


National Security Law Update

**COL Eric Young
on behalf of
Army OTJAG's National Security Law Division**



The overall classification of this brief is UNCLASSIFIED

National Security Practice: A Global Perspective

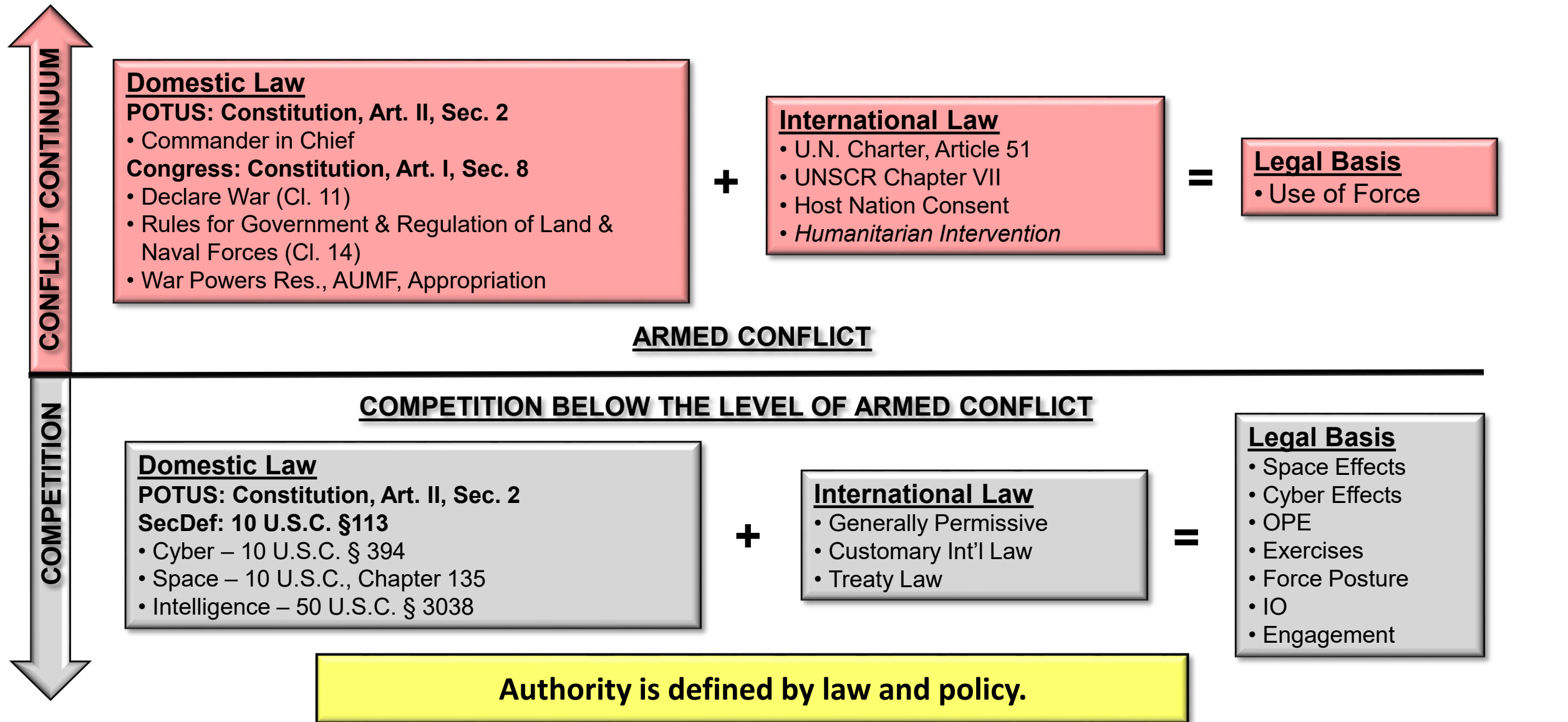


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- Overview NSL Topics
 - Authorities
 - Legal Basis for Action
 - NSL “Hot Topics”
 - Focus Discussions:
 - Operation Allies Welcome
 - The Arctic
 - Items of Common Interest

Framework of Analysis - Activities Drive Authorities

<p>What problem are we trying to solve?</p>	
<p>What actions are we considering?</p>	
<p>What authorities are required – and at what level?</p>	<p>Domestic, International, Statutory, UCP, SROE, EXORDs, Partners/Allies</p>
<p>Can vs. Should?</p>	<p>Policy, Risk, DIME, Mission Accomplishment</p>

Legal Basis for Action



“NSL Focus Issues”

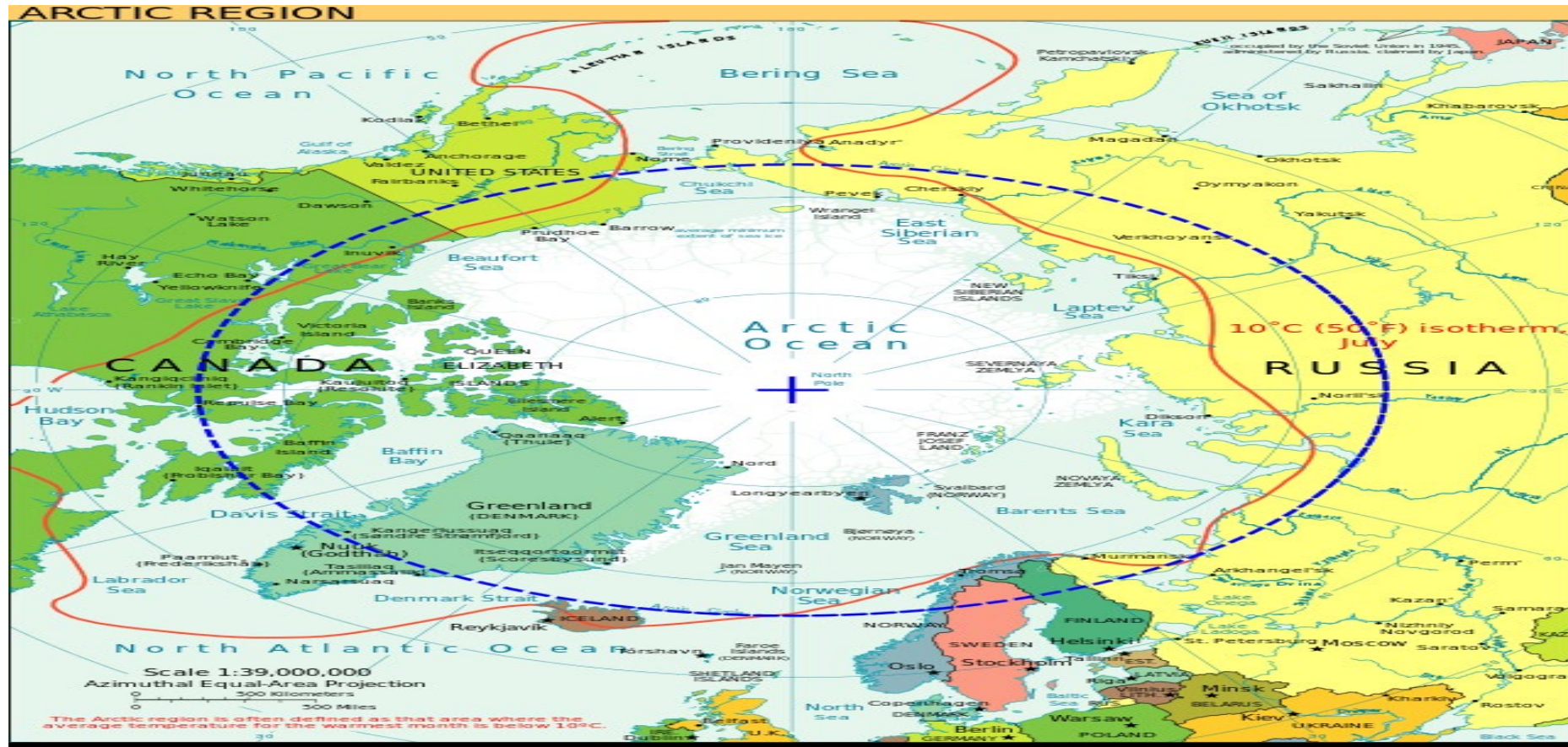
- Civilian Control of the Military
- Authorities for operations today
 - Legal Basis for Action
 - Title 10 / Title 50 / NDAA / EXORDS / OPLANS
- Focus towards LSCO
 - Lessons from Russia’s invasions of Ukraine
 - Importance of funding and logistics (PDA)
 - Taiwan
- Domestic Operations
 - National Capitol Region security
 - Border mission
 - Afghan guests / Operation ALLIES WELCOME
- Terrorism
 - OIR
 - Somalia

Domain / Activity Considerations

- Air
 - Overflight
 - Integrated air/missile defense (IAMD)
 - counter-UAS
- Sea
 - Freedom of Navigation
 - Arctic / Antarctic
 - Black Sea / E. Med. / N. Atlantic / Taiwan Strait
- Land
 - Access / Stationing / Force Projection
- Cyber / Space / Information Operations
- NATO
 - Language / C2 / Interoperability / ROE
- Coalition operations

- Authorities:
 - RFA— Dept of State
 - DoD supporting mission
 - Status of Afghans
 - Lead Federal Agency change
- Fiscal:
 - Agreements with DoS at each location
 - Presidential Drawdown Authority, Economy Act, OHDACA
- Security:
 - Law Enforcement coordination / RUF
 - Biometric screening
- Leasing/Land Use Permitting; Environmental compliance
- International agreements for Temporary Safe Haven
- Unaccompanied Minors
- Hiring / Volunteer Interpreter services
- Medical and AAFES eligibility

Overview - Common Definition of the “Arctic”



Common Definition: The area within the Arctic Circle, a line of latitude about 66.34° north of the Equator

Overview - U.S. Definition of the “Arctic”

Arctic Boundary as defined by the Arctic Research and Policy Act (ARPA)

All United States and foreign territory north of the Arctic Circle and all United States territory north and west of the boundary formed by the Porcupine, Yukon, and Kuskokwim Rivers; all contiguous seas, including the Arctic Ocean and the Beaufort, Bering and Chukchi Seas; and the Aleutian chain.¹

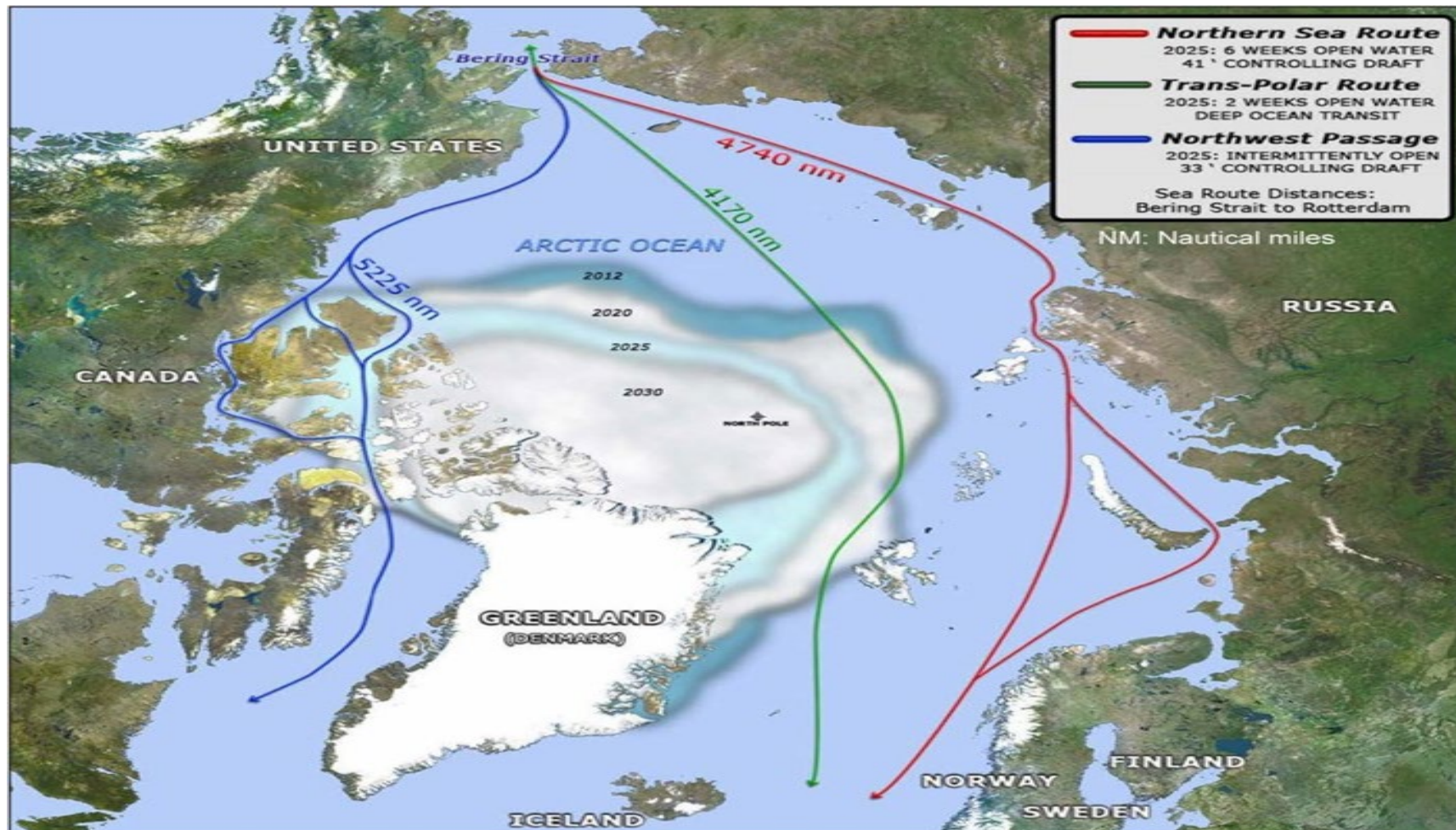


Acknowledgement: Funding for this map was provided by the National Science Foundation through the Arctic Research Mapping Application (armap.org) and Contract #0520837 to CH2M HILL for the Interagency Arctic Research Policy Committee (IARPC).

Map author: Allison Gaylord, Nuna Technologies. May 27, 2009.

1. The Aleutian chain boundary is demarcated by the 'Contiguous zone' limit of 24-nautical miles.

Overview – Shipping Routes



Source: U.S. Navy. | GAO-19-42

Governance – Arctic Council

Arctic Council

- International forum for Arctic discussions
- Established by Ottawa Declaration in 1996
- Eight Member States: Canada, Denmark (Greenland), Finland, Iceland, Norway, Russia, Sweden, and the U.S.
 - 13 Observer States — including China
- Explicitly excludes military security matters
- Operates on consensus
- No implementation or enforcement authorities — dialogue only
- Russia is chair until 2023

Arctic Security Forces Roundtable (ASFR)

- Explicitly for military security matters
- Semi-annual meeting
- Aimed at improving communications and maritime domain awareness in the Arctic Circle
- Eleven participating countries: Canada, Denmark, Finland, France, Germany, Iceland, the Netherlands, Norway, Sweden, the United Kingdom, and the United States
- Russia participation precluded since 2014 Crimea annexation
- Arctic Chief of Defense Forum also suspended in 2014, but a recent meeting of all Arctic CHODs was held on 8 August in Canada.



Security Issues - China in the Arctic



- Issued Arctic policy in 2018, calling itself a “near Arctic” state;
 - Advocates “shared heritage of humankind” position
- Interested in exploiting Arctic natural resources (fishing and mining)
- Granted observer status on Arctic Council in 2013;
 - Has questioned Council as principal means for Arctic governance
- Establishing “Polar silk road” and seeking to increase presence through infrastructure investment projects with Arctic Nations
- Two Arctic icebreakers, Xue Long and Xue Long 2

Security Issues - Russia in the Arctic




- Largest nation in the Arctic Circle by landmass (~20%), population (~60%), and military presence
- Focused on economic potential through increased commercial shipping and access to natural resources
- Re-opening old bases and building new ones; developing new deep-water ports
- Expanding air/coastal defense and strategic nuclear deterrent
- Russia has substantially more icebreaking capability than any other state (~50)
- Very concerned with NATO presence/operations in Region

Security Issues - Arctic Capabilities



- Communications / Domain Awareness
- Search and rescue (SAR) training and equipping
- Winterization
 - Clothing
 - Equipment
 - Lubricants
- Logistics / Rapid Deployment
 - Infrastructure
 - Prepositioning

Security Issues - Arctic Posture



- USNORTHCOM and USEUCOM share responsibility for Arctic
- USNORTHCOM/NORAD concerned with domain awareness and missile defense.
- Exercises (e.g., ARCTIC EDGE/COLD RESPONSE).
 - CR22 was held in Norway was the largest NATO exercise in the Arctic since the 80s.
- DoD strategies have focused on checking PRC ambitions and deterring Russia

- Military Justice
- Sex Assault / Harassment
- Congressional Oversight
- Civilian Harm Mitigation & Response Plan (CHM-RP)
- Modernization
 - Acquisitions
 - Contracting / Fiscal



Questions?