respective leaderships) be advised of activities such as the Abbottabad raid?

Legal Considerations⁵

The death of OBL appears to have little, if any, immediate consequence for the legal framework governing the conflict with Al Qaeda (AQ) and its affiliates. Shortly after the attacks of September 11, 2001, Congress passed the Authorization to Use Military Force (AUMF, P.L. 107-40), which authorized the President:

to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons.

By conferring authority “to use all necessary and appropriate force” against entities involved in the 9/11 attacks, the AUMF is understood to not only authorize the use of force against such groups, but also to permit other fundamental incidents to the waging of war, including the detention of captured enemy belligerents to prevent their return to hostilities.⁶ Pursuant to this authority, the United States has engaged in military operations against AQ, the Taliban, and associated forces located in Afghanistan and other locations, and it has detained belligerents captured in these operations at the U.S. Naval Station at Guantanamo Bay, Cuba, and other locations.

Due to OBL’s position in AQ’s command structure, along with his role in the 9/11 attacks, there appears to be clear consensus that he constituted a legitimate target under the AUMF at the time of his death. Additionally, the AUMF does not restrict the exercise of the authority it confers to a particular geographic location. Accordingly, at least for purposes of domestic law,⁷ the fact that

⁵ Prepared by Michael John Garcia, Legislative Attorney.

⁶ See *Hamdi v. Rumsfeld*, 542 U.S. 507, 518 (2004) (O’Connor, J., plurality opinion); *id.* at 588-589 (Thomas, J., dissenting).

⁷ This report does not address potential issues under international law that may be relevant to the military operation against bin Laden. These issues include, *inter alia*, the degree to which the operation was governed by and consistent with the law of armed conflict, human rights law, customary international law concerning the right of a nation to act in self-defense to deter an impending attack, and the rights and duties of sovereign nations. Some of these issues may turn on particular facts that have not been fully brought to light at the time of this report, including whether Pakistan gave prior (or retroactive) consent to the United States to take action against bin Laden within its territory. In an op-ed published in the *Washington Post* soon after the operation, Pakistani President Asif Ali Zardari stated that:

[a]lthough the events... were not a joint operation, a decade of cooperation and partnership between the United States and Pakistan led up to the elimination of Osama bin Laden as a continuing threat to the civilized world. And we in Pakistan take some satisfaction that our early assistance in identifying an al-Qaeda courier ultimately led to this day.

Asif Ali Zardari, Op-Ed, “Pakistan Did Its Part,” *Washington Post*, May 2, 2011.

OBL was killed outside of Afghanistan, where U.S. operations against AQ have primarily occurred, does not appear to affect the lawfulness of his targeting.⁸

While OBL was a legitimate target under the AUMF, his death does not result in the termination of the authority conferred by the act. The AUMF authorizes the use of force against all “nations, organizations, or persons” determined to have been involved in the 9/11 attacks. OBL’s demise would not appear to affect the AUMF’s continued application to AQ and any other entity believed to have “planned, authorized, committed, or aided” the 9/11 attacks or harbored such persons or groups, so as to prevent any future terrorist attacks by such entities against the United States. Even though OBL’s death does not have the immediate legal consequence of modifying the authority conferred by the AUMF, it is nonetheless possible that his demise may inform future deliberations by policymakers as to whether to alter the legal framework governing U.S. policy towards AQ and its affiliates.⁹

Military Considerations¹⁰

The successful U.S. military operation against OBL carries with it possible military implications for the future. In terms of U.S. adversaries, it can be argued that the operation can serve as a powerful deterrent to both current and aspiring terrorist leaders. The search for OBL took almost a decade to develop and execute, spanned two very different Administrations with the operation conducted in a sovereign nation, apparently without their knowledge or consent, against a target that was considered by some analysts as well hidden and protected. Some contend that this sends the message that no matter how long it takes and how difficult the circumstances, the U.S. will ultimately kill or capture senior terrorist leadership. While this could convey a potential deterrence message, it also suggests that in the future, more concerted measures will need to be taken by terrorist organizations to protect their leadership, which could make military operations against them more difficult.

Another implication is that the U.S. military has demonstrated a highly refined and sophisticated ability to locate, track, and interdict high value targets anywhere in the world. While this capability has been associated with counterterrorism efforts, there are also implications for counter weapons of mass destruction (WMD) efforts as well as other national security-related efforts. These capabilities could also affect physical security planning and measures of adversarial countries or non-state actors that either aspire to or possess WMDs.

⁸ Although U.S. employees, by way of executive order, are generally barred from engaging in “political assassinations” abroad, U.S. policymakers have historically interpreted this prohibition as not applying to the targeting of an enemy’s command and control structure during periods of armed conflict. *See generally* CRS Report RL31133, *Declarations of War and Authorizations for the Use of Military Force: Historical Background and Legal Implications*, by Jennifer K. Elsea and Richard F. Grimmett, at 35-36. *See also* Jeffrey Toobin, “Killing Osama: Was It Legal?,” *New Yorker*, May 2, 2011, at <http://www.newyorker.com/online/blogs/newsdesk/2011/05/killing-osama-was-it-legal.html> (discussing position of George W. Bush and Obama Administrations that the prohibition on political assassinations did not apply to bin Laden or other belligerents in the conflict with AQ).

⁹ The power to terminate the military conflict with Al Qaeda appears to reside exclusively with the political branches of government. The Supreme Court has recognized that the termination of a military conflict is a “political act,” and it has historically refused to review the political branches’ determinations of when a conflict has officially ended. *Ludecke v. Watkins*, 335 U.S. 160, 168-169 (1948); *Baker v. Carr*, 369 U.S. 186, 213-214 (1962) (describing the Court’s refusal to review the political branches’ determination of when or whether a war has ended).

¹⁰ Prepared by Andrew Feickert, Specialist in Military Ground Forces.

Command and Control of the Operation

During the President's May 1, 2011 address to the nation about the killing of Osama OBL, he noted that, "and so shortly after taking office, I directed Leon Panetta, the director of the CIA, to make the killing or capture of Osama bin Laden the top priority of our war against Al Qaeda."¹¹ During later briefings, it was revealed that the operation was carried out by U.S. Navy SEALs from the U.S. Special Operations Command. These and other briefings seem to suggest that the military operation to kill OBL was commanded by the CIA as opposed to the more traditional military chain of command. While this would not be unprecedented, it can be considered unusual and Congress might wish to clarify the operation's actual chain of command with the Administration. There could also be concerns that this arrangement might have been a less than optimal arrangement and that there could have been undo friction between the CIA and the Department of Defense (DoD), resulting in a negative impact on mission planning, resourcing, and execution. On the other hand, if this arrangement proved to be highly successful and relatively problem-free, the CIA/military command arrangement might serve as a model for future operations of a similar nature.

Possible Questions

Reports that the CIA commanded the operation, suggest a number of considerations that might merit further examination. For example:

- Why was this particular command arrangement chosen over a more traditional CIA commanded/CIA conducted operation or a military commanded/ military conducted operation?
- Was there a legal basis for this command arrangement or were special authorities or arrangements required?
- If the command arrangement is seen as a model, do current U.S. laws and policies support this type of arrangement, to include legal provisions pertaining to congressional notification and oversight?

Al Qaeda, Regional, and Country Implications

The killing of OBL nearly ten years after the September 11, 2001 terrorist attacks on the United States poses many questions about the continuing destructive capabilities of AQ, the effects on regional affiliates and U.S. policy implications in Pakistan and Afghanistan.

Implications for AQ, Affiliates, and Unaffiliated Adherents¹²

Ascertaining the near- and long-term implications of OBL's death on AQ operations will be the subject of much analysis and debate for U.S. policymakers. Those implications may differ for core AQ leaders,¹³ their global affiliates,¹⁴ and non-affiliated ideological adherents¹⁵ of AQ

¹¹ Remarks by the President on Osama Bin Laden, East Room, the White House, 11:35 PM, May 1, 2011.

¹² Prepared by John Rollins, Specialist in Terrorism and National Security.

¹³ Core Al Qaeda includes entities, personnel, and activities directly controlled and overseen by OBL or his designees. (continued...)

around the world. In describing the significance of OBL's role in AQ government leaders and analysts offer a variety of perspectives. Some argue that OBL's role in AQ at the time of his death was largely inspirational as his ability to communicate with followers and offer strategic and operational guidance and support had increasingly been degraded since the U.S. invasion of Afghanistan. Others argue that OBL remained an active participant in both the strategic direction and operational activities of all aspects of the AQ movement.¹⁶ With the death of OBL and U.S. seizure of documents and electronic data devices from his compound some analysts suggest further disruption to global AQ related activities may be expected, including infighting between the remaining leaders of core AQ, lack of cohesion in and between the affiliated organizations, and fewer individuals recruited or radicalized to support AQ's goals. Should these events materialize, U.S. security agencies and international partners may have an opportunity to exploit vulnerabilities with the goal of hastening the demise of AQ and its affiliated organizations. However, some analysts may argue that the regional global affiliates are the least likely AQ entity to be affected by OBL's death.

In December 2010, National Counterterrorism Center (NCTC) Director Michael Leiter offered the following assessment of the relationship between core AQ and its affiliates:

affiliates have no longer simply relied upon their linkages to al-Qaida senior leadership in Pakistan but they have in fact emerged more as self-sustaining, independent movements and organizations. Now, they still have important tentacles back to al-Qaida senior leadership—I don't want to downplay that—but in many ways, especially in the case of al-Qaida and the Arabian Peninsula, operate with a greater level of independence. And, frankly, they operate at a different pace and with a different level of complexity than does al-Qaida senior leadership, and that has complicated our task significantly.¹⁷

Implications of OBL's Death on AQ's Global Affiliates¹⁸

The potential impact of OBL's death on AQ's global affiliates remains uncertain, in part because the specific operational ties between regional groups and core AQ elements in Afghanistan and Pakistan are not well understood outside of the intelligence community. In many instances, both operational and ideological ties appear to be limited, and most regional affiliates appear to have operated largely autonomously. The most common reported type of linkage between the core and global affiliates has taken the form of pledges of ideological fealty by regional affiliates to OBL, along with mutual statements of support for shared goals. A second, more opaque link between the core and the global affiliates are reported periodic exchanges for strategic planning between

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For additional information see CRS Report R41070, *Al Qaeda and Affiliates: Historical Perspective, Global Presence, and Implications for U.S. Policy*, coordinated by John Rollins.

¹⁴ Global Affiliates include organizations that have adopted some of the actions in support of the goals and beliefs of Core AQ.

¹⁵ These entities and individuals do not have a relationship or connection with corporate AQ or an affiliated organization but are inspired by the organization's message and undertake terrorism related actions in the name of AQ.

¹⁶ Eli Lake, "Raid provides new insight into al Qaeda operations," *Washington Times*, May 4, 2011, http://www.washingtontimes.com/news/2011/may/3/how-bin-laden-led-operations/print/#0_undefined,0_.

¹⁷ Michael Leiter, Director, NCTC, Center for Strategic And International Studies (CSIS), December 1, 2010, *The Changing Terrorist Threat and NCTC's Response*, http://csis.org/files/attachments/101202_leiter_transcript.pdf.

¹⁸ Prepared by Nicolas Cook, Specialist in African Affairs, and Christopher Blanchard, Analyst in Middle Eastern Affairs.

the core and affiliates and, in some cases, the exchange of financing or the deployment of technical experts to the affiliates by the core group.

To the extent that the killing of OBL disrupts the organizational cohesion of the core group, these pledges and apparently limited exchanges may decline in frequency and scope. That possibility may be magnified if post-OBL leadership succession within the core group is contested—as implied by some analyses suggesting that Ayman al Zawahiri may be viewed unfavorably, for various reasons, by some core group elements. Such ties may also decline if intelligence gleaned from the operation targeting OBL spurs follow-on operations resulting in core group leadership killings, arrests, or other disruptions.

Weakened core-regional ties may also lead global affiliates to become even more operationally and autonomous and diverse, and potentially more politically differentiated as well. Global affiliates may see a need to rely more on local financial, human, and technical resources and may focus increased attention on local political grievances and social dynamics. Alternatively, in the short term, affiliates may re-orient their current local operations to respond to OBL's death, for instance, by moving up the timeline for planned attacks or by changing the terms of on-going hostage negotiations that would have transnational implications. Another possibility is that one or more affiliates might eclipse or replace the core Afghanistan-Pakistan based leadership, whether intentionally or due to the course of events.

The success of the U.S. operation targeting OBL may also motivate an increased U.S. operational emphasis on targeting key leaders of regional groups, especially if post-OBL field assessments of the core group indicate that its operational capacity has been degraded and if, as a result, the perceived threat posed by global affiliates takes on relatively greater importance. Increasing autonomy and differentiation among regional affiliates may, however, make tracking and targeting these groups and their members more difficult, as operations to do so may require increasingly focused, specialized, and dedicated expertise and human and intelligence assets. If global affiliates become more insular, this could prompt a decline in communications and resource exchanges between the core group and global affiliates, and thus a relative decline in opportunities to exploit or interdict these connections.

The findings from future assessments of core and affiliated AQ capabilities may have significant global policy implications for the United States. While the consequences of OBL's death are unknown at present, U.S. actions leading up to and after his death may have implications for numerous U.S. policy issues.

Pakistan¹⁹

OBL was located and killed in the mid-sized Pakistani city of Abbottabad, a military cantonment in the northwest Khyber Pakhtunkhwa province, in a compound one-half mile from the country's premier military academy.²⁰ The location and circumstances of OBL's killing have exacerbated

¹⁹ Prepared by Alan Kronstadt, Specialist in South Asian Affairs. For broader background, see CRS Report R41307, *Pakistan: Key Current Issues and Developments*, by K. Alan Kronstadt.

²⁰ The location of OBL's refuge was described by a senior Obama Administration official as "relatively affluent, with lots of retired military." The structure itself, a property valued at some \$1 million, was said to be roughly eight times larger than surrounding homes: "Intelligence analysts concluded that this compound was custom built to hide someone of significance." The owners of the property reportedly were ethnic Pashtun Pakistanis ("Press Briefing by Senior (continued...)

Washington's long-held doubts about Pakistan's commitment to ostensibly shared goals of defeating religious extremism, and may jeopardize future U.S. assistance to Pakistan.²¹ The news of OBL's whereabouts led to almost immediate questioning of Pakistan's role and potential complicity in his refuge; a senior Administration official expressed being "very concerned" that OBL was inside Pakistan and indicated that the U.S. government would carefully question Islamabad in this regard. President Obama's chief counterterrorism advisor, John Brennan, told reporters it was "inconceivable that Osama bin Laden did not have a support system" in Pakistan.²²

The development has made much more acute already existing doubts about Pakistan's role as a U.S. ally in counterterrorism (CT) efforts. In the representative words of one senior, U.S.-based nongovernmental expert on AQ and OBL,

It stretches credulity to think that a mansion of that scale could have been built and occupied by OBL for six years without its coming to the attention of anyone in the Pakistani Army. The initial circumstantial evidence suggests that the opposite is more likely—that OBL was effectively being housed under Pakistani state control. ... Perhaps the circumstantial evidence in the OBL case is misleading; only a transparent, thorough investigation by Pakistani authorities into how such a fugitive could have lived so long under the military's nose without detection would establish otherwise. That sort of transparent investigation is unlikely to take place.²³

Given this, contends another leading analyst, some Americans feel that they have seen

their worst suspicions confirmed by the fact that Osama bin Laden lived in a large, well-protected compound right under the Pakistani military's nose. Either Pakistan's intelligence service is terribly incompetent, fatally compromised, or both, raising questions about its utility as a partner.²⁴

Thus, for a wide array of observers, the outcome of the years-long hunt for OBL leaves only two realistic conclusions: either Pakistani officials were at some level complicit in hiding the fugitive, or the country's military and intelligence services were exceedingly incompetent in their search for top AQ leaders. In either case, after many years of claims by senior Pakistani officials—both civilian and military—that most-wanted extremist figures were finding no refuge in their country, Pakistan's credibility has suffered a serious blow.²⁵

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Administration Officials on the Killing of Osama bin Laden," May 2, 2011; "Bin Laden Hosts at Compound Were Two Pakistanis," *New York Times*, May 3, 2011).

²¹ "Bin Laden's Death Likely to Deepen Suspicions of Pakistan," *New York Times*, May 2, 2011; "Failure to Discover bin Laden's Refuge Stirs Suspicion Over Pakistan's Role," *Washington Post*, May 2, 2011; "Awkward Questions Loom for Pakistan," *Financial Times* (London), May 2, 2011.

²² "Suspicions Grow Over Whether Pakistan Aided Osama Bin Laden," *Los Angeles Times*, May 2, 2011; "Press Briefing by Senior Administration Officials on the Killing of Osama bin Laden," May 2, 2011; Brennan quoted in "Osama Bin Laden Killed in U.S. Raid, Buried at Sea," *Washington Post*, May 2, 2011.

²³ Steve Coll, "Notes on the Death of Osama bin Laden," *New Yorker* (online), May 2, 2011.

²⁴ Daniel Markey, "More Tense Times Ahead for U.S.-Pakistan," Council on Foreign Relations First Take, May 2, 2011.

²⁵ A listing of some of the oftentimes categorical, high-profile Pakistani denials about OBL specifically are in "Osama bin Who?," *Foreign Policy* (online), May 2, 2011.

Although relatively subdued in their responses, Pakistani leaders welcomed the news of OBL's death as a major victory in the battle against terrorism.²⁶ Pakistani President Asif Zardari penned a May 2, 2011, opinion piece in which he claimed for his country partial credit for the elimination of OBL, reiterated the suffering and loss of life Pakistan has endured in combating terrorism, and called media suggestions that Pakistan has lacked determination or sincerity in this effort "baseless speculation," declaring, "Pakistan has never been and never will be the hotbed of fanaticism that is often described by the media."²⁷ Such claims, already considered dubious, are now widely viewed as lacking credibility by most independent observers.

Implications for the U.S.-Pakistan "Strategic Partnership"

Pakistan is praised by U.S. leaders for its post-2001 cooperation with U.S.-led CT and counterinsurgency efforts, although long-held doubts exist about Islamabad's commitment to some core U.S. interests. A mixed record on battling Islamist extremism includes ongoing apparent tolerance of Taliban elements operating from Pakistan's territory. In his nationally televised address of May 1, 2011, President Obama stated that OBL had been found hiding "deep within Pakistan," and he reiterated again his longstanding intention to "take action within Pakistan" if OBL was located there. While giving no hint as to the extent of Pakistani cooperation in the specific operation, the President said that, "going forward, it is essential that Pakistan continue to join us in the fight against Al Qaeda and its affiliates."²⁸ Subsequently, other top Administration officials have emphasized the need for close cooperation with Pakistan.

These sentiments track well with the view of many independent observers that—despite ample reasons for discouragement and distrust—the United States has no good options other than continuing to engage Pakistan in what one analyst calls "the geostrategic equivalent of a bad marriage."²⁹ These experts contend that a U.S. disengagement from Pakistan would likely only facilitate greater extremism and anti-American sentiment there, and that a sustained effort to assist in improving Pakistan's political, economic, and security circumstances is the best strategy. There are hopes among some analysts that the circumstances of OBL's death will inspire soul-searching in Pakistani leaders and perhaps more robust cooperation with the United States in the future.³⁰ At the same time, Pakistan's main international rival, India, is now set to increase its long-existing efforts to convince Washington to more intensely scrutinize its relationship with Islamabad.³¹

Some senior Members of Congress have voiced the opinion that present circumstances call for "more engagement [with Pakistan], not less."³² Yet Capitol Hill has also been the site of

²⁶ A Foreign Ministry statement noted that AQ had "declared war on Pakistan" and said that OBL's killing "illustrates the resolve of the international community including Pakistan to fight and eliminate terrorism" and "constitutes a major setback to terrorist organizations around the world" (see the May 2, 2011, release at http://www.mofa.gov.pk/Press_Releases/2011/May/PR_150.htm).

²⁷ "Asif Ali Zardari, "Pakistan Did Its Part" (op-ed), *Washington Post*, May 2, 2011.

²⁸ See the White House's May 1, 2011, release at <http://www.whitehouse.gov/the-press-office/2011/05/02/remarks-president-osama-bin-laden>.

²⁹ Michael O'Hanlon, "U.S.-Pakistan: Bad Union, No Divorce" (op-ed), *Politico*, May 3, 2011. See also Lisa Curtis, "The Bin Laden Aftermath: The U.S. and Pakistan Are Still Stuck With Each Other," Heritage Foundation (online), May 3, 2011.

³⁰ "For U.S. and Pakistan, Bin Laden Death Presents Crisis and Opportunity," CNN.com, May 2, 2011.

³¹ "India Wants U.S. to Press Pakistan," *Wall Street Journal*, May 4, 2011.

³² "Boehner: US Should Not Back Away From Pakistan," Associated Press, May 3, 2011.

sometimes pointed questioning of the wisdom of continued engagement with a national government that may at some levels have knowledge of OBL's whereabouts, with figures from both major parties expressing disbelief at Pakistan's allegations of ignorance and calling for greater oversight and accountability for future U.S. assistance to Pakistan.³³

Questions About U.S. Foreign Assistance to Pakistan

Although there is considerable agreement in U.S. government circles that disengaging from Pakistan is an unwise course, intensive congressional scrutiny of U.S. assistance to Pakistan is already underway. In the post 9/11 era, Congress has appropriated more than \$20 billion in foreign assistance and military "reimbursements" for Pakistan, placing that country among the top recipients of U.S. financial support over the past decade.³⁴ The Obama Administration has requested nearly \$3 billion in further security- and development-related assistance to Pakistan for FY2012, along with more than \$1 billion for continued reimbursements to the Pakistani military.

As the incidence of Islamist militancy spread in recent years, anti-U.S. and anti-Western terrorist plots increasingly were traced to Pakistan-based extremist groups, and the Afghan insurgency continued to benefit from "safe havens" in western Pakistan, many in Congress began to question the efficacy of major aid disbursements to a country that was making little or no progress toward longstanding U.S. goals ostensibly shared by Islamabad. Such questioning sharpened in late 2010 and early 2011, especially with the acrimony surrounding the early 2011 Raymond Davis affair, in which a CIA contractor shot and killed two Pakistani men in Lahore and was imprisoned for seven weeks before his mid-March release.³⁵

In the wake of revelations that the world's most-wanted terrorist had apparently been living for years in a comfortable home in a relatively affluent city and only one kilometer away from Pakistan's premier military academy, congressional skepticism about the continuation of large aid disbursements to Pakistan has deepened even further.³⁶ On May 3, 2011, H.R. 1699, the Pakistan Foreign Aid Accountability Act, was introduced in the House. The Act would prohibit future foreign assistance to Pakistan unless the Secretary of State certifies that the Pakistani government was not complicit in hiding OBL. Depending on the course of Pakistan's future policy statements and levels of cooperation with the United States, Congress may choose to adjust current assistance funding levels. Such funding flows are already hindered by U.S. concerns about corruption and lack of transparency in Pakistan's implementing partners.³⁷

³³ "Aid Attacked as Pakistan Loyalty in Doubt," *Financial Times* (London), May 3, 2011.

³⁴ For FY2002-FY2010, Congress appropriated about \$4.43 billion in security-related assistance and \$6.22 billion in economic/development/humanitarian assistance for a total of about \$10.65 billion. In addition, Pakistan has received \$8.88 billion in Coalition Support Fund "reimbursements" for its operational and logistical support of US-led military operations during this period.

³⁵ For example, at an April House hearing on South Asia, Subcommittee Chairman Representative Steve Chabot questioned Administration witnesses about why a decade of major U.S. assistance efforts had produced no obvious good results in Pakistan, commenting, "We spent all this money and they still hate us." ("House Foreign Affairs Subcommittee on Middle East and South Asia Holds Hearing on Foreign Policy Priorities in South Asia," CQ Transcriptions, April 5, 2011).

³⁶ Members of Congress quoted in "After Bin Laden, Pakistan May Be Greatest Casualty," Reuters, May 2, 2011. See also a May 2, 2011, statement from Senator Frank Lautenberg at <http://lautenberg.senate.gov/newsroom/record.cfm?id=332658&>.

³⁷ See, for example, a February 2011 report issued by the Inspectors General of USAID, State, and the Pentagon at http://www.usaid.gov/oig/public/special_reports/pakistan_quarterly_report_as_of_dec_31_2010.pdf.

Questions About Bilateral Security and Intelligence Cooperation

U.S. government suspicions about some level of official Pakistani complicity in protecting wanted terrorists pre-date the 9/11 attacks. Obama Administration officials have at times been explicit in expressing such suspicions, perhaps more strongly than did their predecessors. The developments of May 1 appear for many to strongly vindicate these kinds of concerns. The U.S. government is now likely to ramp up pressure on Islamabad to locate and capture OBL's deputy, Ayman al-Zawahri, and Taliban leader Mullah Omar, both of whom are widely believed to be in Pakistan.

No intelligence on the May 1 operation was shared with Pakistan; only after the raid were Pakistani leaders briefed on the results.³⁸ Lead U.S. counterterrorism advisor John Brennan has stated that there is no evidence Pakistani officials knew of OBL's whereabouts, but that the United States is not ruling out the possibility.³⁹ Unnamed Pakistani intelligence officials initially claimed that the raid was a joint operation "based on intelligence input from" and carried out "primarily" by the ISI, with some going so far as to say the operation could not have succeeded without Pakistani involvement. They later conceded that no Pakistanis participated.⁴⁰ Yet some analysts are suspicious of the timing of the operation, noting that Pakistan has a record of producing high-value terrorist suspects at seemingly opportune moments and perhaps "played the Osama card" just as U.S.-Pakistan relations were at an acutely low ebb.⁴¹

Among the key questions yet to be answered in the wake of OBL's killing is what response the Pakistani government gives to the covert U.S. mission on its territory. The Pakistani military and intelligence services are now under pressure to explain how the mastermind of the 9/11 attacks was able to stay so deep inside Pakistan near a military academy. Whatever the answer— incompetence or complicity—the dynamics provide the U.S. government new leverage in pushing Pakistan to take more positive steps, though some argue that they also point to the limitations of what intelligence cooperation can be expected to achieve. To the extent that official Pakistan is subdued in its criticism or even implicitly accepting of the development, most analysts believe intelligence cooperation can continue and even improve, perhaps with the United States recalibrating incentives and disincentives for Pakistan's security services.⁴² Such a course could reverse some of the damage seen in the bilateral intelligence relationship in recent months, especially following the early 2011 Raymond Davis episode (noted above).

Increased bilateral acrimony remains a possibility, however. In what is described as an effort to recover from an initial day of confusion and paralysis, Islamabad stiffened its stand on the May 1 events, with the Foreign Ministry expressing "deep concerns and reservations" about the manner in which the U.S. government carried out the operation "without prior information or authorization" from Islamabad:

This event of unauthorized unilateral action cannot be taken as a rule. The Government of Pakistan further affirms that such an event shall not serve as a future precedent for any state,

³⁸ "Press Briefing by Senior Administration Officials on the Killing of Osama bin Laden," May 2, 2011.

³⁹ "No Proof Pakistanis Knew Bin Laden Location: U.S.," Reuters, May 3, 2011.

⁴⁰ Quoted in "Osama bin Laden Killed in U.S. Raid, Buried at Sea," *Washington Post*, May 2, 2011, and "Bin Laden Killing Was 'Joint U.S.-Pakistani Operation,'" Reuters, May 2, 2011.

⁴¹ "Did Pakistan Know Where Bin Laden Was Hiding?," NPR (online), May 2, 2011.

⁴² "Pakistan: Caught Off Guard," *Financial Times* (London), May 3, 2011.

including the U.S. Such actions undermine cooperation and may also sometime constitute threat to international peace and security.⁴³

Islamabad is in the difficult situation of having to balance a need to maintain appearances of strength and competence with a need to avoid antagonizing the United States, a key partner and foreign aid donor. The Foreign Ministry statement also includes extensive discussion of Pakistan's alleged intelligence prowess—even as related to surveillance in Abbottabad—and of its ability to protect Pakistani territory and airspace from foreign intrusion. While it is an open question whether Pakistan will take an increasingly adversarial position going forward, current signs are that Islamabad remains fundamentally committed to cooperative efforts in combating terrorism and militancy, although perhaps not to the point desired by U.S. officials.⁴⁴

Implications for Existing Anti-American Sentiment in Pakistan

Anti-American sentiments and xenophobic conspiracy theories remain rife among ordinary Pakistanis. Many across the spectrum of Pakistani society express anger at U.S. global foreign policy, in particular when such policy is perceived to be unfriendly or hostile to the Muslim world. Pakistani citizens were already angered by U.S.-launched drone strikes and perceptions of unilateral U.S. intelligence operations on Pakistani territory. Such anger is likely to spike in the wake of an apparently unilateral U.S. commando raid deep inside Pakistan.

To date, the tone and tenor of Pakistani media reporting on OBL's death has been seen as largely positive. The information minister's emphasis on OBL's status as a foreigner was widely reported in a positive light. Yet some outlets have harshly questioned the apparent absence of a Pakistani government role in the operation and a perception that it had permitted the country's sovereignty to be violated. Much anger was expressed that Pakistan's leaders had allowed the country to be embarrassed and shamed. Some high-profile critics of the United States declared that OBL's death removed all justification for a continued U.S. presence in the region. Still, no media outlets are known to have openly expressed sympathy for OBL, and in only a single instance was his death referred to as "martyrdom."⁴⁵

OBL did have a sizeable contingent of supporters in Pakistan, although many or most of these had favorable views rooted more in his embodiment of anti-American resistance than in his violent jihadi methods. Yet the numbers of Pakistanis willing to take to the streets in OBL's honor were quite few; two notable rallies took place immediately following the killing (in Quetta and Karachi), and these were comprised of perhaps 1,000 participants each.⁴⁶

⁴³ See the May 3, 2011, release at http://www.mofa.gov.pk/Press_Releases/2011/May/PR_152.htm. See also "Pakistan Defends Role, questions 'Unilateral' U.S. Action," *Washington Post*, May 3, 2011.

⁴⁴ "Pakistan, US Vow to Fight Terrorism After Bin Laden Death," Reuters, May 3, 2011.

⁴⁵ U.S. Embassy Islamabad, "Special Pakistan Media Analysis: Death of Bin Laden II" (electronic document), May 2, 2011; "Pakistan Media Analysis" (electronic document), May 3, 2011.

⁴⁶ "Bin Laden Mourned by Many in Pakistan," *Financial Times* (London), May 2, 2011; "Hundreds Join Quetta Rally to Honor Bin Laden," *Express Tribune* (Karachi), May 2, 2011; "Islamist Militants Hold Prayers for Bin Laden in Pakistan," Reuters, May 3, 2011.

Possible Implications for Pakistan-India Relations

The circumstances of OBL's death could affect the course of relations between Pakistan and its historic rival India. Indian Prime Minister Manmohan Singh called the killing "a significant step forward" and expressed hope that it would represent a decisive blow to AQ and other terrorist groups. The Indian External Affairs Ministry hailed the "historic development and victorious milestone in the global war against forces of terrorism."⁴⁷ India's foreign and home ministers both took the opportunity to focus on the new evidence that terrorists find sanctuary in Pakistan, and concerns were raised that reprisal attacks could come in Indian Kashmir. Still, most analysts do not foresee the development as derailing New Delhi's recent decision to reengage a robust peace dialogue with Pakistan, even if such dialogue is made more complicated by May 1's events.⁴⁸

At the same time, however, there may be some apprehension in New Delhi that the development could hasten a U.S. withdrawal from Afghanistan in ways that could be harmful to India's foreign policy interests. India is averse to seeing a Kabul government too friendly with Islamabad in the future and has a keen interest in precluding the resurgence of Islamist extremist groups in Afghanistan, which it fears could be the case if the Pakistani military has excessive influence on the anti-Taliban campaign's endgame.⁴⁹ New Delhi also sees the discovery of OBL in Pakistan as an opportunity to more energetically press its demands that Islamabad extradite the alleged perpetrators of the 2008 Mumbai terrorist attack, Lashkar-e-Taiba figures believed to be in Pakistan, as well as other most-wanted anti-India terrorists such as Dawood Ibrahim.⁵⁰

Possible Implications for Pakistan-Afghanistan Relations

The ongoing insurgency in Afghanistan and its connection to developments in Pakistan remain matters of serious concern to U.S. policy makers. NATO remains reliant upon logistical routes through Pakistan to supply its forces in Afghanistan, and these landlines of communication regularly come under attack by militants. It is widely held that success in Afghanistan cannot come without the close engagement and cooperation of Pakistan, and that the key to stabilizing Afghanistan is to improve the longstanding animosity between Islamabad and Kabul.

Pakistan's relations with its western neighbor have warmed in the past year, but remain tense given historic differences over Pashtun nationalism and contending accusations about cross-border militancy and terrorism. Afghan officials have stated flatly that Pakistan's security services "should have known" about OBL's whereabouts.⁵¹ Afghan President Karzai claimed that OBL's killing inside Pakistan vindicated his government's opposition to increased U.S.-military operations in Afghanistan, saying the "war on terror" should focus on "the safe havens of terrorism outside Afghanistan." Some Afghan officials are wary that OBL's death would provide justification for a "premature" U.S. disengagement from the region.⁵²

⁴⁷ "Sense of Vindication and Apprehension in New Delhi," *Hindu* (Chennai), May 2, 2011; Ministry's May 2, 2011, release at <http://meaindia.nic.in/mystart.php?id=530117586>.

⁴⁸ "India Says Bin Laden Death Raises 'Grave Concern' Over Pakistan," Reuters, May 2, 2011; "Bin Laden Location Complicates Indian Leaders' Approach," *New York Times*, May 3, 2011.

⁴⁹ "Siddharth Varadarajan, 'A Fork in the Road for the U.S. in South Asia' (op-ed), *Hindu* (Chennai), May 2, 2011.

⁵⁰ "Osama's Death Prompts India's Call for Mumbai Attack Perpetrators," *Express Tribune* (Karachi), May 2, 2011.

⁵¹ "Afghan Officials Say Pakistan Should Have Known Bin Laden Was There," Reuters, May 4, 2011.

⁵² Quoted in "Pressure Rises On U.S. To Trim Troop Numbers In Afghanistan," *Wall Street Journal*, May 3, 2011; "Osama Bin Laden: Dead, But How Did He Hide for So Long?," *Guardian* (London), May 3, 2011.

At the same time, OBL's death could ease Pakistan-Afghanistan tensions if it leads Islamabad to reevaluate its more direct efforts to shape the outcome of Afghan political reconciliation. There has been concern in Washington DC and other Western capitals that Pakistan had in 2010 begun to take a more aggressive and even unilateralist approach to shaping the course of peace negotiations and potential reconciliation in Afghanistan. This was seen in its arrests of certain Taliban figures in Pakistan who were pursuing reconciliation with the Karzai government and in Islamabad's purported protection of the hard line insurgent faction of Jalaluddin Haqqani in North Waziristan.

Issues in Pakistan's Domestic Setting

OBL's demise could have significant political and security ramifications for Pakistan. Islamabad's already fragile civilian government—widely viewed as unable to govern effectively and overwhelmed with mere survival—will see its standing further complicated. In the days immediately following the death, a dearth of official Pakistani responses—in particular from its military and intelligence services—was taken as an indication of national shock and embarrassment.⁵³ Early official government statements emphasized U.S. action and refrained from portraying a Pakistani role, possibly in an effort to avoid antagonizing extremist organizations already promising revenge attacks, and also to direct public anger away from the federal government and toward the perceived infringement of Pakistani sovereignty by a foreign power.⁵⁴

With official Pakistani acknowledgement that the raid was a wholly U.S. operation and that Pakistani leaders had not been consulted beforehand, the government and security services, alike, were placed in the awkward position of having to defend against new accusations that they are unable to stand up to foreign powers and protect Pakistani territory and interests.⁵⁵ Such accusations are especially stinging in the wake of the Raymond Davis imbroglio and an increasingly unpopular U.S.-led drone campaign in western Pakistan. This means that even the relatively well-respected Pakistan army is coming under intense criticism for either knowing of OBL's whereabouts or not, a significant embarrassment for them in either case.⁵⁶

Pakistan is also bracing for an expected wave of revenge attacks from AQ and its numerous affiliates based in the country. A statement from a Tehrik-e-Taliban Pakistan ("Pakistani Taliban") spokesman vowed retaliation for OBL's killing, saying, "President Zardari and the army will be our first targets, America will be our second target." Intelligence agencies reportedly have warned that Pakistan could see a steep rise in domestic terrorist attacks in the near-term, with U.S. diplomatic missions named as primary targets, along with Pakistani government and military facilities.⁵⁷

⁵³ "Amid Skepticism, Pakistan Calculates Its Response," *New York Times*, May 2, 2011.

⁵⁴ "Osama Bin Laden Killed Near Pakistan's West Point; Was He Really Hidden?," *Christian Science Monitor*, May 2, 2011.

⁵⁵ "Reaction Focuses on Pakistan and Saudi Arabia," *Financial Times* (London), May 2, 2011.

⁵⁶ See, for example, "The Fall of Osama" (editorial), *News International* (Rawalpindi), May 3, 2011.

⁵⁷ TTP quoted in "Pakistan Taliban Threatens Attacks After Bin Laden's Killing," Reuters, May 2, 2011; "Pakistan Fears Sharp Rise in Terrorism," *Express Tribune* (Karachi), May 3, 2011.

Afghanistan⁵⁸

The death of OBL may have profound implications for the U.S. and NATO mission in Afghanistan. Following a strategy review, President Obama, in a major speech on Afghanistan policy at West Point on December 1, 2009, defined the mission in Afghanistan as follows:

Our overarching goal [in Afghanistan] remains the same: to disrupt, dismantle, and defeat AQ in Afghanistan and Pakistan, and to prevent its capacity to threaten American and our allies in the future.

With OBL now dead, some argue that this overarching goal has now been accomplished, and that U.S. forces can now be withdrawn from Afghanistan. Others argue that AQ's network of operatives and supporters in Afghanistan and Pakistan remains robust, in spite of the loss of its nominal leader. The death of OBL occurred as the Administration was already debating the size and scope of an initial drawdown, to begin in July 2011 as per the West Point speech discussed above, of the 99,000 U.S. forces currently in Afghanistan. Press reports quoting Administration officials say these officials recognize that the death of OBL could increase U.S. public pressure for a more rapid drawdown in Afghanistan than might have been considered before.

Others, reportedly including those in the U.S. military who recommended current policy, believe that the death of OBL is likely to have minimal effect on the threat profile in Afghanistan, and that the U.S.-led mission there would be jeopardized by a rapid withdrawal. Although the stated goal of U.S. policy focuses on eliminating safe haven for terrorist groups, preventing reinfiltration of terrorist groups into Afghanistan is predicated on establishing durable security and capable and effective governance throughout Afghanistan. The death of OBL, and potential weakening of AQ, does not, in and of itself, accomplish these objectives. As noted in Defense Department reports, the most recent of which was released on May 3, 2011, security is being challenged by a confluence of related armed groups whose tactics continue to evolve based on experiences from previous fighting.⁵⁹

Of these groups, AQ has been among the least materially significant to the fighting in Afghanistan, but may pose the greatest regional threat and transnational threat to the United States and its allies. Director of Central Intelligence Leon Panetta said on June 27, 2010, that AQ fighters in Afghanistan itself might number 50-100.⁶⁰ NATO/ISAF officials said in October 2010, that AQ cells may be moving back into remote areas of Kunar and Nuristan provinces,⁶¹ particularly in areas vacated by U.S.-led forces. A targeted effort against AQ operatives in those areas in April 2011 killed a leading Saudi AQ operative. Press reports in April 2011 added that some AQ training camps might have been established inside Afghanistan. Top U.S. and NATO commander in Afghanistan, General David Petraeus, said that although the AQ presence in Afghanistan remains small at "less than 100 or so," and in his view, operations to stabilize Afghanistan are necessary to prevent a broader reinfiltration.⁶²

⁵⁸ Prepared by Kenneth Katzman, Specialist in Middle Eastern Affairs.

⁵⁹ http://www.defense.gov/news/1230_1231Report.pdf

⁶⁰ Text of the Panetta interview with ABC News is at <http://abcnews.go.com/print?id=11025299>.

⁶¹ Drazen, Yochi. "Al Qaeda Returning to Afghanistan for New Attacks." *Nationaljournal.com*. October 18, 2010.

⁶² Testimony of General David Petraeus before the Senate and House Armed Services Committees, March 2011; and, Deb Riechmann. "Petraeus: Al-Qaida Is Not On Rise in Afghanistan." *Associated Press*, April 10, 2011.

There is broad agreement among experts and U.S. officials that the core of the insurgency remains the Taliban movement centered around Mullah Umar, who led the Taliban regime during 1996-2001. Mullah Umar and many of his top advisers remain at large and are reportedly running their insurgency from safe haven in Pakistan. They are believed to be primarily in and around the city of Quetta, according to Afghan officials, thus accounting for the term usually applied to Umar and his aides: “Quetta Shura Taliban” (QST). Some believe that Umar and his inner circle blame their past association with AQ for their loss of power and seek to distance themselves from AQ. Other experts see continuing close association that is likely to continue were the Taliban movement to return to power. Other insurgents, particularly fighters associated with long-time commander Jalaluddin Haqqani and his son Sirajuddin, remain a potentially less reconcilable threat to the Afghan government, and the Haqqani faction has long had close ties to AQ.

It is unclear if internal Taliban debates might be affected by the death of AQ founder OBL. Some within the movement might argue that OBL’s removal from the regional picture might lessen international military pressure on all Afghanistan militant groups, and that continued association with AQ carries fewer costs than when OBL was still at large. Others in the Taliban movement might argue that his death leaves AQ weakened and therefore of little value to the Taliban effort. Still others say that the personal relationship between Umar and OBL has become irrelevant now that OBL is dead, and removes this as a factor in continuing to associate with AQ.

Other experts and Administration commentary offer an alternate interpretation of OBL’s death. According to some, the death of OBL might facilitate a political solution to the conflict in Afghanistan.⁶³ Under a “reconciliation” initiative originated by President Karzai in 2009 and generally backed by the United States, there have been informal talks between Afghan officials and those close to or purporting to represent the Taliban movement, or at least parts of it. Some believe that the U.S. killing of OBL, which demonstrates U.S. reach to find and strike Pakistan-based militants directly—coupled with the pre-existing pressure from the 2009-2011 “surge” of U.S. forces in Afghanistan—could prompt key Taliban leaders to engage in serious settlement negotiations.

Possible Questions

A number of key questions and indicators about U.S. policy in Afghanistan may be considered in the wake of the death of OBL, including:

- How might the Afghan government react to signs of U.S. domestic pressure to accelerate a withdrawal from Afghanistan? Will the Afghan government try to more closely align with other powers, such as China and Russia, if it feels it is about to be “abandoned” by the United States?
- Within Afghanistan, could the perception of an accelerated U.S. drawdown cause some Afghans to give support to the Taliban-led insurgency, believing the insurgency likely to prevail in the absence of U.S. forces? Does the death of OBL make a Taliban role in a future Afghan government more palatable to some Afghans?
- If there is a U.S. decision to accelerate talks with the Taliban or withdraw from Afghanistan, how will key segments of the Afghan population react? For

⁶³ Rajiv Chandrasekaran. “U.S. sees Chance to Accelerate Negotiations With Taliban.” *Washington Post*, May 4, 2011.

example, will women's groups oppose negotiations with the Taliban, fearing backsliding of their rights if the Taliban is given a share of power? How will the ethnic minorities of the north and west, who fought the Taliban regime during 1996-2001, respond to accelerated negotiations with Taliban figures?

- Discussions about a more rapid transition to Afghan security leadership might hinge on the quality and quantity of the Afghan National Security Forces. How capable are they? If there were a decision on a more rapid transition, to what extent could these Afghan forces be expanded and trained more quickly? What U.S. financial requirements would be involved in a more rapid expansion of the Afghan forces than has been planned to date? How will the Afghan government be able to financially and materially support forces trained to date?

U.S. Strategy and Security Implications

Near- and long-term security and foreign policy considerations may be reassessed with the killing of OBL. The national security community may seek to revise foreign policy and counterterrorism priorities while pursuing actions to limit the possible threats to U.S. interests resulting from OBL's death.

National Security Considerations⁶⁴

In the wake of OBL's death, many practitioners and observers have expressed interest in the implications for U.S. national security strategy—whether and to what extent the U.S. Government's prioritization of CT relative to other national security imperatives, the distribution of CT efforts among U.S. Government agencies, and the relative balance of emphasis between CT and other concerns within key U.S. Government agencies, ought to be adjusted. Such decision-making is likely to be shaped in part by assessments of the impact that OBL's death has on the AQ organization and its affiliates, by developments and considerations concerning other key U.S. national security interests, and by the current climate of relatively constrained resources.

Background

The 2010 *National Security Strategy (NSS)* repeatedly underscores the importance of the mission to “disrupt, dismantle and defeat Al Qaeda and its violent extremist affiliates in Afghanistan, Pakistan, and around the world.” That mandate has been understood to include a broad range of activities including—according to the *NSS*—protecting the homeland, securing weapons of mass destruction, denying safe havens, and building partnerships around the world.⁶⁵

In addition, there is a generally shared understanding among practitioners that multiple U.S. government agencies share responsibility for the mission to disrupt and defeat VEOs. The *NSS* calls for an “integrated campaign that judiciously applies every tool of American power—both military and civilian.” The Department of Defense's (DoD) 2010 *Quadrennial Defense Review (QDR)* recognizes a military role, naming “succeed[ing] in counterinsurgency, stability, and

⁶⁴ Prepared by Catherine Dale, Specialist in International Security.

⁶⁵ President Barack Obama, *National Security Strategy*, May 2010.

counterterrorism operations” as one of DoD’s six key missions.⁶⁶ The State Department’s *First Quadrennial Diplomacy and Development Review (QDDR)*, also released in 2010, stresses that “the threat of terrorism and violent extremism has become more acute and more immediate,” and it argues that countering that threat is not exclusively a military responsibility, but rather one shared by multiple agencies.⁶⁷ The *NSS*, *QDR*, and *QDDR* do not prioritize among the goals and objectives they name. While countering violent extremist threats is understood to be important, existing unclassified strategic guidance does not make clear how important that mission is compared to other key missions. Some practitioners suggest that a sense of relative importance generally comes directly from senior leadership—from statements by the President and from guidance issued by the National Security Council (NSC) process (i.e., the tiered system of Interagency Policy Committees, the Deputies Committee, the Principals Committee, and the NSC itself).⁶⁸

Possible Questions

U.S. National Priorities

President Obama has repeatedly stressed the goal of defeating AQ and other VEOs in both written strategic guidance and public speeches. He has further stated that under that rubric he directed, at the beginning of his Administration, that killing or capturing OBL would be the “top priority of our war against AQ”, but that the United States would also continue to “disrupt, dismantle and defeat his network.”⁶⁹ In the wake of the U.S. operation against OBL, President Obama stressed, “his death does not mark the end of our effort.”⁷⁰ That statement does not, however, indicate whether the overall “defeat” mission will retain the same *de facto* importance relative to other national security priorities or to broader U.S. national interests.

- To what extent might OBL’s death prompt a reduction in the relative importance of countering VEOs, compared to other U.S. national security imperatives, and to broader U.S. national interests?

Balance of Responsibilities among Departments and Agencies

In the wake of OBL’s demise, the U.S. government may reconsider not only how much effort to apply to countering VEOs, but also what balance of instruments of national power to apply to that effort. That could affect the relative burdens borne by various U.S. agencies in countering VEOs. Key factors—about which assessments are likely to differ—include not only whether the threat has diminished (or grown); but also how and in what ways the threat may have changed qualitatively. A more diffuse, less well-known, more opportunistic, less predictable set of violent extremist networks, for example, could pose different kinds of challenges and require different

⁶⁶ Department of Defense, *Quadrennial Defense Review*, February 2010.

⁶⁷ State Department, *Leading through Civilian Power: The First Quadrennial Diplomacy and Development Review*, 2010.

⁶⁸ See The White House, Presidential Policy Directive-1, “Organization of the National Security Council System,” February 13, 2009.

⁶⁹ See President Barack Obama, Remarks by the President on Osama bin Laden, May 1, 2011, available at <http://www.whitehouse.gov/blog>.

⁷⁰ *Ibid.*

kinds of approaches to counter it. A further factor is likely to concern how U.S. allies and partners around the world perceive the nature of the terrorist threat in the wake of OBL's death.

While current national-level unclassified guidance—in particular the *NSS*—does not assign roles and responsibilities in any detail, individual agencies, in their own unclassified guidance—including the *QDR* and the *QDDR*—do assign roles and responsibilities to themselves, under the “defeating VEOs” rubric.

Going forward, some may argue, for example, that OBL's death and its expected impact on AQ and its affiliates should signal both a decreased use of large-scale conventional military operations to counter VEOs, and an increased use of precision operations that leverage sophisticated intelligence assets and high-end surgical military capabilities, on the model of the OBL operation.⁷¹

Others, focusing less on identified terrorist targets and more on the root causes of terrorism, may call for reassessing the efficacy of the mix of U.S. instruments applied to ameliorating conditions that feed recruitment and tacit popular acceptance of VEOs. Such measures include, for example, countering extremist ideology, and partnering with states around the world to help them develop security forces and/or judicial systems well suited for countering violent extremism. In turn, those missions—and others—are typically executed by a combination of efforts by multiple U.S. Government agencies. For example, both DoD and the State Department execute “communications” programs, targeting a range of audiences in various ways, designed to counter violent extremist ideology. A reassessment of the mix of tools might also include re-evaluation of agencies' respective roles.

- To what extent will, and should, OBL's demise trigger a reassessment of the balance of instruments of national power that the U.S. Government commits to countering violent extremism, and of the distribution of roles and responsibilities among U.S. Government agencies appropriate to that balance?

Priorities within Departments and Agencies

In considering refinements to the relative priority of CT, departments and agencies are likely to be steered primarily by guidance from the White House concerning both overall prioritization and the inter-agency distribution of responsibilities. In addition, agencies are likely to conduct their own more detailed internal assessments of the requirements of their respective parts in a potentially refined CT mission, in the context of a resource-constrained environment.

DoD's current unclassified guidance does not prioritize. The 2010 *QDR* names four “priority objectives”: “prevail in today's wars; prevent and deter conflict; prepare to defeat adversaries and succeed in a wide range of contingencies; and preserve and enhance the all-volunteer force.” Under the “defeat” objective, in turn, the *QDR* describes a range of future challenges, which include “defeating AQ and its allies”. Other challenges include responding to natural disasters, prevailing against state adversaries, securing weapons of mass destruction, stabilizing fragile states, protecting U.S. citizens, conducting cyberspace operations, and preventing human suffering—in short, a robust but non-prioritized list. For DoD, the President's guidance in April

⁷¹ See for example Lieutenant General David W. Barno, USA (ret), “A New Kind of Defense,” *The New York Times*, May 2, 2011.

2011 to identify \$400 billion in additional cuts to the defense budget between now and 2023, and DoD's plans to conduct a "comprehensive review of missions, capabilities and America's role in the world" to inform that decision-making process, are likely to force the question of prioritization.⁷² For the State Department, internal debates might include, for example, the relative weights of the communications efforts to counter violent extremism, and to build partner capacity, as well as its proposal, pending congressional approval, to establish a Bureau (instead of the current Office) for Counter-Terrorism.

Possible Implications for the Homeland⁷³

It is unknown how OBL's death will affect AQ-inspired homegrown jihadist terrorists targeting the United States. On May 2, 2011, the Federal Bureau of Investigation (FBI, the Bureau) and Department of Homeland Security (DHS) issued a joint bulletin indicating that OBL's death may motivate revenge or publicity seeking homegrown jihadists to attack the United States.⁷⁴ However, it is unlikely that his death will significantly change the counterterrorism investigative efforts of the FBI, the lead agency for investigating the federal crime of terrorism.⁷⁵ Regardless, OBL's demise underscores a number of issues the Bureau confronts.

Homegrown Jihadists

It is too early to chart the specific effects of OBL's death on homegrown jihadists⁷⁶ who have accounted for more than 40 terrorist plots—4 of which resulted in attacks—since 9/11.⁷⁷ These

⁷² See Department of Defense News Transcript, "DoD News Briefing with Secretary Gates and General Cartwright from the Pentagon," April 21, 2011, available at <http://www.defense.gov/transcripts/transcript.aspx?transcriptid=4815>; and "Obama Wants Defense Review, \$400 Billion in Cuts," Voice of America, April 13, 2011.

⁷³ Prepared by Jerome Bjelopera, Specialist in Organized Crime and Terrorism.

⁷⁴ Anthony Kimery, "DHS, FBI Issue Alert on Homeland Security 'Implications' of Bin Laden's Death," Homeland Security Today, <http://www.hstoday.us/blogs/the-kimery-report/blog/dhs-fbi-issue-alert-on-homeland-security-implications-of-bin-ladens-dea/db30b2d05281d6f957159b4fbab3f3a4.html>.

⁷⁵ For more on the FBI's counterterrorism investigations, see CRS Report R41780, *The Federal Bureau of Investigation and Terrorism Investigations*, by Jerome P. Bjelopera and Mark A. Randol. Pursuant to 28 Code of Federal Regulations (CFR) 0.85(l), the Attorney General has assigned responsibility to the Director of the FBI to: "(l) Exercise Lead Agency responsibility in investigating all crimes for which it has primary or concurrent jurisdiction and which involve terrorist activities or acts in preparation of terrorist activities within the statutory jurisdiction of the United States. Within the United States, this would include the collection, coordination, analysis, management and dissemination of intelligence and criminal information as appropriate." If another federal agency identifies an individual who is engaged in terrorist activities or in acts in preparation of terrorist activities, the other agency is required to promptly notify the FBI. The federal crime of terrorism is defined under law as "an offense that is calculated to influence or affect the conduct of government by intimidation or coercion, or to retaliate against government conduct 18 U.S.C. 2332b(g)(5)(A). Subparagraph B enumerates the specific crimes covered by this definition. This includes terrorist acts committed within and outside U.S. national boundaries. The extraterritorial jurisdiction for terrorism crimes is specified in 18 U.S.C. 2332b(e) and (f).

⁷⁶ For the purposes of this section, the terms "homegrown" and "domestic" describe terrorist activity or plots perpetrated within the United States or abroad by American citizens, permanent legal residents, or visitors radicalized largely within the United States. The term "jihadist" describes radicalized individuals using Islam as an ideological and/or religious justification to use violence to achieve their political goals. For more on *jihad* and AQ's global network, see CRS Report R41070, *Al Qaeda and Affiliates: Historical Perspective, Global Presence, and Implications for U.S. Policy*, coordinated by John Rollins.

⁷⁷ See CRS Report R41416, *American Jihadist Terrorism: Combating a Complex Threat*, by Jerome P. Bjelopera and Mark A. Randol. Hereafter: Bjelopera and Randol, CRS Report R41416.

plots and attacks reflect a global shift in terrorism toward decentralized, autonomously radicalized, violent jihadist individuals or groups who strike in their home countries.⁷⁸ Global counterterrorism efforts have made it harder for international terrorist networks to formulate plots, place their recruits in targeted countries, and carry out violent strikes in locations far from their bases of operation.⁷⁹ AQ and affiliated groups are moving “away from what we are used to, which are complex, ambitious, multilayered plots.”⁸⁰

Possible Questions

Regarding the nature of homegrown jihadist terrorism, at least four issues may emerge from OBL's death:

- Will homegrown jihadist plotting increase?
- How will his death affect the radicalization of people interested in violent jihad who live in the United States?
- How will it shape the popularity of surviving key jihadist intermediaries who inspire U.S. residents to radicalize and turn to jihadist terrorism? Intermediaries such as Anwar al-Aulaqi have allegedly influenced people involved in a number of recent homegrown terrorist plots.⁸¹
- Finally, because OBL's death potentially affects the radicalization process, it may be of value to assess the Administration's progress toward developing and implementing a domestic counter-radicalization strategy. It has not been entirely settled which agencies have what responsibilities when it comes to identifying domestic radicalization and interdicting attempts at terrorist recruitment.

FBI Investigations

Since 9/11, the Bureau has arguably taken a much more proactive posture, particularly regarding counterterrorism.⁸² It now views its role as both “predicting and preventing” the threats facing the nation, drawing upon enhanced resources.⁸³ In light of this transformed role, OBL's death may offer Congress the opportunity to explore issues related to the Bureau.

⁷⁸ Marc Sageman, *Leaderless Jihad: Terror Networks in the Twenty-First Century* (Philadelphia: University of Pennsylvania Press, 2008), pp. 71, 133-146. Hereafter: Sageman, *Leaderless Jihad*.

⁷⁹ Philip Mudd, “Evaluating the Al-Qa`ida Threat to the U.S. Homeland,” *CTC Sentinel*, vol. 3, no. 8 (Aug. 2010) p. 2, <http://www.ctc.usma.edu/sentinel/CTCSentinel-Vol3Iss8.pdf>; Dennis C. Blair, *Senate Select Committee on Intelligence: U.S. Intelligence Community Annual Threat Assessment: Statement for the Record*, Office of the Director of National Intelligence, Feb. 2, 2010, pp. 7-8, http://www.dni.gov/testimonies/20100202_testimony.pdf. Hereafter: Blair, *Annual Threat Assessment*, Feb. 2, 2010.

⁸⁰ Greg Miller, “Al-Qaeda's New Tactic is to Seize Shortcuts,” *Los Angeles Times*, Mar. 19, 2010, <http://www.latimes.com/news/nationworld/world/la-fg-qaeda19-2010mar19,0,1676434.story>.

⁸¹ See Bjelopera and Randol, CRS Report R41416.

⁸² The FBI describes the post-9/11 changes in its approach in all major program areas at “The Intel-Driven FBI: New Approaches,” <http://www.fbi.gov/about-us/intelligence/intel-driven/new-approaches>.

⁸³ U.S. Congress, House Committee on Appropriations, Subcommittee on Commerce, Justice, Science, and Related Agencies, *Statement of Robert S. Mueller, III; Director FBI, Federal Bureau of Investigations FY2012 Budget Hearing*, 112th Cong., 1st sess., April 6, 2011, <http://www.fbi.gov/news/testimony/fbi-budget-for-fiscal-year-2012>.

- How, if at all, will the lack of so prominent a one most wanted terrorist figure alter the Bureau's mission, priorities, and allocation of resources?
- Does the FBI, and the homeland security community more broadly, have the *proactive* capacity to quickly and efficiently task its human sources (informants) to ascertain what impact OBL's death may have on homegrown jihadist extremists? This addresses a broader issue: does a coherent domestic intelligence collection strategy exist to coordinate the efforts of the FBI, the Department of Homeland Security (DHS), other federal partners, *and state and local law enforcement elements*?
- How will the FBI use strategic, big-picture intelligence to develop a corporate understanding of the ways that the domestic threat will evolve in the wake of OBL's demise? In other words, has the Bureau developed effective *predictive* capacity that can continually re-assess the changing terrorist landscape? Will the FBI alter its operations based on predictive strategic assessments in this area?

Possible Implications for U.S. Security Interests⁸⁴

Near Term Implications for U.S. Security Interests

Some government leaders and security analysts predict that the death of OBL may be accompanied by near term threats to U.S. global security interests. Numerous reasons are offered in support of this assessment, including the need for the core, affiliates, and adherents to prove viability and relevance in response to OBL's death; retribution to avenge his killing; and the need to quickly conduct an attack due to concerns that information gleaned during the raid of OBL's compound may jeopardize operational security.

Long Term Implications for U.S. Security Interests

If it is determined that OBL remained an active decision-maker in the development of core AQ strategy and terrorist operations, his death may have negative implications for the organization's ability to continue as a viable threat to U.S. interests. While some analysts suggest that OBL may have provided some level of support to AQ affiliated organizations, most of these entities appear to be self-sufficient and it is likely regionally focused terrorism related activities would not be affected. Some fear that the death of OBL could lead to a further degradation of the standing of core AQ which in turn may lead to an attempt by a leader of an affiliated AQ organization to pursue a more aggressive global terrorist agenda in hopes of rising to place of prominence.

Implications for U.S. Foreign Policy in the Middle East

While some experts argue that OBL's limited ideological appeal and operational role in AQ suggest that the implications of his death will also be limited, senior U.S. counterterrorism officials view the death of OBL as the possible beginning of the end of AQ. In a press briefing at the White House on May 2, 2011 an unnamed senior administration official offered the following assessment of the significance of OBL's death and the prospect of continued threats to the nation.

⁸⁴ Prepared by John Rollins, Specialist in Terrorism and National Security, 7-5529.

Without a doubt, the United States will continue to face terrorist threats. There's also no doubt that the death of Osama bin Laden marks the single greatest victory in the U.S.-led campaign to disrupt, dismantle, and defeat Al Qaeda. It is a major and essential step in bringing about Al Qaeda's eventual destruction. Although Al Qaeda may not fragment immediately, the loss of Osama bin Laden puts the group on a path of decline that will be difficult to reverse.⁸⁵

As intelligence operations in the wake of the recent raid on OBL's compound shed light on core AQ and its affiliate's activities, policymakers may be presented with new information to help in determining how the U.S. and international counterterrorism communities might initiate changes to transnational security and foreign policy strategies. These actions coupled with the ongoing activities by individuals in the Middle East pursuing changes to the policies of current regimes may offer an opportunity for a reevaluation of U.S. foreign policy in the region. Some analysts argue that recent anti-authoritarian demonstrations and political change in some Arab states run counter to OBL's vision for the region. Others suggest that the outcome of political upheaval in the region has yet to be determined and that groups and individuals supportive of OBL's ideology may yet successfully exploit recent developments.

On May 2, Secretary of State Clinton argued that "history will record that bin Laden's death came at a time of great movements toward freedom and democracy, at a time when the people across the Middle East and North Africa are rejecting the extremist narratives and charting a path of peaceful progress based on universal rights and aspirations. There is no better rebuke to al-Qaida and its heinous ideology."⁸⁶ If demonstrators seeking change are successful in managing political transitions and ensuring lasting security in their countries, their efforts could further contribute to the decline of AQ and its ideology.

⁸⁵ The White House. May 2, 2011, Press Briefing by Senior Administration Officials on the Killing of Osama bin Laden.

⁸⁶ State Department, *Remarks on the Killing of Usama bin Ladin*, Remarks by Secretary Clinton, May 2, 2011, <http://www.state.gov/secretary/rm/2011/05/162339.htm>.

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