



Second Edition

TERRORISM

versus

DEMOCRACY

The Liberal State Response

PAUL WILKINSON

TERRORISM VERSUS DEMOCRACY

This new edition of Paul Wilkinson's *Terrorism Versus Democracy* examines the major trends in international terrorism and the liberal democratic response. Drawing key lessons from the recent experience of democracies, and in particular from the response of the US and UK to the events of 9/11, the author has revised existing chapters and added new ones in order to offer a candid interim balance sheet on the success and failures of the 'War on Terror'. The book thus analyses the new role assigned to the military, the growing trend in hostage-taking and sieges, the challenges faced by aviation security and the place of international cooperation in combating terrorism. It also highlights some of the major dangers emphasised in the first edition, such as over-reaction, over-reliance on the use of military force in an effort to suppress terrorism and the adoption of measures that involve major curtailments of democracy, human rights and the rule of law, which could undermine the very democracy one is trying to defend.

The book argues that prior to 9/11 the general international response to terrorism was one of inconsistency and under-reaction. However, as resorting to full-scale war in the name of combating terrorism risks the sacrifice of far greater numbers of innocent lives than have ever been killed in non-state terrorist attacks, the author strives to outline a democratic strategy designed to avoid the dangers of both over-reaction and under-reaction while preserving democratic values, human rights and the rule of law.

This book will be required reading for all students of security, politics and terrorism studies, but also for policy-makers, legislators and the law enforcement and security professions as well as informed lay readers.

Paul Wilkinson is Professor of International Relations and Chairman of the Advisory Board of the Centre for the Study of Terrorism and Political Violence (CSTPV) at the University of St Andrews. His publications include *Contemporary Research on Terrorism* (as co-editor, 1987) and *Aviation Terrorism and Security* (as co-editor, 1999). He co-authored with Joseph S. Nye Jr and Yukio Satoh the report to the Trilateral Commission (2003) *Addressing the New International Terrorism; Prevention, Intervention and Multilateral Co-operation* and served as Adviser to Lord Lloyd of Berwick's Inquiry into Legislation Against Terrorism, and authored volume two, the Research Report for the Inquiry (1996).

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TERRORISM VERSUS DEMOCRACY

The Liberal State Response

Second Edition

Paul Wilkinson

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FOR SUSAN IN GRATITUDE
FOR HER DEVOTED SUPPORT AND
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PREFACE

The first edition of this book was published ten months before 11 September 2001 (or 9/11). For obvious reasons the new edition has required considerable revision and updating. There is a new introduction, a new chapter on the Al Qaeda movement and the challenge it poses to the international community, and an assessment of the impact of the 'War on Terror'.

However, despite the much greater international terrorist threat we now face, I remain convinced not only that the liberal state response I advocated in the first edition is morally sound but also that operative liberal democracies have an underlying resilience against terrorist attempts to undermine them, and that democratic countries working closely together with the wider international community can succeed in unravelling the Al Qaeda network of cells and affiliates without sacrificing the rule of law and the protection of basic human rights in the process. On the contrary, if liberal democracies failed to act firmly and courageously against terrorists who are explicitly committed to the mass killing of civilians they would be guilty of failing to uphold the most basic human right of all, the right to life itself.

Paul Wilkinson
St Andrews
January 2006

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May 2006

ABBREVIATIONS

AD	Action Directe
AIVD	Algemene Inlichtingen- en Veiligheidsdienst (General Intelligence and Security Service, formerly the BVD)
ALF	Animal Liberation Front
ANZUS	Australia, New Zealand and United States Security Alliance
BALPA	British Airline Pilots' Association
BJP	Bharatiya Janata Party
BKA	Bundeskriminalamt (Federal Criminal Investigation Bureau)
BR	Brigate Rosse
CAPPS	Computer Assisted Passenger Profiling System
CBRN	Chemical, Biological, Radiological and Nuclear
CBS	Columbia Broadcasting System (US)
CCC	Cellules Communistes Combattantes
CFSP	Common Foreign and Security Policy
CIA	Central Intelligence Agency
CIRG	Critical Incident Response Group
CIS	Commonwealth of Independent States
CTC	Counter-Terrorism Committee (UN)
CTG	Counter Terrorist Group (EU)
DFLP	Democratic Front for the Liberation of Palestine
EDS	explosive detection system
EEC	European Economic Community
ELN	National Liberation Army
EOD	Explosive Ordnance Disposal
EOKA	Ethniki Organosis Kypriou Agoniston
ETA	Euzkadi Ta Askatasuna
EU	European Union
EUROJUST	European Justice Organisation
EUROPOL	European Police Office
FARC	Revolutionary Armed Forces of Colombia
FBI	Federal Bureau of Investigation
FCO	Fighting Communist Organisation
FLNC	Corsican National Liberation Front
FLQ	Front de Libération du Québec

ABBREVIATIONS

FRG	Federal Republic of Germany
G7	Group of 7 countries (US, UK, France, Germany, Japan, Canada and Italy) that has held annual summits on economic and political issues
G8	G7 plus Russia invited to join in 1997 summit
GAL	Anti-Terrorist Liberation Group
GCHQ	Government Communications Headquarters
GIA	Armed Islamic Group (Algeria)
GIGN	Groupe d'Intervention de la Gendarmerie Nationale
GSG9	Grenzschutzgruppe 9 (Border Protection Group 9)
GSPC	Salafist Group for Call and Combat
HUA	Harakut ul-Ansar
HUMINT	human intelligence
ICAO	International Civil Aviation Organisation
ICC	International Criminal Court
IED	Improvised Explosive Device
IFALPA	International Federation of Airline Pilots' Associations
IFOR	International Force deployed in former Yugoslavia
IGO	intergovernmental organisation
IMF	International Monetary Fund
INLA	Irish National Liberation Army
Interpol	International Criminal Police Organization
IRA	Irish Republican Army
ITN	Independent Television News
JRA	Japanese Red Army
JTAC	Joint Terrorism Analysis Centre
KFOR	Kosovo Force (deployed in former Yugoslavia)
KLA	Kosovo Liberation Army
MACP	military aid to the civil power
MANPAD	Man Portable Air Defence System
MI5	Popular name for the counter-intelligence agency of the British government (the Security Service)
MPFSL	Metropolitan Police Forensic Science Laboratory
MRTA	Tupac Amaru Revolutionary Movement
NATO	North Atlantic Treaty Organisation
NBC	National Broadcasting Company (US)
NGO	non-governmental organisation
NPA	New People's Army
OAS	Organization of American States
OCU	Operational Command Unit (Metropolitan Police)
OECD	Organisation for Economic Cooperation and Development
OSCE	Organization for Security and Co-operation in Europe
PETN	pentaerythrite tetranitrate
PIJ	Palestine Islamic Jihad
PIOOM	Projecten interdisciplinair onderzoek naar oorzaken van mensenrechtenschendingen (Interdisciplinary Research Programme on Causes of Human Rights Violations)

ABBREVIATIONS

PKK	Kurdistan Workers' Party
PLFP	Popular Front for the Liberation of Palestine
PLO	Palestinian Liberation Organisation
PSNI	Police Service of Northern Ireland
RAF	Red Army Faction
RDX	Research Department Explosive (code name for hexahydro-trinitro-triazine)
RUC	Royal Ulster Constabulary
SAM	surface-to-air missile
SAS	Special Air Service
SDLP	Social Democratic and Labour Party
SFOR	Stabilisation Force for Bosnia and Herzegovina (NATO)
SIGINT	signals intelligence
SITCEN	Joint Situation Centre
SO	Special Operations
SPLA	Sudanese People's Liberation Army
TATP	triacetone triperoxide
TNT	2,4,6-trinitrotoluene
TRANSEC	Transport Security Department (Department of Transport, UK)
TREVI	International Terrorism, Radicalism, Extremism and Violence (group)
UCIGOS	Ufficio Centrale per le Investigazioni Generale e per le Operazioni Speciali (Central Office for General Investigations and Special Operations)
UDA	Ulster Defence Association
UDR	Ulster Defence Regiment
UFF	Ulster Freedom Fighters
UN	United Nations
UNITA	Union for the Total Independence of Angola
UNPROFOR	United Nations Protection Force (deployed in former Yugoslavia)
UNSC	United Nations Security Council
UVF	Ulster Volunteer Force
WEU	Western European Union
WMD	weapons of mass destruction
ZANU-PF	Zimbabwe African National Union (Patriotic Front)

INTRODUCTION TO REVISED EDITION

The author is grateful to academic colleagues in the UK and overseas universities and the publishers for encouraging me to prepare this new edition of *Terrorism Versus Democracy: The Liberal State Response*. The first edition was published ten months before the tragic atrocities of 9/11, the most lethal attacks in the history of non-state terrorism and a watershed in the history of international relations. As the book's central preoccupation is with the dilemmas and problems faced by liberal democracies in responding to terrorism, and in particular with the problem of how to prevent and combat terrorism effectively without undermining democracy, the rule of law and the protection of our basic freedoms in the process, it is perhaps particularly appropriate that the author has had the opportunity to observe and assess the responses of the United States, the United Kingdom, other major democracies and the international community generally for almost five years before bringing out this revised, enlarged and updated edition.

This revised edition includes new chapters reassessing the threat to international peace and security presented by the rise of the global Al Qaeda network and its affiliates, providing a fresh analysis of where democratic societies are in the 'War on Terror' declared after 9/11, and exploring the wider implications for democracy and international relations. How did the Al Qaeda network adapt and survive to continue its 'global jihad' against 'Crusaders and Jews' despite the heavy blows it suffered at the hands of the Coalition Against Terrorism following the 9/11 attacks? How has the invasion and occupation of Iraq, which caused such deep divisions among North Atlantic Treaty Organisation (NATO) allies and public opinion, not least in the US, affected the struggle against Al Qaeda? Are those analysts who confidently claim that the allies are losing the war against Al Qaeda correct? Or are they focused too narrowly on the situation in Iraq and Afghanistan and missing the wider picture? After all, we are in the fifth year following 9/11 and the Al Qaeda network has not yet succeeded in seizing control of a single Muslim regime, and although it has carried out some bloody mass killings in the Middle East, Asia, Africa and Europe,

it has not so far managed to carry out another attack on the devastating scale of 9/11. Al Qaeda militants have a fanatical belief in the inevitability of ultimate victory for their global jihad, but fanatics often overestimate the effectiveness of terrorism as a political weapon.

The events of 9/11 and the materials discovered in Al Qaeda sites in Afghanistan after the fall of the Taliban regime in late 2001 led the author to fundamentally alter his assessment of the threat of CBRN (Chemical, Biological, Radiological and Nuclear) terrorism. Pre 9/11 he shared the view of the majority of his colleagues in the academic research community that CBRN terrorism was a low-probability, high-consequence threat, and he took the view that while it was essential to monitor terrorist groups' interest in CBRN and to equip the emergency response services with training and resources of the kind needed in the type of attack experienced in the Tokyo subway system in 1995, most groups would be deterred from such methods by lack of technical expertise and materials to construct CBRN weapons, and by political constraints.

9/11 and successive Al Qaeda network attacks and investigation have shown that they have no compunction about causing mass killing, and that they have been seriously interested in acquiring the necessary materials and weaponising them, and this effort has been going on for some years. It is likely that there is only a very limited period (perhaps two to three years) before some elements in the Al Qaeda network succeed in acquiring viable, if only relatively crude, CBRN weaponry, hence the urgency of greatly enhancing our counter-proliferation and emergency planning measures to mitigate this threat.

However, the author remains stubbornly optimistic. He believes it is just as dangerous to overestimate the capabilities and strategic and tactical strengths of the Al Qaeda movement as it is to assume that it has suffered mortal blows and to write its premature obituary. The concluding chapters identify Al Qaeda's serious weaknesses and blunders as well as its assets and special strengths before proceeding to carry out the same audit of the strengths and weaknesses of the Coalition Against Terrorism. The central conclusion of the author is that although the Coalition states fully realise the seriousness of the terrorist threat posed by the Al Qaeda network, their fundamental weakness is the lack of an agreed strategy to which all allies in the Coalition have participated in developing and to which they are fully committed. In short they suffer from a failure of leadership and a failure to mobilise global support for a genuine multinational, multi-religious and multi-pronged strategy to unravel the Al Qaeda network and to win the crucial battle of ideas that must be fought if democratic societies are to prevent new generations of young, alienated and angry Muslims from enrolling in the ranks of suicide bombers.

The core of the final section of the author's revised edition is an outline of a strategy that he believes has the necessary elements to unravel Al Qaeda

while at the same time avoiding undermining the rule of law and the protection of our basic liberties in the process, in keeping with the arguments he put forward in the first edition of this book.

At the most fundamental level the author has had to subject the main thesis to the question: is the case for a principled liberal democratic response to terrorism still sustainable in the face of the most lethal form of non-state international terrorism the world has ever seen? In the wake of the 9/11 attacks a school of thought has developed that argues, implicitly if not explicitly, that our modern world can no longer afford the luxury of ensuring that measures to prevent and combat terrorism accord with rule of law and human rights principles. In the eyes of these commentators, those too squeamish to approve of the suspension of habeas corpus or who oppose the policy of transferring terrorist suspects to countries where it is known they are likely to be subjected to torture in the process of interrogation, or who believe that prisoners taken in the course of an insurgency should be accorded at least the minimal rights of prisoners of war under the Geneva Conventions, are at best 'soft on terrorism' or, at worst, 'useful idiots' who can be manipulated by extremist groups.

The author would argue that in reality it is those who advocate or condone the use of 'terror to defeat terror' who are truly guilty of being 'soft on terrorism', because by their supporting or condoning serious violations of basic human rights they undermine respect for international and national laws and agreements and place themselves on the same moral level as the terrorists. Paradoxically, by suppressing human rights in the name of protecting national security they play into the hands of terrorists. It would be absurd to pretend that by upholding values of the rule of law and human rights, democracies will convert Al Qaeda militants to a belief in liberal democracy. What one can hope to achieve is to reduce the reservoir of potential recruits and supporters for the Al Qaeda network and its affiliates. This battle of ideas and values is something that was underemphasised in the first edition of this book. In the light of the recent experience of international terrorist networks recruited and operating within western democracies the author now believes that the development of effective proactive measures is urgently needed to integrate young, potentially alienated members of minority communities into our democratic political systems at all levels. It will be extremely dangerous if the task of promoting good citizenship through *all* sections of society is neglected. Those who become convinced that they are always going to be treated as 'second class' or 'inferior' citizens constitute a potentially fertile ground for extremists to recruit and convert. Education in citizenship and genuine opportunities for participation in democratic politics must go hand in hand with careful policing, constantly aware of the sensibilities and particular problems and concerns of minority religious and ethnic communities. These are some of the major issues for domestic policymakers in liberal democracies.

Far more important, in the author's view, are the foreign and security policy implications of terrorism and counter-terrorism. In the first edition the author warned against over-dependence on the military in responding to international terrorism and the dangers of turning a terrorism problem into a major war. In the aftermath of 9/11 democratic societies have seen these dangers dramatically demonstrated in the invasion and occupation of Iraq. The ongoing conflict and terrorism in Iraq, almost three years after 9/11, show that all-out war is a bludgeon when it is used to combat international terrorism. Thousands of innocent civilians' lives as well as coalition soldiers' lives have been lost in the conflict. Billions of dollars have been expended, and Al Qaeda has exploited the conflict to boost its recruitment, propaganda and fund-raising. No easy exit was in view in late 2005, and Al Qaeda is clearly hoping to reap a longer-term victory by moving in to fill the vacuum and undermining the fragile Iraqi government.

The conflict in Iraq also raises key issues about the extent to which a democratic government should allow their foreign and security policy to be subordinated to that of a powerful ally.

Being a good ally does not necessarily involve doing everything a more powerful ally demands of you: it may be that a polite refusal to participate in certain ventures, backed up by powerful arguments as to why the course desired by the more powerful ally is a major strategic mistake that is likely to be dangerously counterproductive is actually the *duty* of a true ally. In the complex modern world of major terrorist challenges and profoundly difficult problems of response, sovereign democratic governments need more than ever to remain true to themselves, jealously preserving their right to make moral and political choices, informed by the views of their own citizens.

If democratic societies are to succeed in unravelling the Al Qaeda network threat, they need to ensure that the Coalition Against Terrorism is a coalition of the willing and that all agree on the central strategy to deal with terrorist threats. This is a matter to which the author devotes some attention in the conclusions of this revised edition.

TERRORISM, INSURGENCY AND ASYMMETRICAL CONFLICT

Introduction to the concept of terrorism

A great deal of unnecessary confusion has been created as a result of the mass media, politicians and others using the term terrorism as a synonym for political violence in general. Others seek to ban the word terrorism on the spurious grounds that most of those who use terrorism as a weapon prefer to be called ‘freedom fighters’, ‘holy warriors’ or ‘revolutionaries’, depending on the cause they profess to be fighting for. Some so-called ‘post-modernists’ reject the concept of terrorism on the grounds that it is purely ‘subjective’, implying that there are no independent objective verifiable criteria to enable us to distinguish terrorism from other forms of activity. The public would be justifiably puzzled if lawyers and criminologists ceased to use terms such as ‘murder’, ‘serial murder’ and ‘war crime’ and ‘genocide’ simply because those who perpetrate such crimes regard these terms as pejorative.

As for identifying objective criteria for identifying terrorist activity, common sense indicates that the general public in most countries in the world can recognise terrorism when they see campaigns of bombings, suicide bombings, shooting attacks, hostage-takings, hijackings and threats of such actions, especially when so many of these actions are deliberately aimed at civilians.

Terrorism can be conceptually and empirically distinguished from other modes of violence and conflict by the following characteristics:

- It is premeditated and designed to create a climate of extreme fear.
- It is directed at a wider target than the immediate victims.
- It inherently involves attacks on random or symbolic targets, including civilians.
- It is considered by the society in which it occurs as ‘extra-normal’, that is, in the literal sense that it violates the norms regulating disputes, protest and dissent.
- It is used primarily, though not exclusively, to influence the political behaviour of governments, communities or specific social groups.

It is true that in the burgeoning of modern international terrorism in the late 1960s and early 1970s many efforts to obtain international agreements and conventions on the prevention and suppression of terrorist crimes were stymied by governments that, for their own political and ideological reasons, wished to block such measures by claiming that there was no internationally accepted definition of terrorism. Since then almost all the major democracies have developed national anti-terrorist legislation and many individuals have been convicted of terrorist offences. We have also seen a considerable amount of international law on terrorist offences developed before and since 9/11. Moreover, in October 2004 the United Nations Security Council (UNSC) unanimously passed Resolution 1566, which defines terrorism and declares that in no circumstances can terrorist acts be condoned or excused for political or ideological reasons:

Criminal acts, including [those] against civilians, committed with the intent to cause death or serious bodily injury, or taking of hostages, with the purpose to provoke a state of terror in the general public or in a group of persons or particular persons, intimidate a population or compel a government or an international organisation to do or to abstain from doing any act, which constitute offences within the scope of and as defined in the international conventions and protocols relating to terrorism, are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature.

(UNSC Resolution 1566, October 2004)

It is true that we may have to wait some time before we see a United Nations (UN) General Assembly definition. However, governmental and inter-governmental conferences on problems of terrorism no longer waste days in definitional issues: they have made genuine progress in improving cooperation against terrorism, and those who dismiss all the national and international efforts to develop a legal regime to deal with various aspects of terrorism as nugatory are simply wrong. The legal framework to deal with terrorist crimes is far from perfect and very difficult to apply effectively because the more sophisticated and dangerous groups have become more skilled at evading detection, but despite this there have been some major successes in bring terrorist to justice, (e.g. Ramzi Youssef, Shoko Asahara, Abdullah Ocalan, Abimael Guzman, Carlos the Jackal). Terrorism is not simply a label; it is a concept that has proved indispensable in legal and social science to deal with a complex global phenomenon.

The key statutory definition of terrorism in the UK legislation is contained in the Terrorism Act (2000):

- (1) In this Act ‘terrorism’ means the use or threat of action where:
 - (a) the action falls within subsection (2),

- (b) the use or threat is designed to influence the government or to intimidate the public or a section of the public, and
 - (c) the use or threat is made for the purpose of advancing a political, religious or ideological cause.
- (2) Action falls within this subsection if it:
- (a) involves serious violence against a person,
 - (b) involves serious damage to property,
 - (c) endangers a person's life, other than that of the person committing the action,
 - (d) creates a serious risk to the health or safety of the public or a section of the public, or
 - (e) is designed seriously to interfere with or seriously to disrupt an electronic system.
- (3) The use or threat of action falling within subsection (2) which involves the use of firearms or explosives is terrorism whether or not subsection (1)(b) is satisfied.
- (Terrorism Act 2000, Part 1, (1)–(3))

The US Government has employed the definition contained in US Code Title 22 Section 2656f (d) since 1983 as follows:

The term 'terrorism' means premeditated politically motivated violence perpetrated against noncombatant targets by sub-national groups or clandestine agents, usually intended to influence an audience.

The term 'international terrorism' means terrorism involving citizens or the territory of more than one country.

The term 'terrorist group' means any group practicing, or that has significant sub groups that practice, international terrorism.

Typology, with historical and current examples

Terrorism is an activity or a 'weapon-system', as Brian Jenkins¹ has termed it, that has been used by an enormous variety of non-state groups, regimes and governments. Historically the use of terror by regimes has been infinitely more lethal than that of non-state groups because, by definition, regimes/governments are likely to have control of far greater supplies of weapons and manpower to implement their policies of terror in the course of internal repression or foreign conquest. However, in an operative democracy the major threat of terror is posed by non-state movements or groups seeking to destroy or undermine democratic government and to impose their own agenda by coercive intimidation.

Another basic division is between international terrorism, which involved the citizens of jurisdiction of more than one country, and domestic terrorism, which is confined within the borders of a single state and involves no foreign citizens or property. This distinction is useful for statistical purposes, but we should bear in mind that almost all protracted domestic terrorist campaigns targeting a specific state develop an important international dimension through their creation of an overseas support network aimed at raising finance, recruits, weapons and other resources for their colleagues leading the struggle against their chosen ‘enemy’, state authorities and security forces.

One useful way of categorising non-state terrorist movements or groups is by their political motivation: *ethno-nationalist* groups, for example ETA (Euzkadi Ta Askatasuna or Basque Fatherland and Liberty), which waged terrorism for 40 years and declared a ceasefire in March 2006; *ideological* groups, for example the Red Brigades, which waged a campaign against the Italian Republic in the 1970s and 1980s with the aim of creating a neo-communist state and socio-economic system; *religio-political* groups, for example Hamas, which aims to create an Islamic Republic of Palestine and ultimately to dismantle the state of Israel; *single issue* groups, such as animal rights extremists linked to the Animal Liberation Front (ALF), which aim to change one aspect of government policy and social behaviour rather than to remodel the political and socio-economic order as a whole. While most members of the animal welfare movement are committed to restricting themselves to non-violent protest, the extreme militants are prepared to engage in arson and bomb attacks on the premises of commercial firms they wish to target and to engage in threats, and in some cases attacks, on people they describe as animal ‘abusers’. It should be borne in mind that campaigns by animal rights extremists against specific firms and projects, such as the Cambridge animal laboratory, have caused industry research labs to lose millions of pounds. The damage and disruption caused by violent single issue groups should not be underestimated, but so far, at least in the UK, they have not succeeded in killing anyone.

One distinction that is worth adding to our typology is that between potentially *corrigible* terrorism – where there is a real possibility of finding a political/diplomatic pathway out of the conflict by addressing its underlying causes, thus very probably reducing, if not ending, the terrorist violence spawned by the conflict – and *incorrigible* terrorism. In the latter case the movement/group has such absolutist and maximalist aims and poses such a major threat to the lives and well-being of civilian communities that the only recourse is to use all possible measures to suppress the group before it can wreak more mayhem.

In order to begin to understand the implications of recent changes in the nature of international terrorism, it is essential to grasp the major differences between the New Terrorism of the Al Qaeda network of networks and more traditional terrorist groups such as ETA and the Revolutionary Armed Forces of Colombia (FARC). Al Qaeda is not simply another group like ETA but under a different label. ETA has certainly committed hundreds of brutal killings. However, unlike Al Qaeda, ETA did not explicitly adopt a policy of mass killing as an integral part of its strategy. As Brian Jenkins has so aptly observed, terrorists in the 1970s and 1980s wanted ‘a lot of people watching, not a lot of people dead’.²

By contrast, Al Qaeda’s leader, Osama bin Laden, issued a ‘fatwa’ on 23 February 1998 that announced the setting up of a World Islamic Front for Jihad and declared that ‘it is the duty of all Muslims to kill US citizens – civilian or military, and their allies – everywhere’.³ The brutal language of this ‘fatwa’ is one way in which the sheer ruthlessness and lethality of this movement is reflected. Their track record of brutal mass killing in New York, Washington, Kenya, Bali, Casablanca, Saudi Arabia, Iraq and many other places is proof positive of their remorseless use of mass terror.

Moreover, whereas ETA and other more traditional groups have limited their aims to bringing about radical change in one particular state or region, Al Qaeda has an uncompromising/absolutist commitment to changing the entire international system. The Al Qaeda movement aims to expel the US and other ‘infidels’ from the Middle East and from Muslim lands generally. They also want to topple Muslim regimes/governments that they accuse of betraying the ‘true Islam’ and of collaboration with the US and its allies. Ultimately their aim is to establish a pan-Islamist caliphate uniting all Muslims. These aims may appear grandiose in the extreme, but we need to bear in mind that bin Laden and his followers fanatically believe that they will prevail in their jihad because Allah is on their side.

A major difference between the New Terrorism of the Al Qaeda network and more traditional groups is precisely its global network of networks, including affiliates, cells and support. These networks provide the movement with a presence and a capacity to act in at least 60 countries. It is the most widely dispersed non-state terrorist network ever seen, and this is what gives the movement ‘global reach’.

‘Traditional’ terrorist movements generally confine themselves to mounting attacks in one country or region, though in some cases they do develop sophisticated overseas support networks to obtain finance, weapons, recruits, safe haven and the opportunity to enlist wider support for their cause.

In a later chapter, I will assess Al Qaeda’s current strategy, modus operandi, targets and tactics and ask to what extent the ‘War on Terror’ can be judged successful in its efforts to crush Al Qaeda.

Assessing the effectiveness and strategic impact of terrorism

Some terrorists appear to believe that terrorism will always ‘work’ for them in the end, by intimidating their opponents into submitting to the terrorists ‘demands’. In reality the history of modern terrorism campaigns shows that terrorism as a major weapon has only very rarely succeeded in achieving a terrorist group’s strategic goals. The clear exceptions to this in recent history occurred in the period of anti-colonial struggles against the British and French after the Second World War, for example in ending British Mandate control in Palestine, in ending British control of Cyprus and Aden and in ending French rule in Algeria.⁴ However, there were special factors militating in favour of the rebels in all these cases: the public and the government of the colonial power had no real desire to occupy these countries or to sacrifice the lives of young soldiers and colonial police, or to expend their scarce resources, already severely denuded after six years of world war. The anti-colonial movements also had the inestimable advantage of large-scale sympathy among their own population, and the colonial authorities faced a wall of silence when they sought intelligence among the public. But in the post-colonial period there is not a single case of a terrorist movement seizing control in any country. Indeed, the use of terrorism as a weapon by insurgents has backfired and alienated the indigenous population.

There are two other major factors to be considered here. First, historically terrorism has mainly been used as an auxiliary weapon in a conflict involving a much wider repertoire. Second, it should be remembered that the use of terror as a weapon of control by dictatorships has been generally much, much more effective than the use of terror as a weapon of insurgency, mainly because dictatorial regimes generally have more ruthless and powerful domestic agencies of repression with which to suppress any incipient opposition.

However, there is a key difference between terrorists gaining all their strategic goals and terrorists having a strategic impact on macro-political and strategic events and developments. With careful timing and skilful planning terrorists can certainly have a strategic impact on international relations and politics from time to time. There were some clear examples of strategic impact in the 1980s and 1990s:

- The 1983 truck bombing of the US marines while they were in barracks in Lebanon compelled President Reagan and his Administration to pull all US troops out of the multinational force, and thus sent the message to active or potential terrorists (e.g. bin Laden at that time) that the US could be intimidated into making changes in its foreign policy through the use of terrorism.

- In the 1990s the use of suicide bombings against Israeli civilians helped to undermine the peace process between the Israelis and the Palestinians.
- Mass hostage taking by Chechen terrorists in 1996 compelled the Russian government to make major concessions to the Chechen leadership.
- The 9/11 suicide hijacking attacks by Al Qaeda on the World Trade Center and the Pentagon had a colossal effect, and not only on US foreign and security policy and public opinion. They had a major influence on international relations, the US and international economy and on the patterns of conflict in the Middle East.

If terrorism rarely gains strategic goals for its perpetrators, why does it remain such a popular mode of struggle for so many groups around the world?

Even when leaders of terrorist groups recognise the fact that they are very unlikely to win their strategic goals, they may be persuaded that the potential tactical benefits to be gained by using terrorism are so attractive that terrorism is a weapon they cannot afford to discard:

- It can help weaken the enemy by a campaign of attrition.
- It is a useful way of inflicting hatred and vengeance on a hated enemy.
- It can be used as a means of provoking government security forces into over-reaction, thus driving up support for the insurgents.
- If the terrorists can mount spectacular or particularly damaging attacks, they will get huge publicity.
- They may gain release of imprisoned terrorists.
- They may get huge cash ransoms.
- Terrorism is a low-cost, potentially high-yield and relatively low-risk method of struggle for the perpetrators.

I have argued that it is grossly misleading to treat terrorism as a synonym for insurgency, guerrilla warfare or political violence in general. It can be objectively defined as a special method of armed struggle, or in Brian Jenkins's term a 'weapon system', that can be used either on its own or, as is more often the case historically, as part of a wider repertoire of armed struggle. Hence, just as it is possible to engage in acts of terrorism without mounting a full-scale insurgency, so it is possible to wage an effective insurgency by relying on a combination of guerrilla and conventional warfare, and eschewing the weapon of terror. Terrorist campaigns inherently involve deliberate attacks on civilian targets and are therefore analogous to war crimes. Nor is it the case that the weapons of terror are used solely by sub-state perpetrators. Throughout history it has been regimes and their agents of repression that have time and time again

demonstrated their capacity to employ mass terror on a truly vast scale. In the twentieth century, truly the 'Age of Terror', the obvious examples of this are the campaigns of mass terror and genocide waged by the Hitler and Stalin regimes. The tendency of modern governments to apply the terms terror and terrorism exclusively to sub-state groups is blatantly dishonest and self-serving. If the concepts of regime or reign of terror, sometimes called 'incumbent' or state terrorism, and terrorism by sub-state groups, are to have any lasting value in political science and strategic studies, they must be applied consistently in accord with clearly defined objective criteria.

Employing the criteria outlined in this chapter, I conclude that a major characteristic of contemporary ethnic insurgencies is the widespread use of terror both by insurgents and by the counter-insurgent regimes and military and paramilitary forces ranged against them. However, I argue that there is no inevitable evolutionary pattern in insurgent organisations whereby they begin as exclusively terrorist groups and only later show an interest in acquiring the manpower and weaponry for a wider insurgency. Most insurgent leaders view terrorism as a useful auxiliary weapon. They are realistic enough to recognise that terrorism alone is going to be insufficient to deliver their strategic goals and that it is a faulty weapon that often misfires and may ultimately prove counterproductive. I conclude by presenting some general conclusions on the relationships between insurgency and terrorism.

The concept of insurgency

Insurgency is a relatively value-neutral concept denoting a rebellion or rising against any government in power or the civil authorities. It should be stressed that although the idea of a rising against the government may appear to imply a large popular movement, in reality many insurgencies have involved very small numbers of rebels.

In the contemporary international system and historically, insurgency is generally manifested as low-intensity conflict rather than as full-scale conventional warfare. However, there are many instances where the insurgent forces eventually acquire sufficient troops and weaponry to defeat the incumbents' forces in a conventional war. This was achieved, for example, by the Taliban against their opponents in the latest civil war in Afghanistan. This assumed association of insurgency with purely low-intensity conflict is also implied in the classic distinction between insurgent and belligerent in international law, where the former is not equated with engagement in all-out war. In the reality of the post-cold war world, where the vast majority of armed conflicts are insurgencies and internal wars of remarkable savagery, this attempt to differentiate between a state of insurgency and a state of belligerency begins to look increasingly meaningless.

The same can be said for the implied distinction between counter-insurgency and war. While it is true that counter-insurgency strategy and doctrine pays considerable attention to political, social and economic measures and inevitably involves the police and criminal justice system, it is also clear that there are numerous examples of the whole spectrum of conventional military force being deployed to suppress insurgency. This is well illustrated in the case of the deployment of US armed forces in Vietnam against the Vietcong, the Soviet forces' efforts to suppress the mujaheddin in Afghanistan, the recent Russian efforts to defeat insurgencies in Chechnya and Dagestan and the efforts of the US and UK troops to suppress insurgency in Iraq following the 2003 allied invasion.

A study of the chronology of armed conflicts in the period since 1945 shows that the overwhelming majority have been intra-state and by far the greater proportion of those killed in these internal wars have been civilians. One authority has estimated that as many as 84 per cent of those killed in armed conflicts since 1945 have been civilians. In fact, the cumulative death toll from low-intensity conflicts is almost as high as the total number of those killed in the worst of the high-intensity conflicts. This is because there are at least four times as many low-intensity conflicts for each high-intensity conflict at any given time, worldwide.

Typical intra-state conflicts of the 1990s involved ethno-nationalist or ethno-religious movements waging armed struggle to achieve ethnic separation or to topple the government. They have been fought mainly by armed militias, mercenaries and paramilitaries. Their prime targets are civilians. They typically employ mass terror and atrocities to carry out ethnic cleansing of whole areas, for example by driving people from their homes, murders, massacres, mass rape, torture and starvation. There are no clear front lines in such wars, and there is generally not even the most minimal attempt to adhere to the Geneva Conventions. It is a tragic fact that in many conflicts involving ethnic cleansing, for example in the Great Lakes of Central Africa, in Afghanistan and the Caucasus, the international community has failed to act to prevent or stop such atrocities. In Rwanda and Burundi, for example, the ethnic cleansing reached genocidal proportions, and yet UN action has been largely restricted to belated provision of some humanitarian aid and the setting up of the International Tribunal to try cases of war crimes and crimes against humanity committed in Rwanda. And in the Former Yugoslavia international military intervention to stop further ethnic cleansing in Bosnia and Kosovo, though ultimately effective, was extremely belated, leaving tragic legacies of gross violations of human rights, huge socio-economic destruction and disruption, and simmering ethnic hatreds and thirst for vengeance that could at any time break out into further savage warfare. In other genocidal conflict situations, such as Darfur and Uganda, the UN has simply not had the resources to cope.

Nor should we fall into the trap of assuming that other states have no business concerning themselves with such conflicts. Quite apart from the international community's moral obligation to try to stop the gross violations of human rights committed in these interstate wars there is a major argument for action by other states, particularly neighbouring states, on grounds of national interest. Interstate armed conflicts have led to hundreds of thousands of refugees fleeing from the afflicted states. In most cases the receiving states simply lack the resources to find food and adequate shelter and adequate health and welfare support for large numbers of refugees. And in some cases, for example in the Balkans and in Africa, recipients of refugees have themselves got a fragile ethnic balance that could be fatally undermined by a huge influx. Hence there is a real danger of the political and economic stability of other states and whole regions being undermined.

In addition to classifying insurgencies on the basis of their relative intensity and lethality it is also instructive to categorise them in terms of their general political motivation.

It would be a serious error to assume that ideological-driven insurgencies are a thing of the past. In Latin America and parts of South and South-east Asia, for example, there are numerous groups challenging regimes in the name of some kind of extreme left ideology. Indeed, every significant insurgent movement in Latin America falls into this category. In addition it should be borne in mind that these categories are by no means mutually exclusive. For example, the Kurdistan Workers' Party (PKK) – which has waged an armed conflict against the Turkish authorities since 1974 in the pursuit of independence for the Kurds – is Marxist-Leninist in ideology. A number of secular Palestinian political organisations – for example, the Popular Front for the Liberation of Palestine (PFLP) – also combine nationalist aims with a Marxist-Leninist ideology. One important type of conflict is the challenge to a growing number of states and regimes by religious fundamentalist groups, which see themselves as waging holy war to overthrow regimes that they regard as irredeemably corrupt and evil, and to restore observance of the true religion.

This trend towards waging armed struggle in the name of religion is, however, rarely manifested in pure form. In some cases these groups' fanatical adherence to the doctrines of religious fundamentalism is wedded to a political agenda that is implicitly nationalist in character. Hence Hezbollah wants to establish an Islamic republic in Lebanon, Hamas has a similar objective in Palestine, the Armed Islamic Group (GIA) wants an Islamic republic of Algeria, al-Gama'at al Islamaiyya or Islamic Group in Egypt also wants to set up an Islamic state in its country and so on. Al Qaeda on the other hand, aims at establishing a pan-Islamic caliphate.

In practice, as can be seen in the civil wars in Afghanistan and Sudan for example, the combination of religious fanaticism and a nationalist political agenda can cause particularly lethal and protracted intra-state conflict. Other evidence, for example, from the Balkans and the Caucasus and from the Punjab and Kashmir, underlines the importance of taking full account of the resurgence of religious fanaticism. It has been a dangerous element in the map of conflict worldwide since the 1980s. However, the cases of the Caucasus, Punjab and Kashmir again show how religion is closely intertwined with ethnic separatism. In order to understand the key role of ethno-nationalism, the next section will explore the reason for the salience of this political motivation for modern insurgencies.

Why is ethno-nationalism the predominant political motivation behind contemporary insurgencies?

There are two key factors that help to explain the ubiquity and strength of the ethno-nationalism that underlies so many modern campaigns of insurgency. First, despite the Marxist preoccupation with socio-economic class as the prime referent for the analysis of social conflict, it is ethnic identity that has provided a far more durable and powerful influence on human behaviour. In the face of all the powerful forces of globalisation and talk of a new global 'mass culture' the reality is that ethnic distinctiveness, as manifested in a common language and culture and shaped by a shared history and values, remains as important today as it was in the heyday of the European national self-determination movement in the nineteenth and early twentieth centuries.

Second, there remains a colossal mismatch between the international state system, with its legally recognised sovereign governments and frontiers, and the demographic map of distinctive ethnic groups or national identities. This has been compounded by the fact that the borders of over two-thirds of the member states of the UN were drawn quite arbitrarily by the diplomatists of the major powers in the nineteenth and early twentieth centuries without any respect for maintaining ethnic or tribal homogeneity. Yet it was these borders, often drawn by diplomatic conferences in the capitals of the European colonial powers, that almost without exception formed the inherited boundaries of the newly independent post-colonial states as they broke free from European rule in the 1950s and 1960s. Not surprisingly, multi-ethnic new states such as India, Nigeria and the Congo soon found themselves immersed in bitter intra-state conflicts, challenged by ethno-nationalist movements demanding the self-determination they believed they were unjustly denied in the decolonisation process. But the causes of the recent upsurge in ethnic insurgencies are to be found not only in historic hatred and rivalries but also in the changes in the international system wrought by the ending of the cold war. The collapse of the former communist regimes in Eastern Europe and the former Soviet Union created a fresh stimulus for a large number of ethnic

groups to reassert their identities by challenging the status quo and pursuing their various separatist and irredentism claims and rivalries by armed struggle or by the threat of violence.

Although classical realists have always applied the concept of the security dilemma exclusively to states, it can be used just as legitimately to help explain conflict at sub-state level involving ethno-nationalist movements. When one ethnic group visibly enhances its own security, for example by acquiring additional weapons or making military alliances with friendly states or groups in the belief that this is a necessary defence against other groups or states, the neighbouring ethnic groups will tend to see this as a potential threat to their own security, and in consequence take counter-measures that, paradoxically, may make a conflict between them more likely. The dynamics of escalating hostility and tension between the rival ethnic groups will also generally be fuelled by memories of outrages or injustices attributed, fairly or unfairly, to the 'enemy' ethnic group. Clear examples of this process at work can be seen in the worsening relations between the ethnic Albanian Kosovars and the Serbs in Kosovo in the 1990s, in the growing tensions between Croats, Serbs and Bosnian Muslims in the early and mid 1990s, between the Armenians and the Azeris over Nagorno-Karabakh, between the Georgians and the Abkhazians since the late 1980s, and between the Sunnis and Shi'ites in Iraq since 2003. It is notable that in all these cases the emergence of militant nationalist leaders capable of mobilising their own ethnic constituencies and playing on the perceived threat posed by enemy groups is a key feature.

Other important factors contributing to the ethno-nationalist violence are likely to include: availability of militant leaders capable of mobilising sizeable proportions of their ethnic constituencies by persuading them of the reality and severity of the 'threat' they face and appealing to history and historical myths; availability of weapons; and availability of political and possibly military support from friendly states, other ethnic groups or other external actors. Alternatively, in some circumstances, the leaders of an ethno-nationalist group may be tempted to take action because they become convinced that they have an asymmetric advantage over their opponents and that no state or other group will be willing to risk involvement in armed conflict to assist their designated 'enemy'.

Finally, it is most important to stress that there is nothing in the historical and social science research literature on insurgency to suggest that the recourse to armed rebellion is inevitable, or that the precise methods of armed struggle adopted by insurgent groups can be predicted by the use of some general formula. So much depends on the personalities, attitudes, beliefs and strategic and tactical ideas of the specific ethno-nationalist groups involved and, in particular, of their leaders and mentors and those who are influential among the upper echelons of the group. Much will also depend

on any experience they may have of earlier involvement in conflicts and the lessons they may have drawn from this.

We have now established that ethno-nationalism is the predominant political motivation behind contemporary insurgencies, and some of the reasons for this. The following section will identify the major forms of armed struggle used by insurgents, their roles and its conflict and their wider implications.

The main forms of armed struggle used by contemporary insurgents

Conventional warfare

Most revolutionary wars in which challengers have toppled an incumbent government have moved through a guerrilla or low-intensity phase and finally developed into a decisive struggle between conventional armed forces. This is how the Bolsheviks finally defeated the White Russian forces, how Mao's Chinese communists defeated the nationalists and the Vietnamese communists defeated the South Vietnamese army. Some of today's insurgency movements undoubtedly have the manpower and range of weaponry to enable them to resort to full-scale conventional military operation if and when the opportunity arises. For example, the Union for the Total Independence of Angola (UNITA), the main opposition to the Angolan government, is known to have over 50,000 fighters, tanks, anti-aircraft artillery, field guns and multiple rocket launchers as well as Stinger missiles,⁵ which proved so effective for the mujaheddin in the Afghan conflict. And in Sudan the Sudanese People's Liberation Army (SPLA) is believed to have between 60,000 and 100,000 fighters together with anti-aircraft artillery and surface-to-air missiles (SAMs).⁶

However, in the vast majority of cases insurgencies are characterised by modes of low-intensity conflict as outlined below.

Guerrilla warfare

In the classic pattern the guerrilla wages a hypermobile war. It is, one could say, the natural weapon of the strategically weaker side. Rather than risking the annihilation of his own forces in a full-scale battle with his more numerous and better armed opponents the guerrilla goes over to the tactical offensive, waging what Taber has called 'the war of the flea'⁷ using methods, time and places of the guerrilla's choice and constantly trying to benefit from the guerrilla's major tactical advantage – the element of surprise.

The most effective modern leaders and theorists of guerrilla warfare have stressed that it is not a self-sufficient method of achieving victory.

Only when the anti-guerrilla side underestimates the guerrilla threat or simply fails to commit its full resources to the conflict does a guerrilla have a chance of achieving, unaided, long-term political aims. In most twentieth-century cases, guerrilla warfare on a major scale has been linked to revolutionary warfare, a struggle between a non-government group and a government for political and social control of a people in a given national territory. Most revolutionary wars have moved through a guerrilla phase and have finally developed into a decisive struggle between conventional armed forces. It should be noted, however, that the guerrilla warfare method has also frequently been used as an auxiliary weapon in other types of conflict (for example, partisan warfare against Nazi Germany in the Second World War and guerrilla attacks during the periods of full-scale limited war in Korea, and later in Vietnam).

Many theories of guerrilla warfare formulated by revolutionary leaders proclaim that counter-insurgency measures by incumbent regimes cannot be effective, and assume that such measures will tend only to enhance popular support for the guerrillas. Guerrilla movements often use urban guerrilla and terrorist tactics in a deliberate effort to provoke the authorities into a counter-insurgent overreaction, thereby inducing an effect on domestic and international opinion favourable to the guerrillas. Thompson is one of many writers who have argued against an overemphasis on military aspects of counter-insurgency.

Among the twentieth-century revolutionary war theorists there have been changing emphases and doctrines of guerrilla warfare. The Leninist model for gaining political power was basically designed for urban areas and was to culminate in a form of revolutionary *coup d'état*. It was therefore found unsuitable for transmission to Asia. Mao Tse-tung tried the route of insurrection in the cities, but this was a complete failure. Chiang Kai-shek was able to defeat the Chinese Communist Party in 1927. Mao concluded that henceforth communist revolutions could only take the form of revolutionary wars.

Mao stressed the vital importance of gaining the mass support of the peasants as a basis for revolutionary struggle. He developed the strategy of protracted war passing through three stages: the enemy's strategic offensive and the revolutionaries' strategic defensive; the enemy's strategic consolidation and the revolutionaries' preparation of the counteroffensive; and the revolutionaries' strategic retreat. This emphasis on a protracted struggle was based on Mao's assumption of lack of external assistance to the revolutionaries and the initial superiority of the enemy's military forces.

During their conflict against French colonial rule, the Viet Minh adapted the doctrine of protracted war to Vietnamese circumstances. In South Vietnam, guerrilla warfare was undertaken mainly to exploit contradictions in the American and Saigon governments, and to achieve political

victory by undermining the opponent's will to fight. This aim was particularly clear after 1969, when the struggle became basically a confrontation between the conventional forces of North Vietnam and those of the United States and South Vietnam. Obviously the North Vietnamese could not have hoped to win a conventional military victory over US forces. What the guerrilla struggle helped to achieve was the American withdrawal, leaving the path clear for a conventional victory over the demoralised South Vietnamese army.

The successful guerrilla campaign of the Cuban revolutionaries led by Fidel Castro, 1956–59, saw the development of the theory of the '*foco*', a small group of armed men who themselves created a revolutionary situation by their attacks on the government forces. The revolutionary leadership of the *foco* combines political and military command. The guerrilla band is seen as the party in embryo. But although these ideas did have some influence in Latin America, the Cuban model suffered a great setback when the attempt at revolution in Bolivia ended in Guevara's death. A major weakness of the *foco* concept was its elitism and its almost inevitable isolation from the peasant and urban masses.

In the late 1960s and early 1970s revolutionary theorists in Latin America and elsewhere tended to shift their attention from the countryside to the cities, launching a number of spectacular but relatively short-lived campaigns of urban violence. These efforts also ended in failure due to determined and ruthless efforts to suppress them and the failure of the revolutionaries to gain substantial and lasting mass support.

It would be premature to assume that guerrilla warfare has become obsolete as a result of developments in military technology and counter-insurgency capabilities. Guerrilla warfare continues to prove effective in tying down large numbers of security forces, in disrupting government and the economy and as an auxiliary weapon in a wider revolutionary war. Guerrillas continue to be used, often highly effectively, in many parts of the world, sometimes with substantial help from friendly foreign governments. If well led and well armed, guerrillas can still present a formidable threat to weak and unstable governments in divided societies, especially where the guerrillas have ample wild and inaccessible terrain from which to operate and a friendly state across the border.

Terrorism

Terrorism is the systematic use of coercive intimidation, usually to service political ends. It is used to create and exploit a climate of fear among a wider target group than the immediate victims of the violence and to publicise a cause, as well as to coerce a target to acceding to the terrorists' aims. Terrorism may be used on its own or as part of a wider unconventional war.

It can be employed by desperate and weak minorities, by states as a tool of domestic and foreign policy, or by belligerents as an accompaniment in all types and stages of warfare. A common feature is that innocent civilians, sometimes foreigners who know nothing of the terrorists' political quarrel, are killed or injured. Typical methods of modern terrorism are explosive and incendiary bombings, shooting attacks and assassinations, hostage-taking and kidnapping and hijacking. The possibility of terrorists using nuclear, chemical or bacteriological weapons cannot be discounted.

Terrorism is not a philosophy or a movement. It is a method. But even though we may be able to identify cases where terrorism has been used for causes most liberals would regard as just, this does not mean that even in such cases the use of terrorism, which by definition threatens the most fundamental rights of innocent civilians, is morally justified. Paradoxically, despite the rapid growth in the incidence of modern terrorism, this method has been remarkably unsuccessful in gaining strategic objectives. The only clear cases are the expulsion of British and French colonial rule from Palestine, Cyprus, Aden and Algeria. The continuing popularity of terrorism among nationalists and ideological and religious extremists must be explained by other factors: the craving for physical expression of hatred and revenge, terrorism's record of success in yielding tactical gains (e.g. massive publicity, release of prisoners and large ransom payments), and the fact that the method is relatively cheap, is easy to organise and carries minimal risk. Regimes of totalitarianism, such as Nazism and Stalinism, routinely used mass terror to control and persecute whole populations, and the historical evidence shows that this is a tragically effective way of suppressing opposition and resistance. But when states use international terrorism, they invariably seek to disguise their role, plausibly denying responsibility for specific crimes. Another major factor conducive to the growth of modern terrorism has been repeated weakness and appeasement in national and international reaction to terrorism, despite numerous anti-terrorist laws and conventions and much governmental rhetoric. Early writing on terrorism tended to treat it as a relatively minor threat to law and order and individual human rights. In a series of studies, I concluded that major outbreaks of terrorism, because of their capacity to affect public opinion and foreign policy and to trigger civil and international wars, ought to be recognised as potentially dangerous to international security and a threat to human rights and, in extreme cases, to international peace. If anyone seriously doubts these dangers, one has only to reflect on the effects of terrorism in exacerbating the conflict between Russia and the Chechens. The militant Chechens also showed, in their mass hostage takings of 1995–96, how terrorism could be a strategically valuable weapon in their war against Russia, forcing the Russian government into massive concessions.

Sabotage

Sabotage is a method used in accompaniment with all forms of low-intensity conflict but also in conditions of full-scale war. It is the deliberate destruction, disruption or damage of equipment, power supplies, communications or other facilities. It is generally aimed at undermining the physical enemy's infrastructure rather than causing loss of life or targeting specific individuals. The term is derived from the French *saboteur*: to spoil through clumsiness, or literally to clatter in sabots (clogs).

Sabotage is an extremely low-cost, potentially high-yielding means of inflicting damage on an enemy. It has frequently been used as a weapon of modern insurgents, for example by the Resistance during the Second World War. It is often combined with guerrilla warfare, but it is not generally used by groups exclusively engaged in terrorism because they are primarily concerned with creating fear by causing or threatening to take life or to cause serious injury. It sometimes happens that acts of sabotage do result in loss of life, but in such cases this is not terrorism as the loss of life was not *intended* by the saboteurs.

Relationship between guerrilla insurgency and terrorism

The history of modern insurgency shows that in most cases where the insurgents succeed they use wide range of methods and tactics in the course of their struggles, ranging from occasional acts of sabotage to full-scale conventional warfare.⁸ But there is no universal pattern so far as the decision to use terrorism is concerned. Some guerrilla leaders and theoreticians, such as Che Guevara and Mao Tse-tung, opposed the use of terror against the civilian population because they believed it would lose them the support and active cooperation of the peasants on which they depended so heavily, and hence it would be counterproductive. Others, such as Carlos Marighella in his *Mini-manual of the Urban Guerrilla*, believed that terrorism was a weapon the revolutionary could never afford to relinquish. At the other extreme is the case of Pol Pot, who led the Khmer Rouge insurgency in Cambodia and conducted mass terror on the scale of genocide. When Pol Pot's movement seized power in the late 1970s it massacred well over a million Cambodians. The only contemporary intra-state conflicts of comparable mass lethality have been the genocides in Rwanda and Burundi in which, since 1993, an estimated 1 million civilians have been killed.⁹ It is highly likely that the level of atrocities committed primarily by Serb forces but also by other parties in the ethnic conflict in the Former Yugoslavia in the 1990s would have reached similar levels of genocidal lethality had it not been for international intervention to terminate the violence in Bosnia and Kosovo. However, it should be stressed that terror violence occupies only a relatively minor or auxiliary role in

the majority of guerrilla insurgencies. If you are a guerrilla leader you do not have to read Mao Tse-tung or Guevara to realise that you are unlikely to win and retain the vital support and cooperation of the general population if you engage in terrorist attacks against civilians. It is true that many guerrilla groups do engage in kidnapping, especially of foreigners, in order to gain valuable cash ransoms, and this is clearly terroristic activity by its very nature. Some guerrilla organisations, such as FARC and the other main Marxist-Maoist group in Colombia, the National Liberation Army (ELN), have made an industry out of kidnap and extortion, but it is clear that this has made them, both in reality and popular perception, little more than a branch of organised crime, decadent guerrillas rather than genuine revolutionaries, irredeemably corrupted by their intimate involvement with the narco-traffickers and their cynical pursuit of huge profits from kidnapping and from their 'protection' of coca and opium production, processing and shipping facilities.¹⁰ On the other hand we should bear in mind that these guerrilla organisations now have the wealth to deploy huge, well-equipped private armies, a major fact in ensuring that large tracts of Colombian territory are vital 'no-go' areas for the Colombian army and police.

If we examine the world map of organisations involved in terrorism, we find that the majority are very small groups, ranging from a few dozen to a few hundred activists. Only a minority, approximately 25 per cent, number their members in the thousands. The tiny groups simply lack the critical mass necessary for launching a full-scale insurgency. Some, though by no means all, of the larger groupings, such as the Khmer Rouge, Sendero Luminoso (Shining Path), the PKK, the New People's Army (NPA), Harakut ul-Ansar (HUA) and Hezbollah (Lebanon), have the capability and resources for a wider campaign of insurgency.

Is there a discernible evolutionary pattern in these organisations whereby they begin as exclusively terrorist groups and only later acquire an interest in acquiring the manpower and weaponry for a wider campaign of insurgency? It is hard to find any evidence to support this theory. From the outset of their formation all the insurgent groups listed above began to acquire guns and ammunition and recruits on a scale far beyond what would be needed to man terrorist cells. It therefore appears more likely that serious insurgent group leaders recognise from the start that terrorist attacks alone are going to be insufficient to deliver their strategic goals. While they generally begin to use terrorist methods from the outset they implicitly, if not explicitly, acknowledge that they can play no more than an auxiliary role by immediately setting about building the critical mass of fighters and weapons needed for a wider insurgency. In their efforts to become major players in power struggles, these movements frequently find it expedient to soft-pedal or suspend, in whole or in part, their terrorist activities, because of their need to retain allies and supporters in the wider

international system. Clear examples of this were the PKK leadership's concessions to the German government in the wake of PKK's international terrorist activity and Hezbollah's decision to release hostages held in Lebanon.¹¹ For the serious insurgent groups, terrorism is regarded simply as a useful tool to be discarded or taken up at will, as circumstances demand.

Conclusion

The general conclusions of this chapter on the relationship between insurgency and terrorism are as follows:

- Acts of terrorism do not inevitably lead to a wider insurgency. On the contrary, the vast majority of groups using the weapon of terrorism remain locked in a cycle of individual, usually very spasmodic, acts of bombing, assassination, hostage-taking, etc. Only a small minority of terrorist campaigns succeed in expanding their struggles into wider insurgencies.
- The key factors that determine whether a terrorist campaign expands into a wider insurgency are: (a) its capacity to win wider popular support among a substantial segment of the population; (b) a degree of repressive reaction by the government and its security forces leading to an increase in popular support for an insurgency; (c) the availability of leaders capable of inspiring and sustaining a wider insurgency; and (d) access to sufficient weapons to initiate a wider insurgency.
- The predominant form of armed conflict in the contemporary world is intra-state rather than interstate, and the overwhelming majority of insurgencies are ethnic or ethno-religious in their underlying motivation.
- A common feature of all contemporary wider insurgencies stemming from ethnic or ethno-religious conflict is that acts of mass terror against the 'enemy' ethnic group, 'ethnic cleansing', massacres, mass rape and other atrocities against the civilian population are widely employed. Frequently the perpetrators are militias or paramilitary organisations rather than regular armies. There are no clear front lines, and there is no adherence to the Geneva Conventions.
- Though they often begin on a small scale, ethno-nationalist insurgencies are particularly dangerous because they can quickly escalate out of control.

THE EMERGENCE OF MODERN TERRORISM

Liberal democracies and the emergence of modern terrorism

Liberal democracy is a fairly recent (nineteenth-century) development that in theory provides ample scope for political opposition and participation within the law.¹ It is because they enjoy constitutional legitimacy in the eyes of the majority of their citizens that modern liberal democracies have proved remarkably resilient against terrorist campaigns by extremist political movements. Compared to colonial regimes and autocracies the Western liberal democracies have been remarkably free of large-scale revolutionary strife and separatist wars. However, they have not proved to be immune against terrorist attacks: on the contrary, the intrinsic freedoms of the democratic society make the tasks of terrorist propaganda, recruitment, organisation and the mounting of operations a relatively easy matter. There is ease of movement in and out of the country, and freedom of travel within it. Rights of free speech and a free media can be used as shields for terrorist defamation of democratic leaders and institutions and terrorist incitement to violence. If the government is provoked into introducing emergency powers, suspending democracy in order to defend it, there is always the risk that by using heavy repression to crush the terrorist campaign the authorities may alienate the innocent majority of citizens caught up in the procedures of house-to-house searches and interrogations.

It is clear that even the long-established liberal democracies become more vulnerable when weakened by prolonged ethnic or religious conflict, by military defeat, by major economic crisis or by an erosion of popular support for democratic institutions and values. For example, Hitler was able to exploit the climate of popular resentment over the Versailles settlement, the crisis of the Depression and the erosion of popular support for democracy when he deployed a combination of political propaganda and terror to undermine the Weimar Republic and seize absolute power. Similarly Mussolini was able to destroy Italian democracy by exploiting the economic crisis and the erosion of popular support for liberal

democracy together with widespread resentment at the outcome of the peace treaties in which Italy was alleged to have been cheated in the distribution of the spoils of victory following the First World War.²

However, although all operative liberal democracies are intrinsically vulnerable to terrorist activities and attacks, it is those that rank among the transitional or modernising political systems, still engaged in the processes of democratisation and economic modernisation, that are the most at risk from internal violence escalating into full-scale civil wars. Hence, although terrorist attacks within Western democracies and against their citizens and facilities overseas remain a threat to innocent life, it is the newer democracies, established following decolonisation and after the ending of the cold war, that have experienced, and are likely to continue to suffer, the severest levels of political violence and instability. This is clearly illustrated by the recent history of southern Africa, the Indian sub-continent, former Yugoslavia, and many other regions.³ Hence, I have been at pains to emphasise, it is absurdly parochial and dangerously misleading to pretend that terrorism is solely of concern to rich Western democracies. It is a far graver threat to human rights and well-being in the emerging democracies of the 'Third' and 'Second' worlds.

The emergence of modern terrorism

It is not the aim of the present study to provide a comprehensive history of twentieth-century terrorism. The following brief survey is an attempt to identify some of the key developments that led to the emergence of terrorism as a challenge to the liberal democracies in the mid and late twentieth century. (Those readers wishing to investigate the recent history of terrorism in specific countries or regions will find that some useful guides to the specialist literature are now available.)⁴

If the 'success' of terrorist movements is to be judged by their ability to realise their long-term political objectives, then those in the nationalist category have the best record. Wherever there is a deeply felt sense of oppression and resentment against alien rule on the part of a large section of the population, the nationalist rallying cry is a grave danger signal for the incumbent regime. For the terrorist movement that proclaims national independence as its major goal can bid to represent a whole ethnic constituency, however dubious the credentials of the terrorist leadership and however undemocratic their internal processes. If a nationalist terror movement is recognised as legitimate by a large proportion of its proclaimed constituency (say a quarter to a third of its members), it will have a more powerful basis on which to challenge the incumbents than any nihilist or utopian revolutionary could hope for. Moreover, if, in addition, the nationalist movement can use terror and agitation to neutralise a further third of the population, that is to say, to withhold positive support and

cooperation from the incumbent regime, the way is open for them to exploit any military or political weakness, internal division or lack of will on the part of the authorities.

The practical advantages to the terrorist of having a large corps of activists and sympathisers, and a large passive element waiting fearfully to see who wins the struggle, are obvious. Terrorists need, in addition to plentiful recruits and supplies of cash and weapons, reliable lines of communication, safe houses and a constant flow of intelligence on what the authorities are up to. But there is a still more important advantage in having, to use the Maoist image, a favourable sea in which the terrorist fish can swim: the incumbent security forces will be denied the vital intelligence and cooperation from the public upon which they depend to catch the terrorists. This was one of the winning cards of the *Ethniki Organosis Kyprion Agoniston* (EOKA) terrorists in their fight against the British Army and police in Cyprus. The British forces found themselves confronted, time and time again, by an impenetrable wall of silence that effectively cancelled out the authorities' advantages of numbers and firepower.⁵

These factors certainly help to explain why there were a few successes for movements using terrorism as a primary weapon in the struggle for power. As a weapon against well-established liberal democracies or against indigenous autocracies, terrorism has proved an almost total failure. Only in a small number of armed colonial independence struggles in the 1940s, 1950s and early 1960s (mainly directed against British and French colonial administrations) did terrorism prove effective in persuading the metropolitan publics and their governments that the costs of maintaining their military presence outweighed the costs of withdrawal. Britain's eventual relinquishment of control in Palestine in 1948 and Cyprus in 1960 are perhaps the most clear-cut instances. Terrorist violence also played a key part in forcing British withdrawal from the Suez Canal zone base in 1954 and from Aden in 1964, and French withdrawal from Algeria in 1962.

These successes of the terrorist strategy were undoubtedly considerably facilitated by three other key factors. First, the metropolitan governments and their publics were weary of war in general and colonial wars in particular. They wanted to bring their soldiers home, for the public had no real stomach for the conflicts. Both colonialism and imperialism were no longer popular causes: jingoism had long since given way to a guilt-ridden disillusion with any overseas military adventures. Another important factor conducive to withdrawal was the straitened economic circumstances of the mother countries, impoverished by years of world war and preoccupied with the problems of internal reconstruction and economic survival: they simply could not stand the financial costs of prolonged involvements in colonial wars. In Britain's case, there was an additional consideration:

a growing popular feeling that there were no vital strategic interests at stake in such distant entanglements. Formally, this new realism was reflected in the official British policy of negotiating independence for one colony after another in the 1950s and 1960s. Indeed, it was a bitter irony that it was in situations of internal communal strife, where there was no universally accepted 'bargaining agent' for the native population, that Britain found itself swept into the whirlpools of bitter internal war and terrorism (as in Palestine where Arabs fought Jews and in the Graeco-Turkish conflict in Cyprus).

Now the great era of colonial independence struggles has passed, it would be naïve to assume that this signifies the end of nationalist and irredentist movements in former colonial states. The intractable problems of struggling to sustain internal cohesion and order have simply been inherited by the successor states, many of which are pathetically ill-equipped – economically, politically and militarily – to handle them. More often than not the new states inherited frontiers that show scant regard for ethnic, linguistic and religious divisions. Hence we now have a situation in which there is hardly a single country in the Third World that has not experienced serious internal conflict in the form of separatists' struggles or inter-communal strife in the past decade.⁶ Movement after movement has resorted to armed struggle: the Palestinians, Kurds, Tamils, Kashmiris and Sikhs are just a few examples of ethnic groups that have taken up arms against their new masters. As the frontiers of the Third World rigidify in the post-colonial era, we may expect an increasing number of these desperate groups, trapped awkwardly astride the diplomatic frontiers, to resort to the gun and the bomb. No doubt terrorism will not invariably be the primary weapon in the struggles of these new nationalist movements, but all the signs are that this source of terrorism will increase dramatically in Asia, Africa and the Middle East.

In general terms the ideological terrorist sects and secret societies posed nothing like such a long-term threat to individual Western states or to Western strategic interests. These movements, whether of the neo-fascist far right or the new Marxist and anarchist far left, are more analogous to tiny gangs of bandits than to serious political movements.

Groups such as the Red Army Faction (RAF), the Japanese Red Army (JRA), the Weathermen, the Red Brigades and the Angry Brigade typically presented a bizarre contradiction: Lilliputian membership and negligible popular support coupled with the most pretentious language of people's revolutionary war and struggles against world capitalist imperialism. A more appropriate label, perhaps, for many of these weird cults of violence and hate would be the title adopted by a small group in Heidelberg in 1970: the Socialist Patients' Collective.

Ideological terrorist sects of this kind originated exclusively within the industrialised liberal democracies that they professed to hate so heartily.

They claimed that they were the vanguard of a people's revolution and that their actions would inspire revolutionary consciousness and solidarity with the workers. In practice their tiny memberships were drawn almost exclusively from the children of affluent and privileged homes. Most tended to be recruited from among extremist political groups in the universities. Far from speaking the language of working classes, they lived in a kind of fantasy world concocted from vulgar neo-Marxist slogans and the dangerous ideals of Sartre and Marcuse.⁷

These groups were especially baffling to the outside world because they did not share the same canons of rationality: rather they created their own 'transcendental' rationality, which transvalues everything in terms of the revolutionary ideology. The chiliastic utopianism of groups such as the Baader-Meinhof gang, the Weathermen and the JRA totally rejected the existing order as being vile and beyond redemption. There was no ground for negotiating any compromise between their ends and those of the rest of society. Ideological terrorists dwelt in a Manichean mental world divided into the oppressor-exploiters and their collaborators on the one hand and themselves as soldiers of revolutionary justice on the other. Instead of viewing the use of terrorism in instrumental-rational terms, involving a realistic calculation of its political effectiveness and the possibilities of success, acts of violence became ends in themselves. In short, for these revolutionary secret societies, terrorism became an integral part of their ideology and lifestyle.

In contrast, then, to the movement that has a genuine nationalist legitimacy and popular constituency of support, the ideological sect are outlaws, *francs-tireurs* even in their country of origin. For the nationalist movement, the realities of political power bring their own responsibilities. Nationalists have to concern themselves to a considerable extent with building up their own bases of domestic support and with winning over foreign governments and international opinion to their cause. This inevitably imposes certain restraints on the use of terrorism. They must learn when to play politics, when to exert diplomatic pressure and how to avoid alienating public opinion. The ideological votaries on the other hand are isolated and desperate from start to finish, often hated even more among their fellow citizens than they are abroad.

Yet although the root causes of many of the terrorist campaigns that developed in the late 1960s and early 1970s were quite independent from the cold war, there is no doubt that the ideological conflict between Western capitalism and communist revolutionism had a profound impact on the new patterns of low-intensity conflict that emerged in the later 1960s and 1970s. Almost without exception the leaders of the insurgent groups espoused ideologies of Marxist revolutionism. Even groups with a nationalist aim, such as the Irish Republican Army (IRA), ETA, PFLP,⁸ Democratic Front for the Liberation of Palestine (DFLP)⁹ and the Corsican

National Liberation Front (FLNC),¹⁰ saw themselves as part of a wider 'anti-imperialist' movement challenging the alleged 'oppression' and 'exploitation' by this climate of anti-imperialist anti-Western revolutionism for their own propaganda purposes and providing useful assistance and support, on an opportunistic basis, for selected client groups.

The archetypal terrorism campaign to emerge in the late 1960s and 1970s was pursued by factions of the Palestinian Liberation Organisation (PLO),¹¹ such as Al Fatah and the PFLP. After the cataclysm of the Six Day War in June 1967 it became clear to the Palestinian leadership that their position had become desperate. The long-promised assault by combined Arab armies to recover their homeland had failed. Israel was firmly entrenched in occupation of extensive and strategically valuable territory in Sinai, West Bank, Jerusalem and the Golan Heights. The Arab states' armies were licking their wounds, and Arab leaders had been neither able nor willing to use their power over oil supplies to realise their political objectives. Hence the Palestinian radicals began a series of international terrorist attacks, such as hijackings, bombings and shootings of civilians to augment their traditional methods of guerrilla border raids.¹² This shift to terrorism was intensified after the further disastrous defeat of the Fedayeen at the hands of King Hussein's forces in Jordan in autumn 1970. The international consequences of this shift were highly significant. Other militant groups elsewhere in the world were influenced by what they perceived as the success of the Palestinians in attracting widespread publicity and international attention for their cause. Moreover, many groups began to send their activists for training in Jordan and later in Lebanon and Yemen. Al Fatah, for example, trained personnel from many other groups. Key operatives in the Baader-Meinhof gang, it is worth remembering, were trained at an Al Fatah camp in Jordan. Six weeks later they were busy establishing the RAF in Germany.¹³ By the later 1970s the PLO had become a major conduit for spreading techniques of terrorism worldwide and a client of the Soviet block sponsorship, receiving substantial assistance from the Soviet Union and other Warsaw Pact states.¹⁴

Another major factor in this move towards terrorism was the shift in revolutionary theory away from an interest in the strategies of rural guerrilla warfare and towards urban guerrilla war as a major or auxiliary form of armed struggle. In part this new emphasis was provoked by the dramatic failures of attempted follow-ups of the Cuban guerrilla victory. Rural insurgencies in Venezuela, Argentina and Bolivia suffered severe defeats at the hand of increasingly better-equipped and trained government security forces. Furthermore, the revolutionaries came to realise that in heavily urbanised states such as Brazil and Argentina, where well over half the population was in the cities, they had to win power in the cities as a condition for seizing state powers. Carlos Marighella's mini-manual of the

urban guerrilla¹⁵ and the widely publicised urban activities of Raoul Sendic's Tupamaros¹⁶ in Uruguay soon had the effect of inspiring emulation abroad. For example, Ulrike Meinhof's *Concept of the Urban Guerrilla*, which helped inspire the Baader-Meinhof gang's campaign, borrowed heavily from the ideas of Marighella.

The worldwide dissemination of new technology has also greatly facilitated the growth of terrorism.¹⁷ For example, the development of international civil aviation has created new vulnerabilities and lucrative targets for the terrorist to exploit.¹⁸ TV satellites have brought about a media revolution: the terrorists can exploit this by gaining almost instantaneous worldwide publicity for an outrage, thus enabling them to magnify the element of fear to disseminate awareness of their cause or demands on a scale that would have been unthinkable for the anarchist bomb-thrower or assassin of the nineteenth century.¹⁹ Modern weapons technology has also proved a great boon to terrorists, providing them, for example, with modern plastic explosives such as Semtex and highly accurate lightweight portable firearms. Perhaps most important of all the factors encouraging the spread of terrorism has been the sheer success of this method in achieving short-term tactical objectives of great value to the terrorist. For although it is clear that terrorism rarely, if ever, wins strategic political goals, it has an impressive record in gaining such things as massive worldwide publicity, extortion of large ransom payments and the release of considerable number of imprisoned terrorists.

To sum up on the underlying cause of the resurgence of international terrorism in the 1960s and 1970s, the historical evidence suggests that the major factors were:

- the development of social movements dedicated to achieving national self-determination or the revolutionary transformation of the socio-economic order, or both;
- the belief of many of these groups that terrorism was an effective and legitimate weapon to help attain their goals;
- the acquisition of the necessary techniques and resources to mount terrorist attacks or campaigns.

The precise timing of the beginning of the upsurge in international terrorism, as the mid-point of the cold war, was due to a combination of historical development, the impact of the June 1967 war on the thinking of radical Palestinians, the shift in revolutionary theory from the rural-based guerrilla to the use of urban terrorism (as exemplified in the ideas of Carlos Marighella and other Latin American revolutionary strategists), and the development of small groups on the revolutionary left in the industrialised countries who were impatient with what they perceived as the weakness and failure of the New Left and who believed in confronting the capitalist system they so despised with uncompromising violence.

Terrorism in Northern Ireland²⁰

The political culture and traditions in Northern Ireland, on both Republican and Loyalist extremes of the political spectrum, are so steeped in violence that the Province became a virtual laboratory for deploying protracted terrorism as a weapon within a liberal democratic state. By 1998 over 3,300 had died in 29 years of conflict. From the 'Peep O'Day Boys', the Ulster Volunteer Force (UVF), the Fenians and the IRA, fresh generations of gunmen have emerged in the North and South. As Conor Cruise O'Brien has remarked:

Young people in both parts of Ireland have been brought up to think of democracy as part of everyday humdrum existence, but of recourse to violence as something existing on a superior plane, not merely glorious but even sacred. Resort to violence, that is, in conditions resembling those that spurred the Founders into action.²¹

In so far as IRA violence was directed against the British government since 1970 in order to force a British withdrawal from Ulster and the destruction of the Unionist regime, it must be described as a campaign against liberal democracy. But it must be admitted that, from the establishment of the Unionist regime in Stormont in 1922 to the 1980s, the Northern Irish Catholic minority suffered from political, social and economic discrimination. Moreover the Special Powers Act introduced in Ulster in 1922 gave the government sweeping powers to suppress any unwelcome forms of political opposition. The outlawed IRA did attempt a campaign of bombings and attacks on policemen and soldiers in the North from 1956 to 1962, but it was an ignominious failure. The political initiative among the Catholics in the North was taken by the Civil Rights Association in the later 1960s, using non-violent demonstration, petition and political pressure. The IRA was compelled to involve itself in this political work to avoid complete isolation. Apparently blind to the real grievances of the civil rights movement, the hard-line Unionists interpreted the movement as the front for the IRA conspiracy and revolution. Self-styled 'loyalists' and the Royal Ulster Constabulary (RUC) overreacted against civil rights marches and demonstrations, while the Revd Ian Paisley whipped up a campaign of anti-Catholic hatred comparable to that of Titus Oates. There is little room for doubt that the hard-line Unionists mistook the angry rioting in Londonderry's Bogside in 1969 for a Fenian rising. And the Scarman Tribunal produced abundant evidence of the panic overreaction by the RUC. As the civilian death toll in the street fighting rose, the Londonderry and Belfast Catholics began to arm themselves and to look to the IRA as the only available armed Catholic

defence organisation. The IRA leadership in Dublin were caught off guard by this escalation into armed conflict. They had, after all, recently swung over to a *political* strategy in the North. It was the 'Provisional' IRA who then formed and moved in rapidly in 1970 to fill this vacuum.²² Led by hard-line 'physical force' men such as Sean MacStiofain, the Northern Republicans began to rally to the 'Provisional' organisation because they were ready for military action, and the Provisionals became bitter rivals of the so-called 'Official' Marxist-dominated IRA for the support of the Northern Irish Catholics.

It is worth keeping in mind that Belfast was the most ideal terrain for the urban terrorist. It was a city of over 400,000 people, most of whom lived in small homes in narrow streets. There were few natural boundaries within the city, and because of its featureless anonymity it was relatively simple for the terrorist to evade patrols and merge into its surroundings. Much of the property was Victorian or Edwardian, and yards were divided by high walls. There were ideal fields of fire in every street, and countless hiding places for sniping and ambush. Nor was there any shortage of privately held guns, many of them officially registered on the pretext of 'rifle club' membership. Both the Provisionals and the Ulster Defence Association (UDA)²³ and the UVF²⁴ obtained up-to-date arms from abroad. The Provisionals benefited from considerable financial aid from Republican sympathisers in the US, and from expropriations and 'donations' within Ulster. They were able to obtain the highly accurate gas-operated American armalite rifle, made in Japan under licence for the Japanese Self-Defence Force! But the major sources of IRA weapons, including Semtex, AK-47s and machine guns, were huge shipments of arms from Libya in the mid 1980s. Certainly the border with the Republic was in constant use by the Provisionals both as a source of arms and ammunition and as an escape route for terrorists. In sum, all these conditions were conducive to an extraordinarily protracted and bitter ethnic sectarian feud between the extreme republicans and the extreme loyalists and a war of attrition waged by the Provisionals with the aim of compelling the British Army to withdraw.

Ideologically the Provisionals' campaign was callow in the extreme. It is true that they could depend on widespread sympathy among the Catholic population. The widespread Catholic hatred and resentment of the internment measure introduced by Faulkner's government in the summer of 1971 and the Bloody Sunday shootings²⁵ helped to fuel support for the Provisionals. By late 1972 the sympathy had been largely eroded by the revulsion against the particularly indiscriminate and bloody campaign of bombings in Belfast and Derry, which hurt the innocent population (Catholic and Protestant alike), ruined livelihoods and which seemed to prove to the majority of the population the absolute necessity of a continuing British military presence. By continuing a stubborn policy of death

and destruction the Provisionals forfeited all possibility of participation in, or real influence upon, the planning of a new constitutional structure for Northern Ireland to replace the now discredited Stormont system. Cathal Goulding's assessment of MacStiofain could really be applied to the Provisional movement as a whole:

The whole thing I have against him is that he is a very narrow man, he is a man who won't accept or examine new ideas and in his rigidity he is sure that there is only one solution to this problem and that is by physical force. He has no time for politics of any kind – and a revolutionary who has no time for politics is in my mind a madman.²⁶

There is no doubt that the Provisionals deployed an impressive range of terrorist techniques, including car bombs, mortar attacks, assassinations, gaol-breaking, letter bombing and kidnapping. They repeatedly demonstrated capability in carrying terror bombings into London and other English cities. But terrorism can sink to the level of a corrupted and professionalised form of crime that is finally self-destructing. Nor did the Ulster Freedom Fighters (UFF) and UVF or the other Protestant extremist organisations in the Province have any better record.²⁷ Several recent studies have carefully documented the scale of their record of murder and destruction and show how they also actively incited violence and promoted sectarian hatred and bigotry.

The case of terrorism in Northern Ireland further supports my argument that liberal democracy is only seriously threatened by revolutionary terrorism when there is a general withdrawal of popular support from government, or when government appears entirely unable to deal with the problems that face it. This reassuring conclusion should not lead us to neglect the tragic costs of prolonged terror in a democracy: community values are destroyed; families are divided and bereaved; children are brought up in an atmosphere of suspicion and hatred and, in their teens, are socialised into terrible violence. Normal business and industry becomes impossible and new investment ceases. Whole sectors of cities are so damaged by terrorism that they take on the appearance of a land subjected to air attack. Political relations between parties and groups become poisoned, so that bargaining and compromise are instantly identified as 'betrayal'. Both extremes take on organisational forms and attitudes of paramilitary movements. It becomes increasingly difficult for the ordinary citizen to escape the terror of one or other of the armed camps. 'If you are not with us you are against us' becomes the rallying cry. Terrorism can corrupt and corrode democracy by establishing a kind of tyranny over men's souls, and no democracy worth the name can afford to tolerate it.

Just as there were those in the Irish Republican movement who misread the history of Northern Ireland and believed it was a case of British colonialism comparable to Cyprus, so there were some in the security forces who believed that they could simply apply the lessons of counter-insurgency acquired by the army in colonial situations and this would suffice to defeat the Provisional IRA. Both sides had to adapt to a much more complex reality. Eventually the more pragmatic and politically astute political leaders in Sinn Fein/IRA had to recognise that they had to enter the political arena if they were to have any chance of securing the changes they desired. Following the 1998 Good Friday Agreement and its endorsement in the 22 May Referendum, it remained to be seen whether the hard-core Sinn Fein/IRA would be willing to give up the bomb and gun for good, although the IRA's announcement in May 2000 that it was prepared to put its weapons 'beyond use' and to allow independent observers to inspect its arms dumps was a major breakthrough. Eventually, in 2005, the IRA announced the decommissioning of its weapons and the use of only peaceful means to pursue its goals. And on 26 September 2005, the head of the international decommissioning body – General de Chastelain – issued a statement confirming that the decommissioning had taken place.

Meanwhile the security forces and successive British governments have had to learn that combating protracted terrorism in modern democratic society under the spotlight of the media and international opinion must be carried out in ways fully compatible with the maintenance of democracy, respect for human rights and the upholding of the rule of law. Even in this severe test, the criminal justice model of response and the police primacy worked best, with the army providing invaluable support to the police.

The impact of the rise of radical Islamist movements

Terrorism motivated by religious fanaticism has been perpetrated throughout history. Arguably it is as ancient in origin as the use of terror regimes. However, if the late 1960s and 1970s were characterised by the rise of secular nationalist and neo-Marxist terrorist groups, such as the PFLP and the Red Brigades, the early 1980s saw a dramatic emergence of terrorism motivated by extreme Islamist movements. These organisations have developed in almost every Muslim country, but the most significant in terms of capacity to mount campaigns of terrorism have been Hezbollah in South Lebanon, Hamas based in Gaza and the West Bank, al-Gama'at al-Islamiyya²⁸ in Egypt, and the transnational Al Qaeda network.

A common inspiration in the rise of these movements was the Iranian Islamic revolution, led by Ayatollah Khomeini, which overthrew the Shah in 1979 and attempted to construct a new Islamic republic based on funda-

mentalist principles. The Iranian revolution attracted growing admiration not only among Shi'ite Islamic communities but also among the Sunnis, who form the overwhelming majority of Muslims. The leaders of the Iranian revolution were seen as having struck a humiliating blow against the United States and those secular Arab leaders and regimes they perceived as 'collaborators' with the US and other Western states. The dramatic fall of the Shah, America's key ally in the Gulf region, led radical Islamists in other Muslim states to the belief that they too could overthrow their pro-Western regimes and establish Islamic republics based on a return to the shari'a, Islamic law, as interpreted by the fundamentalists. In the case of the Hezbollah in Lebanon there is clear evidence that senior representatives of the Iranian regime played a direct role in the formation of the movement and have exerted such influence upon it ever since that it has become a virtual additional arm of Iranian policy. This direct link is not so surprising when one considers the fact that Hezbollah is a Shi'ite movement and that leading members of the Lebanese Shi'ite clergy were trained in religious academies, such as Najaf, as were the leaders of the Iranian revolution.²⁹

However, even in Lebanon the development of a more militant radical Islamist movement was able to draw on a substantial pre-existing Islamic Amal structure and could exploit the growing mood of alienation and anger felt by Lebanese Shi'ites against what they saw as the betrayal and weakness shown by Lebanese and other Arab regimes, which they saw as pro-Western, secular and corrupt and failing to protect their people adequately in the Israeli invasion of 1982.³⁰

It is clear that there were strong indigenous roots in all the Muslim communities where militant Islamist movements developed in the later 1970s and 1980s. There was a deep disillusion with the secular ideologies and movements of nationalism, Nasserism and pan-Arabism. Widespread poverty and the failure of Arab governments to meet the basic needs of their peoples provided an opportunity for Islamist radicals to develop a stronger popular base for support. They attempted this not only by forming political parties and contesting elections (where allowed to do so) but also by providing better social, educational and welfare provision than the governmental structures have been able to deliver. If one adds to these important factors the strong resentment of US policy in the Middle East, and particularly their anger against America's support for their hated enemy Israel and for those Arab regimes seen to be collaborating with American policies in the region, it is clear that the conditions were propitious for the rise of radical Islamist movements.

It soon became apparent that movements such as Hezbollah and Hamas posed a major terrorist challenge to the United States, Israel and Western countries generally. Hezbollah used suicide truck-bombings against the US Embassy and US Marine barracks with devastating effect: in the

barracks bombing they killed 241 US Marines. Under various *noms de guerre* Hezbollah conducted a series of kidnappings of US, British and French citizens. The kidnappings of US citizens brought such pressures on the US government that certain elements in the National Security Council embarked upon the Iranian-Contra arms-for-hostages conspiracy, which in turn led to a grave US political crisis endangering not only the credibility of US counter-terrorism policy but also the position of the President himself.³¹

The militant Islamist movements, such as Hezbollah, Hamas and Al Qaeda, have demonstrated their capacity for lethal terrorist attacks against targets of their chosen enemies. Their challenge is all the more difficult to combat because fanatical members of these organisations have been ready to martyr themselves in waging a jihad or holy war in which they believe they are carrying out God's will.³² It is extremely difficult to prevent suicide bombings of this kind. As we shall see in later chapters, terrorism of this kind, motivated by religious fanaticism, is not the only form of terrorism that causes large-scale civilian casualties. Nevertheless this religiously motivated fanaticism now constitutes the most dangerous form of non-state terrorism.

As in earlier periods of history, religious fanaticism and terror are not the exclusive preserve of any single major religion. Christian Identity cults and sects in the United States, preaching the hate propaganda of white supremacism and anti-Semitism and armed opposition to the federal government, are linked with the shadowy groups believed to have been involved in the Oklahoma bombing, and we should not forget the strand of religiously motivated terrorism in modern Jewish fundamentalism. In 1984 the Israeli security forces managed to thwart a plot of Jewish extremists to bomb the Dome of the Rock, one of the holiest places in Islam. In February 1994, a Jewish extremist, Baruch Goldstein, a follower of Rabbi Kahane, massacred 29 worshippers in a crowded mosque at Hebron. And in November 1995 Prime Minister Yitzhak Rabin was assassinated by a Jewish extremist who claimed that he was carrying out God's orders.

It is extremely important to understand that terrorism is abhorred and condemned by the leaders of all the world's major religions. It is as absurd to equate mainstream Islamic religion with the terrorism committed by extremist groups acting in the name of Islamic beliefs as it would be to blame the Christian religion for the actions of Torquemada or of the self-styled Phineas Priesthood in America. We must be vigilant in guarding against the prejudice, stereotyping and intolerance that lead, for example, to incidents of Islamophobia and anti-Semitism. As a matter of historical record, the overwhelming majority of the victims of the terrorism committed by Islamist fanatics in the late twentieth century, for example in Algeria, Iraq and Afghanistan, have been fellow Muslims.

The above caveats are vitally important if we are to place the trends in terrorism in the 1990s and into the new century in proper perspective. However, it is also extremely important not to underestimate the significance of the rise of groups of extreme Islamic fundamentalists, inspired and in many cases actively encouraged by the Islamic revolutionary regime in Iran, and ready to wage jihad (holy war) against pro-Western Arab regimes with the aim of setting up Islamic republics in their place. As the examples of the GIA in Algeria and the Islamic Group in Egypt demonstrate, these groups are not confined to Shi'a populations. The primary targets of the group's campaigns are the incumbent regimes and their military, police and government officials, as well as the intellectuals who are identified with the regime.

As in the case of the ethnic conflicts described earlier in this chapter, terrorism is generally only one weapon in a wider struggle: others include propaganda, fighting elections (where this is permitted by the regime), and the development of a mass base of support by means of a wider range of welfare, medical, educational and cultural activities under the fundamentalist movements' control. A key feature of all these groups is that they are bitterly opposed not only to the United States and Israel but to all Western countries. Frequently they have widened their range of targets to attack Westerners within their countries, as with Hezbollah's seizure of Western hostages in Lebanon in the 1980s, GIA murders of French and other foreign citizens in Algeria since 1993 and the 1997 Luxor massacre in which the Islamic Group terrorists murdered 58 foreign tourists.

There is a worrying trend in Islamic fundamentalist terrorism that has been stressed by my colleague Bruce Hoffman³³ and that concerns the modus operandi of fundamentalist groups' involvement in international terrorism. It appears highly likely that the group of Islamic fundamentalists responsible for blowing up the World Trade Center building in New York in February 1993 was operating as a type of semi-autonomous group, inspired and encouraged by their spiritual mentor, Sheikh Omar Abd-al-Rahman, and not controlled by a state sponsor. Such groups pose a particular problem for the counter-terrorism agencies of Western governments as they have no identifiable previous track record. They would also be able to recruit fanatical members from the expatriate community in the host state with the great advantage of considerable local knowledge. This kind of networking has become a key feature of Al Qaeda's campaign (see Chapter 3).

On balance, therefore, the more serious dangers posed by these Islamic fundamentalist groups are their violent campaigns against their prime targets: the existing governments of the Muslim countries of the Middle East and South and Central Asia and against the Middle East peace process to which they are so bitterly opposed. Hamas and Palestine Islamic Jihad (PIJ) bombings have had a major effect on undermining the Israeli-Palestinian

peace process, but, with the exception of Palestine, which in January 2006 was taken over by Hamas after its sweeping election victory over Fatah, no Islamic country appears to be in imminent danger of being taken over by an Islamic fundamentalist insurgent group. However, Al Qaeda is waging a particularly bloody campaign in Iraq and attempting a comeback in Afghanistan.

I believe that at the time of writing (autumn 2005) it is far too early to predict the decline of the Islamic fundamentalist challenge in the Middle East. On the other hand, it is foolish to exaggerate its novelty or its religious significance. But when one examines the activities of groups such as Hezbollah, Hamas, the Algerian GIA and the Al Qaeda network, one is struck by the predominantly *political* nature of their agendas. They may clothe their demands and justifications in Islamic language but they are all essentially engaged in power struggles with their incumbent regimes to replace them with their own preferred form of government: an Islamic republic of Algeria, Egypt, Lebanon, or in the case of Al Qaeda, to create a pan-Islamist new caliphate. Hence we see that what appears to be at first sight a purely religious phenomenon is, in fact, in large part about political control.

Religiously motivated groups, like ethnic separatist groups, are extremely varied in their belief systems, attitudes towards violence and the capacity for adapting to changes in their strategic, political and socio-economic environments. Some groups, such as Hezbollah and Hamas, have shown an ability to engage in electoral politics and build constituencies of mass support. Other groups, such as Al Qaeda, Aum Shinrikyo and the bizarre violent cults in America, seem to be entirely imprisoned by their own dogma. Such groups are unlikely to be constrained by the political factors that have tended to limit the violence of the more politicised and pragmatic groups. If the ultra-fanatics believe they have a monopoly of revealed truth, that their acts of violence are a sacramental duty and that those who are not converted to their beliefs are unbelievers who do not deserve to live, they are unlikely to care two hoots about causing mass casualties in public places. Hence extreme fanaticism is a dangerous feature of the terrorist trends as we enter the twenty-first century. However, we should bear in mind that purely secular terrorist groups have been willing to engage in indiscriminate acts of terrorism on a huge scale, as, for example, the 1980 Bologna railway station bombings by Italian neo-fascists, which killed 84 people and injured 180, the 1974 Birmingham pub bombings by the IRA, which killed 20 civilians and injured 180, and the 1987 bombing of Korean Air Liner Flight 858 by North Korean agents, killing all 115 on board. It would be a serious error to assume that fanatical religious groups are uniquely capable of the fanatical belief in their cause and hatred of their enemies that enable them to carry out acts of great carnage and destruction.

The author examines the threat the Al Qaeda network in more detail in Chapter 3, and shows why this 'new' form of international terrorism is much more dangerous than traditional types.

Terrorism and organised crime

Terrorist activities, such as murder, conspiracy to murder, kidnapping and extortion, are themselves obviously a form of serious organised crime, however much the perpetrators wish to see themselves as freedom fighters. Hence the various acts of terrorism almost invariably transgress the criminal law code of all civilised states. But most terrorist groups also get involved in organised crime for more mundane reasons: unless they are lucky enough to be funded by a generous state sponsor regime they will resort to crimes of armed robbery, fraud, racketeering and extortion in order to raise money to buy weapons, vehicles and other resources necessary for their campaign and generally to sustain their organisation.³⁴

A common method of fund-raising by terrorist organisations is the levying of the revolutionary 'taxes' among the businesses and families in their ethnic constituency of the terrorist group. For example, ETA has long depended on a 'revolutionary tax' among the Basque population. Nor should we be under any illusions about what happens to those who refuse to pay. There have been numerous cases of ETA 'punishment' attacks on those who refuse to pay. A widely reported case of ETA's ruthless method of dealing with those who defy its writ was their murder of businessman Isidro Usabiaga in July 1996.³⁵ Senor Usabiaga had refused to pay the 'revolutionary tax' despite having received death threats. ETA shot him in the back as he was returning home. Similarly savage treatment has been meted out by the IRA against individuals who challenged the Provisionals' control on the criminal network in the communities where they are entrenched. Sadly there is no sign of these aspects of terrorist activity fading away. For instance, in Northern Ireland in April 1998, even after the Good Friday peace agreement, the terrorist groups were still engaging in punishment attacks, in one case kneecapping a 79-year-old man in the New Lodge area of Belfast.³⁶ When armed organisations have become so habituated to committing these savage crimes it is hard to imagine them ever transforming themselves into peaceable democratic organisations.

Just as there is nothing new about the depraved criminality of the terrorist organisations so there is nothing remarkable about the continuing use of terror by traditional organised crime organisations such as the Mafia and the Triads. These gangs have routinely used lethal violence to instil fear in members of their own gangs and the communities in which they operate in order to suppress rivals and to deter anyone from informing on them to the authorities.

However, in the early 1990s organised crime gangs in Italy and India dramatically increased the scale of their threat posed to their respective societies and legal systems by adopting the tactic of large-scale urban bombing long favoured by the politically motivated terrorists.³⁷ On 23 May 1992, the Italian Mafia blew up the motor convoy of Judge Giovanni Falcone, the

leading judge in the fight against the Mafia. The huge bomb killed the judge, his wife and three bodyguards.³⁸ There had been many previous Mafia assassinations, most notably the 1982 murder of General Dalla Chiesa, the civil governor of Palermo. As in the case of Dalla Chiesa, the Mafia murdered Judge Falcone because they saw him as a threat to their whole criminal syndicate. It is known that he was on the brink of examining a list of secret Swiss bank accounts, some of which were believed to contain illegally held funds and which would have established the links between Italian politicians and businessmen to the Cosa Nostra. What was remarkable about the murder of Judge Falcone, however, was that the method used was almost a carbon copy of the kind of bomb attack carried out in the past by Red Army terrorists: the typical method of assassination used by the Mafia in the past had been to shoot their victim. The Mafia used the terrorist tactic again in July 1992 when they used a huge car bomb to blow up Judge Paolo Borsellino, the chief public prosecutor in Palermo who was in charge of coordinating anti-Mafia activity.³⁹ The judge's wife and three bodyguards were also killed in the explosion. The Italian prime minister at that time, Giuliano Amato, described the bombings as an 'act of war against a state'. In my view, these murders, like the Mafia's assassination of General Dalla Chiesa, were acts of pure terrorism. Their aim was not to promote any particular political ideology but to terrorise the state and its judicial and police institutions into abandoning their investigations and prosecutions of the Mafia. It is a sad fact that despite the courage and sacrifice of leading judges and police officials the authorities' campaign against the terrorism of the Mafia has not met with the same success as the campaign against the Red Brigades in the late 1970s and early 1980s, and it is still hampered by corruption at many levels. The gravity of the continuing Mafia threat was underlined in July 1997 when Sicilian police seized a cache of Soviet-made heat-seeking rocket-launchers, anti-tank grenades, detonators and AK-47 assault rifles, which the police believed were to be used in an assassination attempt on a key figure.⁴⁰ According to Guido Le Forte, deputy prosecutor in Palermo, there has been a major revival of the activities of the Italian Mafia, now heavily involved in international drug dealing, arms smuggling and money laundering. The Mafia is also believed to have subverted the *pentito* programme (the use of reductions in sentences to reward Mafia criminals who collaborate with the authorities), and, according to *La Repubblica*, 'many have used the *pentiti* for its own ends from the very beginning'.⁴¹

The Italian Mafia are but one illustration of the way in which terrorist methods have become the stock-in-trade of international organised crime. According to US experts global organised crime is now a £500-billion-a-year business involving Colombian and Mexican drug cartels, the Russian 'Mafiya' gangs and heroin produced on a massive scale in Afghanistan, Pakistan and the Golden Triangle (Burma, Laos and Thailand).

Leading experts on trends in global crime such as the late Dr Richard Clutterbuck and Professor Roy Godson have long been warning that the battle against the alliance of powerful drug cartels and degenerate guerrilla organisations (FARC and ELN) would be lost unless drastic action was taken. Tragically their advice was not heeded. In Professor Godson's view Colombia is now 'lost': it is being torn apart by the faction wars between the drug barons, the paramilitaries and the well-armed guerrilla forces of FARC, which is itself creaming huge profits from drug trafficking, extortion and kidnapping, and gaining an annual income estimated at a billion US dollars.⁴² The Colombian army is totally inadequate to the task of suppressing this lawlessness. Huge rural areas of the country are now totally ungovernable. As a leading article poignantly observed in *The Economist*:

... caught terrorised in the middle are Colombia's rural people, extorted from, frightened or driven from their homes, kidnapped for ransom, 'disappeared', murdered, at times massacred wholesale. And not all the victims are even adult. Which armed men do just what is, of course, disputed conveniently but maybe rightly, the shadowy paramilitaries get much of the blame. But the results are plain, and horrible.⁴³

Conclusion

A close examination of trends in terrorism worldwide does not lead one to conclude that the 'new' terrorism of the Al Qaeda network has entirely replaced the 'old' terrorist regimes and movements of the 1970s and 1980s. The regimes using terror against their own populations have been doing so for decades. The ending of the cold war removed many state sponsors of terrorism from the scene at a stroke, but the major state sponsors currently active have been part of the international scene for between two and three decades. The majority of the secular international terrorist movements active in the late 1990s were established in the 1970s, and most of those motivated by religion emerged in the 1980s. It is significant that only 10 of the 41 active major terrorist groups listed in the US State Department's *Patterns of Global Terrorism, 1998* were founded in the 1990s: most of these groups have known aims, organisational structures and leading activists and various links with like-minded organisations and/or states.

It has been claimed that 'post-modern' terrorist groups do not claim responsibility for their attacks, but as Bruce Hoffman has argued, this is by no means a new development.⁴⁴ It is also claimed that the 'new' terrorism is more amorphous, more diffuse, and often planned and committed by semi-autonomous or 'walk-on' terrorists. Here we must be very careful

not to generalise about the terrorist scene on the basis of particular terrorist attacks such as the World Trade Center bombing, which displayed some radical departures from the *modus operandi* more generally employed by terrorist organisations. If one looks at the world of domestic terrorist organisations, which still constitute the overwhelming majority of the world's terrorist groups, one is stuck by their innate 'conservatism' in terms of choice of tactics, weaponry, targeting and their ability to evolve and to adapt to changes in their environment and intensified efforts by governments to suppress them.

A depressing demonstration of the way the weapon of terror can be used to destroy the fragile and vulnerable democracies in the global 'South' has been the repeated effort by Robert Mugabe to stave off defeat in Zimbabwe elections by using his Zimbabwe African National Union (Patriotic Front) (ZANU-PF) 'war veterans' to conduct a campaign of terror against the opposition and against white farmers, including killings and savage beatings. By January 2006 this regime of terror had destroyed not only Zimbabwe's democracy, it had undermined any vestige of democracy. And in the period May to July 2000 Fiji's democratic government was literally held hostage for two months while George Speight and his fellow hostage-takers mounted a coup. Both cases, though very different in political context and tactics used, provide clear evidence that it is a serious error to assume that the weapon of terror to destroy democracy has been universally abandoned.

By far the most worrying and significant trend in terrorism worldwide is its growing lethality and tendency towards indiscriminate attacks in public places. Yet even when it comes to the terrorist group's choice of weaponry it is by no means obvious or inevitable that terrorist groups in general will decide to deploy weapons of mass destruction (WMD). The discussion for the future of terrorism in Chapter 11 will seek to examine both the factors that might impel terrorists towards use of WMD *and* the very real constraints, disadvantages and dangers involved. In the real world of counter-terrorism democratic governments and societies are going to have to deal with both 'old' and 'new' terrorist organisations, tactics and weapons simultaneously, and democratic societies need to be aware of the continuities in terrorist developments as well as possible lessons from past experiences that may help them to deal more effectively with such threats in the future.

ORIGINS AND KEY CHARACTERISTICS OF AL QAEDA

Al Qaeda ('The Base') was founded in 1989 by Osama bin Laden and Abdallah Azzam.¹ Bin Laden is the seventeenth son of a wealthy building contractor who made a fortune carrying out major construction contracts in Saudi Arabia. Azzam was a teacher of Islamic Law at King Abdul-Aziz University, Jeddah, who exerted considerable influence on Osama bin Laden while he was a student at the same university. Azzam followed in the footsteps of Sayyid Qutb, an influential Egyptian Islamist, and taught that the world is divided between those who live according to the shari'a (Islamic religious law) and those who do not submit to Islamic law.

Qutb believed that all Muslims have a duty to wage holy war (jihad) in order to establish shari'a rule not only in Egypt but globally. In order to obtain this ultimate objective he was quite prepared to threaten secular Arab regimes and those he accused of collaborating with the 'infidel' governments of the west, as legitimate targets of jihad.

The second most important factor in the shaping of Al Qaeda was the experience of the Muslim resistance to the Soviet occupation of Afghanistan following the Soviet invasion of 1979.² Bin Laden visited Afghanistan in 1980 and then began to use part of his father's construction company to build fortifications and tunnels for the Afghan resistance. Bin Laden soon became a key figure in the Makhtab al-Khidmat (Services Office), which had been founded by Abdullah Azzam and which was recruiting volunteers and raising funds for the Afghan resistance all over the world. This role provided bin Laden with a global network of contacts of radical Islamists that was to prove invaluable in the development of Al Qaeda, and provided bin Laden with the opportunity to spread the ideas he had acquired from Qutb and Azzam to other radical Islamist groups, many of which were later to become affiliates and networks in Al Qaeda's global jihad.

The third key factor in the early development of Al Qaeda was the influence of the Egyptian radical Islamists, particularly Ayman Zawahiri, who became the leading theoretician and strategist of Al Qaeda.³ He had cut his teeth in revolutionary terrorist activity as leader of al-Jihad, the

Egyptian extreme Islamist group that carried out the assassination of President Anwar Sadat in 1981. Although Zawahiri was arrested by the Egyptians after the assassination, he was released three years later because of lack of specific evidence of his involvement in the crime. He travelled to Afghanistan in 1980 when he met bin Laden. He arranged the merger of the Egyptian al-Jihad group with Al Qaeda. Abdallah Azzam, who had major differences with bin Laden over strategy, was assassinated in 1989 while in Pakistan. It was Zawahiri, a fanatical believer in the use of terrorism as the key weapon in the global jihad, who became deputy leader of Al Qaeda.

It is a sad irony that bin Laden and his followers, elated by their success in forcing the Soviet Union to withdraw its forces from Afghanistan, an achievement partly made possible by the substantial financial assistance (estimated at \$3 billion), modern weaponry (including ‘Stinger’ missiles) and technical assistance from the United States, then decided that it would attack the US superpower and force it to withdraw its forces from proximity to the Holy Places of Islam in Saudi Arabia. In reality Al Qaeda had much wider ambitions.⁴

Al Qaeda’s major beliefs and aims

- They believe in establishing strict shari’a religious law rule.
- They aim to expel the US and other ‘infidels’ from the Middle East and from Muslim lands everywhere.
- They want to topple Muslim regimes that they claim are betraying ‘true’ Islam and collaborating with the US and its allies.
- Ultimately they aim to establish a pan-Islamist caliphate (super-state) uniting all Muslims.
- Al Qaeda has declared a jihad or holy war against the US and its allies and has set up a World Islamic Front for Jihad, declaring it is ‘the duty of all Muslims to kill US citizens – civilian or military, and their allies everywhere’ (bin Laden ‘fatwa’, 23 February 1998).

These aims may seem utterly grandiose and unrealistic to rational students of international relations, but Al Qaeda members firmly believe that they will ultimately succeed because they are certain Allah is on their side and they believe America and its allies are irredeemably corrupt and too cowardly and weak to withstand their jihad. A key part of their strategy is their commitment to using terror as their key weapon as they really believe that they can terrorise their designated enemies into submission. They aim to do this by waging holy war to win control of a base area within the Muslim world as a platform for expansion and to attack the homelands of the US and its allies by using terrorist attacks against Western targets.⁵

What are the key features of Al Qaeda's modus operandi? Al Qaeda, unlike most traditional terrorist movements, explicitly aims at killing large numbers of people and causing maximum economic damage and disruption to create a climate of fear.

Typical methods are no-warning, coordinated suicide attacks hitting several targets simultaneously. Its most commonly used weapon has been the large suicide vehicle bomb.

The Al Qaeda network has shown a keen interest in obtaining CBRN weapons, and its record shows it would have no compunction about using them to cause large numbers of civilian deaths. They believe their ends justify any means.

What is its area of operations, leadership and structure? Bin Laden's Al Qaeda is more of a global transnational movement than an organisation in the traditional sense. It has a presence in well over 60 countries, making it the most widely dispersed terrorist movement in history. The records show that it has 'global reach'.⁶

Bin Laden and his deputy Zawahiri provide ideological and strategic leadership and direction, and they are assisted by a Shura (council of advisers) and specialist committees dealing with such matters as 'military' planning, Islamist doctrine and indoctrination, the media, etc. But in addition they have a wide and complex network of cells and affiliated organisations (e.g. Jemaah Islamiyah; Salafist Group for Call and Combat (GSPC)), which they use as vehicles for waging terrorism around the world.

Al Qaeda's major affiliates and support groups

- Egypt
 - Islamic Group
 - al-Jihad (Zawahiri led al-Jihad and then, in 1998, merged it with Al Qaeda)
- Algeria
 - GIA
 - GSPC
- Libya
 - Libyan Islamic Fighting Group
- Lebanon
 - Asbat al-Ansar
- Kashmir/Pakistan
 - Lashkar-e-Tayyiba
 - Harakat-ul-Mujaheddin
 - Lashkar-e-Jhangvi
 - Jaish-e-Mohammad

- Indonesia
Jemaah Islamiyah (Islamic Group).

New affiliates

- Iraq
Al Qaeda Jihad Organisation Mesopotamia
Ansar al-Islam
- Yemen
Islamic Army of Yemen
- Morocco
Moroccan Islamic Combatant Group
- Afghanistan
Hizb-e-Islam/Gulbuddin
- Saudi Arabia
Al Qaeda in the Arabian Peninsula
- Europe
Various localised networks including The Secret Organisation of Al Qaeda in Europe
- Africa
Various localised networks especially in East Africa.

Why the Al Qaeda network is far more dangerous than traditional groups

Many Europeans are still under the illusion that Al Qaeda is just the same as any other terrorist group. This assumption is not only misinformed, it is positively dangerous because it grossly underestimates the nature of the threat the Al Qaeda movement poses to international peace and security.

From an early stage in its development it was clear that Al Qaeda was not going to resemble the traditional terrorist groups with their monolithic structures and centralised control: instead it was developed into a world-wide network of networks.

This 'horizontal' network structure means that although bin Laden and Zawahiri provide ideological leadership and inspiration it is left to the affiliated networks and cells to carry out attacks against the types of targets designated in Al Qaeda ideology and combat doctrine. The Al Qaeda movement is able to maintain its 'global reach' through its widely dispersed network of cells and affiliates in over 60 countries, making it the most widely dispersed non-state terrorist network in history. Prior to the overthrow of the Taliban regime thousands of militants from many countries went through the Al Qaeda training camps in Afghanistan, which gave Al Qaeda a safe haven up to the autumn of 2001.

Another key feature of Al Qaeda is that although it uses the language of extreme fundamentalist Islam, its core ideology is a grandiose plan to wage a global jihad against America and its allies and against all existing Muslim governments in order to bring about nothing less than a revolutionary transformation of international politics. Al Qaeda aims to expel the US presence and influence from every part of the Muslim world, to topple all existing Muslim governments on the grounds that they are all 'apostate' regimes because they maintain friendly relations and cooperation with what Al Qaeda terms the 'crusaders and Zionists', i.e. America and its allies – including, of course, Israel. Ultimately Al Qaeda wants to create a pan-Islamist caliphate to rule all Muslims on lines dictated by bin Laden and Zawahiri. Their ideology is Absolutist and hence 'incurable', i.e. there is no basis for diplomatic or political compromise.

However impracticable this ideological project may seem to most in the West, Al Qaeda members certainly believe that their revolutionary global transformation will happen because they believe that Allah is on their side and that they will ultimately be victorious, however long it takes.

A key feature of the Al Qaeda movement is its explicit commitment to mass-killing terrorist attacks. In a notorious 'fatwa' announced to the world in February 1998, bin Laden and a group of leading fellow extremists declared that it is the duty of all Muslims to kill Americans, including civilians and their allies, whenever the opportunity arises.⁷ The 9/11 attacks, which killed almost 3,000, and a whole series of other Al Qaeda attacks, including those in Nairobi, Bali, Iraq, Madrid and London, demonstrate that the movement has no hesitation or compunction about killing hundreds of innocent civilians, including fellow Muslims.

Closely connected with Al Qaeda's congenital tendency to engage in mass killing is their modus operandi in tactics, targets and areas of operations. Their typical tactic is to mount coordinated no-warning suicide attacks using car or truck bombs designed to maximise carnage and economic destruction. Their choice of targets shows that they have no compunction about attacking soft targets where crowds of civilians are likely to be gathered, such as public transport systems, tourist hotels and restaurants, etc. These suicide no-warning coordinated attacks on the general public are particularly difficult for the police to prevent in open, democratic societies.

Bearing these key features of the Al Qaeda network of networks in mind, we can clearly differentiate their form of terrorist threat from the typical patterns of terrorism committed by more traditional groups. A leading example of a traditional group is the IRA. The IRA can justifiably be regarded as the best armed, richest and most experienced terrorist group active in Western Europe between 1970 and 1996. It was responsible for killing more civilians than any other terrorist group in Europe.

However, it is clear that there are many striking differences between the terrorism posed by the IRA prior to the Good Friday Agreement of 1998 and the threat posed by Al Qaeda. In contrast to Al Qaeda the IRA's aims are focused specifically on their ethno-separatist objectives in Ireland. They aim to rid Ireland of the British presence in the North and to unite the whole of Ireland under a single Republican government. Their leaders and their political wing, Sinn Fein, have shown a degree of realism and pragmatism in recognising that they are not going to achieve their aims by terrorism, but that they have a better chance of pursuing their political agenda by political means. They signed up to the Good Friday Agreement, and have maintained their ceasefire, at least so far as attacks on the security forces and the UK mainland are concerned, and although the peace process is still fragile it is still holding and has saved hundreds of lives that would have undoubtedly been lost if the Northern Ireland conflict had continued. Contrast Al Qaeda's stance.

Another key difference between traditional terrorist groups and the Al Qaeda movement is that the former have not been conducting a global war, they have concentrated most of their violence on the country or region where they claim to have the right to a separate state.

It is true that the IRA and other traditional groups went to great trouble to establish diaspora support networks to raise money and weapons and political support for their campaigns, but they did not aim to alter the whole international system.

Another crucial difference is that traditional groups used terror, as Brian Jenkins once expressed it, to have 'a lot of people watching, not a lot of people dead'.⁸ Al Qaeda, on the other hand, specifically aims to have a lot of people watching as well as a lot of people dead.

The seriousness of the current threat from Al Qaeda

The success of the 'War on Terror' against Al Qaeda

Is the *9/11 Commission Report* justified in warning that there could be another major terrorist attack by Al Qaeda, perhaps even more lethal and destructive?⁹

Is the Bush administration justified in claiming that the 'War on Terror' is being won, or does the evidence in the 9/11 report and arising from other investigations around the world support the opposite conclusion?

Looking at the positive items in the balance sheet, one could be forgiven for assuming that President Bush's optimistic assessment is fully justified. The Coalition Against Terrorism is the largest alliance in the history of international relations and despite the deep disagreements between members of the Coalition over the justifiability and desirability of the invasion of Iraq, it is clear that most members, including the Muslim Coalition states,

are continuing to share intelligence and cooperate in the wider aspects of counter-terrorism. The divisions over the invasion and occupation of Iraq did not result, as some commentators had feared, in weakening the UN Security Council's stance on combating terrorism or undermining its key Resolution (1373) (2001) requiring that all states:

c) Deny safe haven to those who finance, plan, support or commit terrorist acts, or provide safe havens; d) Prevent those who finance, plan, facilitate or commit terrorist acts from using their respective territories for these purposes against other states or their citizens.

Nor has the UN abandoned its innovative Counter-Terrorism Committee (CTC) with the proactive role of monitoring member states' compliance with UN resolutions and conventions against terrorism. In an unprecedented step, NATO invoked its collective defence article, Article 5 of the North Atlantic Treaty. Other regional organisations including the Australian, New Zealand and United States Security Alliance (ANZUS) and the Organization for Security and Co-operation in Europe (OSCE) have continued to attach high priority to the 'War on Terror'.

The unexpectedly swift toppling of the Taliban regime in Afghanistan by a combination of Northern Alliance and Coalition forces removed Al Qaeda's ability to use Afghanistan as a major base for planning, training, indoctrination and propaganda, and caused huge (though by no means fatal) disruption of the Al Qaeda leadership and its communications with its global network of cells, affiliated organisations and support groups.

Hundreds of suspected Al Qaeda militants and members of their support network have been arrested around the globe. Three of those listed by the US as the 22 most wanted terrorists have been captured or killed (Khalid Sheikh Mohammed, Ahmed Khalfan Ghailani and Muhammad Atef). Some key leaders of Al Qaeda's affiliated organisations, for example in Saudi Arabia, Algeria and Indonesia, have been killed or captured. Although we know that Al Qaeda moves rapidly to replace its losses, we also know that some highly experienced and expert operational planners (e.g. Khalid Sheikh Mohammed) are very hard to replace with militants of equivalent experience and capability.

Another significant gain by the Coalition has been the blocking of millions of dollars of terrorist funds in the banking system. This has not resulted in denying Al Qaeda all sources of funds, but it has reduced their ability to finance their global 'holy war' against the US and its allies.

Despite the intensification of Al Qaeda's efforts to destabilise the regimes of the front-line Muslim states, Pakistan, Afghanistan, Saudi Arabia and Iraq, they have not so far succeeded in toppling a single government and replacing it with an Al Qaeda or pro-Al Qaeda regime.

Last but by no means least; Al Qaeda has so far failed, despite repeated efforts since 9/11, in its efforts to carry out a successful attack on the homeland of the US.

On the other side of the balance sheet, it is obvious that there have been some serious failures and mistakes, which help to explain why Al Qaeda remains very much in business and why the Coalition has a long way to go before success in quashing the Al Qaeda threat can be achieved.

First, Al Qaeda's key leaders (Osama bin Laden, Ayman Zawahiri, Sheikh Said, Abu Musab al-Zarqawi and Saif al-Adel) are still at large. This is a highly significant factor. Bin Laden and his deputy are particularly important as symbols, propagandists and ideologists and provide both general strategic direction and inspirational propaganda. Moreover, it is clear that far from being sidelined or rendered powerless by the Coalition's actions, as some commentators have claimed, Al Qaeda's core leadership, with its key role as the central hub in the global network, has adapted in the face of its setbacks and has survived.

One of the key factors enabling them to survive their major setbacks is their fanatical belief in the ultimate invincibility of their 'holy war'. They believe their setbacks are but temporary reversals in specific countries. In the long term (and they have a totally different perception of the historical calendar from the secular West), they are convinced that Allah is on their side and will bring them victory. Another major factor helps explain the ability of Al Qaeda to adapt and survive in spite of the severe counter-measures taken by the US and the wider international community: bin Laden's network has been able to sustain its campaign by enlisting affiliated groups it has penetrated or hijacked to carry out attacks in the name of Al Qaeda and in pursuit of its wider aims. For example, the major attacks in Bali, Riyadh, Casablanca, Istanbul and Iraq have all been carried out by regional affiliates of the Al Qaeda network, while bin Laden has immediately claimed them as his own.¹⁰

Whatever the rights and wrongs of the invasion of Iraq it could hardly be claimed as a major victory against Al Qaeda – on the contrary; it provided a gratuitous propaganda gift to bin Laden, who could portray the invasion as an act of Western imperialism against the Muslim world. More recruits could be mobilised for Al Qaeda's 'holy war', and more donations could be obtained from Al Qaeda's wealthy backers. The author warned the UK House of Commons Foreign Affairs Select Committee of this danger in 2003.¹¹ In a document leaked to the *New York Times* in July 2005, the UK's Joint Terrorism Analysis Centre (JTAC) warned that: 'Events in Iraq continue to act as motivation and as a focus for a wide range of terrorist related activities in the UK.'¹²

In addition, the post-war insurgency, terrorism and general lawlessness that have resulted from the war provided a strategic opportunity for Al Qaeda. Thousands of Coalition targets (troops and civilians) were suddenly

made available in a country without effective border controls, surrounded by Muslim countries with Al Qaeda militants within their populations.

One of the most damaging consequences of the conflict in Iraq has been the deflection of funding and military resources away from Afghanistan. President Karzai is desperately in need of security and economic development. Al Qaeda, in alliance with Taliban and local warlords, is creeping back in alliance with local warlords, especially in the areas bordering Pakistan and in the south-east of Afghanistan. The attempt to bring stability and democracy to Iraq is likely to cost billions more US dollars and many more US, British and Iraqi lives. Yet it is vital that Coalition troops stay until Iraq's security forces can maintain basic security.

Despite the failures of policy and intelligence by the US and its NATO allies and the very real continuing threat of another major attack on the homeland of a Western state, the greater long-term danger to international security and stability is the intensification of efforts by Al Qaeda and its affiliates to destabilise and undermine the governments of some of the front-line Muslim states and to create new lawless zones which they could use as platforms to attack neighbouring states. The fragile interim government of President Karzai is particularly at risk. Pakistan's leader has been the target of repeated assassination attempts and Al Qaeda is undoubtedly trying to exploit what it sees as the golden opportunity to destabilise the new interim government of oil rich Iraq.

In spite of the setback experienced by Al Qaeda network (or networks) as a result of the 'War on Terror', the network remains active and dangerous both in the 'front-line' states in the Muslim world, where it continues to try to find more secure bases from which it can launch more effective attacks in neighbouring countries, and in Western countries where they have established fresh networks, mainly comprising diaspora Muslims, in order to plan terrorist actions within the homelands of the designated enemy. In other words, in the period 2002–05 the Al Qaeda movement has again morphed, adapting to a situation in which it is forced by circumstances to leave the planning and implementation of terrorist conspiracies to the network affiliates and cell leaders in the relevant region or country. Bin Laden and Zawahiri still provide the ideological leadership and inspiration, but the 'core' leadership is unable to coordinate and centrally control actions undertaken in the movement's name. In one sense this is an advantage: it enables them to maintain global reach and exploit vulnerabilities in a wide range of countries simultaneously.¹³ However, this policy also entails considerable risks of fragmentation and ideological, strategic and tactical divisions between the affiliates and the Al Qaeda leadership. These cracks in the Al Qaeda movement structure are already particularly apparent in South-east Asia but are also beginning to emerge elsewhere. For example, the US government claims that it intercepted a letter sent by Ayman al-Zawahiri, bin Laden's deputy, to Abu Musab al-Zarqawi, in summer 2005,

warning him to change his tactics and in particular his practice of slaughtering hostages and then posting the images on the internet. And early in 2006 press reports suggested that al-Zarqawi had been removed from his position as leader of a terrorist group in Iraq by the self-styled 'Mujahidin Shura Council', an alliance of six insurgent organisations. An interesting example of the movement's network building in a European country can be found in the Netherlands. In November 2004 Theo Van Gogh, a Dutch film director and critic of Islam, was assassinated in the Netherlands. The Dutch police investigation discovered that the alleged killer was linked to a larger cell of 15 extremists with links to the Al Qaeda movement. This network, labelled the Hofstad Group by the police, planned further assassinations. The murder of Van Gogh led to the tit-for-tat burning of places of worship and schools. The Dutch Security Service (AIVD) estimates that there are around 200 extremists liable to commit violence and roughly 1,200 who support them. This is a tiny minority of the one-million-strong Muslim community in the Netherlands, but small numbers of fanatics are fully capable of carrying out deadly and determined terrorist attacks.

The March 2004 Madrid train bombings (which killed nearly 200 people), the July 2005 bombings of the London Underground transport system (which caused the deaths of 52 innocent civilians) and the ensuing police investigations provided conclusive evidence of the presence of fanatical Al Qaeda networks within major European Union (EU) countries, comprising extremists recruited within the diaspora Muslim communities, yet linked to international terrorism.¹⁴

POLITICS, DIPLOMACY AND PEACE PROCESSES

Pathways out of terrorism?

One of the major reasons why terrorism has become so ubiquitous in the contemporary international system is that it has proven a low-cost, low-risk, potentially high-yield method of struggle for all kinds of groups and regimes. And there is no sign that the ending of the cold war has eradicated the underlying ethnic, religio-political, ideological and strategic causes of conflicts that spawn terrorism.¹

On the other hand, twentieth-century history shows ‘terrorism is a faulty weapon that often misfires’.² It very rarely succeeds in delivering strategic goals, such as the overthrow of governments and their replacement by the terrorists. Wanton murder and destruction – for that is how indiscriminate bombings in city streets will be *perceived* by the general population – may have the effects of uniting and hardening a community against the terrorists, of triggering a violent backlash by rival groups or of stinging the authorities into more effective security measures in the ensuing period of public revulsion.

It is also clear that liberal democracies have been extraordinarily resilient in withstanding terrorist attempts to coerce them into major changes of policy or surrender in the face of the terrorists’ demands.³ In contrast to dictatorships and colonialist regimes, liberal democracies have the key advantage that they enjoy legitimacy in the eyes of the overwhelming majority of the population and can mobilise them and depend on their sustained support in their efforts to suppress terrorism.⁴

Political and socio-economic reform

Liberal democracies are in serious trouble if they begin to lose their popular legitimacy and their terrorist opponents begin to acquire it. However, this is extremely rare. All the cards are stacked in favour of liberal democratic governments, or mainstream mass parties engaged in constitutional opposition, which can offer voters the prospect of alternative polices. Major political parties that can share in the government of the country have both the opportunity and the resources to at least respond sensitively and rapidly

to deeply felt discontents and feelings of injustice voiced by citizens. Moreover, it is a mistake to assume that political violence and terrorism will inevitably arise in conditions where there are high levels of perceived socio-economic deprivation. Research shows that it is very often the grievances of minorities concerning perceived lack of political and civil rights that trigger violence.⁵ However, if one examines the history of the political struggles of ethnic and religious minorities in the United States and Britain since the late nineteenth century, or in continental European democracies since 1945, it is clear that an overwhelming majority have found effective channels of protest, lobbying and influence through the medium of constitutional politics or through the channels of both parliamentary pressure and extra-parliamentary protest, demonstrations, marches and rallies. This phenomenon is well illustrated by the struggle for black civil rights in America both past and present.⁶ In retrospect it is astonishing that the black civil rights movement was so peaceful, especially when one considers the severity of discrimination and oppression of the black population in the segregationist areas of the South. This is not to deny that some militant activists opted for a strategy of violence, but they were very few in numbers and had only the most marginal influence on mainstream politics.

Yet if one reflects on the reasons for this there is no cause for complacency about the positive appeal of the liberal democratic principles and practice. One obvious reason for the predominantly peaceful nature of the majority of civil rights movements in democracies has been that the penalties for violence, or any involvement in any activities deemed to be aimed at subverting or overthrowing the government, have been very severe. Prudence rather than idealist views of civic duty may have been the predominant constraint against more violent dissent.

Nevertheless, it is also clear from the history of political violence in the major democracies that much of the success of liberal and socio-democratic governments in avoiding violent conflict has been due to the introduction of enlightened political and socio-economic reforms and ameliorative measures by successive governments.⁷ Attention to much needed reforms to adapt to changing popular needs should be a central concern in the daily business of governments, not simply in order to head off potential civil conflict and violence but because it is the central duty of democratic governments and political parties to serve the needs of the people. There is overwhelming historical evidence that effective and preferably timely programmes of political and socio-economic reform are the best antidote against the rise of anti-democratic mass movements of the extreme left or the extreme right. The tragedy of the Weimar Republic of Germany between the wars was that it conspicuously failed to meet the basic needs of the people and was unable to mitigate the effects of the economic blizzard of the great depression that struck Germany. Thus the ground was prepared

for Hitler's Nazi movement to hijack control of the German political system to establish a totalitarian dictatorship.⁸

One very positive demonstration of the power of democratic processes and values to win mass support, even in countries that have major problems of terrorism and instability and socio-economic deprivation, was the astonishing degree of popular support among Iraqis for free elections and the constitutional referendum in the face of dire threats by terrorist groups and extremist movements engaged in insurgency. Sadly, the election of governments with a genuine and broad-based mandate does not of itself solve the grave problems and insecurity and instability. (Indeed, at the time of writing, atrocities such as the terrorist bombings of the Shi'a community at their holy shrines and even at funeral ceremonies were escalating and leading to the deaths of hundreds of civilians and Iraqi police and soldiers.) Nevertheless, the courage of the Iraqi voters who defied the death threats from terrorist groups in order to cast their ballots shows that there is a genuine hunger for democratic government and the freedoms and rights that only democratic forms of government can bring, even in Muslim countries where there has been little or no experience of democracy in modern history. The promotion of genuine democracy may well become the best *long-term* antidote to terrorism in such societies, but the struggle to achieve it in the teeth of bitter hatred and violence from terrorist and insurgent groups has to be won if this is to happen, and it is for this reason that it would be tragic for Iraq and the future of democracy in the wider Middle East if the Coalition countries and the wider international community failed to give the fragile Iraqi government the security assistance needed to enable the Iraqis themselves to take over the security role successfully. If democracy succeeds in consolidating itself in Iraq, it will be a case of some real progress coming out of tragedy. But it would be a bold observer who would confidently predict that this will happen.

It would be foolish to pretend that democratic governments can in some way immunise themselves against the contagion of terrorism simply by pursuing enlightened policies of socio-economic amelioration and reform. Many of the groups involved in terrorism are very small and may be totally divorced from the wider social movements. In some case they may be offshoots of an international terrorist organisation directed and funded from abroad. In other cases the group may be part of a fanatical religious cult or an extreme neo-Nazi organisation. No democratic government worthy of the name could have dreamt of attempting to accommodate or compromise with the bizarre and dangerous apocalyptic ideas of the Aum Shinrikyo cult,⁹ for example, or with the white supremacist ideas and conspiracy theories of, say, the neo-Nazi right in America.¹⁰ Or take, for example, the case of the cruel murderers responsible for planning and perpetrating the massacre of 58 foreign tourists at the temple of Queen Hatshepsut in the Valley of Queens, near Luxor, on 17 November 1997.¹¹

The idea that such criminals should be accepted as legitimate interlocutors for their professed aims would surely cause general revulsion and, in my view, is totally unacceptable. There is only one appropriate response to those guilty of such a grave violation of human rights and that is to bring them to justice. Prophylaxis and social and economic reform are simply not appropriate or relevant for combating many of the varieties of terrorism faced in modern democratic societies, especially from Al Qaeda and its affiliates, none of which has an economic programme. In any event, once a democratic government faces the onset of terrorist violence, from whatever quarter, it will need to have in place an effective counter-terrorism policy and the expertise, specialist agencies and resources to carry it out.

Notwithstanding all these difficulties, it is the case that the possibilities and potential value of political and diplomatic approaches to reduce violence have generally been seriously underestimated.¹² Although, in a sense, the ending of the cold war took the lid off a large number of ethnic conflicts that had been simmering beneath the surface for decades and thus brought long-suppressed conflicts to the surface again, the collapse of the former Soviet Union also cleared the way for a much more active role for the UN in mediation, peacekeeping and peacemaking in numerous regional conflicts around the world.¹³ Many of these efforts have succeeded, at least to an extent, in reducing overall violence, even though in many cases there are hard-line factions that have continued to use violence.

There have been a number of successful UN peacekeeping operations, for example in Namibia, Angola, El Salvador, Nicaragua and Cambodia, which have led to the holding of free elections and a transition to a period of relative peace and stability, though the situation in Angola and Cambodia has been particularly volatile and there is always the danger of major escalations of violence.¹⁴ The key players in the remarkable South African peace process were President Nelson Mandela and former President F. W. de Klerk.¹⁵ However, the Commonwealth Eminent Persons Group and UN observers also played a valuable role.

It is sad to have to report that the UN's efforts in this important field are being crippled by lack of funds and by lack of will on the part of member states to provide the necessary troops and other resources.¹⁶ The total budget adopted for 2004–05 peacekeeping operations was only 2.8 billion US dollars, considerably less than the budget for UN peacekeeping operations in 1995.

The United States is making a major contribution to the peace efforts in Bosnia and Kosovo. However, there is deep reluctance in the US Congress and among the American public to increase US participation in UN peacekeeping, especially in view of the heavy US burden in Iraq. Many other countries are also unwilling to get involved in new UN missions. This is partly because they are worried that they will be making an open-ended commitment. So many of the conflicts involved are

protracted internal wars that seem to flare up repeatedly despite efforts to negotiate and implement peace accords. In many cases governments are reluctant to commit troops because of lack of public support and because they fear that they will have grave difficulty in extricating their troops from the conflict.

In the absence of adequate UN capabilities to meet the growing demands for peacekeeping and humanitarian intervention there has been a growing tendency for regional organisations to fill the gap. For example, it was the Commonwealth of Independent States (CIS) that provided a peacekeeping force in Tajikistan, and it was NATO that provided the bulk of the implementation and stabilisation forces in Bosnia (IFOR, International Force, and SFOR, Stabilisation Force for Bosnia and Herzegovina) and Kosovo (KFOR – Kosovo Force) and the International Security Assistance Force in Afghanistan. In the case of Bosnia, this multinational effort has been highly successful. But there is always a danger that regional initiatives to set up ‘peacekeeping’ forces will lack the necessary impartiality and legitimacy to perform this role adequately.

There are considerable dangers involved in this ‘peacekeeping exhaustion’ that the international community is displaying. Civil wars in countries such as the Sudan, Afghanistan and parts of central Africa can undergo major escalations, creating huge humanitarian problems both in the countries and among their neighbours as massive numbers of refugees flee the fighting. PIOOM, the human rights research centre, based at Leiden University, estimates that 17 of the 19 (current) high-intensity conflicts have resulted in almost seven million refugees and more than 13 million internally displaced persons.¹⁷ In some cases of severe internal conflict, for example Algeria, the Sudan and Myanmar, the international community has been unable or unwilling to make any significant effort to end the conflict. The consequences for the human rights of the inhabitants have been catastrophic.

Peace processes

The most remarkable of all the peace initiatives launched since the end of the cold war is the Oslo Declaration of Principles of September 1993 between the Israeli government and the PLO.¹⁸ The Israeli–Palestinian conflict was the catalyst for the rise of modern international terrorism.¹⁹ If a peace process between these historic enemies could be made to work, surely this would bring a dramatic reduction in international terrorism?

Sadly, as many specialists in the study of terrorism could have predicted, the Israeli–PLO peace process was under terrorist attack from its inception. Rejectionist groups and state sponsors, such as Iran, have dedicated themselves to derailing the peace process because they believe that the

PLO leadership betrayed both the causes of Islam and the Palestinians. At the other extreme are the right-wing fanatics in Israel who believe that the Oslo agreement betrayed Israel by conceding what they believe to be an integral part of the biblical Greater Israel to the Palestinians and threatening Israel's long-term survival. In the year following the Oslo Accords, Hamas and the PIJ showed their ability to mount sophisticated and deadly terrorist attacks on Israeli targets. Fifty-five Israeli soldiers and civilians were killed in terrorist attacks in 1994. The worst single incident against the Israelis was the bombing of a commuter bus in Tel Aviv, killing 22 Israelis. The worst single attack on the Palestinians in 1994 was carried out by a member of the extreme right organisation Kach, who murdered 29 Palestinian worshippers at a mosque in Hebron.

In 1995 terrorist attacks by Islamic militants, aimed at derailing the peace process, killed 45 Israeli soldiers and civilians and two American civilians, and injured over 270 Israelis. There were fewer attacks than in the previous year, but several suicide bombs caused large numbers of casualties. These attacks were claimed by Hamas and PIJ.

The following year this tactic continued when suicide bombers struck in Tel Aviv in February and in Jerusalem in March, killing 65 people. Hamas claimed responsibility for three of these bombings. A further major blow to the peace process came in November 1995 when Prime Minister Yitzhak Rabin was assassinated by an Israeli extremist who belonged to the extreme right group, EYAL, and who claimed that Prime Minister Rabin was betraying Israel through the peace process policy.²⁰ There is no doubt that the loss of Prime Minister Rabin, a man widely admired and trusted by the public to protect Israel's vital security interests, combined with the strong feelings of anger and insecurity engendered by the terrorists' suicide bombings, helped to ensure the defeat of Shimon Peres, Yitzhak Rabin's successor. The coming to power of Prime Minister Netanyahu in 1996 and a right-wing-dominated government that for the most part was fundamentally opposed to the underlying principles of the Oslo Accords radically altered the prospects for peace. Hence terrorism from both Palestinian and Israeli rejectionists and the outcome of the Israeli general election led to a situation where the peace process was very nearly extinguished.

In 1997, following further devastating suicide bomb attacks on Israeli civilians, the Israeli Prime Minister, Binyamin Netanyahu, threatened to suspend implementation of the peace accords until Yasser Arafat and his colleagues had proved that they were taking effective security action against the terrorists.²¹ Meanwhile the Palestinians were becoming ever more disillusioned with the peace process. Far from experiencing a significant improvement in their socio-economic conditions, the majority of the inhabitants of West Bank and Gaza found themselves worse off as a result

of the Israeli government's policy of closing the frontiers with Israel in the aftermath of successive Palestinian terrorist attacks. This prevented Palestinians employed in Israel enterprises from earning the wages so vital to their economy. There was also particular resentment against the expansion of the Israeli housing projects in east Jerusalem and the expansion of Jewish settlements, and what the Palestinians perceived as Israel's failure to honour agreements on the withdrawal from Israeli forces from West Bank territory.

It is true that, under considerable pressure from the Clinton administration, Prime Minister Netanyahu was persuaded to join Yasser Arafat in signing the Wye Agreement, designed to bring new life to the peace process. But Mr Binyamin Netanyahu moved swiftly to suspend the agreement on the grounds that the Palestinian Authority was failing to carry out its vital obligations to crack down on terrorism.

Mr Ehud Barak's convincing victory over Binyamin Netanyahu in the May 1999 elections in Israel renewed hopes of resuscitating the peace process. However, the Israeli–PLO process remained in deep trouble. The Palestinians were still deeply suspicious of the new Israeli government, and a final status agreement still seemed a distant dream. Meanwhile the peace process remained under attack from extremists on both sides. It was unable to stop terrorist attacks. The so-called 'roadmap to peace' developed with the support of President George W. Bush, the EU and Russia rekindled hopes for a two-state solution. Prime Minister Sharon's policy of Israeli withdrawal from Gaza again provided some impetus towards a peaceful solution, but extremists on both sides still threatened to derail the process.

A fundamental problem with the entire Israeli–Palestinian peace process was that the Oslo Accords themselves, and the whole process of attempting to implement them, reflected the asymmetry of the power relationship between protagonists. The Palestinians did not have any power, other than street protests, to redress those aspects of the Accords with Israel that are clearly one-sided and unfair in the eyes of the Palestinian population. When the Israeli authorities insist on so limiting the scope of the Palestinian Authority that they are unable to exercise any real autonomy, when the economic measures taken by the Israeli government following terrorist attacks – for example closure of borders – are so economically devastating, and the Palestinians are powerless to do anything about it, one can well understand their frustration. The victory of Hamas in the Palestinian elections of 2006 made the prospect of a peace process seem still more remote: Hamas does not recognise Israel's right to exist and Israel's government, under Mr Ehud Olmert, is unwilling to negotiate with Hamas on the grounds that it is a terrorist organisation.

A very different kind of peace process has been attempted in Northern Ireland after over a quarter of a century of terrorist violence waged by

the Provisional IRA, Irish National Liberation Army (INLA), and the Loyalist terrorist groups: the UVF and UFF. The peace initiative has its origins in a series of discussions between John Hume, the leader of the SDLP (Social Democratic and Labour Party), the non-violent nationalist party in Northern Ireland representing the minority population, and Gerry Adams, President of Sinn Fein, the political wing of the IRA. John Hume's hope was that he could persuade the Republicans to abandon violence and participate alongside the SDLP and other parties in political talks to shape the political future of Northern Ireland. In the Downing Street Declaration of 1993 the Irish and British prime ministers issued a bold challenge to the IRA, making it clear that if they renounced violence, their political representatives could qualify for entry into political talks on the future of Northern Ireland. Although the IRA decisively rejected the Downing Street Declaration at its meeting in Letterkenny in 1994, it did, with strong encouragement from the US government and the Irish caucus in Congress, declare a unilateral ceasefire from 1 September 1994. The Loyalist terrorist groups reciprocated with their own ceasefire a month later.²² However, the Unionist political parties, representing the Protestant majority population in the North, were deeply suspicious of the sincerity of the IRA's ceasefire from the outset. They had good grounds for their apprehension that the IRA would simply return to the gun and bomb if they did not get what they wanted at the conference table. The IRA's ambivalence about the ceasefire was clear from its inception: they refused to declare a permanent ceasefire; they maintained their terrorist cell structure and continued practising operations, selecting and reconnoitring targets, and storing weapons and explosives on both sides of the Irish border and on the mainland. They also continued their brutal punishment beatings of those who incurred their displeasure within their communities, as did the Loyalist terrorist groups.²³ Frustrated at their failure to bulldoze their way into all-party talks on their terms, the IRA returned to its terrorist campaign in the Canary Wharf bombing in London in February 1996, in which two civilians were killed and a large number injured. They followed this by a series of bomb attacks in the British mainland and Northern Ireland, though some of their most potentially devastating or disrupting attacks were thwarted by a greatly enhanced counter-terrorism response by the Security Service (MI5) and the police.

In July 1997, several months after Labour's general election victory, the IRA renewed its ceasefire in order to secure Sinn Fein's entry to inter-party talks on Northern Ireland, which Prime Minister Tony Blair said would go ahead without them if they did not declare an unequivocal ceasefire and show that it was genuine in the period leading up to the start of the talks in mid-September 1997.

However, although the IRA/Sinn Fein signed up to the principles laid down by former US Senator George Mitchell's committee, including the

commitment to using exclusively peaceful means and respecting the democratic principle of the consent of the majority, and thereby gained entry to the inter-party talks, it soon became clear that they were not, at that time, really prepared to transform themselves from a terrorist organisation into a normal political party. The IRA did at last, in 2005, formally decommission its weapons. The main challenge now is to rejuvenate the suspended power-sharing institutions.

The proposals for the future government of Northern Ireland agreed on Good Friday 1998 represent a remarkable achievement of negotiation by any standards. The conflict between the Unionist and the Nationalist traditions has for decades seemed almost insoluble. Unionists have feared enforced integration into a Catholic-dominated Ireland. For their part, the Nationalist minority in the province fears domination by an Orange hegemony. The great strength of the agreement is that it provides recognition and protection for both identities and full equality of rights and status in a genuine power-sharing system of government. It contains a unique and complex structure of checks and balances designed to overcome the deep ethnic and religious division of Northern Ireland. In political terms the Good Friday Agreement created a unique opportunity to build a lasting peace. It was a credit to politicians and officials who laboured so hard to achieve it. But, sadly, politics is not enough to secure the end of terrorist conflicts. It is important to recognise that the new agreement was only a document. A great deal more has to be done to make it work. Comparisons are already being made with the Sunningdale Agreement of 1973,²⁴ which led to a Northern Ireland Assembly with a power-sharing executive and proposals to establish a Council of Ireland. The Sunningdale Agreement was wrecked by the loyalist paramilitaries who organised and enforced the Ulster Workers' Council strike in key industries. A basic requirement for success in 2006, as in 1974, is effective security policy to back up the agreement and to create more confidence on both sides.

Another major stumbling block is terrorist activity by extremist groups that totally reject the peace process. Continuity IRA and the Real IRA, the military wing of the 32 County Sovereignty Committee, have demonstrated they command considerable amounts of weaponry and expertise. The Real IRA, responsible for the bombing of Omagh, in which 29 civilians were killed, initially embraced the ceasefire but later recommenced its terrorist activities and remains a potential focus for anti-Agreement Republicans. It carried out a series of bombings in Northern Ireland in 2000 and is believed to have been responsible for a bomb that damaged Hammersmith Bridge in London.

The remarkable political agreement in Northern Ireland should have been strengthened not only politically but also by the physical measures to prevent it from being undermined by violent extremists. The political and security efforts to make the peace agreement work must go together

hand in hand. There are severe limits to what a democratic government can achieve by purely political means in countering terrorism, but the Good Friday Agreement and the Northern Ireland peace process shows great progress can be made, and hundreds of lives have been saved as a result.

Terrorism and peace processes: the requisites for success in attaining a democratic peace

‘Peace process’ is a much abused term that has been used in many contexts, frequently to denote a predetermined political or ideological ‘solution’ to a conflict designed and imposed by one party to the conflict. The term can be applied to any sustained political and diplomatic efforts to resolve either international or internal conflicts: hence it has been used in situations as varied as the Israeli–Palestinian relationship, South Africa, Bosnia, Northern Ireland, Colombia, Nicaragua, El Salvador, Mali, Angola, Mozambique and Cambodia.

Much of my academic work has focused on the relationships between terrorism and liberal democracy, hence my concern is with the concept of peaceful methods of conflict resolution to prevent or terminate terrorist violence in democratic societies while ensuring that democracy is safeguarded in the process. The new strategic environment with the ending of the cold war appeared propitious for such peacemaking efforts. For the first time since the establishment of the UN, the Security Council was no longer completely paralysed by the ideological and strategic conflict between the superpowers. Not surprisingly, we have seen a record number of UN peacekeeping and peacemaking efforts during the 1990s. Most of these efforts have involved the extraordinarily difficult problems of terminating and resolving protracted internal ethnic or ethno-religious or ideological wars in which terrorism has played a relatively minor or auxiliary role, or has not been a significant feature. There are very few clear-cut cases where conflict resolution has been used as a means of ending violence by factions using terrorism as their primary weapon. It is salutary realism for us to recognise that to date there is no wholly successful example of a peace process leading to the comprehensive and effective transformation of a terrorist organisation into a democratic party. There have been partial successes, however. For example, in the 1970s and early 1980s the political wing of ETA did respond very positively to the Spanish government’s initiative of ‘social reinsertion’, which meant that almost all of them were able to secure their liberty on the clear understanding that they would abandon terrorist violence and participate in purely non-violent democratic politics. This partial achievement is highly encouraging, but we should bear in mind that the hardliners of ETA military refused this pathway out of terrorism and continued stubbornly in their campaign of

terrorism. It was not until 1998, after it caused outrage by kidnapping and murdering a young councillor, that ETA's hardliners were at last willing to declare a ceasefire and to follow the example of IRA/Sinn Fein by initiating a 'peace process', though the Spanish government and public had grave doubts about ETA's true intentions. These doubts were fully justified by events. On 1 May 2000, ETA admitted to the separatist newspaper *Gara* that its ceasefire was a tactical trick against the Spanish and French governments. However, in March 2006 ETA declared a permanent ceasefire. It was an encouraging step but there is much hard work to be done before a successful peace process can be achieved.

Undoubtedly the most challenging of all the recent peace processes has been the one initiated and brokered through the good offices of Norway to resolve the conflict between the Tamil Tiger terrorist organisation seeking independence for the Tamil areas of Sri Lanka and the Sri Lankan government. When one recalls that the conflict has led to the loss of over 64,000 lives since the early 1970s, the negotiation of the ceasefire at the end of the twentieth century was a major achievement. However, despite the patient efforts of the Norwegians and the Peace Commission led by Ambassador Jayantha Dhanapala, the peace process appeared dangerously close to collapse in early 2006, following half a dozen attacks by Tamil extremists in which roughly 80 Sri Lankan soldiers and sailors were killed. In January 2006 the BBC reported that although the Tigers denied involvement in the attack, 'few in Sri Lanka believe them'.²⁵ This setback is a sad reminder of the difficulties of finding a peaceful pathway out of terrorism.

Conclusion

The recent experience of efforts to pursue peace processes in conflict situations does, however, enable us to reach some tentative conclusions concerning the prerequisites for an effective peace process compatible with democratic principles and values:

- There must be a sufficient political will among both parties to a conflict to initiate and sustain a peace process.
- The role of individual leaders in mobilising and guiding their population/community/movement through the peace process is crucial.
- In many cases, though not invariably, external mediators or brokers for peace may be invaluable in the process, and this may mean a key role of the UN, for a regional organisation, or for a major power such as the United States, capable of bringing not only enormous influence but also the substantial economic resources that may be crucial in rehabilitation and recovery following severe conflict.

- Patience and a spirit of compromise together with the courage to take risks for peace are essential qualities for the leaders and negotiators on both sides if they are going to avoid being blown off course by inevitable crises and setbacks during what is likely to be a very protracted and highly complex process.
- A key requirement is for at least a minimal degree of bipartisan consensus in favour of the peace process among the major political parties in the legislature. This proved an essential element in the long and difficult route to Northern Ireland's Good Friday Agreement. For example, as illustrated by the 1997–98 impasse in the Israeli–Palestinian peace process, if this mainstream consensus is lacking and parties fundamentally opposed to the assumption of the peace process come to power, the survival of the process itself is immediately in jeopardy.

And, every bit as important as the other requisites of peace, political advances must go hand in hand with adequate safeguards to meet the security concerns and fears of both parties to the conflict. If this fails to be delivered, there is a real danger of key parties pulling out of the peace process, or alternatively trying to impose a solution entirely on their own terms, if necessary by resumption of violence. To overcome these security fears and to build vital confidence, some degree of properly supervised disarmament and demobilisation of armed forces/groups is normally a vital phase in a successful peace process.²⁶

It is extremely important to beware of 'miracle breakthrough', a euphoria based perhaps entirely on paper agreements. Reaching an agreed formula or document of agreement is not enough in itself: much care must be taken to monitor the agreement and to ensure that it is comprehensively and fairly implemented. Without proper follow-through, violence can so easily be rekindled and another peace effort may be even more difficult to achieve.

Last, but by no means least, in the process of attempting to mobilise initial support for peace initiatives and in sustaining the momentum crucial to success, a peace movement with genuine mass support, as broadly based as possible, is of inestimable value.

LAW ENFORCEMENT, CRIMINAL JUSTICE AND THE LIBERAL STATE

Suppose conflict prevention and deterrence fail? How should the liberal state respond to terrorism once the bombs start going off? It will not escape the reader's notice that Chapters 4, 5 and 6 examine three different dimensions or aspects of responses to terrorism: the use of politics and diplomacy, the use of the law enforcement and the criminal justice systems, and the role of the military. Some academic commentators appear to view these as alternative models for the response of a liberal democracy. In *Terrorism and the Liberal State* (1977 and 1986), I elaborated on an approach that I have termed the 'hard-line approach' of the liberal state to deal with terrorism. In developing the main elements of this approach I took the view that the three models should not be regarded as mutually exclusive, and I proceeded to combine elements of all three models into a set of policy guidelines capable of being applied to a whole variety of terrorist conflicts in widely differing political contexts. It offers a multi-pronged approach aimed at enabling a liberal democratic state to combat terrorism effectively without undermining or seriously damaging the democratic process and the rule of law, while providing sufficient flexibility to cope with the whole range of threats, from low-level spasmodic attacks to intensive, mass-casualty bombing campaigns amounting to a state of war.

The hard-line approach and the rule of law

The key elements of this approach can be summarised fairly briefly:

- 1 Overreaction and general repression, which could destroy democracy far more rapidly and effectively than any campaign by a terrorist group, should be avoided.
- 2 Under-reaction – the failure to uphold the constitutional authority of the government and the law – will bring the threat of sliding into anarchy or the emergence of no-go areas dominated by terrorists, war lords, Mafia gangs and drug barons, and this should be avoided.

- 3 The government and security forces must at all times act within the law. If they fail to do this, they will undermine their democratic legitimacy and public confidence in, and respect for, the police and the criminal justice system.
- 4 The secret of winning the battle against terrorism in an open democratic society is winning the intelligence war: this will enable the security forces, using high-quality intelligence, to be proactive, thwarting terrorist conspiracies before they happen.
- 5 The secret intelligence agencies and all the other institutions involved in combating terrorism must be firmly under the control of the elected government and fully accountable to it.
- 6 If emergency laws are found to be needed in a particularly serious terrorist conflict the laws must be temporary, subject to frequent review by parliament and subject to parliament's approval before any renewal.
- 7 Despite, or perhaps because of, the dilemmas facing governments in hostage crises, governments should avoid granting major concessions to terrorists. Giving in to key terrorist demands encourages terrorists to exploit the perceived weakness of the authorities by trying to wring further concessions out of them. It also damages confidence in the rule of law and the democratic process if terrorist blackmail is seen to succeed. By releasing imprisoned terrorists or by paying large cash ransoms, the authorities will be increasing the capabilities of the terrorists to sustain their campaign. Any major concessions will be a propaganda and morale boost for the terrorists.

In reflection on this framework of general guidelines for counter-terrorism policy in a liberal state, I am struck by the fact that they have stood up pretty well over the past 30 years. It summarised the underlying assumption of the predominant counter-terrorism policy adopted by the major liberal democracies, with the exception of Japan, during this period, at least for most of the time.

Criminal justice and the struggle against Al Qaeda

In its response to 9/11, the Bush administration not only adopted the language of a 'War on Terror', deploying troops to Afghanistan to topple the Taliban and then moving on to attack Iraq (for reasons that had nothing to do with Al Qaeda), it also decided to circumvent, if not entirely abandon, the criminal justice system as a means of dealing with suspected terrorists.

Prisoners captured in Afghanistan or elsewhere were labelled 'unlawful combatants', and interned without trial in a specially designed prison camp at Guantanamo Bay, Cuba, or at one of a number of US bases abroad.

Instead of indicting prisoners suspected of terrorism for trial in the federal courts, the US government devised a system of military tribunals, which are supposed to try the suspects on the basis of evidence of their involvement in terrorism. However, very few detainees have ever had the chance of appearing before a tribunal, and the tribunals are conducted by the military; the suspect is not allowed to choose their own lawyer, and the standards of proof are much less rigorous than those used in the federal criminal courts. Friends and allies of the US have been baffled by the way in which the federal criminal justice system has been circumvented. In many famous cases, such as those involving Ramzi Yousef and the four terrorists convicted by a New York court for their involvement in the August 1998 US Embassy bombings in East Africa, the federal courts have shown that they have the capability of dealing with complex terrorism cases and delivering appropriate sentences on the basis of *overwhelming* evidence. In such cases, both domestic and international opinion can be satisfied that justice has been done. Guantanamo Bay and extra-judicial procedures only do harm to the traditional reputation of the US as a champion of the rule of law and individual human rights.

What possible justifications can there be for this abandonment of due process? Those hawks who see themselves as fighting the ‘Third World War’ argue that the only way to deal with terrorists is to suppress them with crushing military force on the assumption that ‘the only good terrorist is a dead terrorist’. They believe that the end, i.e. crushing the Al Qaeda network, justifies any means, and that terrorists have forfeited their human rights. They also argue that the criminal courts are too cumbersome, too slow, and too unpredictable in their results, and as they have already decided that the detained suspects are guilty, trials before courts of law would be an expensive waste of time. Those who are in favour of this position also tend to take the view, not unexpectedly, that in some circumstances inhuman and degrading treatment of suspects and even torture may be justified in the name of the ‘War on Terror’.

Those who take the opposite view – and they include the author – would object that by abandoning the due process under the rule of law and by violations of human rights of suspects, we betray the very values and principles are the foundation of the democracies we seek to defend. We are also corrupting our democracies and those public officials, members of the military and others who are ordered to carry out such policies. We are also perpetrating major injustice in the name of national security. How can the security authorities be sure that the detained suspects are actually guilty of any terrorist crime? Are we to believe that intelligence agencies are always correct in their information? Is it justice to deny captives who may have to suffer decades of imprisonment any opportunity to prove their innocence before a court of law? Surely not. And what effect is such a cruel policy likely to have on Muslim communities around the world?

Al Qaeda propaganda, for example dressing captured Western hostages in Guantanamo-style orange clothes and showing pictures of prisoner abuse at Abu Ghraib gaol in Iraq, constantly seeks to exploit these images in their efforts to recruit more alienated, angry young Muslims into their network. In other words, not only are these violations of the rule of law by a leading democracy morally and legally wrong, they are ultimately a gratuitous weapon for the terrorist movement.

The huge advantages of using due process and upholding human rights are well understood by judiciaries, police forces and government in EU countries. This is not to say that the EU's use of criminal justice systems has always been perfect. Far from it: there have been serious miscarriages of justice in the UK and elsewhere. Yet there is genuine puzzlement in Europe about their US ally's draconian departure from the rule of law in its treatment of terrorist suspects. In view of the importance of maximising international judicial and police cooperation, this startling divergence is of considerable concern because it becomes a severe impediment to bringing terrorists to justice before the courts. For example, in the case of el Motassadeq in Hamburg, the German prosecutors were frustrated in their efforts to secure a conviction of the accused for allegedly assisting the 9/11 hijackers by the refusal of the US authorities to allow a key witness in US custody to be called to testify before the court in Germany. If all democratic states endeavour to uphold due process and basic human rights norms, it helps to maintain solidarity, and it is also a valuable weapon in the battle of ideas against the terrorists. Last but not least, if the US is sincerely committed to spreading democratic values and processes to countries in the developing world, what kind of example is being set by the suspension of rule of law norms and process in the world's most powerful democracy? Respect for law and fundamental rights is what distinguishes democratic systems from the murky worlds of dictatorship and tyranny.

Concessions to terrorists and the law

The current debate on concessions to terrorists has been somewhat further complicated by arguments concerning concessions or alleged concessions by the British government to the IRA/Sinn Fein before and after the commencement of the inter-party talks on the future of Northern Ireland (15 September 1977). But the crucial difference between these alleged concessions and the demands made by, say, the Tupac Amaru Revolutionary Movement (MRTA) at Lima is that a peace process is being attempted in Northern Ireland. The IRA declared a renewed ceasefire in July 1997, which has, however, not been comprehensive. Following the Good Friday Agreement of 1998, the IRA refrained from attacks on the security forces but continued to commit murders and carry out brutal punishment attacks against

Roman Catholics. There is a crucial difference between concessions made to terrorists when they are conducting a bombing campaign or holding hostages at gunpoint and concessions made in the context of a peace process designed to bring a permanent end to violence. It is important to stress that the counter-terrorism guidelines summarised at the beginning of this chapter apply to the former situation and not the latter. In the first edition of this book I warned against the dangers of the British government making premature and unilateral concessions to the IRA/Sinn Fein in the course of the peace efforts. At the time of writing the IRA had not parted with a single ounce of Semtex or a single bullet. However, in May 2000 the IRA did make a very useful confidence-building gesture by allowing the international arms inspectors to visit their arms dumps, and in 2005 General de Chastelain, head of the international decommissioning body, reported that the IRA had decommissioned all its weapons.

Critics of the hard-line, rule-of-law counter-terrorism policy outlined above have maintained that the main argument against it is that it does not work. If by that they mean there is a great deal of terrorism going on in many parts of the world, then it is true: but the hard-line approach is not being applied at international level because there is no supranational sovereign body or law enforcement body capable of implementing such a policy on a global level, and there are many democratic governments that, for one reason or another, have not adopted the hard-line policy to combat terrorism within their borders. Nor should we lose sight of the fact that there are still regimes actively sponsoring international terrorism and providing safe havens for terrorist groups. It is also clear that many countries have vacillated between a hard policy and a policy of weakness or overt appeasement.

However, if we look at the cases of the democratic states that have adopted the hard-line policy to combat a specific domestic terrorist challenge, we find that some have succeeded in defeating quite serious terrorist campaigns without inflicting irrevocable harm on their democratic process or legal systems.¹ Italy, Germany, France and Belgium, all of whom have deployed a hard-line approach against the Fighting Communist Organisation (FCO) terrorism of the 1970s and early 1980s, succeeded in these efforts.

For example, the Italian authorities introduced wide-ranging additional legal powers to help combat terrorism as early as the mid 1970s. In 1975 Oronzo Reale, then Minister of Justice, introduced what became known as the 'Legge Reale', which gave the police increased powers of arrest and search merely on suspicion and a greater use of firearms. However, it was not until the later 1970s that the Italians introduced a system of more effective coordination between the various police forces and secret agencies such as the intelligence services. The key vehicle providing this urgently needed central direction, leadership and coordination for counter-terrorism was the

newly established Ufficio Centrale per le Investigazioni Generale e per le Operazioni Speciali (UCIGOS), under the aegis of the Interior Minister and with General Dalla Chiesa as 'Supremo'. There is no doubt that the defeat of the Red Brigades was hastened by their own internal crisis of moral and solidarity, and by the fact that they became increasingly alienated and isolated from public opinion after they had kidnapped and murdered the former Italian prime minister, Aldo Moro.²

Nevertheless, it was the greatly strengthened central direction of the counter-terrorism effort and its enhanced proactive intelligence capability that enabled the Italian police and judicial authorities to deliver the *coup de grâce* against the Red Brigades.³ In the early 1980s the judicial authorities were given the scope to offer real incentives to convicted terrorists to turn state's evidence. The so-called *pentiti* (repentant) law gave courts the discretion to reduce sentences very substantially where convicted terrorists provided tangible information leading to the arrest and conviction of fellow terrorists. By 1982 no less than 389 *pentiti*, of whom 78 had actively cooperated with the police and judiciary, had come forward. This new measure was introduced at just the right moment, when the terrorist movement's morale was sagging badly. It was brilliantly successful in providing the police with detailed information that helped them to crack open the Red Brigades' cells and columns. By 1985 the government could report that no less than 1,280 terrorists were in gaol. Moreover, the success was achieved without undermining the independence of the judiciary and without abandoning the democratic process.

German, French and British experience

In the 1970s the main West German counter-terrorist laws were aimed at apprehending the suspects and improving coordination of the police forces' activities in combating terrorism. However, additional laws that came into force in 1987 defined terrorist offences in some detail and broadened the concept of complicity. Minimum penalties for terrorist offences were raised.

A parallel development was the establishment of strong centralised structures of coordination and control in counter-terrorism intelligence and policing. A specialist anti-terrorism unit was set up within the BKA (Bundeskriminalamt – Federal Criminal Investigation Bureau). In 1972 GSG9 (Grenzschutzgruppe 9 – Border Protection Group 9) was established as a crack counter-terrorist paramilitary unit, and this first proved its worth with the brilliantly successful rescue of passengers and crew on board a Lufthansa airliner hijacked to Mogadishu in October 1977. But by far the most significant innovation in the response by the Federal Republic of Germany (FRG) was the development of a formidable computerised bank of counter-terrorism data. It was this data that helped the West German

police to capture some of the key members of the RAF who were on the run. A small residue managed to evade capture, but once the leadership and hard core of the organisation were captured, the RAF ceased to be a significant threat and it has gradually withered away.⁴ As in the Italian case, the authorities' success against the terrorists was not bought at the price of the democratic process and rule of law, though this is not to deny that there are many well-informed observers who believe that serious mistakes of overreaction were made and that these had a counterproductive impact. Even so, the police were successful overall in the quelling of the RAF.

The case of France is far more complex. French policy on terrorism has undergone major vacillations from a hard line to a soft line and then back again. When it came to power in 1981, the Mitterrand government followed a softer and more conciliatory policy towards terrorists than its predecessor. It gave an amnesty to hundreds of terrorists, and many of those freed went back into active terrorism. The death penalty was abolished and the State Security Court, despite its reputation for expertise and effectiveness in dealing with terrorist cases over the previous 18 years, was closed down. It soon became apparent that this policy was a dismal failure. Two terrorists released under amnesty became key figures in a wave of terrorism. The figures of deaths caused by terrorism began to rise sharply.

In 1982 the government reverted to hard-line measures. It proscribed the extreme left group Action Directe (AD), set up a 'council on terrorism' within the government to oversee the counter-terrorism policy, established the new position of Secretary of State for Public Security to deal with terrorism, and tightened the laws on the sale of firearms. In May 1986 the Chirac government introduced further hard-line measures, following another spate of terrorist attacks in France. Gaol sentences of 20 years were instituted for the most serious offences, and the law was changed to allow incentives of remission of sentences to convicted terrorists who informed on their fellow terrorists – a French version of the Italian *pentiti* legislation. The police were given the power to stop any person and request identification. And the length of time those suspected of terrorism offences could be held for questioning was increased from 48 hours to four days. These measures undoubtedly contributed to the undermining of extreme left terrorism in France, although French police also had the good luck to be able to discover and arrest the hard-core leadership of AD's international wing at a farm near Orléans.

It must be admitted that the French have not been so successful in their efforts to combat the spillover of GIA terrorism into France and other terrorist incidents related to the Middle East. But in dealing with the spillover of ETA terrorism, France has, since the mid 1980s, played a major role in assisting the Spanish authorities to capture the top leadership of the

movement and in helping curtail ETA's use of the French side of the border as a base of operations and safe haven. In dealing with this particular problem they have followed a commendably consistent and highly effective hard line.

But, say the critics, what about Britain's counter-terrorism track record? Why was it that the British government and security forces were unable to defeat the IRA in the 27 years leading up to the latest IRA ceasefire? Why is it that the hard-line approach has apparently failed in this case? It is certainly true that the British have been unable to defeat the IRA. But they have been able to reduce considerably the number of deaths from terrorism. In 1972 there were 467 deaths as a result of terrorist violence in the Province. By the later 1980s and early 1990s the total annual figure had fallen to less than 100.⁵ This represented a considerable achievement on the part of the security forces when one bears in mind the inherent intractability of the conflict and the fact that the IRA was able to exploit the long border with the Republic to mount attacks in the Province. It also used the Republic as a safe haven, to store its huge supply of weaponry and for planning, training, recruitment and other important aspects of its activities. Given these uniquely difficult circumstances it was a major achievement for the British security forces to prevent Northern Ireland from escalating into full-scale civil war and thus to buy time for the politicians to find a political solution to the underlying conflict that would be acceptable to the majority of the population on both sides of the sectarian divide. Hence, it can be reasonably argued that by following a consistent hard-line approach on the security front, the police and the British Army (which is deployed to assist the civil power) have helped to make the current peace process possible. The British government did not enter the peace process out of weakness, or because they believed that the IRA was becoming too powerful to be defeated. The position between the IRA and the security forces at the start of the peace process was a stand-off.

Furthermore I would argue that it would be reckless to assume that the hard-line response to terrorism can be safely discarded. The peace process is not guaranteed to succeed. There is always a possibility that the IRA will return to violence if they do not succeed in getting their demands at the conference table. We should bear in mind that there is no previous case in Western Europe of a terrorist movement succeeding in transferring into a peaceful political party. It is also wise to bear in mind the possibility of a split in the Republican movement leading to a splinter group⁶ continuing with terrorism rather than accepting anything that smacks of political compromise that emerges from the conference table. In these circumstances the hard-line counter-terrorism will need to be pursued with even more determination and vigour than before. And one of the most serious weaknesses of Britain's counter-terrorism policy in Northern

Ireland over the years would need to be addressed: the criminal justice system would have to be strengthened sufficiently to be able to prosecute and convict the leaders and godfathers of terrorism for their role in organising the campaigns of murder. I know of no example in the world where the hard-line counter-terrorism policy of a liberal democracy succeeded without having brought the terrorist leaders to justice.

Some critics of the hard-line approach dismiss it on the grounds that it fails to resolve the underlying political causes of the conflict concerned, and that it 'criminalises' those who are waging a political struggle for their ideals. I have argued strongly in Chapter 4 that politics and diplomacy should be used to the fullest extent to try to prevent internal and international conflicts from breaking out, or to try to terminate them once they have already begun. This is unlikely, however, to satisfy the irreconcilable groups who believe they must continue to wage violence until they achieve their maximum demands: all one can hope is that political and diplomatic agreements and reforms may leave those who wish to continue waging violence relatively isolated and hence less politically powerful. But I fail to see how the pursuit of political agreement with those prepared to compromise enables the state to dispense with the hard-line criminal justice approach. How else is the government going to contend with those extreme factions that refuse to compromise and continue to wage terrorist violence, defying the rule of law and the democratic majority and violating and threatening the most basic human right of their fellow citizens: the right to life?

It is also naïve to assume that all groups waging terrorism or planning to do so are susceptible to a conflict-resolution approach based on bargaining and political compromise. What possible basis is there, for example, for a political agreement between the Japanese government and a bizarre and dangerous religious cult such as Aum Shinrikyo,⁷ the group that mounted a nerve gas attack on the Tokyo underground system? Should President Clinton have held some political negotiation with the shadowy extreme right group responsible for the Oklahoma bombing? Should President George W. Bush have been ready to negotiate with Osama bin Laden? Obviously not. Law enforcement and criminal justice are the only sensible ways of dealing with dangerous fanatical groups of this kind.

As for the claim that it is wrong to 'criminalise' terrorists, the short answer is that by using terrorism they criminalise themselves. It is precisely because terrorists, by definition, follow a systematic policy of terror that their acts are analogous to crimes. The very notion of crime, even in the most primitive legal systems, implies the moral responsibility of individuals for their actions, and hence for any violation of the legal code. We cannot make a general rule that terrorists are to be exempted from criminal responsibility unless we are either prepared to plead their irresponsibility on grounds of insanity or are willing to allow the whole moral or legal

order to be undermined by deferring to the terrorist. In most legal systems the typical acts of terrorist groups (such as bombings, murders, kidnappings and wounding) constitute serious offences under the prevailing codes. Murder is, without exception, punishable under the legal codes of all states.

The role of the military

Let us now consider the third line of attack by critics of the hard-line liberal democratic counter-terrorism policy based on the primacy of the law enforcement and criminal justice systems. The critics I refer to here are those who argue that terrorists are in reality waging war and that the most effective and appropriate way of dealing with such a threat is by a fully militarised response, that is, by deploying the armed forces to fight in all-out war, with no holds barred in order to suppress it.⁸

This concept of a fully militarised response is quite distinct from the use of military aid to the civil power (MACP), so clearly exemplified in Northern Ireland since 1969. Under MACP the military's role is strictly limited to support of the police and the civil authorities, and the army is responsible to the Chief Constable of the Police Service of Northern Ireland (PSNI, previously the RUC) for assisting in the maintenance of law and order and the protection of the community and can be held accountable for its actions under the criminal and civil laws. As discussed in the next chapter, this peacekeeping or quasi-constabulary role is a very difficult one for the army to adapt to and sustain for a prolonged period. The armed forces are trained for the external defence role and for the use of maximum force or defence in the face of major firepower. In a quasi-constabulary or peacekeeping role the task of the army is to use minimum force in assisting the police to enforce the law and to protect the community. I argue in Chapter 6 that there are very strong reasons why governments of liberal states should only employ troops for internal security purposes with the very greatest reluctance, and that if they are compelled to deploy them, they should seek to withdraw at the earliest opportunity. This is not meant as a criticism of the policy of using the army in aid of the civil power in Northern Ireland. In 1969 the then Labour Home Secretary James Callaghan and his colleagues had no alternative but to commit troops to Northern Ireland: it was essential because of the escalation of sectarian or inter-communal conflict and the total loss of confidence in one section of the community in the police. Moreover, as I argue in Chapter 6, despite occasional serious errors of judgment and policy, perhaps unavoidable in such a sensitive and intractable conflict situation, the British Army's overall contribution in support of the police and in reducing the lethality of the IRA's terrorist campaign has been vital: without it Northern Ireland would almost certainly have been plunged into all-out civil war.

There is all the difference in the world between the skilful utilisation of the military within a carefully controlled liberal democratic response to terrorism by the civil authorities and a fully militarised response. A fully militarised response implies the complete suspension of the civilian legal system and its replacement by martial law, summary punishments and the imposition of curfews, military censorship and extensive infringements of normal civil liberties in the name of the exigencies of war. By adopting a totally militarised response the government inevitably finds it has removed all constraints of legal accountability and minimum force, enabling the military commanders to deploy massively lethal and destructive firepower in the name of suppressing terrorism. A tragic example of this in a supposedly democratic state was Russia's use of air power to inflict devastation on Grozny, causing between 30,000 and 40,000 deaths among the civilian population.⁹ Far from crushing the separatist movement of the Chechens, the brutality of the Russian armed forces' assault on Chechnya only served to strengthen the determination of the militants who in 1996 achieved the withdrawal of Russian forces following further acts of political violence, including mass hostage-taking, against the Russians. The final irony is that unleashing a totally militarised response, at huge cost in human rights, may ultimately prove counterproductive. Sadly, in the summer of 1999 the Russian government repeated these tragic errors in response to a rebellion led by a Chechen, Shamil Basayev, and to the Moscow apartment bombings in which several hundred died, blamed on Chechen terrorists.

A switch to a full-scale militarised response has particularly dangerous implications at international level. The governments of many countries, including the United States, Israel, India, Turkey and South Korea, have frequently blamed foreign states for their role in sponsoring or masterminding acts of terrorism against them. The hawkish politicians, think tanks and commentators who advocate 'waging war' on terrorism are to be found advocating military reprisal attacks on alleged sponsors. This view became particularly influential in the United States during the second Reagan administration. Indeed, the Reagan administration adopted this policy when it launched bombing raids on Tripoli and Benghazi in April 1986 in retaliation for Libya's role in the La Belle discotheque bombing in West Berlin in which one US serviceman was killed and 230 customers injured. The Gaddafi regime was militarily powerless to prevent the US air attack or to take any direct military action in response. But Gaddafi did use terrorist methods to exact vengeance on both the United States and on Britain, which had given the US government permission to launch the bombing attack on Libya from British air bases.¹⁰

However, quite aside from the question of whether actions such as the US bombing of Libya actually 'work' in deterring further terrorism from the sponsor states, there are two other major problems about the idea

of waging a 'War on Terror' in the international arena. First, innocent members of the civilian population in the state targeted for retaliation may be killed or injured, as indeed was the case in the US raid on Libya. Given the scale of modern military firepower, this is bound to be a risk in any act of military retaliation. Morally most people would find it easier to justify military retaliation if it was aimed at those actually responsible for sponsoring and planning terrorism. Second, there is an obvious danger, especially where the state accused of sponsoring terrorism shares a common border with the state launching military retaliation, that the outcome will be full-scale war. This has already happened in the Middle East, where in 1982 a terrorist attack triggered the Israeli invasion of Lebanon,¹¹ and in Kashmir, where allegations and counter-allegations concerning terrorism helped spark conflict between India and Pakistan and could do so again.¹² Now terrorism is undoubtedly an evil, but war is a far greater evil involving infinitely greater numbers of deaths and far greater destruction, with the attendant dangers of other states being drawn into the conflict. When one poses the basic questions about international consequences of the militarised response to state-sponsored or supported terrorism, one becomes more aware of the irresponsibility of those who assume that there is a simple 'military solution' of this nature. Surely the only thing that entitles states to call themselves 'civilised' in terms of international relations is behaviour that is consistent with respect for the rights of the innocent and for the basic principles of international law. Those who do not maintain these basic standards put themselves on the same level morally as the terrorist states. These criticisms of the 'War on Terror' approach do not imply, however, that the military should have no role in the liberal democratic response. (I seek to explore what the role might be in Chapter 6.)

Having defended the underlying principles of the hard-line liberal democratic response to terrorism, with its emphasis on law enforcement and criminal justice, I will now move the discussion forward to identify the key institutions and resources required to carry it out effectively: (1) the intelligence services; (2) the police; and (3) the legal system. For the purposes of illustration I shall look at the roles of those institutions in British counter-terrorism policy before proceeding to examine some of the key problems and obstacles in developing enhanced international counter-terrorism cooperation among the democracies.

The role of the intelligence services

The archetypal terrorist organisation is numerically small and based on a structure of cells. These generally exercise a fair degree of operational independence and are obsessed with their own need for security and secrecy. Overall control by the terrorist leadership is ensured by the insistence on

internal discipline and total loyalty to the organisation: those deemed to have committed serious offences against their organisation are ruthlessly punished. In cases where a member of the organisation is suspected of acting as an informer, the punishment is likely to be death. Experienced terrorists develop sophisticated cover against detection. They are adept at hiding in the anonymity of the urban landscape and at swiftly changing their bases of operation. These features of the terrorist organisation face the security authorities with special problems, making them an extraordinarily difficult quarry, while the ready availability of light portable weapons and materials required for making home-made bombs makes it difficult to track down their lines of supply.

For all these reasons, a crucial requirement for defeating the terrorist campaign must be the development of high-quality intelligence, for unless the police are lucky enough to capture a terrorist red-handed at the scene of the crime it will only be a sifting through comprehensive and accurate intelligence data that the security authorities have any hope of locating the terrorists, uncovering their conspiracies and bringing them to justice. Therefore, in order to make the hard-line counter-terrorism policy effective, the security authorities need to know a great deal about the groups and individuals seeking to pursue their aims by terrorism, about the precise nature of the objectives and plans, their political motivations and alignments, leadership, membership, logistic and financial resources and their links, if any, with other terrorist groups, terrorist states and international organised crime. Human intelligence (HUMINT) is the key method of gaining this knowledge about terrorist networks, and it is the acute shortage of this form of intelligence that has hobbled the democracies in the efforts to unravel the Al Qaeda network.

The primary objective of an efficient intelligence service must be to prevent any insurgency or terrorism developing beyond the incipient stage. It is obvious that it will need a national remit, to avoid rivalry and duplication between regional police forces, and that it should be firmly under the control of civil authorities, and hence democratically accountable. In most liberal democracies, the tasks of gathering, collating and analysing intelligence in the counter-terrorism field are shared by the foreign and domestic intelligence services, the Special Branch of the police, or its equivalent, and the technical agencies responsible for signals intelligence (SIGINT) and other sources. Normally, input from the police is very important because the routine police tasks of law enforcement and combating crime at every level of the community give the police service an unrivalled 'bank' of background information from which contact information can be developed.

In October 1992 the British government gave the Security Service, better known as MI5, the lead role in intelligence operations against the IRA on the British mainland. This was criticised at the time, especially by the

Metropolitan Police Special Branch, which had traditionally performed this task. On practical grounds, there was much to be said in favour of giving MI5 this new role. The service already had a great deal of experience in countering terrorism, and its then new director-general, Stella Rimington, had previously headed MI5's counter-terrorism department.

The ending of the cold war meant that the service had the resources for this new role. It was uncomfortably clear that there was a huge gap in police intelligence on IRA cells on the mainland, and this meant that the 'active service units' were able to mount spectacular and hugely destructive attacks, such as the City of London bombings, with impunity.

Evidence of intensive MI5 intelligence and surveillance, which surfaced in the trials of the key IRA terrorists captured on the mainland prior to the September 1994 IRA ceasefire, gave graphic examples of the value of MI5's contribution to the fight against the IRA. The extent of their commitment to combating the threat from the Irish terrorists was emphasised by Stella Rimington in her Dimpleby Lecture in June 1994, when she described it as the service's most important task, taking up nearly half of its resources.

But the IRA ceasefire in 1994, and the real prospect of the removal of any long-term threat from Irish terrorism, now faced MI5 with an acute dilemma. How could they resist Treasury demands for sharp cuts in manpower and funding? Clear signs that MI5 had been seeking to expand into new missions in fighting drug trafficking and international organised crime emerged in January 1995 when the Chief Constables' Committee on Drug Crime expressed concern at reports that MI5 was hoping to take on an expanded role in fighting serious crime, and the Chief Commissioner of the City of London Police was reported to be seeking clarification on MI5's plans.

In May 1995, in reply to questions from Michael O'Brien MP, a parliamentary adviser to the Police Federation, Michael Howard, the then Home Secretary, stated that he was prepared to consider proposals for MI5 to mount intelligence operations to combat serious crime. Some experts, such as Rupert Allison (author Nigel West), believed that MI5's expansion into fighting serious crime would require a change in the 1989 Security Service Act, under which MI5 was only allowed to operate in areas affecting national security, such as espionage, subversion and terrorism. Mr Michael Howard implied that the language of the Security Service Act was not in itself an obstacle to MI5 undertaking these new tasks if a way could be found for the service to play a useful role in supporting the police. This would involve defining the growth of drug crime, money laundering and other forms of serious crime as a threat to national security. However, these definitional and legal issues were ultimately resolved and parliament approved the extension of MI5's role. Sadly, in the process of devoting more effort to the IRA and organised crime, MI5 neglected the emergence of Al Qaeda's network.

In tandem with the debate on the future role of MI5, in the light of the IRA ceasefire, there has also been intensive discussion on the future role of Scotland Yard's anti-terrorist branch. Despite the undoubted success of MI5 in its new lead role in intelligence against the IRA, it would be a grave mistake to assume that MI5 is in a position to devote all its major resources to counter-terrorism and to ditch its traditional responsibilities for dealing with subversion, espionage and economic warfare. These are far from being irrelevant in the post-cold war world. On the contrary, I would argue that the present new world disorder of bitter ethnic and religious conflicts and rivalry over resources is so volatile that we need a sophisticated intelligence capability more than ever. It is a harsh fact that many political leaders in Western governments, including the British government, were caught totally unprepared for Iraq's invasion of Kuwait and the bloody conflict in Former Yugoslavia. It is not clear whether this was due to failures by intelligence services or by their political masters neglecting to use intelligence more accurately. Either way, it is unarguable that we still need intelligence capability of the highest quality. Nor can we depend wholly on SIGINT and the sophisticated technology of the Government Communications Headquarters (GCHQ). HUMINT is still indispensable in interpreting conflict and threat assessment, particularly to counter international terrorism.

This is an argument for a more efficient deployment of the intelligence services in their traditional roles, not for allowing them to colonise traditional police work. In any case, it should be remembered that the police in Britain have their own extremely effective intelligence function and the new and highly professional National Criminal Intelligence Service. If extra intelligence resources are needed to fight serious crimes, these should be invested in the police's own intelligence operations.

But what of the future of the secret intelligence agencies? Britain is not alone in experiencing bitter behind-the-scenes in-fighting as major intelligence agencies fight against swingeing cutbacks or, in some cases, for their very survival. In the wake of the exposure of Aldrich Ames as a Russian mole, the Central Intelligence Agency (CIA) faced demands for the resignation of its director, for a special investigative commission to examine the whole future of the intelligence agencies and, from some members of the Congress, even a call for the abolition of the CIA. Congress contains a number of fierce opponents of the agency and even its intelligence committees – traditionally more sympathetic to the aims and activities of the CIA – have been expressing strong dissatisfaction about the way in which the agency has handled not only the Ames affair but the whole business of adjusting its role to the post-cold war environment. A major reason for the pressures on the American intelligence agencies is their sheer cost. Christopher Andrew, in his magisterial study *For the*

President's Eyes Only,¹³ observes that the US was spending approximately 20 times as much on SIGINT as Britain. In the early 1990s Andrew estimates that the financial cost to the United States of remaining the sole intelligence superpower was 28 billion dollars in budgetary terms.

However, despite much agonising about costs and evidence of the fallibility of the CIA, it is obviously absurd to believe that the United States could manage its role as a global superpower without resort to the traditional weapon of all major states: a high-quality intelligence capability to anticipate, evaluate and monitor threats to its military, political and economic security. The intelligence failures over 9/11 only underline the need to reform and strengthen US intelligence.

The idea that the 'peace dividend' should enable these tasks to be carried out at a vastly reduced cost in the post-cold war period is obviously attractive to a hard-pressed president and Congress. The Clinton administration planned to cut the intelligence budget by roughly 25 per cent in 1998, and this was very much in line with the level of cuts in US defence spending. However, 9/11 showed that these dramatic reductions were the result of an over-optimistic assessment of the post-cold war strategic environment, and that they will need to be reviewed in the light of serious setbacks that has hindered Russia's path to democratisation and economic modernisation, the real threat of further disintegration of the political systems of Russia and other CIS countries and the possibility of extreme nationalists coming to power. These dangers in the former Soviet Union are accentuated when one bears in mind the huge residual Soviet nuclear arsenal and the savage conflicts in Chechnya and Dagestan, which have dramatically revealed the risks of the military getting out of control. It is significant that in early 1995 NATO's Commander-in-Chief Allied Forces Northwest Europe stated that the greatest threat for NATO in his area of command was political instability in Russia, with the worst scenario involving a political collapse and the Russian military becoming involved.

A second major task for the intelligence agencies in the new world disorder is to monitor, evaluate and attempt to prevent the threat of proliferation of nuclear weapons and other WMD in regions of growing tensions and conflicts. The complexity and urgency of this task can be well illustrated in the case of Iran, which is clearly far closer to obtaining nuclear weapon capability than has previously been realised. Western intelligence experts now believe that Iran has been obtaining invaluable help from the Russians and Germans in developing its secret nuclear weapons programme, and some former Soviet experts in WMD technology have found some lucrative employment there. A senior Israeli intelligence official has stated 'When we ask ourselves what is the biggest problem we face in the next decade . . . Iran's nuclear bomb is at the top of the list.'

The urgent need for Western intelligence agencies to monitor the proliferation of biological, chemical, radiological and nuclear weapons is underlined by Al Qaeda's known interest in obtaining WMD. The relevance of the intelligence services' work in monitoring the proliferation of WMD is, alas, all too evident in the field of counter-terrorism.

The task of counter-proliferation also has a direct bearing on counter-terrorism. The intelligence services have the important additional task of seeking to prevent WMD getting into the hands of terrorists.

The role of the police

The main burden of containing and defeating terrorism in liberal democratic states is carried by the police services. The countermeasures appropriate for the police in fighting terrorism are closely analogous to those required for combating other serious crimes of violence. But the tasks involved, if they are to be performed effectively, require an extensive knowledge of the modus operandi, weaponry and tactics of the terrorist groups involved, together with a range of resources and specialised knowledge, for example in the field of bomb disposal and the techniques of scene-of-crime investigation at the site of an explosion, which are beyond the scope and resources of criminal investigation departments lacking experience in this field. Hence all the police services of major countries that have experienced terrorism have developed specialist anti-terrorist units. Scotland Yard, for example can call upon:

- 1 the Anti-Terrorist Branch, which continues to have a key role in counter-terrorism;
- 2 the Technical Support Branch, which possesses the latest expertise in surveillance devices and communications technology;
- 3 D11, the specialist firearms squad, which can supply elite marksmen;
- 4 the Diplomatic Protection Group;
- 5 the Royalty Protection Group;
- 6 the Crime Operations Group, which prevents crime by mounting operations and deploying informants against those involved in organised crime, including terrorism, kidnapping, blackmail, murder and armed offences;
- 7 the scientists of the Metropolitan Police Forensic Science Laboratory (MPFSL) and Chemists' Inspection Unit.

All the above units fall within the Special Operations (SO) department of the Metropolitan Police Service. The SO department is under the command of the Assistant Commissioner (Special Operations), and in the 1990s it was reorganised into Operational Command Units (OCUs), each under the

command of a senior superintendent. The aim behind the introduction of this new structure was to provide more flexibility and to shorten the chains of command into a two-tier structure to maximise the pooling of expertise and specialist skills.

The fact that MI5 has taken over the lead intelligence-gathering role on the Irish Republican threat may have misled members of the public into thinking that the Metropolitan Police role in combating terrorism has been discontinued. Nothing could be further from the truth. The police have a crucial and continuing role in counter-terrorism, and have developed a closely coordinated approach that has led to extremely successful joint operations with MI5.

An outstanding example of the success of a joint operation of this kind was the complex and unprecedented undercover operations by MI5, Special Branch and the Anti-Terrorist Branch that led to the conviction of an IRA gang at the Old Bailey in July 1997 for conspiring to bomb six electricity sub-stations in London and south-east England. If the plot had not been uncovered by the massive surveillance operation, London would have been paralysed by the blacking out of power supplies, and vital services, including hospitals and emergency services, would have been disrupted. In sentencing the six members of the gang to 35 years each in gaol for their part in the conspiracy, Mr Justice Scott Barker said: 'You were reckless to the number of people who might have been killed and maimed as a consequence of your planned bombings.' And Commander John Grieve, then head of the Anti-Terrorist Branch, described the conspiracy as 'the most sophisticated . . . they have ever launched', and the gang as being among 'the most dangerous, long-term criminals I have ever seen in one place'.¹⁴

It emerged during the trial that tens of thousands of hours of surveillance work were involved in this joint operation, and 5,000 pages of documentary evidence and hours of surveillance film were provided by the prosecution. When the police raided a house used by the IRA gang in Peckham, south London, they discovered 37 timers and power units ready to be fitted with Semtex and detonators. For the prosecution, Mr Nigel Sweeney said:

Had the conspiracy succeeded, it would have resulted in serious and widespread loss of electricity to London and the South East. Supplies to customers would have been affected over a considerable period, with little likelihood that supplies would have returned for months or more.¹⁵

It is clear that in order to combat sophisticated terrorist conspiracies, constituting not only a threat to life but also a major potential threat to the economy, a highly coordinated and sophisticated counter-terrorism

capability is absolutely essential, and the police and the intelligence services need the resources required to maintain it. In view of the obvious danger of further attacks by cells linked to Al Qaeda it would be the height of folly for the UK to dismantle or weaken its counter-terrorism agencies and resources.

Hence, Britain has a particularly strong reason for maintaining its guard. But as Al Qaeda operates globally, one could sensibly argue that no country can really afford to be without a specialist counter-terrorism intelligence-gathering and police capability.

There is an additional problem created by the highly fragmented local police force structure in the United Kingdom. The lion's share of the counter-terrorism expertise and resources is held by the Metropolitan Police in London. Police forces in the other major conurbations, Manchester and Birmingham, have certainly built up some resources and expertise of their own. However, there is a need to create a more effective nationwide capability of police response that can be called upon in the event of a terrorist attack outside these major cities. The head of the Anti-Terrorist Branch at the Metropolitan Police also functions as 'National Coordinator' to assist this response, but he has not been given the resources or the necessary authority to perform this task nationwide. The Association of Chief Police Officers' Committee on Terrorism is a modest step in the right direction. But this is no substitute for a fully fledged national counter-terrorism agency of the kind proposed by Sir Hugh Annesley, the former RUC Chief Constable. Such an agency could bring together the best available expertise from the police and the intelligence services and overcome the turf war, rivalries and mistrust that too often militate against more effective cooperation.

The role and effectiveness of legislation as a weapon against terrorism

After almost 30 years of experience of international terrorism there is still great uncertainty and controversy among jurists and other specialists on the role and effectiveness of law and legal systems generally in combating terrorists. Among practitioners and leading government officials, there tends to be far more agreement about what works and what does not, and particularly strong agreement about the relatively small number of laws that have been of exceptional value against terrorism.

Part of the difficulty involved in assessing the efficacy of specific legislation stems from the wide range of functions and aims for which it can be employed. Some legislation is clearly aimed at *prophylaxis*, reforms designed to have a preventative effect by attempting to redress underlying grievances that might otherwise lead to extreme disaffection among sectors of the population. A clear example of this was the statute passed by the

Spanish parliament in 1978 to give a large degree of autonomy to the Basque region. Other laws are aimed at *deterrence*, such as the laws produced in the United States and other countries instituting severe penalties for aircraft hijacking. Much anti-terrorism legislation is designed to increase the level of protection of life and property by providing law enforcement authorities with the powers needed to assist them in apprehension and conviction of those who commit crimes of terrorism. Obvious examples of this are laws designed to enhance international cooperation, such as laws regarding extradition and prosecution under the *aut dedere aut judicare* principle, or the law passed by Congress in 1996 requiring the 'tagging' of explosives. Some legislation appears to have the primarily symbolic or psychological functions of expressing public revulsion at particular outrages and reassuring the public that something is being done. One normally thinks of emergency powers legislation as being exclusively concerned with measures to enhance public security and to facilitate the suppression of terrorist organisations. However, it is clear that a primary function of the section of Britain's Prevention of Terrorism Act proscribing the Provisional IRA was to give legislative expression to public revulsion and reassurance that severe measures were being taken against the terrorists. In many ways, proscription makes the task of gathering intelligence on the terrorist organisation more difficult. But in the atmosphere of the public anger following the Birmingham pub bombings of 21 November 1974 it would have been totally unacceptable for the IRA to have been allowed to continue to raise funds and distribute propaganda openly. Last, but not least, we must bear in mind that many other areas of criminal law, for example those dealing with the control of firearms and explosives, extortion, racketeering and drug trafficking, have a crucial bearing on society's ability to combat terrorism. If key sections of the criminal law become outdated, this will enormously hamper anti-terrorism efforts. For example, the British authorities were given the results of telephone intercepts by the US National Security Agency that could have been crucial in identifying and convicting the Omagh bombers, but in Britain, unlike the United States, tapped telephone conversations are not admissible as evidence in court.

It was clear by the mid-1990s that the UK's Prevention of Terrorism Act was hopelessly outdated. Anti-terrorism legislation needed to incorporate the safeguards of the European Convention on Human Rights (introduced into UK law by the Human Rights Act) and the Police and Criminal Evidence Act. Lord Lloyd's wide-ranging and far-sighted *Inquiry into Legislation Against Terrorism* highlighted these problems and proposed much-needed measures to deal with international terrorism. The Terrorism Act 2000 was largely based on Lord Lloyd's recommendations.

However, in 2001, in the immediate aftermath of 9/11, the then UK Home Secretary, David Blunkett, brought in the Anti-Terrorism Crime

and Security Act, which reintroduced detention without trial in Section 4 of the Act, permitting the internment of a small number of foreigners who had arrived in the UK, were suspected of involvement in terrorism, but who the police felt unable to prosecute through lack of evidence and who could not be sent back to their countries of origin because of the real danger that they might be tortured.

We also need to bear in mind the inherent limitations of any legislation effort to curb terrorism. By definition terrorist groups are making war on legality. They claim that their ends justify their means and that they are for 'true justice' and to avenge the injustices committed by the system they so bitterly oppose and whose institutions and judicial procedures they view with such hatred and contempt. It is an illusion to believe that the fanaticism and determination of well-established terrorist organisations can be defeated by laws alone, even of the most severe and punitive kind. Among modern democratic states, Israel has had to confront the most protracted and intensive long-term struggle with organisations and state sponsors using the weapon of terrorism. Israel has responded with some of the most draconian measures ever used by a democratic state since the upsurge of modern international terrorism in the late 1960s, ranging from military courts and curfews to 'collective punishment' of whole areas, the blowing up of homes of the families of alleged terrorists and a mass expulsion of Hamas militants.

It is ironic that neither these severely repressive measures nor the Labour Israeli government's efforts to achieve a peace process with the Palestinians during the Declaration of Principles signed in September 1993 succeeded in curbing attacks by the extremist groups, Hamas and Islamic Jihad. Between the signing of the Declaration of Principles and 4 March 1996 a total of 203 Israelis were killed in terrorist attacks inside Israel's own borders. And in the two-year period from 6 April 1996 to March 1996, 136 people were killed in 13 attacks by suicide bombers, mostly on buses.

Legislation intended to help combat terrorism can thus be defeated by the fanaticism, ruthlessness and cunning tactics of terrorists. It can also be gravely weakened, if not totally undermined, by lack of political will on the part of the governments, cowardice by judiciaries and professional incompetence, negligence and, in some instances, corruption, on the part of the police and prison officers. Many experts believe that the Italian authorities showed a conspicuous lack of will in their failure to bring the perpetrators of extreme right-wing terrorism to justice in the 1970s and early 1980s. The existence of an adequate framework of laws is not enough: a legal system is only as good as the people who operate it.

Most democratic states that have experienced prolonged and lethal terrorist campaigns of any scale within their borders have at some stage introduced special anti-terrorist measures aimed at strengthening the normal law in order to deal with a grave terrorist emergency. However, these

emergency powers carry risks for the democratic system and it is important to identify them.

It must be a cardinal principle of a liberal democracy in dealing with the problems of terrorism, however serious they may be, never to be tempted to use methods that are incompatible with the liberal values of humanity, liberty and justice. It is a dangerous illusion to believe one can 'protect' liberal democracy by suspending liberal rights and forms of government. Contemporary history abounds in examples of 'emergency' or 'military' rule carrying countries from democracy to dictatorship with irrevocable ease.

Therefore, even in its most severe crises, the liberal democracy must seek to remain true to itself, avoiding on the one hand the dangers of sliding into repression and on the other the evil consequences of inertia, inaction and weakness, in upholding its constitutional authority and preserving law and order. Another kind of betrayal is the deliberate suspension or limitation of civil liberty on grounds of expediency. However hard the going gets in coping with severe internal or international terrorism, or both, a liberal democratic government has a primary duty to preserve constitutional government. The attempt to rule by emergency decree, abandonment of democratic processes and fundamental abridgements of a democratic constitution must be resisted. The government must show its measures against terrorism are solely directed at quelling the terrorists and their collaborators and at defending society against terrorist attack.

As argued above, the fundamental objections to repressive overreaction to terrorism rest on moral and political principles. However, there is also abundant evidence to show that such responses play into the hands of terrorists and, if prolonged, become totally counterproductive. An example of an emergency measure employed by the British authorities that is now widely recognised as having been counterproductive was internment without trial in Northern Ireland, a power that has not been used since the mid-1970s and that the Labour government formally abandoned in 1998. The Northern Ireland Stormont government urged its use in 1971 on the grounds that normal judicial processes were proving incapable of providing essential protection for society. Witnesses, juries and magistrates were being intimidated and the police were frustrated in their efforts to bring known terrorists to trial to have them convicted. When the government decided to use this measure in 1971, the intelligence on which the operation was based was gravely deficient, and large numbers of the people netted by the security forces had little or nothing to do with Provisional IRA terrorism. Internment without trial involves a major abridgement of civil liberties: the removal of the right of habeas corpus. Its use should only be contemplated in the eventuality of a full-scale civil war, when all other means of curbing the escalation of violence on a massive scale have failed. The use of internment in 1971 provided a powerful recruiting

sergeant for the IRA. It convinced many Catholics that repression and discrimination against the minority community had to be resisted. Terrorist violence greatly increased following the introduction of internment, and the total number of deaths from terrorism in Northern Ireland in 1972 (467) was the highest ever. Political and funding support for the IRA in America greatly increased. Another serious consequence of internment was that the process injected a fresh cohort of extremely bitter and also better trained and determined people into the ranks of the terrorist organisation. Internment became a kind of 'Staff College' for terrorists. The only satisfactory way for a liberal state to put terrorists safely out of action for a very long time is to convict them, and if they have committed serious offences, to insist on them serving appropriate long prison terms.

Emergency powers tend to be introduced as a package of measures. Some of these are likely to have little discernible effect on the level of violence. Others, as we have seen above, may ultimately prove counterproductive. However, it is important to remember that some of these measures have proved remarkably effective. An example of a highly effective strategy was the introduction in the early 1980s by the Italian authorities of the *pentiti* laws to help in their struggle to suppress the Red Brigades (see earlier in this chapter). This measure (as we have seen) led to the conviction and imprisonment of many terrorists, and to the vital collapse of the Red Brigades.

It is therefore essential to assess the individual components of emergency powers adopted to combat terrorism before coming to hasty conclusions about the role and value of special anti-terrorist legislation in democratic states. Certain additional powers are almost invariably sought by police in really severe terrorist campaigns: increased penalties for terrorist offences; powers to stop and search pedestrians and vehicles and to search houses without warrant; the proscription of organisations; and wider powers of arrest and extended detention without a criminal charge being brought against the suspect.

It is certainly the view of the police in the UK and other democratic countries within the EU that in the circumstances of a terrorist campaign that threatens security of the public such powers are essential. However, if special anti-terrorist legislation does have to be used, it should be subject to three crucial safeguards:

- 1 All aspects of the anti-terrorist policy and its implementation should be under the overall control of the civil authorities and hence democratically accountable.
- 2 The government and security forces must conduct all anti-terrorist operations within the law. They should do all in their power to ensure that the normal legal processes are maintained and that those charged with terrorist offences are brought to trial before the courts of law.

- 3 Special powers, which may become necessary to deal with a terrorist emergency, should be approved by the legislature only for a fixed and limited period, at the very minimum on an annual basis. These should be subject to the legislature's right to rescind the special powers in whole or in part if circumstances alter. Emergency powers should be clearly and simply drafted, published as widely as possible, and administered impartially.

The influence of reform legislation

If it is difficult to assess the effectiveness of emergency anti-terrorist legislation in curbing terrorism, it is even more challenging to try to evaluate the influence of reform legislation in preventing terrorism. There are some fairly clear-cut cases. For example, the Italian Senate's far-sighted measure in 1972 to accord autonomy to the predominantly German-speaking province of South Tyrol (Alto Adige) most probably prevented a major upsurge of terrorist violence between the German-speaking and Italian-speaking communities. The measures taken by the United States to give greater autonomy to Puerto Rico had a similarly dampening effect on extremist political violence in the island. Yet there are also cases where terrorist violence appears to have actually intensified in the wake of a particularly significant political reform measure. For example, in the years following the suspension of the Stormont government (long hated by the IRA) the monthly average of Provisional IRA killings rose from 13.3 in 1972 to 17.1 in 1976.

Under the March 1973 Constitution Act in Northern Ireland, Catholics achieved an end to gerrymandering (the division of electoral constituencies so as to give one party an unfair advantage), a guaranteed role in government and the principle of 'one man, one vote'. Yet despite these victories and the much-needed reforms in housing allocation and employment in the 1970s (the Fair Employment Agency started its work in 1977), the monthly average of Provisional IRA killings actually rose again from 7.3 in 1975 to 15.5 in December 1980.

In the Basque region, on the other hand, ETA's monthly average of killings did decline steadily from 10.5 in March 1979, the month of elections to the newly autonomous Basque regional assembly, to 5.8 in October 1979 when the Basque Autonomy Statute was finally approved, to 4.8 in December 1981. It is clear that reforms that provide significant advances in the eyes of the moderates and large sectors of the population can have the effect of further isolating extremist groups and reducing levels of terrorist violence in the longer term. However, although levels of violence were reduced in the case of the Basques, the ETA maximalists continue to carry out lethal terrorist attacks.

In summary, one can say that reform legislation that makes considerable concessions to the legitimate concerns and demands of moderates can greatly reduce levels of terrorist violence. However, there are very few cases where the violence is totally eradicated, and the more common pattern (e.g. Northern Ireland, the Basque region, Corsica) is continuing residual terrorist violence by an irreconcilable minority of a minority.

The role and effectiveness of international legal measures against terrorism

The primary legal weapons against terrorism are national laws, and the task of applying them rests with the national criminal justice systems. But a great deal of modern terrorism is inherently international, and many states perceive that they have a shared interest in enhancing international cooperation in order to suppress those forms of terrorism that they believe to be a threat to their national security. Hence there has been a series of international legal measures at global, regional and bilateral levels aimed at facilitating and strengthening international cooperation against such activities as aircraft hijacking, attacks on diplomats and hostage-taking.¹⁶ The main value lies in setting international standards and symbolising general awareness of international problems.

However, efforts for improvements in international legal cooperation are beset with considerable difficulties. Let us briefly identify some of the key constraints that limit the effectiveness of existing international convention and that make the whole process of developing further international law both painfully slow and marginal in its contribution.

Nation states have traditionally clung tightly to their monopoly of internal legal sovereignty. There is no current indication that they are now more willing even to consider relaxing this hold. Despite the spasmodic expressions of willingness to make daring innovations on the part of some EU states it seems highly unlikely that they are about to pool their sovereignty in sensitive matters crucially affecting national security, the suppression of crime and the maintenance of law and order. Such developments might one day become feasible if the EU countries at some future date decide to unite under a single federal government. While they remain independent nation states, however, countries will continue to treat terrorism primarily, if not exclusively, as an internal responsibility.

This may seem curiously illogical in an EU that has developed a single market and that, under the Schengen Agreement, has already experimented with the virtual abandonment of internal border controls between certain member states. After all, the terrorists and other criminal groups can now take full advantage of free movement across borders. They can shift their bases and their operations swiftly from capital to capital and can criss-cross frontiers to evade detection. Why then has there been such a snail's

pace in the EU's response, with responsibility for cooperation in this field being left to intergovernmental cooperation between senior officials, working through the 'K4' Committee under the Third Pillar?¹⁷ Why has there been so little effort even to explore the possibility of more significant EU innovations on this important issue?¹⁸

The major difficulty is that each state is proud of its own national laws and traditions. National publics may often criticise aspects of their own systems and demand reforms in the law, but they are not sympathetic to the idea that their own system should have to change in order to accommodate some supranational or intergovernmental design.

In addition to national difference and national chauvinism, there is a considerable residue of popular mistrust and suspicion concerning the quality of their neighbours' political and legal systems. Sometimes this is rooted in an earlier history of conflict and the feeling that you can never really rely on professions of good faith and good will by the government of a former enemy. Often it is based on sheer xenophobia.

A more intractable problem arises when one European government comes to the conclusion that the government of a neighbour state is actually shielding terrorists they wish to have extradited, or that neighbouring states are delaying or obstructing the process of rendering mutual assistance as required under Article 8 of the European Convention.

In really serious cases of interstate disagreements – as, for example, in the dealings between the Northern Ireland and Irish Republic judiciaries over the questioning of suspects and witnesses, the whole process of judicial and police cooperation can become jeopardised.

It was partly due to recognition of these profound problems that the drafters of the European Convention on the Suppression of Terrorism wisely allowed enormous flexibility.¹⁹ They were particularly concerned not to exclude states that had a deep attachment to constitutional traditions or guarantees of political asylum. This is, of course, the rationale behind Article 13 of the Convention, which permits any state:

At the time of the signature or when depositing its instrument of ratification, acceptance or approval, to declare that it reserves the right to refuse extradition in response of any offence mentioned in Article 1 which it considers to be a political offence, an offence connected with a political offence or an offence inspired by political motives.²⁰

At first sight this Article of Reservation appears to negate the whole value of the Convention and its important core proposition that crimes of terrorism should be treated as serious common crimes.

There is no doubt that Article 13 does in a very fundamental sense contradict the basic philosophy of the Convention. It is a powerful testi-

mony to the deep differences in constitutional and legal traditions to which I have already referred. However, it is also important to recognise that the Article of Reservation does not, in effect, totally undermine the Convention's efficacy. There is a crucial rider to the effect that when a state invokes Article 13 it has an obligation to take into due consideration, when evaluating the character of the offence, any particular serious aspects of the offence, including whether:

- a it created a collective danger to the life, physical integrity or liberty of persons;²¹
- b it affected persons foreign to the motives behind it;
- c cruel or vicious means were used in the commission of the offence.

On signature of the Convention, France, Italy and Norway all declared their intention to invoke the Article of Reservation (though in the case of France, the declaration is couched in such cloudy ambiguous terms that it implies that additional reservations will be entered). Five states had invoked Article 13 when depositing ratification.

However, in June 1996 the EU member states announced an agreement on the 1957 Council of Europe Extradition Convention. Under this agreement the political motivation of an offence will no longer be used as grounds for refusing extradition. It is true that member states will still have the option to limit the application of this general rule to those offences listed in the 1977 European Convention of the Suppression of Terrorism, Article 1, but as these cover all the major types of terrorist crime, the new agreement should greatly assist in securing the extradition of terrorists. Moreover, it also allows for the extradition of persons who knowingly and intentionally contribute to the commission of terrorism by criminal association: either member states will consider such behaviours as extraditable offences *per se*, or they will renounce the dual criminality principle. Under this new agreement, and in contrast to the 1957 Extradition Convention, the extradition of a person between EU states can no longer be refused solely on the grounds that the person sought is a national of the requested state. However, states may enter into reservations to the effect that they will not extradite their own nationals or will do so only under certain circumstances. It should be stressed that this EU agreement has been formulated on the basis that it must be fully compatible with the European Human Rights Convention. In principle there is no doubt that this agreement enhanced the EU's legal arrangements for dealing with terrorist crime. We must wait and see whether the EU member states will demonstrate their political will by translating these declaratory principles into more effective and consistent judicial cooperation against terrorism.

By late 2005 the EU states had adopted and begun to implement another valuable measure of judicial cooperation, the European Arrest Warrant,

which avoids the need for lengthy court cases to establish a prima facie case for extradition.

The experience of the past 30 years shows that the most valuable international cooperation in preventing and suppressing terrorism among the democracies both within and without the EU is bilateral cooperation on such matters as intelligence sharing, cross-border policing and the extradition of suspects. It should be added that much of the most efficient collaboration of this kind takes place at a highly informal level between intelligence and police services. There is a need for more general multilateral treaties to cover the terrorism issues, but more general multilateral conventions often end up representing the lowest common denominator of agreement and tend to be of about as much practical use as statements in favour of motherhood. For closer look at the EU's response to 9/11 see Chapter 10.

THE ROLE OF THE MILITARY IN COMBATING TERRORISM

The basic questions that this chapter seeks to examine are of potential interest to all major democratic governments and societies. What role, if any, should the military play in combating terrorism? What lessons can be drawn from the experience of Britain and other Western countries? What are the proven most effective policy responses to terrorism compatible with the principles of democratic government and the rule of law? Can a democratic state defeat, or at least marginalise, a well-armed, well-financed and protracted terrorist campaign without undermining its basic institutions and principles in the process? And if so, how?

As the activities of the Russian Army in Chechnya and the Bosnia Serb Militia in Bosnia tragically demonstrate, military forces do not automatically deal with separatism or other forms of rebellion with due regard to human rights principles, democracy and the rule of law. In these and many other cases the military have become perpetrators of mass terror against the civilian population, in total defiance of international humanitarian law. In this chapter it is not my intention to examine numerous current and recent examples of military forces as agents of mass terror, and their crimes against humanity: genocide, ethnic cleansing, massacre, mass rape and torture. However, I cannot move to my main theme without observing that the response of the major powers and the international community generally in the face of these campaigns of mass terror by armies and militias has been pathetically inadequate. Even while the Russian Army was planning to intensify its savage bombardment of Grozny, the International Monetary Fund (IMF) was meeting to award Russia an \$8 billion loan. The Russian authorities were quick to label the Chechens 'terrorists and bandits'. The world knows that the large-scale terrorism in that conflict was applied by the Russian Army in yet another campaign of ethnic cleansing. The tragedy in Chechnya was a reminder of the fact that even when a state has acquired new procedures for democratic elections, a multi-party parliamentary assembly, an independent judiciary and a constitution guaranteeing basic rights, it does not guarantee that the army and other sections of the armed forces, the secret intelligence agencies and the

police, will conform to the democratic ethos. In Chechnya the Russian Army used the same crude and brutal repression that it employed to suppress the revolution in Hungary in 1956, though on a bigger scale.

The military warfare model

War can be briefly defined as armed conflict between two or more parties, nations or states. The days when international lawyers could claim that the term war only applied to armed conflict between states have surely long gone. The twentieth century and the opening years of the new century are replete with examples of internal wars of all kinds – civil wars, ethnic and tribal wars, religious wars and insurgencies. In common usage the term war is widely used to refer to any conflict relating to war or with the characteristics of war.

Is the Coalition Against Terrorism involved in a war against the Al Qaeda network? It would seem absurd to deny it. Al Qaeda's leaders declared war on the US and its allies. President George W. Bush declared a 'War on Terror' after the 9/11 attacks. We can hardly claim that the term war is being used purely metaphorically in this context. The 9/11 attacks killed more people than the Pearl Harbor bombing. US, British and other troops have been fighting Al Qaeda militants in Afghanistan, Iraq, Yemen and other countries. It is a different kind of war, an asymmetrical war in which one cannot judge success or failure in terms of battlefield victories or the numbers of tanks destroyed or captured. The enemy is largely unseen, hiding among the civilian environment in cities around the world.

However, it is one thing to recognise that the struggle against Al Qaeda terrorism has some of the characteristics of war, albeit a new kind of warfare: it is quite another to adopt the *military warfare model* as the framework for democratic and international response. If the military are accorded the dominant role in formulating counter-terrorism strategy, it is perhaps predictable that they will give the armed forces the predominant role in implementing the strategy. In some respects the military warfare model is a tempting route for democratic governments, especially in circumstances where the terrorists have access to significant conventional weaponry or even some WMD, and when armed forces deployed against them have superior firepower, are well trained, experienced and of proven effectiveness in counter-terrorism roles. The military warfare model appears to offer some important additional advantages:

- It answers inevitable public and media demands for tough action against sponsors/perpetrators.
- By inflicting heavy costs on the terrorist and/or their sponsors, it offers a chance of deterring further attacks and sponsorship.

- It offers a possibility of conveying the deterrence message to a wider range of potential attackers/state sponsors internationally.
- It offers a possibility of inflicting a psychologically damaging blow at the enemy leadership that might undermine them or hasten their removal from power.

On the other hand there are grave problems and policy dilemmas involved in undertaking strategic offensive operations and military reprisals against terrorist groups abroad and their sponsor states:

- In many cases of terrorist attack it is extremely difficult, if not impossible, to obtain sufficient high-quality intelligence to determine with certainty the identity of the perpetrator responsible for the attack.
- A military attack/reprisal could provoke a wider conflict in which the advantages of the originally conceived counter-terrorist blow are outweighed by much wider costs.
- A reprisal that causes the death of innocent civilians carries the risk of losing the 'moral high ground' and the sympathy of international opinion.
- A military reprisal that is undertaken unilaterally may not carry the support of important allies and may cause added stresses and strains on alliances.
- A military reprisal may arouse false expectations among the general public of success in defeating terrorism, and lead to expectations of similar or intensified military action next time.

There is, at the strategic level, the much greater danger of military over-reaction undermining the values of the rule of law and protection of human rights, which democracies have a duty to uphold. Moreover it would be a mistake to assume that large-scale abuses of human rights by military forces are confined to former communist regimes that have never had experience of functioning as operative democracies. Plenty of examples can be found of extreme right military regimes that seized power in weak and decaying democracies, where dreadful atrocities against the civilian population were being committed by the armed forces. The rule of the Argentinian junta of generals, who conducted the notorious 'Dirty War' against the left in the 1970s and early 1980s, was marked by particularly cruel crimes against human rights. For example, many trade unionists, university teachers and others suspected of left-wing leanings were thrown into prison and in many cases tortured and murdered. For years the mothers of the 'Disappeared', as they became known, have mounted demonstrations in Buenos Aires pleading desperately for information about their children. We know that in some cases victims of this Dirty War were flown by helicopter out to sea and dropped into the ocean.

Another particularly cruel human rights crime involved seizing the children of people who were regarded as ‘enemies’ or ‘subversives’ by the regime, directing them to be brought up by members of the military and officials of the Generals’ regime and to be inducted in the doctrines of the ‘national security’ ideology of the regime, a practice reminiscent of some of the actions of the Nazi regime in Germany in the Second World War.

The secret intelligence battle, the work of the police and criminal justice systems, the suppression of terrorist finances, measures to prevent the proliferation of WMD in the hands of terrorists, sanctions against regimes that assist or sponsor terrorists, and many other methods in addition to deployment of military forces in counter-terrorism missions are all part of the multi-pronged struggle to suppress the Al Qaeda network. This does not alter the fact that we are witnessing a kind of warfare, a global war involving the use of terror and counter-terror.

Historically, terrorism has often been an auxiliary method or weapon in a wider war. Military and paramilitary forces have frequently used systematic terrorism against civilian populations as a means of trying to break the will and morale of the enemy’s population. Repressive regimes resort to the use of this weapon almost instinctively because they use it to suppress dissent within their own borders, and even among their exiles living overseas.

Dictators can become addicted to the use of terror and come to believe that it ‘works’ although there is considerable historical evidence that it is a faulty weapon and that it often has psychological effects that are the reverse of those intended by the perpetrators. Liberal democratic governments, on the other hand, should at all times be conscious of their obligations under the Geneva Convention to avoid deliberate attacks on civilians and to treat captured combatants and those injured in battle humanely. Adoption of the methods of terror to defeat terror leads democracies into a moral and legal quagmire in which they will no longer be perceived by world opinion to be acting in accord with their self-proclaimed democratic values. Their international credibility is undermined.

The key features of the terror wars that have now become the predominant manifestation of armed conflict are: there are no clear front lines; attacks on civilians become the norm; particularly savage violence is used in ‘ethnic cleansing’ of whole villages and communities; and massacres, mass hostage-takings and mass rapes and destruction of civilian homes become the pattern. Typical examples of ‘terror wars’ in which terror is used by all sides are the conflicts in former Yugoslavia, the Chechen conflict with the Russians and the genocidal ethnic conflicts in Central Africa. One key feature of such conflicts has been that non-state actors (paramilitary and terrorist groups) are often responsible for massive violations

of human rights on a scale comparable to, or in excess of, the war crimes committed by the regular military forces of states.

A striking feature of these ‘terror wars’ is their durability. There is no easy exit from such conflicts. The sheer savagery that characterises them tends to lead to greater polarisation, making efforts at obtaining ceasefires and peace negotiations all the more difficult. Both sides come to see themselves as waging total war. The levels of brutality become particularly intense when the perpetrators of the violence are led or orchestrated by ideologists preaching ethnic or religious hatred. In many of the recent terror wars, one side or both obtain assistance from supporters/sympathisers abroad, and it helps them to obtain more finance, weapons and recruits to sustain the conflict. Last but not least, the UN and regional intergovernmental organisations (IGOs) are generally either reluctant or unable to attempt peacekeeping or even humanitarian efforts because they know that such commitments may involve them in long-term, costly and dangerous assignments with no prospect of exit, and no help to finance such deployments.

Above all, military forces are inherently handicapped in their efforts to suppress terrorism. Sophisticated modern terrorists of the Al Qaeda network and its affiliates know how to hide and operate covertly in cities around the world, and how to melt into their surroundings and keep communications secret.

To win the struggle against Al Qaeda you need to win the intelligence war and use law enforcement agencies worldwide as well as cooperation in the finance sector, civil aviation industry, private sector and between the public and private sectors. The military can be of enormous value when they have specially trained units, equipped and configured for the purposes of counter-terrorism for specific operations. An example of this would be the toppling of the Taliban regime, which had given safe haven to Al Qaeda. But overdependence on military operations and the heavy-handed use of firepower in civilian areas are likely to cause heavy casualties among innocent civilians, and they are a huge strategic blunder.

Lessons to be drawn from recent experiences of military deployment against terrorism

British Army experience in Northern Ireland¹

The British Army has achieved a truly impressive record in countering revolutionary war and major terrorist outbreaks around the world since 1945. British soldiers have shown enormous skill, courage and patience in carrying out these tasks, and their loyalty in carrying out instructions from the civil government has never been put in question. The Army is

steeped in the democratic ethos. The British Army was deployed in the most difficult circumstances in Northern Ireland in 1969–72 and it undoubtedly made some serious mistakes.² But it is doubtful whether any army in the world could have performed the tough role in Northern Ireland with such humanity, restraint and effectiveness. In 1972 and 1973 the Army chiefs in Northern Ireland clearly recognised that they could not defeat the Provisionals simply by acting as ‘substitute policemen’ giving effect to the ordinary law. The Provisional IRA in effect declared war on the government and the whole system of law, and by terrorism and intimidation they rendered normal policing in certain areas (the so-called ‘no-go’ areas) impossible. Moreover, by intimidating witnesses and juries and terrorising whole districts, they had succeeded in causing a breakdown of the normal procedures of law. The Army was charged with restoring order, but political constraints ruled out the use of martial law, i.e. the complete takeover of the machinery of civil government for the period of an emergency. Hence the British government adopted the only sensible alternative: the use of special powers legislation for the emergency to give the Army and the civil authorities the necessary measures to suppress the insurgents. The middle course involves maintaining the independence of civil power while at the same time establishing special army–police cooperation at all levels. By means of operations such as ‘Motorman’ the Army was swiftly able to end the no-go areas; the 1973 Northern Ireland (Emergency Provisions) Act enabled the Army, by late 1974, to get on top of the security situation in Ulster.

In the period 1971–72 the Army’s role was vitiated by the clumsily implemented and counterproductive policy of internment without trial, and the horrific aberration of Bloody Sunday, when 13 civilians were killed when British soldiers fired on a crowd of protestors in Londonderry. The tragic events of 30 January 1972, on which hitherto neglected evidence³ needs to be reviewed, fully justify a fresh inquiry. They also show that even a disciplined and well-trained force such as the British Army can, in certain circumstances, commit gross violations of human rights of the civilian population during internal security situations.

But in the climate of greater optimism engendered by Sunningdale, and with the phasing-out of internment, the emphasis of British security policy underwent a significant shift. The decision was made that the RUC should be reformed, strengthened and expanded so that it could become a thoroughly professional and impartial police force accepted by the law abiding citizens of both Protestant and Catholic communities and capable in due course of taking the major burden against terrorism. This policy of ‘police primacy’ was well under way in 1976, and the dynamic leadership of Sir Kenneth Newman, who later moved from Ulster to be the Commissioner of the Metropolitan Police, played a considerable part in converting the

RUC into a thoroughly modern professional force. Few outsiders can fully appreciate the stresses and risks faced daily by this courageous and highly disciplined body of men and women. Between 1969 and the end of December 1986 the force lost 235 officers through terrorist violence. By the early 1980s they were able to patrol in all the major urban areas. The so-called 'bandit country' of the rural borders were the only districts where the British Army, with its greater firepower and mobility, of necessity took the major role.

Yet it would be a great mistake to assume that 'police primacy' meant that the Army became of only marginal value in combating terrorism. Against such a ruthless, experienced and heavily armed terrorist foe the RUC would simply have been unable to continue its patrols and investigations without Army support. In addition to its greater firepower and tactical mobility the Army also provided certain specialisms that are absolutely crucial in any major counter-terrorist campaigns. An outstanding example of this is the technological innovation of the Army's Explosive Ordnance Disposal (EOD) experts. As early as 1972 they introduced the remote-control tracked robot known as Wheelbarrow.⁴ This device, and its later variants, proved to be one of the finest anti-bomb robot vehicles in the world. It provided a highly effective and reliable means of giving the bomb disposal officer a close-up view of a bomb without having to approach the device, and of delivering a means of neutralising the bomb. With the aid of such skills the Army has been able to prevent the death and injury of hundreds of innocent people.

There has recently been a heated debate in the British and Irish press regarding the case of soldiers serving in Northern Ireland tried and convicted for the murder of civilians in the course of their duties. It would be improper for me to comment on the details of each case. However, I do wish to add my strong support for making a change in the law in order to enable a court to make a finding of culpable homicide, allowing for considerable flexibility in sentencing. I firmly believe in the maxim 'make the punishment fit the crime'. The death of any innocent member of the public is a profound tragedy. Yet there is a vast difference between the position of a young soldier making a split-second judgement while on duty to defend the community and a terrorist who deliberately goes out to bomb or maim his fellow citizens.

But the central point I wish to make is this: mistakes and acts of misconduct by a handful of serving soldiers should not blind us to the fact that the British Army, the UDR (Ulster Defence Regiment), the RUC and the RUC reservists, at the cost of hundreds of their members' lives in the 27 years of terrorism, have made a colossal achievement in preventing the conflict from escalating to civil war level and in buying time for the politicians to negotiate a political solution. This is a truly heroic record, and it should be fully recognised as such both by the British public and internationally.

SAS hostage rescue at the Iranian Embassy, 1980

In May 1980 a group of ‘Arabistan’ terrorists seized control of the Iranian Embassy at Princes’ Gate, taking a large number of hostages. The Metropolitan Police, drawing from its substantial experience of IRA terrorism, reacted with impressive efficiency. They first tried patient negotiation with the terrorists to persuade them to release the hostages peacefully. When the hostage-takers killed one of the hostages, the police commander rightly decided to call in the crack Special Air Service (SAS) hostage-rescue squad. The rescue operation was brilliantly planned and executed: the remaining 19 hostages were released unharmed and five terrorists were killed. This operation, unique on the British mainland, proved the value of close police–army coordination and of joint planning and exercising crisis management and hostage rescue. It was also very useful in teaching the police more about the intricacies and complexities of such sieges (especially where Middle East politics are involved), about the problems of handling the news media and about the additional demands for police manpower and resources created by such a siege and by the political demonstrations that build up as an accompaniment. In the longer term, the total defeat of the terrorists has almost certainly helped to deter other groups from similar attempts to seize embassies in London. This lesson was not lost on other Western countries, and many of them proceeded to establish or radically improve their own capabilities for hostage rescue. Similarly firm responses in other incidents helped curb the fever of embassy takeovers that had afflicted many capitals in 1980 and 1981. However, in December 1996 the MRTA seized 500 hostages at the Japanese ambassador’s residence in Lima. The siege was ended after 126 days, when a brilliantly executed operation by a military commando unit rescued the remaining hostages. The decision to send in the military rescue team was taken by Peruvian President Fujimori and his advisers. The Japanese government was clearly annoyed at being left out of this crucial ultimate decision to deploy force, but most counter-terrorism specialists agree that the Peruvian president was right to act decisively and that the valuable contribution of specialist counter-terrorism units was once again being clearly demonstrated.

**The role of the military in combating terrorism in Iraq,
2003–05**

The first point that needs to be made about the military intervention in 2003 by the US and the UK in Iraq is that it was not a necessary part of the campaign to suppress Al Qaeda. There is no evidence that Saddam Hussein was in alliance with Osama bin Laden or that he played any part in the planning or implementation of the 9/11 attacks on the United States. It is true that Saddam had given safe haven to secular groups such as the

Abu Nidal Organisation and that his regime provided money for the families of Palestinian suicide bombers attacking Israeli targets, but this had nothing to do with Al Qaeda.

The earlier military intervention to topple the Taliban regime in Afghanistan could be argued to be a vital part of the effort to suppress Al Qaeda because the Taliban regime had given safe haven to bin Laden's organisation. Hence, although the international community generally saw the intervention in Afghanistan as legitimate, and indeed the UN brokered the appointment of a new democratic government under President Karzai, the invasion and occupation of Iraq caused deep divisions in the international community as a whole and in the Coalition Against Terrorism. It was not approved by the UN Security Council, where it was strongly opposed by permanent members France, Russia and China. Moreover, unlike the military intervention in Kosovo, there was not seen to be an overriding case for intervention because of an imminent threat to the human security of the Iraqi people, or an imminent threat by Saddam to the security of neighbouring states. On the contrary, Saddam's regime was the subject of the most comprehensive policy of containment and deterrence including 'no-fly zones' and swingeing economic sanctions. The real motivations behind the Bush administration's invasion of Iraq had more to do with the neo-Conservative's aim to democratise Iraq and to use this as a catalyst for the wider democratisation of the Middle East. The UK government's case for invading Iraq was built largely on the claim that Saddam's regime was a threat to international peace and security because of Saddam's alleged possession of WMD. The US and the UK insisted on going ahead with their invasion before the chief UN weapons inspector, Dr Hans Blix, and his inspection team, could complete their work and report back to the UN. It later emerged that the Saddam regime did not possess WMD, and therefore this justification for the war turned out to be bogus.

Although the war in Iraq started with the devastating allied air bombardment, aptly called 'Shock and Awe', the allied forces on the ground soon found themselves in a protracted and bloody campaign to suppress a campaign of insurgency and terrorism, mainly carried out by Iraqis opposed to the occupation, and a campaign of terrorist attacks, in many cases carried out or led by so-called 'foreign fighters' including Al Qaeda. Indeed, Al Qaeda in Mesopotamia (Iraq) led by Zarqawi, has committed some of the most terrible atrocities in bombing attacks, for example against Shi'ite gathering places, and indeed some of the worst attacks against civilians in recent terrorism. This campaign of violence continued in March 2006, despite the successful holding of general election and a constitutional referendum.

The willingness of Iraqis to turn out for elections, despite threats of retaliation by the extremists, and the emergence of a fragile Iraqi government with a democratic mandate are the most hopeful developments to

emerge from this tragic venture in Iraq, in which over 30,000 Iraqi civilians are estimated to have been killed, together with well over 2,000 US troops and over 100 UK troops, and in which billions of dollars have been expended.⁵

For all the above reasons, the first lesson of the military intervention in Iraq has been that it is a major strategic blunder to commit military forces to invade and occupy a foreign country without the explicit permission of the UN and widespread international support. It is a classic error of foreign policy to use military force as a first resort to achieve political goals rather than as a last resort, when military force is justifiable as an act of collective or national self-defence. The new US strategic doctrine of 'pre-emptive attack' used by the Bush administration is in fact *extremely* dangerous. What is sauce for the goose is sauce for the gander. Using the precedent of US action, it is possible that the North Korean regime would use a similar excuse for an attack on South Korea. China might use it to justify an attack on Taiwan, etc.

No doubt readers will have their own views about the case for and against the Iraqi war, and may well come to a different view as to the necessity of invading Iraq in 2003. Whatever view is taken on *jus ad bellum*, however, students of terrorism and counter-terrorism can learn lessons from the ways in which the allied forces attempted to combat terrorists in Iraq.

The first point to be made about the performance of the allied forces involved in the challenging and dangerous environment of the occupation of Iraq is that the overwhelming majority have carried out their tasks with enormous courage and discipline and have made a huge effort to assist in the reconstruction of Iraq's infrastructure and the recovery of at least a minimal level of security and stability needed to make reconstruction and recovery and indeed the holding of free elections possible. Second, we should note that for the most part the British troops have had a less challenging task in the southern (Shi'a) area of Iraq. US troops have inevitably had a more continuous and far more lethal problem in attempting to suppress insurgency in the Sunni Triangle where support for the insurgency and terrorist groups is much stronger.

However, many knowledgeable observers have been highly critical of the tactics and methods use by the American troops. Brigadier Nigel Aylwin-Foster, a senior British officer, wrote an extremely critical article in the influential US journal, *Military Review*,⁶ in which he claimed that US tactics early on in the occupation alienated the civilian population and greatly aggravated the difficulties already inherent in acting as an occupation force. His article accused the US military forces of being ignorant and insensitive about the local culture and even went so far as to accuse American officers of 'institutional racism', which may have been a contributory factor in boosting the insurgency. Brigadier Aylwin-Foster also claimed that US efforts to secure peace were vitiated by a hierarchical

outlook and a 'predisposition to offensive operations and a sense that duty required all issues to be confronted head on'.

There is no doubt that many US officers will feel that these criticisms are unfair and claim that they have gone to considerable trouble to brief their soldiers on local culture and sensitivities. However, Aylwin-Foster does have strong evidence on his side regarding the US propensity to resort immediately to offensive operations, with all issues 'confronted head on'. A tragic example of this, in view of many observers, was the November 2004 Operation Phantom Fury, an air and land offensive to eradicate insurgents who had based themselves in Fallujah. An experienced journalist specialising in the Middle East and who had been one of the last to leave Fallujah before the US assault has described her impression of the city when she returned in 2005: 'Huge areas of what were once homes have been flattened . . . Fields of rubble stretch as far as the eye can see'. Her account of the effect of the offensive on the civilian population is even more depressing. She observes:

It is not only that promises to reconstruct the city have been broken. The bitter truth is that the actions of the US and Iraqi forces have reignited the insurgency. Anger, hate and mistrust of America are deeper than ever.⁷

Such tactics fly in the teeth of all the knowledge about counter-insurgency and counter-terrorism operations acquired, for example, by the British Army in campaigns at the end of the colonial era and in Northern Ireland from 1970 to 1998. Any successful counter-insurgency campaign must succeed in winning the support and trust of the majority of the civilian population, and must exercise restraint and sophistication in using major military force against insurgents/terrorists and not against the general population. Using overwhelming military firepower as a kind of bludgeon in counter-insurgency tends to play into the hands of insurgents and terrorists groups such as Al Qaeda, who are clever at exploiting the propaganda and mobilisation opportunities presented in these situations. It is clear, at the time of writing (January 2006) that Al Qaeda's leaders still hope to derail the coalition project to help establish a viable democracy in Iraq, to force the US and UK to withdraw their troops, and thereafter to try to establish a platform for their wider operations in Muslim countries. Despite the elections, the insurgency and terrorism have not yet been finally defeated. Thus, paradoxically, although the author from the outset argued that invasion of Iraq was a major strategic blunder, he is now one of the observers who believes that premature withdrawal from Iraq, before the Iraqi forces are fully capable of taking over the security task, would be an even more disastrous blunder that could lead to another major boost for the Al Qaeda network's global jihad.

I hope that these observations on the way in which military operations have been conducted in Iraq will underline for the reader the importance of avoiding precipitate and unnecessary use of massive military force to counter terrorism. The major dangers of such operations are that you cause a protracted terror war worse than the terrorism you are aiming to combat, and that you will very probably end up by giving a gratuitous boost to the terrorists' campaign.

The role of the military in combating international organised crime

It will be clear from the foregoing that I adhere firmly to the principle that the prime institutions for maintaining the rule of law should be an independent and professionally trained judiciary and a legally accountable, efficient and impartial police force. While it is true that there are many well-documented cases of abuse of power by judicial and police systems in various countries and localities, there are also many examples of the police and courts working very effectively and enjoying widespread respect and support among the population.

In attempting to combat international organised crime, national judicial and police systems clearly labour under some major disadvantages. Their jurisdiction begins and ends at their national borders. In a world of sovereign states, all of which tend to regard matters of security and law and order as internal responsibilities, it may be difficult, if not impossible, to secure concerted multilateral action. The intelligence agencies and police of one country may be unwilling to share their information with another country, for example on the grounds that the intelligence may be leaked or sources compromised. Even where a mutual desire for judicial and police cooperation exists, there may be insuperable problems caused, for example, by major differences in criminal codes and procedures or the absence of an extradition agreement. A more fundamental obstacle is that a government will very often place its overriding priority on protecting its perceived strategic and economic interests. If these interests are seen to be placed at risk by a proposed judicial or police action, the latter are likely to be subordinated to the perceived requirements of national security/national interest.

The obstacles to international judicial and police cooperation appear to present formidable problems in the context of efforts to combat international crime. This has led to the search for short cuts or for alternative remedies, such as adopting an entirely militarised response, or some form of economic sanctions, or covert action. The more effective way of dealing with these problems, however, is to address the weaknesses of the criminal justice response at both national and international levels. Considerable scope can be found for enhancement of law, organisation, leadership and training and resourcing of national police and judicial organisations. National systems

are the building blocks of a more effective international response; hence, such improvements have an added value. But the really urgent need is to strengthen cooperation in the criminal justice field at the international level. Historical experience suggests that this cooperation can best be achieved by more creative international institution building (for example, at EU level) and not by simply waiting for national systems to converge, which may take centuries. If the international system of states fails to develop its capacity to respond to the escalation on international organised crime, criminal activity may soon far outstrip the capability of the international system to contain it.

However, there is also abundant recent evidence that the military can play an invaluable role in *assisting* the democratic state's response to international organised crime. Outstanding examples would be the hostage rescue operations by Israeli and British Special Forces against terrorist gangs at Entebbe and the Iranian Embassy siege, respectively. In both cases, the hostage commandos had the firepower and techniques to carry out operations that were beyond the capability of police units. The American Green Berets also have a distinguished record in this special field.

A second clear instance where military special forces have played a key part in fighting international organised crime is the work of the Americans and allied troops in helping to interdict drugs and suppress cocaine production in Colombia and elsewhere. To many observers this seemed, at first sight, to be a misapplication of American armed force. It was also feared that the presence of such units might alienate the population and provoke conflict. The fact that this has not happened is largely due to the professional and scrupulous way in which these forces carried out the difficult tasks. Unfortunately, in the case of Colombia and other drug-producing countries, the indigenous government and armed forces rarely enjoy a reputation for independence and honesty. They have on many occasions behaved corruptly, and are all too frequently dragged into the power struggles of the drug factions, which wield enormous financial power.

Even in well-established democratic political systems, there are some major risks involved in deploying the military abroad or on their own territory for the purposes of combating international organised crime. The military are trained to fight external foes and to use maximum force. The police, on the other hand, are trained to use minimum force, and, if possible, to bring suspects to trial, following criminal investigation. The military have generally been trained and equipped, at considerable expense, to carry out the important and difficult duties of external defence. They get bored and demoralised by months of policing duties that take them away from the jobs for which they have been trained. Last but not least, there is a great danger that, once having committed the military, the government will be unable or unwilling to withdraw them, thus making the community and the police increasingly dependent on the military presence.

In an increasingly dangerous and volatile strategic environment we expect the military to do more and more with less and less. Hence, it is in the long-term interests of the military to ensure that civil police, customs and other civilian agencies bear the main brunt of fighting international organised crime. The military should be deployed only as a last resort when the civil agencies cannot cope, or when the military are needed to perform special tasks for which they are uniquely prepared.

However, the capability to double up in a specialised role against international organised crime should certainly be one of the criteria examined when various units of the armed forces are being scrutinised with a view to cuts. In the context of Britain's defence cuts, for example, it would be extremely unwise to proceed with axing the two territorial regiments of the SAS (21 SAS and 23 SAS). When one considers the multiplicity of key roles the SAS has performed with such distinction in the Falklands War, the Gulf War (Operation Desert Storm) and other recent conflicts, together with its expertise in intelligence-gathering and in counter-terrorism and hostage-rescue roles, the case for protecting the SAS from further cuts is overwhelming.

Thus it is clear that there are some very powerful arguments against using the military for internal security duties and fighting international organised crime, even where such forces are requested. Such forces may appear locally as a form of illegitimate interference, thus calling into question the credibility and legitimacy of the host government and the foreign government sending the troops.

In conclusion, MACP in tackling certain forms of international organised crime (piracy, hostage-taking, arms smuggling and drugs smuggling) is of proven value. In other areas of crime (fraud, racketeering, money laundering, etc) the military is not the appropriate form of response. Even when the military are uniquely suited to performing tasks in combating international organised crime, such tasks should always be performed under the direct control and authority of the civil power and – whenever possible – within its own borders.

HOSTAGE-TAKING, SIEGES AND PROBLEMS OF RESPONSE

Hostage-taking is a characteristic tactic in the repertoire of modern terrorism.¹ By exercising a terrible threat against the lives of their victims, the terrorist hostage-takers seek to exert a degree of psychological pressure to obtain changes of policy or major concessions, such as huge ransom payments, the release of fellow terrorists from gaol or the broadcasting or publication of their grievances and demands. The vast majority of kidnappings are carried out by common criminals to gain ransoms. In Latin America this has become a major industry with huge profits to be made.² It is estimated that in Colombia alone there are several thousand such kidnappings annually.

Since the late 1960s politically motivated terrorists in many parts of the world have taken to using kidnap and ransom as a means of financing their activities. They have also targeted the symbols of their 'enemy' national government, for example by kidnapping diplomats, seizing embassies and other diplomatic premises, and by hijacking the civilian airliners of national 'flag' airlines, a particularly dramatic form of hostage-taking that always brings wide international media coverage.

It is easy to see why hostage-taking has enjoyed a growing popularity in recent years as a terrorist tactic. It is extremely cheap and requires only small numbers of hostage-takers armed with standard, widely available weaponry. Above all, it is one of the very few terrorist tactics with a track record of success in forcing governments into major concessions, such as the release of large numbers of imprisoned terrorists and even, in some instances, changes in government policy.

Roberta Wohlstetter has argued that it was Raul and Fidel Castro who pioneered the modern wave of political kidnappings that 'used foreign nationals . . . as pawns in a domestic struggle for power'. And she points out that: 'They violated not only internal rules of political order, but also the meagre international rules that lend stability to relations among states.'³ It is clear that the sensational publicity gained from the rash of kidnaps of US citizens in the American and Canadian press considerably aided Castro in his campaign to intimidate the United States into withholding assistance

to the Batista regime. (By late June 1958, the Castro guerrillas had kidnapped at least 47 US citizens, including 30 servicemen. Castro even used the US captives as a weapon to make the United States force the Cuban air force to cease the bombing of the rebel zone in Sierra Cristal.⁴ Raul Castro told the United States that the guerrillas would hold the US captives in the bombing zone. In the late 1960s and early 1970s the political kidnapping of foreigners (especially Americans) in Latin America, south-east Asia and the Middle East reached epidemic proportions. Between 1968 and April 1983 diplomats from 113 countries were victims of international terrorism.⁵ Among them were 23 ambassadors from 13 different countries who were assassinated, including the US ambassadors to Lebanon, Cyprus, Sudan, Guatemala and Afghanistan, and the Turkish ambassadors to Australia, France, Spain, Austria and Yugoslavia.

During 1979–80 a new scourge developed: the terrorist fashion of seizing whole embassies and their staffs and occupants. This is still a fairly easy operation for well-armed terrorists in countries where the security forces are too ill-trained, ill-equipped and ill-prepared to protect embassies adequately. In the notorious case of the seizure of the US Embassy in Tehran by about 400 Iranian students on 4 November 1979, the Iranian regime totally failed to carry out its obligation under international law.⁶ The Islamic revolutionary authorities made no attempt to assist the US mission staff. They provided no police or military protection for the US personnel or property; they made no attempt to return the embassy to US control by expelling the students. On the contrary, they compounded their offences against the international law of diplomacy by ‘adopting’ the siege as their own, not only by giving the official blessing of the Ayatollah Khomeini but also by manipulating the hostage crisis to inflict maximum international embarrassment and humiliation on the United States. This was the first time in recent history that any state has so flagrantly defied the norms and conventions of diplomatic relations.⁷ To most ordinary Americans, the hatred and abuse hurled at them by the screaming mobs paraded before their embassy in Tehran seemed quite incomprehensible. The feeling of helplessness and frustration provoked by these scenes, displayed on US television screens week after week, undoubtedly did much to undermine the domestic support and credibility of the Carter administration, and the reaction against it inevitably helped Ronald Reagan, with his more hard-nosed and assertive stance, to win his overwhelming election victory.

However, the Americans were by no means alone among the major democracies in experiencing the feelings of frustration and helplessness in the face of terrorist hostage situations. The whole world was stunned by the terrorist attack on the Munich Olympics in 1972.⁸ The risks of terrorist attack on the Olympic Games had been underestimated. The Olympic Village was particularly vulnerable, and lacked adequate perimeter security.

On 5 August, eight terrorists climbed the perimeter fence and headed for the Israeli accommodation block. Two athletes were shot dead and nine others taken hostage. The terrorists demanded the release of 200 imprisoned Palestinians.

Expert advice from Israeli officials was ignored, and the task of rescuing the hostages was placed in the hands of the Bavarian police. The response team was ill-prepared, ill-equipped and outnumbered. The Israeli hostages were killed in the tragically bungled rescue attempt. It was this disastrous hostage crisis that led the United States and other Western governments to make an urgent review of policies and resources for combating terrorism, including hostage-taking.

The case for reviewing the response to hostage crises currently is every bit as strong as it was in the 1970s. The University of St Andrews–RAND Corporation international terrorism chronology data show that in the early 1990s there was a 33.5 per cent rise in incidents of kidnappings of foreigners worldwide. The US Department of State's *Patterns of Global Terrorism* statistics for the mid-1990s indicate that between 14 and 15 per cent of all international terrorist incidents worldwide fall into the category of kidnappings or barricade and hostage situations. We should also bear in mind that these statistics exclude politically motivated hostage-taking by fellow nationals within the same state. They also exclude the use of mass hostage-taking by regimes and factions as a weapon in the period preceding full-scale international or internal war, or during such conflicts. The growth of this phenomenon, which flagrantly breaches the humanitarian laws of war, should be a cause of major concern to all democratic governments. Mass hostage-taking was used by Saddam Hussein in his notorious 'human shield' tactic,⁹ a crude attempt to coerce the coalition allies into backing off from military action to liberate Kuwait from Iraqi occupation. A similar tactic was used by Serb militants in an attempt to intimidate soldiers in the UN Protection Force (UNPROFOR) in Bosnia and to dissuade the NATO allies from taking any forceful action against further aggression by Serb forces.¹⁰ Also, in the mid 1990s, the Chechen militants employed the weapon of mass hostage-taking against the Russians, with lethal and dramatic effect. We will examine the key aspects of these events later in this chapter, as they have major implications not only for the fragile emerging democracies of the former soviet bloc but also for the governments of Western democracies as a reminder of the folly of abandoning their expertise, resources and mechanisms for hostage crisis management, or of allowing them to fall into disrepair.

Barricade and hostage sieges

The politically motivated barricade and siege situation presents the democratic government and its security forces with very different problems and

dilemmas from those confronted when the kidnap victims or hostages are held in an unknown location, perhaps in remote and inhospitable terrain or in the urban jungle of a huge city. In a barricade and hostage situation the government and security forces have a key advantage: the terrorists themselves become hostages and a part of the deal they seek will be a safe exit. This can be used as a powerful lever in police siege tactics. Also, a siege provides the authorities with *time* and an opportunity for a planned security agency response, which, if skilfully implemented, may offer a chance of rescuing the hostages without surrendering major concessions to the hostage-takers. Few other terrorist tactics offer a similar opportunity to the security forces: it is true that in some incidents a bomb will be preceded by a warning, but frequently the warning time is so brief and the information on the location of the bomb is so vague that there is no chance for the police to be able to evacuate the area.

Democratic governments are faced with the most adverse circumstances of all when the hostage incident involving their nationals is in a foreign country where the government and a high proportion of the general population are hostile. The seizure of the US diplomatic mission in Tehran was just such a case. The Iranian regime brazenly adopted the hostage-taking and defied all calls from the United States and the international community for the release of the diplomats. President Carter, frustrated by the failure of diplomatic and economic pressures to bring the release of the hostages, embarked on a military rescue operation, Operation Rice Bowl, in April 1980.¹¹ It was a tragic failure, leading to the deaths of eight American military personnel, but even if it had been better coordinated and equipped, the odds were stacked against its success. The Reagan administration experienced similar frustration when TWA Flight 847 was hijacked by Hezbollah terrorists who then proceeded to turn it into a hostage situation by moving passengers to unknown locations in the sprawling suburbs of Beirut.¹² The domestic demand for the release of the TWA Flight 847 hostages placed such pressure on the US government that it led them to press their Israeli allies to release over 700 prisoners demanded by the hostage-takers, thus conceding an enormous political and psychological victory to the terrorists and demonstrating the potential of hostage-taking as a high-yield weapon against even the most militarily powerful democracy, where public opinion insists on paying almost any price for saving the lives of fellow citizens. Similarly, Western governments were forced to rule out the idea of sending elite commando forces into Lebanon to rescue Terry Waite, John McCarthy, Brian Keenan, Terry Anderson and the other Western hostages held for much longer periods, mostly by Hezbollah.¹³ The terrorists, however, took no chances and constantly moved their captives from one secret hideout to another in order to confuse Western intelligence services and forestall a rescue attempt. The ultimate release of the Western hostages was due to a combination

of propitious circumstances: the Israelis were interested in striking a deal with Hezbollah in order to discover the whereabouts of missing Israeli servicemen; the Iranian regime, which sponsored Hezbollah and could exert considerable influence upon its leadership, decided that the hostage crisis in Lebanon had become an obstacle to their efforts to improve their economic links and to meet the crippling costs of their war of attrition with Iraq; Syria, the dominant military power in the Lebanon, wished to gain credit for being seen to help facilitate the freeing of the Western hostages in order to improve its diplomatic position in the Middle East; and, last but not least, the UN provided a patient and skilful negotiator, Mr Giandomenico Picco, who played a vital role in brokering the deal that led to the hostages' rescue.¹⁴

In dealing with barricade and hostage situations, however, the United States, Britain and other Western democracies began to develop an increasingly effective law enforcement response. Initially, police hostage tactics were developed mainly in confronting sieges where the hostage-takers were criminal gangs or mentally disturbed persons in domestic siege situations. Frank Bolz of the New York Police Department pioneered many of the police techniques of hostage negotiation that were later acquired by the Metropolitan Police in Britain and other law enforcement agencies in the United States and elsewhere. By studying the complex psychology of the siege situation, and by thorough debriefing and reassessment after each incident, the police began to perfect tactics and techniques that would maximise their chances of success.

A famous hostage-taking incident in Stockholm in 1973, involving bank robbers who took four hostages during a bank raid. It gave its name to the psychological bonding process between captor and captive: the Stockholm Syndrome.¹⁵ During the siege, one of the female hostages formed a deep emotional bond with one of the gunmen, and she refused to cooperate with those who wanted to liberate her. Forming such a bond is believed to have saved the lives of many hostages, and it has been claimed that it explains why, during the 1977 siege at Lima, the life of one of the Peruvian hostages, the Minister of Agriculture, was saved.¹⁶ However, it would be a great mistake to see the Stockholm Syndrome as an automatic or inevitable process. So much depends on the personalities of the individuals involved. Moreover, in many hostage-taking incidents the terrorists appear to have gone to considerable lengths to prevent any bonds of personal attachment with their captives, by changing guards frequently and ensuring that hostages are regularly abused, beaten and subjected to constant humiliation.

In the 1970s and early 1980s, however, there were some dramatic successes for the security forces in siege situations, which began to indicate that in 'close quarters' hostage situations, at least, the balance of advantage was swinging in the direction of the authorities. For example,

in December 1975, the Metropolitan Police had to deal with a gang of four IRA terrorists who had taken refuge in a flat in Balcombe Street and had taken the occupants, Mr and Mrs Matthews, hostage.¹⁷ The police played a softly-softly waiting game. They kept talking to the terrorists but did not give in to their demands. The Home Office called in the SAS but kept their availability a secret. Electronic surveillance equipment was installed to enable the police to monitor the conversations between hostages and terrorist. The police waited until the sixth day, when they judged that the terrorists were getting hungry and their resolve was weakening. A key factor in persuading the terrorists to surrender peacefully may well have been the deliberate leaking of the news through a broadcast bulletin that the SAS were at the scene.

The strategy of patience does not always result in a peaceful surrender by the terrorists. For example, the Dutch were compelled to use a marine rescue force to rescue passengers held hostage on a hijacked train south of Groningen in May 1977, and 105 children and six teachers held hostage in a simultaneous operation by Moluccan terrorists at a primary school in Bovensmilde.¹⁸ In the Dutch cases, again, the value of concealed microphones in gathering precise information on the position of the hostages and the terrorists and the value of thoroughly planning the entire rescue operation were clearly demonstrated. In the storming of the train by the marines, 53 hostages were freed, two hostages died and six terrorists were killed. Considering the great difficulties involved in mounting such a rescue, it was a remarkable achievement.

A dramatic illustration of Britain's growing expertise in handling siege situations came in 1980, when six anti-Khomeini terrorists seized the Iranian Embassy in London, with 26 hostages.¹⁹ Initially, the police employed the strategy of patience. There followed five days of negotiation, during which five hostages, including pregnant women, were released. The terrorists were delighted when the British authorities granted the concession of permitting their political message to be read on the BBC World Service. But the terrorist leader became more aggressive on the sixth day because not all the demands had been met. The terrorists killed one hostage and threatened to kill another every 40 minutes until their demands had been granted. As soon as it became clear that the terrorists had started to murder the hostages, the decision was taken by the Cabinet Crisis Committee to send in the SAS to end the siege and rescue the remaining hostages. The SAS executed the rescue with impressive speed and efficiency. All the remaining hostages were rescued, and only one of the hostage-takers survived. There is little doubt that this display of highly professional military force used against terrorists acted as a stimulus to other states to develop their own hostage-rescue capabilities and as a considerable deterrent to similar embassy takeovers by terrorists not only in London but also in other major cities. It is true that there was a confronta-

tion with the police involving the Libyan 'People's Bureau' (the Libyan regime's designation for an embassy) in 1984, but this was not triggered by hostage-taking but by the killing of WPC Yvonne Fletcher, on duty in St James's Square, by a gunman inside the Libyan People's Bureau.²⁰

It would be a major mistake, however, to assume that the deployment of military force in a rescue operation is invariably the correct or most effective ultimate solution to a siege situation. There have been some highly successful resolutions by negotiation leading to the hostages being released unharmed. For example, this was the outcome of one of the most internationally complex sieges in the history of terrorism in Latin America: the seizure of the Dominican Embassy in Bogotá in February 1980 by 18 M19 terrorists.²¹ There was a diplomatic reception on at the time and 80 hostages were taken, including 18 ambassadors. The hostage-takers threatened to kill all their captives if the police stormed the embassy. They demanded: the release of over 300 prisoners from gaol in Colombia, including 200 suspected M19 terrorists captured from the previous year; the payment of a ransom of \$50 million; safe passage for themselves out of the country; and the publication of their manifesto by all the countries represented among the hostages. The terrorists appeared prepared to hold out for as long as was necessary to get their demands, and observers were impressed by the planning and organisation that had gone into the mass hostage-taking. The siege lasted 61 days and was ended not by force but by negotiation. The basis of the deal was that the Colombian government would set up a panel of ten leading lawyers to process trials for the imprisoned M19 members. The Inter-American Human Rights Commission of the Organization of American States (OAS) was brought in to monitor the trials. Safe exit to Cuba was arranged for the hostage-takers, and the Castro regime offered them asylum. In return the hostages were released. The government refused to pay the ransom demanded, but did permit the private business community to pay a ransom of \$2.5 million. Some might argue that the concessions granted to the terrorists were too large a price to pay for the lives of the hostages. Against this one has to weigh the fact that the terrorists were known to be well armed and ruthless and that their key demands were refused. A major complication for the Colombian government was the fact that it was difficult to get agreement from all the countries involved in the incident. In view of the circumstances, the compromises can be fully justified as a means of avoiding large-scale loss of life while at the same time minimising as far as possible the gains of the hostage-takers.

Premature or clumsy use of military force to end a siege situation can be particularly dangerous where the law enforcement agencies are dealing with religious or political fanatics with a tight control of the mindsets of their followers and with some adherents and sympathisers at large in the community. The case of the siege at the Branch Davidian cult's compound

at Waco, Texas, in 1993 offers a dramatic illustration of the problems involved.²² The 51-day siege was triggered when the Alcohol, Tobacco and Firearms Unit entered the compound. There was an effort to negotiate, but it appears that serious mistakes were made; insufficient use was made of the expertise that does exist on extreme religious cults, and on the Branch Davidian cult and its leader, David Koresh, in particular. There was no proper plan for ending the siege with the use of force. Eighty people, including 25 children, died when the authorities sought to end the siege, most of them from asphyxiation in the fire that, arson investigators claim, had been started by cult members. The Federal Bureau of Investigation (FBI) took rapid steps to learn from this tragic experience, and the formation of the Critical Incident Response Group (CIRG) was an attempt to bring together the very best skills in hostage negotiation, the most sophisticated technical resources and the most highly trained rescue team to deal with future sieges. These enhancements of the FBI's capability to respond to sieges have been partially effective: more lives have been saved in hostage situations. But we do not overlook the unfortunate longer-term effect of an event such as Waco on the overall levels of violent extremism. For many in the militia movement and other organisations of the American extreme right, Waco provides yet another stick with which to beat the federal government. It is worth noting that testimony given at the trial of Timothy McVeigh, convicted for his part in the Oklahoma bombing, suggested that one of his motivations for the bomb attack was his desire for revenge against the federal law enforcement authorities for their role at Waco.²³

Mass hostage-takings by Chechen militants

Russia, like America, also experienced problems of domestic terrorism and hostage-taking in the 1990s, but the scale was much greater and the political impact of the hostage crises in 1995 and 1996 on Russian policy was far more dramatic than that of any hostage crisis in Western countries. Perhaps the most dramatic and effective of the mass hostage-takings by Chechen militants against Russian targets came in June 1995, when a group of Chechens under the leadership of Shamil Basayev carried out a cross-border raid into the Russian town of Budennovsk.²⁴ Having tried unsuccessfully to seize the police station, they seized a hospital and around 2,000 hostages, including children and pregnant women. The scale of this was unprecedented. Russian troops and police surrounded the hospital, and in their initial assault 37 army personnel and police were killed. Many civilians were caught in the crossfire and pleaded with Russian troops to stop firing. The Chechen gunmen were heavily outnumbered but fought with fanatical determination and stuck to their key demands: an end to Russian military operations in Chechnya and negotiations to discuss the withdrawal

of forces. In response to this unprecedented hostage crisis, the Russian prime minister, Viktor Chernomyrdin, offered huge concessions. He announced in a TV broadcast: 'I am asking you to let the hostages go. Here, before millions of people watching us on television. I am officially making an order to halt military actions in Chechnya and start negotiations.'²⁵ Negotiators did sign an agreement the following month, but continuing clashes led to failure of the pact.

A highly dangerous precedent had been set. Hostage-taking of civilians, explicitly prohibited under the Geneva Conventions, had been carried out on a massive scale and had been rewarded by a massive policy change by the Russian government. Many observers share the view that Chechen demands for autonomy are fully justified on both political and moral grounds, especially in the light of the appalling treatment they received during the communist period. But by making dramatic changes in policy to obtain the release of hostages the Russian leaders were sending the message that mass hostage-taking works, and were storing up trouble for the future.²⁶

It was therefore no great surprise when in January 1996 a group of militant Chechens, this time led by Salman Raduyev (the son-in-law of Dzhokhar Dudayev, leader of the Chechen independence movement), seized over 2,000 hostages, including pregnant women, newborn infants and children when they occupied a hospital at Kizlyar in neighbouring Dagestan.²⁷ Raduyev threatened to avenge every Chechen death with 15 Russian deaths. It was a carbon copy of the mass hostage-taking at the hospital at Budennovsk six months previously. What is surprising is that the Russian authorities, their intelligence services, police, military and security advisers appear to have been totally unprepared for this attack. The Chechen fighters were able to carry out their mission without any opposition, despite the fact that they had traversed two major emplacements of Russian soldiers to enter Kizlyar. President Yeltsin's fury at this humiliating turn of events was understandable. At a cabinet meeting confrontation shown on television, President Yeltsin shouted at the Defence Minister, Pavel Grachev:

What are you Generals up to? Why have you learned no lessons from previous events? We have been dealt with another blow. We had information in advance that the rebels were coming, but no action was taken. What have you Generals been doing?²⁸

Despite Yeltsin's promise to take the 'most resolute action' to restore law and order, the initial reaction of the officials in Dagestan seeking to save the hostages' lives was to strike a deal with the Chechens almost identical to the bargain struck in the Budennovsk hostage crisis in June 1995. The Chechens freed over 2,000 hostages in return for a guarantee of safe

exit across the Chechen border. They took over 150 hostages from Kizlyar, including children, in a convoy of buses heading for the Chechen border. But the convoy was halted when its exit was blocked by the blowing up of a bridge by the Russian army at the village of Pervomayskaya. There was a tense stand-off between the Chechen fighters and the Russians: Russian troops surrounded the convoy while the Chechens threatened to kill their hostages if the Russian troops failed to guarantee safe passage. On the night of 15 January, Russian troops stormed the village of Pervomayskaya, using artillery and helicopter gunships to end the mass hostage crisis. The village was virtually destroyed and there were heavy casualties. Inevitably a large number of hostages were killed in the ferocious Russian assault.²⁹ It became almost inevitable that the Russian authorities would use force to end the crisis even at a heavy cost in lives, because they had been so heavily criticised for allowing a second mass hostage-taking in seven months and for their weakness and confusion in responding to the crisis. Russian television reported that the decision to attack had been taken after the Chechens shot six Siberian policemen among the hostages, but the Chechens denied that they had killed any hostages and claimed they were willing to negotiate.

It is clear that the tragic mass hostage crises of June 1995 and January 1996 did serious damage to the reputation of President Yeltsin and the Russian government, and of security forces as a whole. However, it was the reputation of Mr Viktor Chernomyrdin that suffered most directly, because his televised order to halt Russian military action in direct response to the hostage seizure was seen as having set a dangerous precedent.

An additional and potentially dangerous consequence of major confrontations between hostage-takers and the security forces of the government they oppose is that they sometimes provoke further terrorist actions by sympathisers acting in support of their rebel colleagues. Where there is a network of sympathisers in an ethnic diaspora, these sympathetic or supportive actions may well occur. The Chechens have a diaspora of small communities not only in the Middle East but also as far afield as the United States. During the second major Chechen hostage-taking in January 1996, a group of sympathisers seized a Turkish ferry at the port of Trabzon and threatened to blow it up with all its 118 Russian passengers aboard when it reached the Bosphorus unless the Russian forces halted their attacks on the Chechen militants holding the hostages at Pervomayskaya.³⁰ The Chechens released the ferry passengers and the incident ended peacefully, but the Russians criticised the Turkish authorities for their leniency to the gunmen. However, it would have been foolish of the Russians to alienate the Turks. The Turks feel some affinity with, and some sympathy for the Chechens, but they have no wish to see an escalation of terrorism in the area. In view of the volatile ethnic relations between the Russians and other ethnic groups in the Caucasus, it makes good sense for the Russian authorities to seek

improved cooperation with neighbouring states to help prevent any other embryonic terrorist campaigns from emerging. And, after all, the outcome of the Turkish handling of the ferry hijacking was successful in preventing bloodshed. All the hostages were freed without loss of life. This is a stark contrast to the heavy-handed Russian tactics, which resulted in the virtual destruction of the village of Pervomayskaya, and the deaths of many of the hostages the troops were supposed to be rescuing. If the prime aim of the assault at Pervomayskaya had genuinely been to free the hostages, a surgical rescue operation by a special forces commando unit, using highly accurate man-portable weapons should have been used. In reality, the main aim of the Russian authorities seems to have been to win the grudging approval of the right-wing Duma by a crushing display of military force against rebels. However, this could not disguise the underlying political reality. The two tragically botched mass hostage crises had played a part in wearying the Russian public of the Chechen conflict. There was a serious upsurge of fighting between Russian troops and Chechens in Grozny in August 1996. Then General Lebed, given responsibility for solving the Chechen crisis, managed to obtain a ceasefire agreement just in time to prevent another Russian bombardment of Grozny at the end of August.³¹ On 29 December 1996 Russian combat troops withdrew from Chechnya,³² effectively handing over control to the rebel government. However, in 1999 Russia invaded Chechnya again, following apartment bombings in Moscow for which Chechens were blamed.

The Chechen militants continued to plan further mass hostage takings in their increasingly desperate struggle against the Russians. On 23 October 2002 one of the Chechen terrorist leaders, Barayev, led a group of 40 terrorists in a mass hostage-taking in a Moscow theatre during the performance of a musical show set in the Second World War and seized 1,000 people. The terrorists were heavily armed, and the women terrorists had explosives strapped to their bodies and threatened to blow up the theatre unless Russia withdrew its troops from Chechnya. The Russian authorities were faced with an apparently impossible task: how could they free the hostages without the Chechens blowing up the theatre? They had at their disposal special forces units with some experience of confronting Chechen terrorists, but the traditional hostage rescue technique of launching a coordinated multiple-entry-point attack on the hostage-takers, using to the full the advantages of surprise and speed, was unavailable. The Chechens manned every entry point and would have been able to detonate their bombs and blow up the theatre, probably killing all the hostages. It was clear to the authorities and to the hostages that Barayev's terrorist group were all prepared to die for their cause. It was the worst mass hostage situation any modern government had ever been faced with.

The Russians decided to use gas to knock out the hostage-takers and rescue the hostages. Government scientists in many countries had been

searching for years to find a gas powerful enough to knock out terrorists almost instantaneously without causing death, thus enabling them to save hostages without any loss of life. The Russians clearly believed they had found this elixir and infiltrated the gas through the ventilation system.³³ It was certainly very potent: the Russian soldiers had waited an hour before entering the theatre and shot dead all the terrorists, including their leader, Barayev. At first the Russians thought they had mounted a completely successful rescue operation. They soon discovered that a large number of hostages had died in their theatre seats. Many of the 129 hostages who died choked to death when their heads lolled back and they stopped being able to breathe. The soldiers had held back over an hour before intervening and even then were not properly briefed on the kind of swift medical intervention needed to revive the hostages who had been more seriously affected by the mystery gas. Hostages were taken out onto the street and laid on their backs. When hostages were at last taken to hospitals in Moscow, the medical staff had no idea how to revive them because they had not been told what kind of gas had been used to end the siege. We will never know how many of the 129 hostages who died could have been resuscitated if these elementary mistakes had not been made. However, the Russian authorities hailed the outcome as a great success for the security forces. It is true that they saved over 800 lives, but at enormous cost.

In the longer term, the Moscow theatre siege of October 2002 is likely to intensify research in the West to discover an effective knockout gas to end mass hostage situations. Western scientists were puzzled as to the nature of the gas used by the Russians, but the most informed guess is that it is a derivative developed from fentanyl, an opiate well known in the medical profession. The fact that the gas caused a less than a 20 per cent level of fatalities shows it was not as powerful as the well-known derivative carfentanil and was designed to mitigate the chances of those exposed to the gas dying through cessation of respiration and the ensuing cardiac arrest. It is also to be hoped that scientists in Russia, America and Western Europe can combine efforts and share knowledge in order to perfect a knockout gas capable of ending all kinds of siege situations and saving large numbers of innocent lives.

For the Chechen militants, the Moscow theatre siege was clearly a major defeat. Yet this did not deter them from making another major attempt to blackmail the Russian government through a spectacular mass hostage-taking. In September 2004 a Chechen terrorist gang seized an entire school of children and parents at Beslan in North Ossetia at the start of the new school term. A total of 331 hostages, including dozens of children, died when devices planted in the school by the terrorists started to explode and the security forces stormed the school. Many of the children were killed when they tried to escape from the building. Those who watched TV pictures of the siege were struck by the apparent chaos of the security

forces' response. There was no effective cordon to seal off the area around the school. Parents appeared to be rushing past the security forces and into the school grounds without any effort being made to stop them. But the mistakes were not confined to the incompetent action of the security forces. According to Alexander Torshin, leader of the federal inquiry appointed by Moscow, the Russian Interior Minister had sent telegrams, based on intelligence, to the regional police in North Ossetia, ordering them to strengthen protection of all educational facilities on 1 September, but the order was ignored. Mr Alexander Torshin's report contradicts the earlier report by a prosecutor exonerating the security forces. Once again the Chechen terrorists had shown utter ruthlessness in their tactics, again seizing a soft target. The cruelty shown towards the children and parents at Beslan was fully in keeping with the previous Chechen hostage-taking when they had been willing to put the lives of pregnant mothers and babies at risk by seizing control of a hospital. Sadly the Russian authorities' handling of the situation at Beslan showed no improvement over their performance in the mass-hostage situations in 1995 and 1996.

The mass hostage crisis at Lima

On 17 December 1996 14 terrorists belonging to the MRTA seized the Japanese ambassador's residence in Lima during a diplomatic reception. They took 500 hostages, including high-ranking members of the Peruvian government, diplomats and Japanese businessmen, in addition to the Japanese ambassador and members of his staff. Eight US officials were among the hostages held when the ambassador's residence was seized, but they were released after five days – an indication that, for once, the US government was not the terrorists' target.

The MRTA is a Marxist revolutionary group that was formed in 1983, inspired by the example of Castro's Cuba, bitterly anti-American, and aiming to destabilise and topple the Peruvian government.³⁴ Unlike Sendero Luminoso, it has primarily used the methods of urban guerrilla warfare and cultivated close links with other Marxist revolutionary groups in the region. It takes its name from Tupac Amaru II, executed by the Spanish after leading the 1780 Indian revolt. In the 1980s most MRTA attacks appear to have been aimed at property. But since 1992 they have killed policemen, soldiers and civilians, including a Peruvian businessman who refused to pay a large ransom after they kidnapped him in Lima.³⁵

The demands of the MRTA in the Lima siege were for the release of over 300 of their gaoled comrades, an improvement in prison conditions and changes in Peru's economic policies to curtail the involvement of Japanese and other foreign business interests. Their key demand was for the release of their imprisoned comrades. The terrorist movement wanted

them to be flown to a jungle hideout where they could then have used them to rebuild their movement, which had been seriously depleted by the action of the Peruvian security forces. They could then continue their struggle.

The Lima siege came as a major shock to President Fujimori and his colleagues. They clearly believed that the MRTA, a smaller and weaker movement than the Sendero Luminoso, had been virtually wiped out by the security forces' capture of key leaders. (It is always dangerous to underestimate the tenacity of 'old' groups and the appeal of well-trying tactics.) President Fujimori was understandably adamant in his refusal to give in to the MRTA's demands. Since 1982 terrorism has cost Peru at least 27,000 lives and an estimated \$23 billion. Any release of prisoners under duress would have threatened the stability and survival of the Peruvian economic and political system. After all, Fujimori had won 64 per cent of the vote in the 1995 general election. MRTA had no democratic mandate and is a criminal organisation.

The international community as a whole had a clear interest in backing President Fujimori in his firm stance against the blackmail of the hostage-takers. There is no shadow of doubt that taking diplomats and civilians hostage is a serious violation of international law.³⁶ The international community could never condone or encourage such crimes. It is therefore not surprising that the Peruvian president received backing from the G7 countries (US, UK, France, Germany, Japan, Canada and Italy) for its firm refusal to give in to the terrorists' key demands. In a significant change of policy the Japanese government gave its support, albeit reluctantly, to this firm policy. (In the 1970 and 1980s Japanese governments facing demands from JRA hostage-takers or hijackers followed an unusually conciliatory policy, meeting ransom demands in order to secure the release of hostages.)³⁷ In the Lima crisis the Japanese authorities were for the first time made forcibly aware that they had become a key target in the eyes of certain foreign terrorist groups. Moreover, despite its distaste for the use of force, Japan has increasingly come to recognise that appeasement sends dangerous signals to others who might be tempted to use terrorism to attack Japanese targets and who might damage the economic interests of both Japan and its key economic partners.

The Peruvian president wisely played for time by opting for a strategy of patience.³⁸ Periodic attempts were made to negotiate the safe release of the remaining hostages (reduced to 72 by the end of the siege), but the hostage-takers stuck firmly to their key demand for the release of prisoners. At one stage the Peruvian authorities hoped that they could persuade the terrorists to release their hostages in return for a safe exit to Cuba, which President Fujimori had negotiated. The hostage-takers turned this down and reaffirmed their main demand.

After 126 days, after a long and thorough planning, and frustrated by the lack of any breakthrough in the efforts to gain the release of hostages

by peaceful means, President Fujimori decided to send in a military rescue team.³⁹ It was a brilliant success. Tunnels were constructed beneath the ambassador's residence. Explosive charges were placed in the tunnels and detonated when some of the terrorists were playing football above, and the rescue troops stormed the building. Their careful training and planning, using a mock-up of the building, paid off handsomely. Seventy-one of the 72 hostages were freed and 14 MRTA terrorists, including their leader, were killed. The contribution of advice from elite hostage-rescue units from friendly countries is evident in the outcome. This in no way detracts from the outstanding success of the Peruvian authorities' handling of the situation.

There has been much discussion of the fact that the Japanese government was not consulted before the rescue troops were sent in. While it is true that the Japanese government technically held legal jurisdiction over the territory of the Japanese ambassador's residence, one must take account of the following factors:

- Under the Vienna Convention on Diplomatic Relations the host state (in this case Peru) has a clear responsibility for taking measures to protect the embassy and its staff.
- The Peruvian security forces were the only available force on the ground in the correct location and were fully equipped to undertake a rescue role.
- It was the Peruvian authorities who had most at stake, even more than the Japanese, in a successful outcome. The government had been engaged in a long and bitter war of attrition with terrorists on a scale scarcely imaginable in Japanese experience. From the perspective of President Fujimori the hostage crisis was a threat to his whole policy of the eradication of terrorism and hence a threat to the stability and survival of Peru's economy and political system.
- It was essential to achieve total surprise against the terrorists. Had there been wider international consultation on a rescue plan, details might have been leaked and the whole rescue plan jeopardised.

Kidnappings in Iraq and Gaza 2004–05

Between spring 2004 and spring 2005 there were over 260 kidnappings of foreigners in Iraq. Criminal gangs took advantage of the endemic instability and lack of basic law and order to kidnap for ransom. Criminal gangs that seized foreigners often sold them on to the extremist groups such as Zarqawi's Al Qaeda in Iraq, which wanted to use hostage-taking as a political weapon in order to terrorise foreigners into leaving the country, both to show their supporters that they could inflict blows on the 'enemy' and also, above all, to blackmail foreign governments into withdrawing their troops and civilian contractors from Iraq.

One might have thought that it would be difficult to add any cruel refinements to the kidnapping tactics so fully deployed in other conflict situations (for example in Colombia, Lebanon and the Philippines), but the political terrorists in Iraq exceeded even the cruellest of those recent hostage-taking events. In order to maximise the fear and suffering of their victims' families and communities, and the victims themselves, they issued video images of the hostages dressed in Guantanamo-style orange jumpsuits pleading for their lives and then carried out their threats to kill them by beheading the hostages and showing pictures of the beheadings being carried out.

A terrorist murder that caused great outrage in the UK and internationally was the beheading of a British hostage named Ken Bigley, a civilian contractor, by the Tawhid and Jihad Group, led by Zarqawi, leader of Al Qaeda in Iraq.

One of the kidnappings that caused particular outrage not only internationally but in Iraq itself was the abduction of Mrs Margaret Hassan. Margaret Hassan had joint British, Irish and Iraqi citizenship, was married to an Iraqi and had a record of years of dedicated humanitarian aid to Iraqi people through Care International, a respected humanitarian non-governmental organisation (NGO). In spite of numerous passionate pleas for her release from Iraqis, from Muslim organisations and from the governments of Britain, Ireland and all EU member states, and from the UN, the terrorists refused to release her and then killed her. The readiness of Al Qaeda and its affiliated extremist groups to seize aid workers indicates another worrying trend and makes it difficult for humanitarian NGOs to deploy staff to the very troubled areas where their skills and commitment are so needed.

Another widely reported hostage-taking occurred in Gaza in December 2005 where Ms Kate Burton was employed as a human rights worker for the Al Mezan Centre for Human Rights. Ms Burton was accompanied by her parents when she was seized, and all three were held hostage by a terrorist group calling itself the Mujaheddin Brigades, Jerusalem Branch, a previously unknown group. It is truly ironic that Kate Burton is a passionate supporter of the Palestinian cause.

Fortunately the combined pressure of the Palestinian Authority, the militant Palestinian groups, including Hamas and the al-Aqsa Martyrs Brigade, resulted in the release of Ms Burton and her parents. It was clear from Ms Burton's interviews with the press after her release that she wanted to continue with her humanitarian work, but felt understandably angry and betrayed by the militant group that inflicted such an ordeal, albeit brief, on her and her parents.

Meanwhile the German authorities faced another complication from a hostage-taking, that of Ms Ostoff, an archaeologist working in Iraq. She was released, it is alleged, by the payment of a considerable ransom, yet she stated her intention to stay on working in Iraq, clearly placing herself

in danger of a replay of the hostage-taking. This prospect has clearly caused some alarm in Germany and more widely. It may be that this is yet another argument for resisting the payment of ransoms, a practice that we know from experience gives massive encouragement to terrorists to take further hostages.

Conclusion

Terrorist hostage-taking presents democratic governments and law enforcement agencies with acute dilemmas. The tactic of mass hostage-taking has now been sometimes used – as in Spain and Fiji – to overthrow elected governments. Fragile, ethnically divided democracies are particularly at risk. Because of the high value we place on each individual life there is a natural urge to concede to terrorist demands in order to save the lives of hostages. But suppose that by so readily giving in to terrorist blackmail we encourage more hostage-taking, putting more lives at risk? Very often terrorists' demands include the release of large numbers of their imprisoned comrades. Would it be morally right to agree to release a large number of terrorists back into circulation when they will then be able to cause more deaths through their campaigns of violence? Sometimes, terrorists demand changes in policy or in the law: is it morally right to make such changes to appease the terrorists and in so doing ignore the will of the legislature, the courts and the democratic process? Governments, unlike families and private business organisations, have responsibilities to the whole of society. In a hostage crisis involving one of their embassies abroad they have a duty not only to the unfortunate victims of this particular incident but also to the staff in other embassies that could be the targets of such incidents and to those who in the future might be at higher risk if potential hostage-takers can see that the government has caved in to ransom demands on previous occasions. If the US government had not upheld the 'no ransom' policy in respect of its diplomats during the 1970s it would have been faced with a tidal wave of hostage-taking of diplomatic and consular staff.⁴⁰

Another problem faced by governments dealing with politically motivated hostage-takers or terrorists motivated by religious fanatics is that in some cases the demands of the perpetrators are *expressive* rather than *instrumental*: that is to say, the hostage-taker may simply be giving vent to hate, anger or desire of vengeance rather than aiming to achieve clearly defined tactical goals. Expressive terrorists are particularly difficult to deal with: if their hatred or desire of vengeance is strong enough there is nothing the authorities can do other than try to reach the hostages before they are murdered. In some cases the terrorists may also want to make the ultimate statement of fanatical belief by taking their own lives as well as the lives of the hostages.

A recurrent theme of the hostage crises examined in this chapter has been the importance of careful planning and coordination and high-quality

intelligence, as well as expertise in hostage-negotiation, crisis management and tactical response for a successful outcome. The expertise and training required for these tasks cannot be achieved overnight. Therefore it would be the height of folly to allow these specialisms to be abandoned in the name of economy or to become badly run down and out of date. They should be part of the law enforcement and security resources of every democratic country. A crucial requirement is the availability of expert hostage-negotiators and a specialist back-up staff of interpreters, terrorism experts and psychologists, vital in helping crisis managers facing hostage situations with terrorists, many of whom are highly trained and experienced in dealing with the authorities. It is not a job for amateurs, and it is deeply regrettable that many countries have failed to take the business of the selection and training of negotiators seriously. The necessary skills take time to acquire, but states with highly experienced police-negotiator teams are generally willing to provide training facilities for friendly countries. This form of training is not vastly expensive, and it is in the international interest that it should be made available even to the poorest countries, if necessary by making the training courses part of an aid programme.

In most cases it will probably be desirable to use trained police negotiators. The authorities should always be suspicious of private individuals recommending themselves for the job, or external organisations offering their 'good offices' to negotiate. In many cases the real motives behind such offers have much to do with self-publicity or furthering a political agenda rather than a satisfactory and speedy resolution to the hostage crisis.

The negotiator should be selected with great care. He/she must be firm and tough, while also being skilled at building up some rapport with the terrorists and using all available bargaining chips to coax concessions out of them, and to play for time. A good negotiator needs considerable courage, coolness and determination to stand up to the bullying and often brutal aggression of the hostage-takers, and to cope with the considerable stress involved. The job calls for enormous patience and a high degree of intelligence to spot clues to the terrorists' intentions, motives, interpersonal relations and likely tactics and behaviour.

It is also vital for the crisis managers to understand fully the limits of the negotiator's role, and to use the negotiator skilfully. The negotiator is not a decision-maker. He must refer hostage-takers' requests to a higher authority while at the same time building up a working relationship with the terrorists' negotiator and using persuasion and force of personality to get the hostage-takers to release their captives unharmed. The upsurge of hostage-taking of aid workers and other civilians in Iraq, the Gaza Strip and elsewhere in 2004–05 underlines the need for expertise in both hostage negotiation *and* hostage rescue.

As we saw in the case of the Russian hostage crises of 1995–96 the absence of appropriate expertise, training and planning was a crucial factor leading to tragic failures in response. The history of modern terrorism shows that highly trained hostage-rescue commandos and tactical response teams have just as vital a role as highly trained hostage negotiators. It is true that many dangerous hostage situations have been ended without a shot being fired. But, as was clearly demonstrated in the Balcombe Street siege, often the mere knowledge that a highly trained elite armed force could be unleashed against them can have a salutary effect on persuading hostage-takers to release the hostages peacefully. For all these reasons, in my view, urgent attention should be paid to enhancing cooperation among the G8 countries (US, UK, France, Germany, Japan, Canada, Italy and Russia) to improve the training, expertise and planning capabilities of those states that are lagging behind in this field.

But the central lesson for democratic governments on the problems of response to hostage-taking is that prevention is far better than cure. If they wait until a hostage-taking crisis is upon them, they are already too late to avoid a great deal of disruption, damage and the inevitable high risks of decision-making in these agonising circumstances. An effective, proactive counter-terrorism policy, founded upon the highest possible quality of counter-terrorism intelligence, national security coordination and international cooperation, offers the best chance of avoiding such events, or at any rate significantly reducing the chances of their occurrence.

AVIATION SECURITY

Terrorists make it their business to threaten the most basic of human rights – the right to life. The civil aviation industry has, since its inception, been dedicated to protecting the safety of passengers and crews. Indeed it is the incredibly good safety record of the world’s airlines that has helped to make air travel such a phenomenally successful mode of transport and one of the fastest growing industries in the world. Therefore even if there were no legal obligations on airlines and airports to provide security, there is an inescapable moral obligation resting on both governments and the civil aviation community to collaborate in taking all possible measures to protect passengers, crews, ground staff and the public in general against the scourge of aviation terrorism.¹

Liberal democratic governments and the public now have other powerful reasons, in addition to the principle of protecting the lives of the innocent, that should spur them to help create effective aviation security. The horrific suicide hijack attacks of 9/11, the most lethal acts of aviation terrorism in history, provide the most powerful argument for establishing an effective aviation security system, and it is one that should add far greater urgency to our efforts. Al Qaeda foresaw the possibilities of turning airliners into WMD. It would be a serious mistake to assume that this exploitation of the vulnerability of aviation was a one-off, a unique departure from their normal pattern of tactics and targeting. In the eyes of Al Qaeda, 9/11 was a huge victory, a blow struck at the solar plexus of the US economy and the headquarters of the US military. They proved to themselves and to the world that they could turn airliners filled with aviation fuel into the equivalent of cruise missiles capable of killing thousands of people and causing mass destruction on the ground. For an estimated cost of around 500,000 dollars they inflicted damage and disruption costing many trillions of dollars, not counting the billions of dollars expended by the US and the coalition allies on the war in Iraq and the ensuing occupation, all in the name of fighting the ‘War on Terror’. The suicide-hijacking tactic enabled Al Qaeda to carry their ‘jihad’ into the

heartland of America, to kill thousands of Americans (an explicit objective of the terrorist movement) and to gain unprecedented global publicity. Moreover, long before 9/11 the 'New Terrorists' had already clearly demonstrated their fascination with civil aviation as both a method and a target. Ramzi Yousef, a terrorist master bomb maker who was closely linked to Al Qaeda's leadership, bombed a Philippine Airlines plane in mid air as a dry run for his 'Bojinka' plan to blow up a dozen US carriers in the Pacific region, a plan that would have cost thousands of innocent lives and that was only prevented by the accidental discovery of the plan on Yousef's computer in a Manila apartment. We also know that Al Qaeda was involved in a plan to cause an explosion at Los Angeles International Airport at the time of the millennium celebrations.

Nineteen Al Qaeda suicide hijackers seized control of three US airliners and attempted to hijack a fourth airliner with the aim of crashing them into key US targets. At 8.48 a.m. American Airlines Flight 11, carrying 92 passengers and crew, was flown into North Tower of the World Trade Center in New York. United Airlines Flight 175, with 65 passengers and crew, was flown into the South Tower of the World Trade Center. Some 37 minutes later American Airlines Flight 77, with 64 passengers and crew, was crashed into the Pentagon in Washington DC. At 10.03 a.m. United Airlines Flight 93, with 45 passengers and crew, crashed into a field in Pennsylvania following a fight between the hijackers and the passengers. It is believed that the Al Qaeda terrorists intended to fly Flight 93 into the Capitol building in Washington but were prevented through the courageous efforts of the passengers and crew.

The South Tower of the World Trade Center collapsed at 10.05 a.m. and the North Tower collapsed 24 minutes later. The suicide hijack attacks killed almost 3,000 people, a greater number than the number who died in the Pearl Harbor attack. In previous chapters we have considered the wider implication of the 9/11 attacks on US policy and international relations. In this chapter we will examine the implication for aviation security. We have already examined the major intelligence failures that helped to make the US so extraordinarily vulnerable to the 9/11 attacks, but it is important to remember that inadequate and incompetent aviation security at all the US airports involved also contributed to the suicide hijackers' success. Even though the intelligence warning process failed dismally, the coordinated suicide hijackings would have been prevented if the aviation security at the airport boarding gates had been efficient, thorough and comprehensive. In this chapter we will examine some of the security lessons that can be drawn from the challenges of designing an effective aviation security system and the complex problems of combating emergencies and future threats.

Lessons from earlier aviation terrorism

Thirty-six years ago the major terrorist threat to aviation was conventional hijacking.² This problem has by no means disappeared: the 1988 Kuwait Airlines hijacking demonstrated extreme cunning and ruthlessness on the part of the terrorist, who proved more than a match for the aviation authorities in the countries where they landed.³ However, the danger of conventional hijacking has been sharply reduced by three factors: (1) a combination of simple but effective technology and procedures; (2) improved international cooperation, including such measures as the US–Cuba Hijack Pact, which closed down Cuba as a terrorist bolt hole; and (3) the deterrent effect of the dramatically successful commando-style rescues of airline passengers and crews at Entebbe. Conventional hijackings are not necessarily low lethality in outcome. In November 1996 an Ethiopian Airlines 767 crashed into the Indian Ocean when it was seized by three hijackers who refused to accept the pilot's word that the aircraft needed to refuel in order to get to the hijackers' desired destination in Australia. When, as a result, the plane crashed off the Comoro Islands 127 people died.⁴ Over the past decade terrorists have tended to switch from hijacking to far more cowardly tactics of conventional sabotage bombing, suicide sabotage bombing and suicide hijacking. As was demonstrated in the horror of the Pan Am explosion over Lockerbie in 1988 and UTA explosion over Niger the following year, when a bomb explodes on an airliner at an altitude of over 30,000 feet, the passengers and crew have no chance whatsoever of survival. It is mass murder in the skies. Modern plastic explosives and sophisticated timing mechanisms provide an ideal weapon for this purpose for terrorists. The huge payloads of modern jumbo jets serve to maximise the carnage. In the decade 1960–69 there were nine sabotage attacks against civil aircraft resulting in 286 deaths. In the period 1980–89 there were 12 attacks causing a total of 1,144 deaths – a tripling of the number of fatalities per incident over the 20-year period.⁵ By the end of the 1980s, aviation terrorism rivalled technical failure and pilot error as a cause of fatalities in civil aviation. Nor should we overlook the potential for very much higher levels of casualties if an airliner were to be blown up above a major centre of population.

As I argued in my 1989 report *The Lessons of Lockerbie*, the sad fact is that our aviation security systems had become hopelessly outdated by the 1980s.⁶ They were geared solely to dealing with the hijacking threat. The magnetometer archways and X-ray machines introduced in the early 1970s were designed to prevent passengers from smuggling metallic objects, potential hijack weapons, on board aircraft. Although the sabotage bomb threat was clearly evident by the mid 1980s most of the world's aviation authorities had made little or no effort to put in place the explosive detection systems (EDSs), stringent baggage reconciliation procedures, effective perimeter and access controls, and other measures necessary to counter it.

The only airline that proved fully capable of coping with the new challenge was El Al. They compensated for the lack of an effective EDS by exploiting their unique assets in counter-terrorism intelligence, their well-honed techniques of passenger profiling and interrogation and their comprehensive manual searches of luggage. In fact, it was an alert El Al security officer at Heathrow who discovered the bomb Nizar Hindawi had duped his pregnant Irish girlfriend to taking aboard an El Al jet. Yet although all airlines have much to learn from El Al in terms of intelligence, motivation and the importance of the human factor in aviation security, it would be totally impracticable for the major aviation states to adopt El Al's overall approach. Even El Al's tight security sometimes fails, however. In April 1996 a Hezbollah agent travelling under a stolen UK passport conspired to destroy an El Al airline in mid-air. He arrived in Israel on 4 April on a Swissair flight from Zürich. He planned to blow up an El Al jet leaving Israel and succeeded in smuggling almost a kilogram of US-made RDX explosive through Zürich and Ben Gurion airports (200 grams/7 ounces would have sufficed to destroy the jet). He failed because he blew himself up in a Jerusalem hotel.⁷ The Israeli airline has much smaller total air traffic and no short-haul flights, and its passengers are sufficiently motivated to accept much earlier check-in times than would be customary for American or European airlines.

The conventional hijack problem

The airliner hijacking phenomenon has been with us for over 30 years. It has become less frequent recently, but it shows no sign of disappearing. Much now depends on the ability of crisis managers and aviation specialists to handle the situation successfully. It is important to send a clear message to deter other groups from a fresh wave of hijacking.

Our policy should be to prevent the hijackers refuelling and flying off with their hostages, and to use expert negotiation to bring the release of all passengers and crew unharmed. The British track record in achieving this result is excellent. The use of an SAS hostage-rescue squad should only be considered as a last resort if negotiation fails and the hijackers start killing the hostages.

There are key lessons to be drawn from the hijackings of the Indian Airlines plane over Christmas 1999 and the Afghan plane that went to Stansted: there are still massive weaknesses in security in many of the world's airports and these must be urgently rectified. The security failures in both Kathmandu and Kabul enabled the terrorists to get hijack weapons aboard. Full investigation into security at these airports is needed to discover how this happened.

In many countries there are no trained negotiators or hostage-rescue squads available. The Indian Airlines hijack revealed the abysmal state of

international cooperation among the south Asian countries. And both hijacks demonstrated how many airports receiving hijacked aircraft now ignore their responsibilities as host states under the international conventions and allow the aircraft to refuel and fly off to another destination, thus prolonging the trauma for the hostages and making their rescue all the more difficult.

The recurring threat to the lives of airline passengers reminds us of the importance of maintaining high standards of aviation security against all types of threat. It also reminds us that in some countries with lawless regions the threat of domestic hijackings is as grave as the more publicised international threat. Yet all too often standards of security for domestic flights are far lower, and this provides an obvious opportunity for terrorists. Not is this just a feature of poorer countries. The United States, the world's leading aviation state, has grave weaknesses in security for domestic flights even though measures to improve protection of international flights have been greatly strengthened since the 9/11 attacks.

But reforms purely at national and local levels will not be enough. Sadly, we are still far from achieving a really effective global aviation security regime. Terrorist organisations will seek out the weakest links. Hence security-conscious governments should exert pressure on the International Civil Aviation Organisation (ICAO) to establish a proper international security inspectorate with powers to carry out spot checks on airports, and real sanctions to deal with defaulting airports and airlines.

A radical and proactive approach of this kind would greatly reduce the global aviation system's vulnerability to the hijack menace and to other forms of aviation terrorism. It is foolish and irresponsible to adopt the fatalist position that 'there is nothing we can do' to combat the threat. The rational and positive approach is to plan ahead and thereby ensure that civil aviation remains the safest and most popular form of transport in the world.

The first wave of hijackings after the Second World War was mostly committed by refugees escaping from communist countries. In the whole history of hijackings since 1947, 61 per cent have been refugee escapes. In 1968–69 there was a veritable explosion of hijacking. In 1969 there were 82 recorded hijack attempts worldwide – more than twice the total number of attempts for the period 1947–67. There were two major new kinds of hijacker active from 1968: US criminals seeking ransom or flight to Havana to escape the law and Palestinians using hijacks for the first time as a political weapon to publicise their cause and to force Israel and Western governments into releasing Palestinian prisoners from jail.

Boarding-gate security searches and screening of passengers and luggage, introduced initially in the United States in 1973, together with the US–Cuba Hijack Pact, certainly had a significant effect in reducing the number of aircraft hijacking attempts. Airliner hijacking has undergone a

welcome overall decline since the peak of 385 incidents in the decade 1967–76. In the following decade the total had dropped to 200 incidents, and for 1987–96 the figure was further reduced to 212. In the 1980s and 1990s, after the Air India bombing of 1985 and the Pan Am bombing over Lockerbie in 1988, the main focus of aviation security switched from hijacking to sabotage bombing.

It would be a great mistake, however, to assume that the hijacking threat has disappeared. The TWA hijack to Beirut in 1985 and the 16-day hijack of a Kuwait Airways plane in 1988 showed how sophisticated and ruthless hijackers could still gain publicity for their cause. Moreover, the TWA hijackers were able to use the threat against the US hostages to get 756 prisoners released from jail in Israel and south Lebanon.

Hijacking provided terrorist groups with convenient symbols of their designated ‘enemy’ nations and a supply of hostages or victims, often including VIPs and influential people from several countries in the passenger list. It would be a grave mistake to underestimate the threat to life posed by terrorist hijacking.

In December 1994, the armed Algerian Islamic group GIA hijacked an Air France airbus to Marseilles. They planned a novel refinement in terrorist tactics. They aimed to blow up the airliner and its 283 passengers over Paris as a kind of flying bomb in a final act of suicide terrorism. Fortunately, the expert French counter-terrorism commandos, Group d’Intervention de la Gendarmerie Nationale (GIGN), were able to storm the aircraft and rescue the passengers and crew.

The hijacking over Christmas 1999 of the Indian Airlines airliner by Kashmiri militants to Amritsar, Lahore and ultimately Kandahar, attracted huge worldwide publicity because of the dramatic nature of the threat to the hostages, one of whom had already been murdered by the hijackers and because of the extremely tense relations between two nuclear armed neighbours: India and Pakistan.

India has traditionally followed a strict policy of no concessions to hijacks, but the Bharatiya Janata Party (BJP) government was compelled to heed the powerful pressure of the hostages’ relatives and the Indian media. They did not concede the hijackers’ full demands, which were for the release of 36 Kashmiri militants from jail and a ransom of \$200 million. But they did ultimately agree to release three key militant leaders from jail. This was regarded as a great victory by the hijackers, who were also able to escape from the scene. It has been suggested that this incident may have encouraged the hijackers of the Afghan airliner to adopt this tactic.

Designing an effective aviation security system

In designing an effective aviation security system, I suggest that we should be encouraged and inspired by the lessons of America’s response to the

hijacking plague of the late 1960s and early 1970s. If you examine the statistics of worldwide hijacking in the period 1968–72, you will find that in 1969, 1971 and 1972 almost half of the hijack attempts originated in the United States.⁸ In the peak year, 1969, no less than 37 of the 82 hijacking attempts worldwide took place aboard flights starting from the United States. The programme of anti-hijack measures adopted by the US authorities in 1972 was an audacious one, inspired by the broad vision of the man who was appointed Director of Aviation Security, Lieutenant General Benjamin Davis.

Lieutenant General Davis immediately recognised the measures taken to combat the hijacker in the air were merely palliative: once the hijacker was airborne it was too late to do very much. He therefore adopted the policy of thorough screening and searches at the boarding gate to prevent the hijacker and his weapons getting aboard. Davis and his advisers were told that this radical scheme would not work, that the airlines and the airports would refuse to cooperate, and that the American public would not accept universal boarding-gate security checks. The critics were proved wrong on all counts. The secret of making the checks acceptable to the travelling public was to ensure that adequate staff and machines were available to check passengers very rapidly, thus ensuring that any delays that did occur happened at the check-in desks or through unavoidable technical, weather, or air traffic control hold-ups and not at security. The airports and airlines cooperated to make the new system work, initially because they had no other choice. In 1973 legislation made the boarding-gate security measures mandatory throughout America. However, the aviation industry was fairly rapidly won over to the value of the new system. In 1973, the year after its introduction, US hijack attempts dropped from 31 to three and in the course of boarding-gate searches 3,500 pounds of high explosives, 2,000 guns and 23,000 knives and other lethal weapons were found.⁹

The American airport security measures were so successful that other major aviation countries rapidly adopted similar measures, and eventually they spread worldwide. We can therefore learn some useful lessons from the US anti-hijacking measures that could be applied to the design of an effective system to combat the sabotage bombing threat: (1) the system was centrally designed and coordinated and was made mandatory for all airlines and airports throughout the United States; (2) the system used effective, widely available and affordable technology for boarding-gate screening of all passengers and carry-on luggage; (3) the system was designed to be fully compatible with a rapid throughput of passengers without any significant loss of passenger comfort or convenience, and hence with no reduction in the commercial viability of the industry.

Let us bear these lessons in mind in defining the essential components of an aviation security system capable of dealing with today's infinitely

more complex and dangerous problems of international aviation security. It would be foolish to underestimate the difficulties involved in getting our present governments and the aviation industry to act effectively at both national and international levels. Bismarck once said, 'Fools say they learn from experience. I prefer to learn from others' experience.' Let us hope that other countries do not have to experience more tragic outrages on the scale of Lockerbie before they are mobilised to take the necessary action.

The most important general lesson we must learn from the recent history of aviation terrorism is never again to allow the terrorists to get so far ahead of the world's airport security system. We should already be anticipating the tactics that the terrorists are likely to use once the methods of sabotage and suicide hijacking have been blocked. For example, we should be devising ways of preventing terrorists from obtaining and using SAMs against civil aviation.¹⁰ And we should be planning defensive and countermeasures to deal with the possible terrorist use of chemical and biological weapons against such targets as airport terminals and airliners.

Nor is there any evidence that post 9/11 Al Qaeda has lost interest in civil aviation as a method and a target in its global terrorist campaign. On the contrary, there is abundant evidence that they continue to recognise that aviation terrorism can still provide a low-cost, potentially high-yield means of achieving their tactical objectives. We know that Al Qaeda was behind Richard Reid's attempt at the suicide bombing of an American Airlines jet using a bomb hidden in his shoe. It is also clear that the Al Qaeda network was behind the attempt to shoot down a charter aircraft full of Israeli terrorists when it was taking off from Mombassa Airport in Kenya. The missiles, of Soviet manufacture, narrowly missed the aircraft. We also know that the intelligence services in the US, the UK and other EU countries, and in the Middle East, continue to be concerned at the amount of intelligence they have gathered that suggests that Al Qaeda is continuing to plan suicide bombings, suicide hijackings and the use of Man Portable Air Defence Systems (MANPADs) as a method of attacking civil aviation. It is clear that, despite the best efforts of the US and its allies to curtail Al Qaeda funding and block their funds held in the Western banking system, the terrorist network is still capable of circumventing these controls and certainly has sufficient assets to acquire additional supplies of SAMs.

To sum up, the threat of international terrorist attacks against civil aviation, not only against UK airliners but also against other carriers using British airport facilities and carrying British passengers, remains very real. Indeed since 9/11, which Al Qaeda sees as a great victory, the threat has been considerably heightened. We know from Al Qaeda's track record that they not only favour no-warning coordinated suicide attacks, they also

tend to repeat the same tactics and return to the same targets once they are convinced that this will bring them success in their ‘holy war’ against the US and its allies.

Statistics on the annual totals of terrorist incidents may therefore become dangerously misleading and must not be allowed to create complacency. There is no doubt that aviation security measures and standards have been greatly improved in the US, and that EU countries’ aviation security, which was already well ahead of US standards prior to 9/11, has continued to improve incrementally. However, many other countries, especially the poorest countries of the global south, have pathetically inadequate airport security measures to deal with the suicide hijacker or suicide sabotage bombers threats. It is clear that the Al Qaeda terrorist network has the resources, sophistication and ruthlessness to find the weaknesses in UK and international aviation security and to commit mass murder on the airways on a scale we have not seen before. One of the key lessons we should have learnt from the 9/11 attacks is that *qualitative* changes in terrorists’ modus operandi can lead to a massive increase in the lethality of attacks. There is ample evidence that the UK government, MI5, the Metropolitan Police and the Transport Security Department (TRANSEC) were fully aware of the heightened level of threat, but it is a matter of concern to find some senior staff in the aviation industry, including some members of the Airline Pilots Association and some senior commercial managers, ill-informed about the changed nature of the threat, reluctant to adopt any additional security measures and, in some cases, anxious to discard or suspend some of the measures introduced or proposed in the wake of 9/11.

Why government should take the lead role in aviation security

There are frequent complaints from chief executive officers and other figures in the commercial world of aviation that they are the subject of too much oversight and ‘interference’ by government ministers and officials in security matters (we recall the loud complaints over the efforts to introduce a UK ‘sky marshal’ programme to enhance in-flight security, for example). We would draw the reader’s attention to the latest academic research by Hainmuller and Lemnitzer, who have concluded:

We have shown that the different performance of the American and German security regimes before September 11 can be largely attributed to institutional factors. In the US, responsibility for airport security was assigned to airlines whose cost cutting efforts resulted in low performance and lax controls. In Germany, in contrast, responsibility was delegated to the government, which shielded the

provision of airport security from market pressures and led to high performance. Drawing upon the in-depth study of both cases, experience from other European countries and the theoretical arguments developed above we claim that the delegation of responsibility for airport security to government is a necessary condition for a satisfactory security performance.¹¹

These findings are confirmed by an examination of UK experience. The policy implications are very clear. It is generally agreed that US airport security has been greatly enhanced since the federal authorities took over responsibility for its implementation in all major airports. This adds further weight to the Hainmuller–Lemnitzer thesis and strengthens our case for recommending that governments should not relinquish or diminish their key regulatory role in aviation security matters.

Another powerful argument for ensuring that governments and their relevant security and counter-terrorism agencies maintain their lead role in preventing and combating aviation terrorism is, of course, the vital requirement for efficient overall strategic direction and oversight. One of the most important reasons for maintaining the government’s lead role in the field of aviation security is the need to fund and conduct top-calibre scientific and technological development in fields such as the detection of Improvised Explosive Devices (IEDs), the bomb-proofing or strengthening of airliners, airport terminals and other potential terrorist targets, perimeter and access control, computerisation of passenger profiling data, enhancing cybersecurity to help prevent sabotage and disruption of air traffic control systems, etc. Research and development of this kind is extremely expensive but nevertheless essential if we are to keep ahead of increasingly sophisticated ruthless and fanatically dedicated international terrorists who have already demonstrated their capacity for technical and tactical innovation.

The need to keep ahead of the terrorists’ tactics and technology

Aviation authorities should have learned this lesson in the 1980s, especially in the wake of the Air India Flight 122 and Pan Am Flight 103 sabotage bombings, which together caused the deaths of almost 600 people. The civil aviation authorities and the industry in the 1980s were still dependent on boarding-gate search technology that was capable of detecting guns and other metallic weaponry of the kind used by hijackers but that was incapable of detecting explosives hidden in passenger or hold luggage. We paid a heavy price for our failure to introduce appropriate measures and technology to protect civil aviation from the sabotage bomb threat.

The vital role of international cooperation

There are a number of current and emerging threats to aviation security that call for a concerted response by the UK aviation security authorities working in close cooperation with the US and other allies within the international Coalition Against Terrorism. International cooperation is *of the essence* here because unless there are *reciprocal* improvements in aviation security and other related counter-terrorism measures in countries whose airlines fly to and from our countries, we are going to be vulnerable not only to attacks on our homelands, for example, by a foreign-registered aircraft bringing a terrorist bomb or other weaponry and/or terrorists into our airspace but also to our airliners, passengers and crew becoming targets in foreign airspace/airports.

One important area of emerging terrorist innovation is in the choice of explosives. In recent years terrorists have favoured the use of powerful military explosives such as pentaerythrite tetranitrate (PETN), Research Department Explosive (RDX, code name for hexahydro-trinitro-triazine) and 2,4,6-trinitrotoluene (TNT), easily obtainable by means of theft, purchase or supply through an illegal arms market or a state sponsor. But as the explosives detection technology currently deployed in most airports is geared to detecting these well-known military explosives, so the terrorists have a strong incentive to try switching to explosives or pyrotechnics that do not conform to the classic formulas for military explosives. For example, peroxides can be used as stand-alone explosives or as oxidisers in composite explosives, triacetone triperoxide (TATP) can be synthesised from acetone, and it is believed that it has been used in a number of terrorist incidents. The methods for making this and a wide range of nitrogen-free explosives are easily accessible in do-it-yourself explosives manuals and from the internet.

Aviation security authorities and personnel need to be fully aware of the growing interest being shown by terrorist groups in a wide range of non-detectable home explosives. What progress has been made in research and development to develop, test and deploy detection technologies capable of identifying non-nitrogenous explosives and other 'exotic' explosives? In addition to using nitrogen-free explosives, terrorists could make use of a wide variety of incendiary devices, self-igniting materials, hydrides and phosphorus. Nor should it be assumed that it is only the 'New' terrorist groups that are aware of the possibilities of non-nitrogenous explosives. For example, Hamas has used TATP in its bombing campaign against Israel.

In addition to the terrorist search for 'non-detectable' and exotic explosives, there is worrying evidence that some terrorists, particularly the Al Qaeda network and its affiliated groups, are seriously interested in acquiring and using CBRN weapons. As explained in the threat assessment in Chapter 1 of this study, Al Qaeda, unlike most of the 'traditional' terrorist groups, explicitly aims at mass killing. Its members do not observe any

humanitarian limits to their 'holy war' terror. They totally ignore The Hague and Geneva Conventions and do not recognise any distinction between combatants and non-combatants. Nor do they appear to be persuaded by any particular arguments for restraint in attacks on the civilian population. They are not constrained by any concern that the use of WMD might endanger the lives of their operatives as they believe in suicide attacks and they seem convinced that they have a limitless supply of potential volunteers for 'self-sacrifice' for the jihad. Hence, aviation security authorities need to prepare for the possibility of attacks using chemical, biological or radiological weapons. Even if the terrorists only succeed in improvising very crude devices of this kind, we should be aware that their deployment in the enclosed space of, for example, a busy airport terminal building or subway system or on board a jumbo jet could have extremely serious consequences, including the loss of large numbers of lives. In light of the above dangers and threats referred to in Chapter 1 of this study that indicated that some form of CBRN attack by 'New Terrorists' is no longer simply a low-probability event, it is a major consideration for contingency planning by aviation security authorities. This must involve closest possible coordination with the emergency services and hospitals. A key requirement is for rapid detection and identification of any CBRN agent that may have been used. Without adequate and rapid means to do this, it is impossible to make appropriate decisions about how to deal with the treatment of casualties, and how to mitigate the scale of lethality. The experience of the Japanese authorities dealing with the 1995 Sarin gas attack on the Tokyo subway system showed the value of calling on the expertise in the defence forces. Training exercises to practise civil military coordination in such emergencies are vital and should be held in all major airports. Where there are known antidotes to specific chemical or biological weapons, it is important to ensure that hospitals in all regions can call on local stocks to deal with a mass-casualty terrorist emergency. Similarly it should be an urgent priority to equip hospitals and ambulance services for all regions with supplies of decontamination units sufficient to provide rapid processing in a mass-casualty attack and that there is a proper training and exercise programme to ensure that the coordination of all services involved works effectively and smoothly, and that not only paramedics but *all* emergency personnel know how to use the equipment and the appropriate antidote, if one is available. In view of the interest shown by Al Qaeda in civil aviation targets it is important to ask whether airports and airline staff are regularly offered briefings and training on this type of threat and provided with regular opportunities to participate in appropriate exercises with the emergency services.

All experts in civil aviation agree that another rapidly emerging threat to the civil aviation industry stems from 'cyber-terrorism' or the use of information technology to cause great damage and disruption, possibly

including the mass killing of passengers and crews in multiple coordinated cyber-sabotage attacks on the aviation computer systems. What progress has been made in finding possible measures to help to give some protection against this threat?

However, taking full account of these threats, it is clear that the three most serious current threats to civil aviation are the MANPAD, suicide hijacking and suicide sabotage bombing. These will be dealt with in the ensuing discussion. All major aviation countries are still searching for more effective counter-measures against these types of threat – all of which have been posed by Al Qaeda.

New and emerging threats

The UK, in common with all major aviation countries, now faces a range of new or emerging threats, all of which are extremely difficult to counter. The first and most challenging of these is the MANPAD threat, the use of man-portable air defence systems, or shoulder-launch SAMs. This type of weapon has been used for many years against primarily military targets. Annually since 1996 there have been several attacks on civilian aircraft and 19 civilians have been killed per year. However, the Al Qaeda network, which is, as we know, waging a ‘holy war’ involving mass killing, has access to SAMs and has used them in attempts to down aircraft in Saudi Arabia and Kenya. It has been estimated that up to 700,000 such weapons are in circulation, in the hands of various regimes and terrorist and insurgent movements around the world, including Al Qaeda and its affiliates. What are the main options for countering this threat?

First, there is the possibility of installing anti-missile defence systems on all airliners. In 2004, El Al was reported to be fitting the Flight Guard system to all its passenger aircraft. The system works by automatically releasing diversionary flares if an on-board sensor detects a heat-seeking missile approaching. According to most experts, to adopt this measure for all passenger aircraft in major aviation countries would be prohibitively expensive. It is estimated that it would cost billions to adopt the measure for all the passenger fleets and would take 6–10 years to install.

A far cheaper, though more uncertain, protection is to greatly enhance the intelligence efforts to gain advance warning of a conspiracy to use MANPAD weapons and to intercept the perpetrators before they can launch their attack. The most practicable countermeasure is to combine this intelligence effort with intensive surveillance and monitoring of the vulnerable areas around major airports, which provide the most likely points for launching MANPAD weapons. It is known that the British authorities have completed MANPAD defence plans of this kind for Heathrow Airport.

What of the suicide hijacking threat? It might be assumed that in the wake of the devastation and loss of life caused by the 9/11 hijackers the UK authorities would have acted swiftly and effectively to block the threat

of this type of attack. It is claimed by the government that it has set up measures to protect against this threat. The suicide hijacking threat is a product of the 'new terrorism' of Al Qaeda and its affiliates, though there had been earlier plans and threats by extreme Islamist terrorist groups to crash aircraft on to urban targets, for example the GIA group, who threatened to force an airbus they had hijacked in Algeria to fly to Paris where they would crash the plane on to the city. However, it was the 19 Al Qaeda suicide hijackers who brought this idea to reality by crashing airlines into the World Trade Center and the Pentagon. The details of these attacks, how the terrorists planned and prepared for them, why the US authorities failed to obtain advance warning and how the US responded are authoritatively covered in *The 9/11 Commission Report* and it is not our purpose to re-examine these matters here. However, it is of vital importance for the UK and the international community to learn from the tragic experience of the US attacks, in order to enhance our strategies, policies and measures to prevent or protect against this form of mass casualty terrorism. The first key area requiring examination is the intelligence failure, which in large part explains why the US authorities did not have advance warning and why they lacked any effective counter-measures. Some counter-terrorism and intelligence officials had enough indications to know that a very big Al Qaeda attack was about to happen, but they did not know what form it would take. Their political masters did not attach a high enough priority to the problem of combating the Al Qaeda threat and were thus caught completely off guard. The US public had been generally oblivious to the threat and were therefore shocked and stunned by the magnitude and severity of the attacks.

The 9/11 Commission Report concluded that:

During the spring and summer of 2001, US intelligence agencies received a stream of warnings that Al Qaeda planned, as one report put it, 'something very, very, very big'. Director of Central Intelligence George Tenet told us, 'The system was blinking red'.

Although Bin Laden was determined to strike in the United States as President Clinton has been told and President Bush was reminded in a Presidential Daily Brief article briefing him in August 2001, the specific threat information pointed overseas. Numerous precautions were taken overseas. Domestic agencies were not effectively mobilized. The threat did not receive national media attention comparable with the millennium alert.¹²

Intelligence failures

The 9/11 Commission Report and the Senate Intelligence Committee report on the intelligence failures agree that there were points of vulnerability

in the 9/11 plot and there were opportunities to disrupt the plot that, tragically, were missed. These missed opportunities included: failing to put two terrorist suspects on the watch list; failing to trail them after they travelled to Bangkok and failing to inform the FBI about one suspect's US visa or his companion's journey to the US; failing to take adequate measures to track the two suspects in the US; failing to connect the arrest of Moussaoui, described as being interested in flying training simply to use the plane for an act of terrorism; failing to give adequate attention to clues of an impending major Al Qaeda attack; and failures to discover manipulation of passports and false statements on visa applications.

Moreover, in addition to the specific 'missed opportunities' listed above, there were more fundamental weaknesses in the US intelligence community that contributed to the overall failure to anticipate 9/11 attacks. There was an acute shortage of high-quality intelligence on Al Qaeda. HUMINT, which is the best means of learning about terrorist plans and intentions, had been neglected at the expense of reliance on electronic intelligence. The efforts of the plethora of intelligence organisations, including the major agencies, the CIA and the FBI, were inadequately coordinated and there was no proper inter-agency review of National Intelligence Estimate on terrorism through the whole period from 1995 and 9/11. Meanwhile the FBI, which is primarily a federal law enforcement agency rather than intelligence organisation, had become increasingly worried about the threat of terrorism from Islamist extremist groups, but its efforts were primarily case-specific and aimed at bringing prosecutions of individuals rather than aimed at preventing terrorist attacks. The FBI had very limited capabilities for intelligence collection and strategic analysis and for sharing intelligence with domestic and friendly overseas agencies. They also had to cope with a shortage of funds and inadequate training for the counter-terrorism role. Some of these endemic weaknesses have been addressed by the Bush administration. The FBI and CIA have now been directed by the President to closely coordinate their counter-terrorism efforts. The FBI has been given more resources and improved training. In response to *The 9/11 Commission Report* the President has set up a National Director and a National Counter-terrorism Center. (However, the National Director is not apparently being provided with a budget, and the first appointee is a Republican Congressman with only very limited and junior experience as a CIA employee in the 1970s who is widely regarded as a *political* appointee rather than as an intelligence professional.)

The establishment of a National Counter-terrorism Center is clearly a highly encouraging development. As the 9/11 Commission explain in their Report, 'the problems of coordination have multiplied, and a new National Center would help to break the older mold of organization stovepiped purely in executive agencies'.¹³

It is to be hoped that an effective and well-resourced National Center will overcome the major weaknesses that the establishment of the Department of Homeland Security failed to address, i.e. the lack of coordination between the CIA and the FBI, which has been the subject of criticism both by the Senate investigation and the 9/11 Commission.

Crisis management and military options

Just as successive US administrations prior to 9/11 had always seen terrorism as a threat to American personnel and facilities overseas rather than in the American homeland, so the US crisis managers and military planners prepared a variety of strike options for attacking Bin Laden and his movement overseas. Prior to 9/11 the only case where military action was taken was on 20 August 1998 when US used missile strikes to hit Al Qaeda targets in Afghanistan and a factory in the Sudan that, US officials alleged, made precursors of chemical weapons, though this was never proved. Following this action, which was the Clinton administration's response to Al Qaeda's bomb attacks on US embassies in Kenya and Tanzania, it was claimed that there was no sufficiently actionable intelligence to justify further military attacks. The use of the military to protect the US homeland against terrorist attack was not even considered as a serious issue.

As *The 9/11 Commission Report* explains, officials were completely unprepared to respond to the 9/11 attacks:

On the morning of 9/11 the existing protocol was unsuited in every respect for what was about to happen. . . . What ensued was the hurried attempt to create an improvised defence by officials who had never encountered or trained against the situation they faced.¹⁴

Time and again air traffic controllers lost the hijacked planes. One airliner (the one heading for the Pentagon) was lost track of for over half an hour. Air force jets were ultimately scrambled, but they believed that the Pentagon had been hit by Russian missiles, and were heading away from Washington. Communications among those supposedly responsible for handling the crisis were appallingly bad. By the time Vice President Cheney's order to shoot down the airlines was received by the air force, three of the hijacked airlines had already been crashed into their targets and, apparently, for a time Cheney was under the impression that two of the planes had been shot down by US forces. One of the major problems had been that civilian officials were far too late in alerting the military of the developing attack.

In other words, the immediate response of the US authorities shows an appalling weakness in crisis management, communications and co-ordination.

Suicide hijacking as acts of war: the dilemmas posed for crisis managers

The 9/11 attacks inaugurated a new and infinitely more dangerous era of aviation terrorism. The traditional hijacking is naturally still of concern and has, on occasion, led to deaths and injuries among passengers and crews. However, there are tried and tested means of dealing with such events. In cases of traditional hijackings that are politically motivated the hijackers' aim is generally to obtain international publicity for their cause and to wrest concessions from the authorities they are targeting. Most hijackings of this type end peacefully with the majority of passengers and crew physically unharmed. The aim of the suicide hijackers is entirely different. They want to turn the aircraft into a missile and crash it into a target on the ground, causing destruction, disruption and, in the case of Al Qaeda and its affiliates, mass killing of the target population. They know that such attacks will help to create a climate of fear in the targeted population, but, in essence, they are turning the tactic of hijacking into a weapon of asymmetrical warfare. Prior to 9/11 aviation security measures around the world were based on the assumption that the terrorists would not wish to sacrifice their own lives if they could avoid this. Al Qaeda's suicide hijackers are indoctrinated to prepare them for 'voluntary self-martyrdom', and they believe they will go to paradise for striking a blow in what they believe is a 'holy war' against the infidels. It is, for obvious reasons, very difficult, especially in open societies, to prevent and combat this form of terror warfare.

Obviously the best form of prevention is to intercept and pre-empt the would-be suicide hijacker's conspiracy through high-quality and timely intelligence on the terrorists' intentions and plans. Yet, as was seen on 9/11, the intelligence may be lacking. Airport boarding-gate security becomes a key final opportunity to prevent the suicide hijackers from boarding the plane. CAPPS (Computer Assisted Passenger Profiling System) is one tool that may be useful here: this would be particularly useful in cases where would-be hijackers are found to be travelling with forged or stolen passports under false identities. The standard process of screening passengers, their hand luggage and hold luggage for weapons and explosives may also play a key role in such cases, provided that these tasks are conducted with maximum diligence and vigilance. However, although there have been big improvements in standards of airport boarding-gate security in the US and other countries since the disastrous failures of airport security on 9/11, it is clear that there are weaknesses and gaps in airport security that can still

result in hijackers getting aboard with items that can be used as effective weapons to seize control of an airliner. One obvious reason for this is human fallibility. It only needs one airport/airline security screener to be distracted or lax in their task to allow the hijacker access to boarding. Moreover, there are still many airports around the world where the authorities are complacent, where they believe they are immune from attack and may therefore allow would-be suicide hijackers on board an airliner that could then be turned into a missile for use against a target country's homeland or against a designated strategic, diplomatic, business or symbolic facility of the target country located overseas. Moreover, the level of airport security around the world is extremely variable, and terrorist movements such as Al Qaeda and its affiliates are known to undertake careful reconnaissance to find loopholes in security, including airport security, that they can exploit. In other words, it would be foolish to regard airport security as a guaranteed method of preventing hijackers from boarding airliners.

For this very reason, it is particularly foolish to dismiss or neglect measures to maximise in-flight security. In-flight security is literally the last line of defence for preventing hijackers from seizing control of an airliner. Two measures now introduced into UK airlines, despite some fierce opposition within the British Airline Pilots' Association (BALPA), make very good sense in the light of 9/11. The installation of intrusion-proof doors dividing the pilot's cockpit from the passengers' cabin is a sensible protective and deterrent measure. If the would-be suicide hijackers are unable to gain access to the cockpit, this effectively blocks their efforts to turn the airliner into a weapon. Of course, this does not prevent would-be hijackers from threatening the lives of passengers and cabin crew. For this reason, and to help forestall the would-be suicide sabotage bomber who aims to blow up the airliner in mid air, the deployment of armed, highly trained sky marshals on board airliners is also a sensible additional in-flight security measure. It is obviously impracticable to provide sky marshals for every flight, but the knowledge that they are being employed on a wide range of flights can act as a deterrent against suicide hijacking attempts. The reason for this is that Al Qaeda and similar organisations want their attacks to succeed. There is no point in wasting the lives of 'martyrs' for the cause if they are simply going to die in a shoot-out with sky marshals and fail in the real objective of taking control of the airliner. Provided the sky marshals are trained to a very high standard, and that the protocols on their precise role and their relationship to the captain of the aircraft are clear, the new measure is certainly a logical enhancement of in-flight security. The opposition to this measure expressed by some BALPA members was, one suspects, partly the result of lack of awareness of the severity of the threat and the general lack of up-to-date knowledge of counter-terrorism developments overseas. There are two practical arguments in favour of the new measures, which should suffice to quash the opposition. First,

opponents of intrusion-proof doors and sky marshals should be aware that if boarding-gate and in-flight security fail in the face of a suicide hijacking attempt, the crew and their passengers will end up *either* crashing into a building on the ground *or* being shot down by air force jets or by SAMs to prevent them crashing into a building. Either way, they will probably all end up dead. If this practical strategic argument fails, there is a stark commercial reality: if they do not employ proper in-flight security measures, the US authorities will act to deny them landing rights in US airports. Given the vital importance of transatlantic routes to all the major British and other European carriers, this argument is likely to prevail at the end of the day.

The crisis manager's dilemma: what to do if the suicide hijackers are in control

If the suicide hijackers gain control of an aircraft it is vital that the information regarding the flight path and possible target/s is conveyed as rapidly as possible to the crisis decision makers and that air traffic control, civilian aviation authorities and the military authorities coordinate all emergency action as swiftly as possible. The terrorists may be heading for a major target literally only minutes away from the airport where the hijackers boarded. The aircraft is likely to be fully loaded with fuel. The impact of crashing the airliner into a building or over a heavily inhabited area would be likely to lead to the deaths of hundreds of civilians. Clearly the lesser evil would be to shoot down the hijacked plane, knowing that this is likely to cause fewer deaths in total than allowing the aircraft to proceed to its target. However, the need for speedy response is made all the more vital by the fact that if the hijacked plane is aimed at an urban target the shoot-down should be carried out well before it reaches the built-up area. However, we may be talking of minutes in trying to calculate the time available to prevent the possibly huge loss of life that could ensue. For these reasons, some security experts, notably in France, have favoured the deployment of SAMs around potential targets to provide a swifter response than is possible with interception by fighter aircraft. In calculating the extremely limited opportunity for preventing the hijacked plane from proceeding to its target, the argument for the use of SAMs is certainly attractive. Whichever method is used, however, one needs to ensure that air traffic control is carefully and accurately monitoring the seized aircraft *throughout* the crisis, and that there is a well-prepared plan for dealing with all the likely suicide hijack and suicide sabotage bombing scenarios.

The establishment of strictly policed air exclusion zones over major cities and potential targets, limiting access to authorised passenger, cargo and military flights is a valuable measure, because if the air traffic control

authorities monitor the zones constantly and report any unauthorised flight immediately to the security authorities, there should be more opportunity for a swift response to deal with the threat. The UK system aims to use a combination of air exclusion zones regimes and air force fighter aircraft interception to deal with such challenges. However, with a high level of both boarding-gate and in-flight security, one hopes these plans will never have to be put to the test.

The 'Robolander' device

In its constant search for technologies that enhance aviation security, the aerospace industry has come up with an interesting and novel device, which is in development at the time of writing, and could be adopted and built into the next generation of air traffic control systems. The system, called 'Robolander', is designed to allow air traffic controllers to take control of aircraft and land them remotely. The device also includes a 'refuse to crash' computer program designed to steer the airliner away from high buildings if the pilots fail to respond to audible warnings.

A senior US aerospace industries chief executive has indicated that the next logical development should be a computerised system that allows air traffic control to take control of a plane in an emergency. The pilot sending an encrypted signal to air traffic control the moment he became aware of the hijackers breaking through the cockpit door would trigger the system.

One major obstacle to the adoption of this type of remote control technology is its sheer expense. However, costs could considerably reduce if the system was to be incorporated into the next generation of air traffic control systems and airliners. Hence, this technology does not offer a 'quick fix' to the suicide hijacker threat, but it does offer a potentially valuable tool for future generations of airliners and air traffic control systems which could save the lives of passengers and crews in a wide range of emergency situations, such as intrusion into the cockpit by a mentally disturbed passenger attempting to grab the controls, or a pilot experiencing a heart attack or severe stroke. As one would anticipate, the International Airline Pilots Association tends to be strongly opposed to remote control technologies. They are reluctant to accept any system where they would have to surrender command of the aircraft to a computer system. One senior executive of the International Federation of Airline Pilots' Associations (IFALPA) has been quoted recently as objecting: 'What would happen if the terrorists took over the air traffic control tower and hacked the codes? They would have a dozen flying bombs.'

It is clear that there is not at present any generally accepted remote control technology that would be a guaranteed effective counter to the suicide hijacker, though one aerospace company has patented a device that requires a code before the aircraft can be operated. There are, of course, serious problems about all remote control technologies.

The suicide sabotage bomber threat

The attempt by Richard Reid to blow up an American Airlines plane using a bomb hidden in his shoe, thwarted only by the vigilance and speedy intervention of the cabin crew and other passengers, was a sharp reminder that we now have to face the suicide sabotage bomber threat, a threat that was dismissed as too improbable by those who planned the response to sabotage bombings of airliners in the 1980s.

The emergence of the suicide sabotage bomber greatly strengthens the case for maximising boarding-gate and in-flight security. The task at the boarding gate is now greatly complicated by the fact that more sophisticated terrorist organisations have mastered the technique of carrying small components of bombs on board rather than an entire IED, thus making it far more difficult to identify the bomber. Ramzi Yousef, the terrorist master bomb designer, pioneered this method. For example, he used liquid explosive, which was hidden in an apparently innocent contact lenses solution container. The bomber then assembled the bomb in the toilet.

A bomb detonated at any altitude over 30,000 feet is likely to cause the aircraft to crash with the loss of all lives on board. The emergence of Al Qaeda-linked suicide sabotage bombing is therefore a serious challenge. The only effective means of prevention are enhanced intelligence enabling the would-be bomber to be caught before boarding the plane and greatly improved and extra vigilant boarding-gate and in-flight security.

Essential components of an effective aviation security system

The first requirement is the establishment of strong national aviation security systems, particularly in major civil aviation countries: the G8 countries. Effective national systems are the essential building blocks of any worthwhile international cooperation. Each national security system should be under the control of a powerful lead agency with the tasks of assisting government in the formulation of aviation security policy and the overall direction and coordination of all the organisations in both the public and private sectors that have a role in the implementation of the aviation security programme. The lead agency should be backed by strong regulatory powers, and the necessary resources, including trained manpower, necessary to monitor, inspect and regulate all aspects of aviation security. It should, in addition, have the task of evaluating the overall effectiveness of the security policy and recommending any necessary changes to government.

There is much evidence to suggest that the commercial deregulation of airlines has had beneficial consequences for the air traveller. Opening up a far greater choice of services and making vigorous competition for routes and passengers has compelled airlines and airports to strive for a larger

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market share by offering better quality services and more attractive prices. Experience shows, however, that it would be foolish and irresponsible to leave matters such as air safety and security to the vagaries of the market. Unfortunately the US aviation system has not yet acquired a strong enough regulatory agency, which is absolutely vital if standards of security are to be properly enforced and leadership in research and development and policy direction is to be provided.

THE MEDIA AND TERRORISM

It is first necessary to define the term used in the title of this chapter. *Media* is a generic term meaning all the methods or channels of information and entertainment. The *mass media* are taken to encompass newspapers, radio and television and other important forms of communications, including books, films, music, theatre and the visual arts. The late twentieth century has seen the globalisation of the mass media culture, but we should not overlook the fact that throughout history informal methods of communication such as the gossip of the taverns, streets and marketplace have been the standard local media for transmitting information, and these informal channels coexist with all the latest multimedia technology in contemporary societies.

In the process of attempting to spread terror among a wider target group, some channel or medium of transmitting information, however informal and localised, will inevitably be involved. The Assassin Sect of Shi'a Islam,¹ which attempted to sow terror in the Muslim world in the Middle Ages, relied upon word of mouth in the mosques and marketplaces to relay news of their attacks; similar methods of transmitting fear were used by the Russian and Balkan terrorists in the nineteenth century.² These and many other historical examples provide abundant evidence to disprove the theory that the development of modern mass media is the prime underlying cause of terrorism. The political weapon of terror, it was believed, would serve their cause, not television producers and journalists. It would be foolish to deny that many modern terrorists and certain sections of the mass media can appear to become locked in a relationship of considerable mutual benefit. The former want to appear on prime-time television to obtain not only massive, possibly worldwide, publicity but also the aura of legitimisation that such media attention gains for them in the eyes of their own followers and sympathisers. For the mass media organisations, the coverage of terrorism, especially prolonged incidents such as hijackings and hostage situations, provides an endless source of sensational and visually compelling news stories capable of boosting audience/readership figures.³

Common to all acts of terrorism is the threat or use of murder, injury or destruction to coerce the government or other target groups into conceding to the terrorists' demands. It is because terrorists seek to demonstrate the credibility of their threats by spectacular acts of destruction or atrocity that the media reporting of these acts is often held in some sense to have 'caused' the terrorism. In reality it is well beyond the powers even of the modern mass media to create a terrorist movement or a terrorist state. In order to understand how groups espousing terrorism originate, one needs to examine their motivations, aims, ideologies or religious beliefs and strategies. However, once terrorist violence is under way, the relationship between the terrorists and the mass media tends inevitably to become *symbiotic*. In sociology the term *symbiosis* is taken to mean relations of mutual dependence between different groups within a community when the groups are unlike each other and their relations are complementary. It would be foolish to deny that modern media technology, communications satellites and the rapid spread of television have had a marked effect in increasing the publicity potential of terrorism. A dramatic illustration of this was the seizure and massacre of Israeli athletes by Black September terrorists at the 1972 Munich Olympics. It is estimated that these events were relayed to a worldwide television audience of over 500 million.⁴ For as long as the mass media exist, terrorists will hunger for what former British Prime Minister Margaret Thatcher called 'the oxygen of publicity'. And for as long as terrorists commit acts of violence the mass media will continue to scramble for coverage in order to satisfy the desire of their audiences for dramatic stories in which there is inevitably huge public curiosity about both the victimisers and their victims. Even those terrorist incidents where the perpetrators fail to claim responsibility and their identity is unknown or in serious doubt, as in the case of the bombing of the American base at Dhahran in June 1996, the international media coverage given will still be enormous.

The French sociologist Michel Wieviorka, in *The Making of Terrorism* (1993), attempts to dismiss the claim that terrorism and the media are in a symbiotic relationship. He argues that there are four distinct relationships between the terrorists and the media. The first of these is described as one of *pure intelligence*, where 'the terrorists neither seek to frighten a given population group beyond their intended victims nor to realise a propaganda coup through their acts'.⁵ This category is totally unreal because even for the purpose of creating terror in an intended set of victims, the perpetrator relies on some channel or medium of communication to relay the threat. If there is no aim to instil terror, then the violence is not of a terroristic nature.

According to Wieviorka:

[the] second relational model is that of *relative indifference* . . .
In which perpetrators of violence remain indifferent about making

the headlines not out of disinterest with regard to the most powerful media, but because there already exists channels of communication through which to discuss and explain their positions.⁶

The kind of channels he lists that 'already exist' are a legal and relatively free press, radio transmitters and centres for free expression such as universities, churches and mosques. But what are these channels that 'already exist' if not alternative media? One might also add the internet, now widely used by terrorist groups. Wieviorka's second category turns out to be a non-category.

Wieviorka's third relational mode, the *media-orientated strategy*, is self-explanatory. He intends this category to cover terrorist efforts to provoke the media into action and a 'calculated manipulation of what they know of media operations'.⁷ Wieviorka appears to think that this is the only case in which the terrorists are 'engaged in an instrumental relationship with the media'.⁸ Yet in reality it is intrinsic to the very activity of terrorisation that some form of media, however crude, is utilised as an instrument to disseminate the messages of threat and intimidation.

This applies equally to Wieviorka's fourth relational mode, which he terms as *total break*,⁹ and which I think is more accurately described as *coercion* of the media. Wieviorka is referring here to cases where the terrorists come to view the media organisation, editors, journalists and broadcasters as enemies to be punished and destroyed. Those working in the media have often been the targets of terrorist violence in areas of severe conflict such as Italy and Turkey in the 1970s and Lebanon in the 1970s and 1980s. Some journalists and editors have been attacked for in some way offending a terrorist movement. Others have been threatened and attacked in an attempt to prevent them from exposing some detail of terrorist activity that they wish to suppress. But such attacks on sections of media do not signify that the relationship to the media has suddenly become irrelevant or non-instrumental. The terrorists, however hostile they become towards the major mass media organisations, still depend on the mass media's coverage of their attacks to terrorise their particular media enemies into silence and to coerce the rest of the media into submission, or at least into passive neutrality. Moreover, terrorist groups engaged in attacking the established mass media seldom, if ever, regard such activity as an alternative to using their own organs of propaganda, such as communiqués, broadsheets, pamphlets and magazines. The terrorists' own organs of propaganda generally have very limited circulation, but they do serve the vital functions of maintaining ideological militancy among members and sympathisers and spreading their ideas to other potentially sympathetic groups. It would be foolish to underestimate their importance as channels of propaganda, as a means of inspiring fervour and as a means of explaining fresh policies or tactics adopted by the leadership to the

rank and file. It is significant that when terrorist leaders set up support infrastructures for terrorism overseas, the production of magazines, newspapers and other channels of propaganda generally becomes a key part of their activity.

In dealing with the relationship between terrorism and the media, the most useful approach is to attempt to understand the terrorist view of the problem of communications.¹⁰ It cannot be denied that although terrorism has proved remarkably ineffective as the major weapon for toppling governments and capturing political power, it has been a remarkably successful means of publishing a political cause and relaying the terrorist threat to a wider audience, particularly in the open and pluralistic countries of the West. When one says 'terrorism' in a democratic society, one also says 'media'. For terrorism by its very nature is a psychological weapon that depends upon communicating a threat to the wider society. This, in essence, is why terrorism and the media enjoy a symbiotic relationship. The free media clearly do not represent terrorist values. Generally they tend to reflect the underlying values of the democratic society. But the media in an open society are in a fiercely competitive market for their audiences, are constantly under pressure to be first with the news and to provide more information, excitement and entertainment than their rivals. Hence, they are almost bound to respond to terrorist propaganda of the deed because it is dramatic bad news. Thus, as explained earlier, the media are in a kind of symbiotic relationship with terrorism. This does not, of course, mean that the mass media are controlled by the terrorists. It does mean that they are continually attempting to manipulate and exploit the free media for their own ends. It also means that responsible media professionals and the public need to be constantly on their guard against terrorist attempts to manipulate them.

Terrorists view the mass media in a free society in entirely cynical and opportunistic terms. They have nothing but contempt for the values and attitudes of the democratic mass media. For example, they view the media's expressed concern for protecting human life as mere hypocrisy and sentimentality. However, many terrorist leaders are well aware that their cause can be damaged by unfavourable publicity. Hence the more established and sophisticated terrorist movements and their political 'Front' organisations, such as Sinn Fein and Herri Batasuna, invest considerable time and effort in waging propaganda warfare both at domestic and international audiences.

For this purpose sophisticated terrorist groups such as the Al Qaeda network make extensive use of audio-visual taped messages from their leaders and videos showing pictures of successful attacks on their designated 'enemies', and images of the death and suffering of Muslim civilians they always portray as the victims of attacks by Americans or their allies. They exploit the enormous scope of the global internet to disseminate

their propaganda around the world. They can use their computers to send coded and encrypted messages to provide secret communications systems for the network as well as for reaching their wider audience of supporters and sympathisers. Recently the Al Qaeda network has acquired its own broadcasting network, *Voice of Caliphate*, to help speak their propaganda, and to give a predictably twisted version of international news.

In this propaganda war,¹¹ the terrorists constantly emphasise the absolute justice or righteousness of their cause. Usually, this claim of justice is founded on a secular ideology. However, today we should note the significance of the resurgence of religious justifications for terrorism. Beliefs such as those of the pro-Iranian fundamentalist terrorists – that acts of violence are ordained by God and that martyrdom in the course of the struggle against the infidel leads to Paradise – present a very potent threat to opponents. Whether based on secular ideology or religious faith, however, this belief in the absolute justice of the cause has characterised the propaganda of all terrorist organisations.

These beliefs carry some important corollaries. First, the terrorists can and do claim that because their violence is in a just cause they are freedom fighters or soldiers of liberation fighting a just war,¹² and they passionately deny that their acts can be described as crimes or murders. Second, because of their belief in their own righteousness, the terrorists can portray their opponents not as simply misguided but as totally evil, as corrupt oppressors beyond redemption. Because their enemies are corrupt beyond redemption, the terrorists have the duty to kill them and, indeed, anyone who resists or obstructs the just war of the terrorists.

Third, because the terrorist organisation believes it is waging a Manichean struggle with the forces of oppression or reaction, it cannot tolerate neutrals – you must be either with us or against us. If you are with us, join our case and fight against the enemy. If you are not actively with us, we will assume you are a traitor and therefore we are entitled to kill you.

The other three key propaganda themes vividly illustrate the potency of the terrorist's use of the claim of total righteousness as a psychological weapon. For example, it is used to undermine all claims to legitimacy on the part of the incumbents:

Our enemies, by denying the justice of our cause and by acting against us, have forfeited all rights to obedience and respect. It is no longer they who are legitimate and whose authority and word you should believe, but we the terrorist organisation.

The righteousness theme is also deployed in order to push the blame for all the violence on to the terrorist's opponents. The government started the violence:

Our violence was simply a totally justified reaction to the violence imposed on us by our enemies; hence, all the blame for the sufferings caused to the people should be placed on our opponents. The masses should recognise this and throw in their lot with our movement, which will inevitably triumph in the end.

All these themes can be recognised in the propaganda of numerous contemporary terrorist organisations. We should never underestimate their skill in disseminating these illusions among the public and among politicians and other influential groups. At its most subtle and effective, this form of propaganda campaign may more than compensate for the military weaknesses and security failures of a terrorist organisation. If government, faced with these more sophisticated challenges, do not succeed in dealing effectively with the terrorists' political and psychological subversion, they may indeed be on the slide to disaster.

The most frequent terrorist technique for influencing the mass media and reaching a wider public is the creation of terrorist events and armed propaganda with the object of seducing or trapping the mass media into giving the terrorist huge publicity and portraying them as such a powerful force that it would be folly to resist them.¹³

To summarise briefly on the symbiotic nature of the relationship between terrorists and the media, the recent history of terrorism in many democratic countries vividly demonstrates that terrorists do thrive on the oxygen of publicity, and it is foolish to deny this. This does not mean that the established democratic media share the value of the terrorists. It does demonstrate, however, that the free media in an open society are particularly vulnerable to exploitation and manipulation by ruthless terrorist organisations. In using television, radio and the print media, the terrorists generally have four main objectives:

- 1 to convey the propaganda of the deed and to create extreme fear among their target groups/s;
- 2 to mobilise wider support for their cause among the general population and international opinion by emphasising such themes as the righteousness of their cause and the inevitability of their victory;
- 3 to frustrate and disrupt the response of the government and security forces, for example by suggesting that all their practical anti-terrorist measures are inherently tyrannical and counterproductive;
- 4 to mobilise, incite and boost their constituency of actual and potential supporters and in doing so to increase recruitment, raise more funds and inspire further attacks.

In a valuable empirical study of the mass media's coverage of the hijacking to Beirut of TWA flight 847 while en route from Cairo to Rome, Alex

P. Schmid demonstrates convincingly how the terrorists were able to use the 'pseudo-event' to obtain vast publicity.¹⁴ For example, Schmid observes that National Broadcasting Company (NBC) devoted no less than two-thirds of their total news time to the crisis over the fate of the American hostages taken to Beirut throughout the 17 days of the hijacking. Significantly the hostages received roughly ten times the attention given to the terrorists in the overall news coverage. As Schmid wryly observes, 'The exposure increased the price of the 39 US hostages and made their potential sacrifice extremely costly for the American and Israeli governments'.¹⁵ He also points out that opinion polls showed an overwhelming majority of the American public (89 per cent) applauded the media's coverage, and this finding reflects this, regarding public perceptions of the media's role in the previous terrorist spectacles.

In their intense competition for audience share all the major US television networks gave huge exposure to the hostages, thus ensuring that huge numbers of Americans would completely identify with the hostages. This, inevitably, greatly increased the pressure on the US government, and indirectly on the Israeli government, to do any deal that would secure the release of the hostages. The Shi'ite Islamic Jihad hijackers had originally demanded the release of the 776 Shi'ites held in Israel. In the event they secured the release of no less than 756 imprisoned Shi'ites in return for the release of the 39 hostages. As Alex Schmid rightly concludes:

The media's profuse exposure of the hostage families and their grief thereby played into the hands of the terrorists. The outcome – successful for the hostages and the terrorists – undermined the American administration's declaratory policy of 'No bargaining, no concessions' and probably increased the likelihood of imitation by other terrorists.¹⁶

Moreover, we would be deceiving ourselves if we believed that this dangerous media hype of terrorist 'spectaculars' was simply the result of media organisations' unintended mistakes. The major US networks all compete fiercely for an increased market share of the audience and for the higher advertising revenue they can gain through exploiting the public's insatiable interest in the coverage of major terrorist 'pseudo-events'. For example, in the first three weeks of the Tehran hostage crisis in 1979 all the major television networks achieved an 18 per cent increase in audience rating. According to Hamid Mowlana, the networks were able to secure, in 1979, an annual revenue increase of £30 million for each percentage point of audience rating increase.¹⁷ On the other hand it may well be the case that the owners and chief executives of the media organisations are unaware of the wider *political* implications of their frenetic pursuit of ratings. In the case of the Tehran hostage situation, the networks' constant and disproportionate emphasis on the fate of the hostages and

their portrayal of an administration apparently powerless to obtain their release helped to undermine Carter and to pave the way for the election of Ronald Reagan.

The cases of the TWA flight 847 hijacking and the Tehran hostage crisis certainly bring home the power of the mass media. There is no evidence to suggest that the Western-dominated mass media organisations share the political aims of the terrorist organisations, but sophisticated media-wise terrorists can certainly exploit and manipulate the power of the mass media for their own malevolent purpose.

So far I have been examining the complex relationships between the terrorists and the media without taking proper account of other key players such as the law enforcement agencies and the government of the day. It is important to emphasise that the objectives and concerns of the law enforcement agencies in terrorist situations are not only at variance with the aims of the media: they are intrinsically in conflict with them.¹⁸ The mass media aim to 'scoop' their rivals with news stories that will grip and sustain the public's attention and hence increase their ratings and revenue. The police, on the other hand, are first and foremost concerned with the protection of life, the enforcement of the law and apprehending those guilty of committing crimes and bringing them to justice before courts of law. There have been many notorious examples where the efforts of the police have been directly threatened by the behaviour of sections of the media. For example, during the Iranian Embassy siege at Princes Gate, London, in 1980, the Metropolitan Police were particularly concerned to ensure total secrecy and surprise for the hostage rescue by the SAS. However, one Independent Television News (ITN) film crew defied police instructions and succeeded in filming the rescuers as they were abseiling down the walls of the embassy. If those pictures had been shown on live television, they could have jeopardised the entire hostage rescue.

Another striking example of media irresponsibility occurred during the hijacking of a Kuwait airliner by Hezbollah terrorists in 1988. While the airliner was on the ground at Larnaca, Cyprus, there might have been an opportunity to mount a hostage rescue operation by an elite commando group. A major obstacle to such an operation was the unrelenting intrusiveness of the international media, surrounding the aircraft with infrared equipment so that during the hours of darkness it would have been impossible for a rescue operation to have been launched without its presence being given away.

A different kind of media irresponsibility led to a British court abandoning in January 1997 a trial of five IRA terrorists and an armed robber in connection with an escape from a top-security prison at Whitemoor. The specific reason given by the trial judge was that the London *Evening Standard* newspaper had published material that prevented the men from having a fair trial. This kind of problem is less likely to occur in Scotland

where the *sub judice* rule has traditionally been rigorously enforced by the courts and adhered to by the media.

In an open society with free media it is impossible to guarantee that police anti-terrorist operations will be safeguarded against being compromised or disrupted by irresponsible media activity. However, a great deal can be achieved by ensuring that expert press liaison and news management are an intrinsic part of the police response to any terrorist campaign and the contingency planning and crisis management processes. Indeed, in a democratic society a sound and effective public information policy, harnessing the great power of the mass media insofar as this is possible, is a vital element in a successful strategy against terrorism.

This power of the media and the political leadership to mobilise democratic public opinion, so contemptuously ignored by the terrorist movements, reveals a crucial flaw in terrorist strategy. The terrorist assumes that the target group he or she seeks to coerce will always fall victim to intimidation if his or her threatened or actual violence is sufficiently severe. The terrorist believes in the ultimate inevitability of a collapse of will on the part of the adversary. Even on the face of it this is a somewhat naïve assumption. Why should people subjected to threats behave with such docility and weakness? Not only do terrorists frequently score an 'own goal', they also often succeed in hardening society's resistance towards them, and in provoking tougher, more effective counter-measures of a kind that may decimate or permanently debilitate their revolutionary movement.

There are a number of other important ways in which responsible media in a democracy serve to frustrate the aims of the terrorists. Terrorists like to present themselves as noble Robin Hoods, champions of the oppressed and downtrodden. By showing the savage cruelty of terrorists' violence and the way in which they violate the rights of the innocent, the media can help to shatter this myth. It is quite easy to show, by plain photographic evidence, how terrorists have failed to observe any laws or rules of war, how they have murdered children and women, the old and the sick, without compunction. For in terrorist practice no one is innocent, no one can be neutral, for all are potentially expendable for the transcendental ends of the terrorist cause.

What else can the media do in a positive way to aid in the struggle against terrorism? There are numerous practical forms of help they can provide. Responsible and accurate reporting of incidents can create a heightened vigilance among the public to observe, for example, unusual packages, suspicious persons or behaviour. At the practical level the media can carry warnings to the public from the police, and instructions as to how they should react in an emergency. Frequently, media with international coverage can provide valuable data and leads concerning foreign movements, links between personalities and different terrorist personalities and different terrorist organisations, new types of weaponry and possible

future threats, such as the planning of an international terrorist ‘spectacular’ or warning signs of a new threat.

Finally, the media also provide an indispensable forum for informed discussion concerning the social and political implications of terrorism and the development of adequate policies and countermeasures. And media that place a high value on democratic freedoms will, rightly and necessarily, continually remind the authorities of their broader responsibilities to ensure that the response to terrorism is consistent with the rule of law, respect for basic rights and demands of social justice.

An excellent example of the media making a truly constructive contribution by triggering a serious domestic and international debate on alleged serious violations of human rights and the rule of law committed in the name of the ‘War on Terror’ occurred in the autumn of 2005 when a report in *The Washington Post* raised very serious allegations that the CIA had abducted terrorist suspects in Europe and used European airports to transfer them to ‘secret prisons’ somewhere in Europe where they could be secretly tortured. Unusually for the *Washington Post*, the sources of these allegations were not named in the report. However, the article raised alarm in the US Congress, where Senator John McCain had strong backing for his Amendment seeking to extend the prohibition on torture to all US agents acting overseas as well as those operating on US soil. However, Congress and European governments, the Council of Europe (which set up a pan-continental inquiry led by the Swiss Senator, Dick Marty) and the European Commission were all getting increasingly exasperated by the Bush administration’s refusal to confirm or deny the allegations.

During the British presidency of the EU it fell to Foreign Secretary, Jack Straw to raise the issue of these alleged ‘extraordinary renditions’ with the US government. The newly appointed German Chancellor, Angela Merkel, raised the issue with the Secretary of State Condoleezza Rice when she paid an official visit to Berlin, and the European Commission threatened to issue sanctions, possibly including suspending the offending state’s voting rights or suspending talks with any offending applicant country, if they were found to be allowing ‘secret prisons’ to operate in their territory. It is clear that the mass media played a key part in pressuring political leaders in EU member states to put tough questions to the US government about the alleged use of CIA aircraft to engage in the extraordinary rendition of terrorist suspects to ‘secret prisons’ in Europe and, most serious of all, the allegation that suspects were tortured. These allegations by the media were given much greater force by the cases of Khaled Masri and Abu Omar, which allegedly occurred in 2003. Khaled Masri, a Lebanese, is alleged to have been abducted by the CIA in Macedonia in 2003, flown to Afghanistan and imprisoned for five months before being freed. In the case of Abu Omar, an Egyptian cleric, the allegation is that he was kidnapped in Milan, taken to Egypt and tortured while US personnel were present.

The mass media can therefore take some of the credit for the U-turn in US policy on terrorist suspects. On 7 December 2005 Secretary of State Condoleezza Rice announced that no US personnel could use cruel or degrading practices on suspects at home or overseas. It is still not known how much knowledge European governments had, if any, about these covert activities. In late 2005 it was also unclear whether the practice of extraordinary rendition was being shut down, or whether it had been transferred to Africa.

There is no doubt that Condoleezza Rice's statement of 7 December 2005 – that henceforth US personnel overseas would be debarred from using inhumane or degrading methods of interrogation – helped to calm relations between EU governments and the US government. However, the European media and European parliaments continued to raise questions about how much their governments knew about US rendition activities using their territories. To what extent, if any, were European governments complicit? In a BBC interview broadcast on 12 December 2005, Foreign Secretary Jack Straw stated that the Foreign Office had carried out a search of all their records and could not find any instance of the US having made an official request to the UK airports or territory for transferring terrorist suspects for interrogation. This answer raises other key questions about accountability and scrutiny: for example, to what extent did European secret services know about these activities and what steps did they take, if any, to inform their own government? The media, despite their best investigative efforts, are unlikely to find satisfactory answers to all these questions, but they are performing a useful service to democracy by raising issues and questions of crucial importance to public, legislators and policy-makers, and to the wider international community.

In sum it can be argued that these contributions by the media to the 'War on Terror' are so valuable that they outweigh the disadvantages and risks and the undoubted damage caused by a small minority of irresponsible journalists and broadcasters. The positive work of the media has been either gravely underestimated or ignored. It is always fair game, especially for politicians, to attack the media. A more considered assessment suggests that the media in Western liberal states are a weapon that can be used as a major tool in the defeat of terrorism. The media need not become the instrument of the terrorist.

I have briefly examined the perspective of the law enforcement authorities on media coverage of terrorism. I have also noted that although the mass media in an open society are highly vulnerable to manipulations and exploitation by terrorists, they can also make an invaluable contribution to the defeat of terrorism. What are the major policy options for a democratic society in regard to the media's response to terrorism?

First, there is the policy of *laissez-faire*. This assumes that no specific steps should be taken as regards media coverage of terrorism, however

serious the violence or threat of violence may be. The dangers of this approach are fairly obvious: sophisticated and media-wise terrorist organisations will exploit the enormous power of the media to enhance their ability to create a climate of fear and disruption, to amplify their propaganda of the deed to publicise their cause or to force concessions of ransoms out of the government or out of companies or wealthy individuals. At best the laissez-faire approach is likely to encourage attacks that endanger life and limb and place property at risk. At the most severe end of the spectrum of violence, the tame acquiescence of the mass media as an ally of a terrorist campaign may help to induce a situation of incipient or actual civil war with a concomitant threat to the stability and survival of a democracy in question.

A second policy option on media response to terrorism is some form of *media censorship of statutory regulation*. In view of the great power wielded by the media for good or ill, it is hardly surprising to find that, when faced with severe terrorist campaigns, several domestic countries have sought to deny the terrorist direct access to the important platform of the broadcast media. Prime Minister Margaret Thatcher's demand that the terrorists should be starved of the oxygen of publicity, and the British government's ban, since rescinded, on the broadcasting of the voice of Irish Republican terrorist spokespersons, are examples.

The closest parallel to the media ban on the use of IRA/Sinn Fein voices in interview with Ulster terrorists is the Irish Republic's ban, under Section 31 of their 1960 Broadcasting Authority Act, on the carrying of interviews with the IRA, Sinn Fein and other terrorist spokespersons. Sinn Fein protested that it was a legal political party in the Republic of Ireland and therefore had the legal right to broadcasting time. However, the minister who imposed the ban, Conor Cruise O'Brien, said that Sinn Fein was not a legitimate political party, but rather a 'public relations agency for a murder gang'.¹⁹ Predictably, a similar debate surrounded the British ban on Sinn Fein voices.

Students of Irish politics have argued that their media ban (rescinded during the IRA's ceasefire) did actually damage Sinn Fein's efforts to build electoral support and sympathy in the Republic by denying it the aura of legitimacy accorded by television appearances. The angry protests of Sinn Fein in response to the British ban on the voices of their spokespersons suggest that Sinn Fein leaders were also convinced the ban damaged them. However, in due course the television news programmes became so skilled at providing actors' voices to accompany film footage of Sinn Fein leaders that they turned the voice ban into a farce.

In the wake of the Dunblane and Tasmania massacres of 1996 there was a revival of interest in the proposals to curb film and television violence. In July 1996 the Australian government announced new censorship guidelines for films and videos and a requirement that all new

television sets be fitted with V-chip, an electronic locking device that allows parents to block reception of programmes coded as violence or offensive. It is noteworthy that Australia is the only country so far to have introduced these measures, the most far-reaching effort to curb film and television violence, even though its government admits that 'No one pretends that you can demonstrate a linear connection between electronic violence and real-life violence'. It is also interesting to note that measures of this kind have not been proposed or adopted by states experiencing high levels of politically motivated violence. At the more draconian end of the spectrum, of democratic states' efforts to starve terrorists of publicity, the Spanish government introduced a law in 1984 that makes it a criminal offence to support or praise:

the activities typical of a terrorist organisation . . . Or the deeds or commemorative dates of their members by publishing or broadcasting via the mass-media, articles expressing opinion, news reports, graphical illustrations, communiqués, and in general by any other forms of dissemination.²⁰

Spanish judges were at one stage even empowered to close down radio stations as an exceptional precautionary measure.

In 1976 the FRG brought in the Anti Constitutional Advocacy Act, making an offence any publicity advocating and/or encouraging others to commit an offence against the stability of the Federal Republic.

In general however, even those democratic states most plagued by terrorism have been reluctant to take the route of comprehensive censorship of the media's coverage of terrorism. It is widely recognised that it is important to avoid mass media being hijacked and manipulated by terrorists, but if the freedom of the media is sacrificed in the name of combating terrorism, one has allowed small groups of terrorists to destroy one of the key foundations of a democratic society. Censorship, in whatever guise, plays into the hands of enemies of democracy. It is also an insult to the intelligence of the general public, and it would totally undermine confidence in the veracity of the media if censorship was to be introduced. We should try to uphold the vital principle of free speech so eloquently championed by Thomas Jefferson two centuries ago: 'that truth is great and will prevail if left to herself; that she is the proper and sufficient antagonist of error, and has nothing to fear from the conflict unless disarmed of her natural weapons, free argument and debate' (attributed; source not known).

However, in any free and responsible society no freedom of expression is totally unlimited. Most of us believe, for example, that pornography should be banned from television and radio. Most decent citizens would

also be horrified if the mass media began to provide a platform for race hate propaganda, or for drug pushers or rapists to come on the screen to boast of their crimes and to incite others to commit crimes.

The third option on media policy on terrorism coverage, and the approach most favoured by the more responsible mass media organisations, is *voluntary self restraint* to try to avoid the dangers of manipulation and exploitation by terrorist groups. Many major media organisations have adopted guidelines for their staff with the aim of helping to prevent the more obvious pitfalls. For example, CBS (Columbia Broadcasting System) News' guidelines commit the organisation to 'thoughtful, conscientious care and restraint' in its coverage of terrorism, avoiding giving an 'excessive platform for the terrorist/kidnapper', 'no live coverage of the terrorist/kidnapper' (though live on-the-spot reporting by CBS News reporters is not limited thereby), avoiding interference with the authorities' communications (e.g. telephone lines), using expert advisers in hostage situations to help avoid questions or reports that 'might tend to exacerbate the situation', obeying 'all police instructions' (but reporting to their superiors any instructions that seem to be intended to massage or suppress the news) and attempting to achieve 'such overall balance as to length' that 'the [terrorist] story does not unduly crowd out other important news of the hour/day'.²¹

The above guidelines are for the most part entirely laudable, and, if properly and consistently implemented, they would help to avoid the worst excesses of media coverage of terrorism. However, one needs to bear in mind that many of those who work in mass media organisations appear blissfully unaware of any guidelines on terrorism news coverage. There is very little evidence of necessary briefing and training of editors and journalists in this sensitive area, and no evidence of any serious effort by media organisations to enforce their own guidelines.²² It is governments' frustration over the apparent inadequacy of media self-restraints that leads some to advocate some form of statutory regulation. If the mass media genuinely wish to exercise due care and responsibility in covering the exceedingly sensitive subject of terrorism in situations where lives may well be at grave risk, they will need to work harder at devising measures of self-restraint that are both appropriate and effective.²³

INTERNATIONAL COOPERATION AGAINST TERRORISM

The evolution of international cooperation

Terrorism is inherently international. The archetypal international terrorist act involves the citizens or territory of more than one country, as for example in the attack on the World Trade Center on 11 September 2001, which killed nearly 3,000 citizens including British, German, French, Italian and Indians. In view of globalisation and increasing interdependence, almost every significant terrorist campaign has an international dimension, even when it is mounting a challenge to a specific government within its own territory. For example, the IRA raised funds in the United States and used the Republic of Ireland as a safe haven, as a logistic organisational base and as a source of recruits. Similarly the Basque terrorist group ETA has used French territory as a sanctuary and as a base of planning operations. Another manifestation of this international dimension is terrorist groups' and states' constant search for political support from like-minded groups overseas, and many examples exist of bilateral collaboration between extremist groups involved in terrorism and states that sponsor and support them.

Efforts to develop international cooperation against terrorism go back to the 1930s. The assassination of King Alexander of Yugoslavia and French foreign minister Louis Barthou at Marseilles in 1934 led to France proposing the establishment of an international criminal court to try terrorist criminals. The somewhat dilatory response of the League of Nations was to summon a conference on the subject at Geneva in 1937. This resulted in the drafting of two conventions.¹

The first proscribed acts of terrorism, which included attempts on the lives of heads of state or their spouses and other government representatives. It also prohibited acts of international terrorism involving injury to persons or damage to property committed by citizens of one state against another citizen of another state. The other convention set up an International Criminal Court (ICC) and accorded it jurisdiction over terrorist crimes. But these bold and radical measures never came into effect because only 13 states had ratified the conventions before war broke out in 1939. The

idea of an international criminal court for terrorist offences remains, however, a favourite cause among certain international lawyers, though the 1998 Rome conference decided against including crimes of international terrorism in the remit of the proposed ICC.

It is not sufficiently recognised that the UN measures on human rights are directly applicable to the case of terrorism. The Universal Declaration of Human Rights (1984), in addition to guaranteeing the right to life, liberty and security of the person, also states that 'no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment'. The right to enjoy 'freedom from fear' is stressed in the preambles of both the International Covenant on Economic, Social and Cultural Rights (1966) and the International Covenant on Civil and Political Rights (1966). Under article 6 of the latter, 'no one shall be arbitrarily deprived of his life'.

The UN Convention on the Prevention of Punishment of the Crime of Genocide (1948) forbids the killing, serious bodily harm or severe mental distress to members of a national, racial, ethnical or religious group. This is clearly an explicit prohibition of terror violence, whether committed by states, factions or individuals. In addition the UN Declaration on Principles of International Law Concerning Friendly Relations and Co-operation Among States (1970) enjoins states to refrain from 'organising and assisting or participating in acts of civil strife or terrorist acts in another state'.

In the Declaration on Principles of International Law the 'principle of equal rights and self determination of people is put on the same level as the principle that states 'shall refrain in their international relations from the threat or use of force against . . . any State, or in any manner inconsistent with the purpose of the UN'. Significantly it proceeds to spell out that all states have a 'duty to promote . . . realisation of the principle (of self-determination) . . . in order to bring a speedy end to colonialism' and that 'every state has the duty to refrain from any forcible action which deprives peoples . . . of their right to self-determination'. The Declaration continues: 'In their actions against, and resistance to, such forcible action in pursuit of their right to self-determination, such peoples are entitled to seek and receive support.'

Naturally enough these clauses can be read as a legitimisation by the UN of any struggle undertaken in the name of the principle of national liberation and an open invitation for international support for such struggles. Thus the UN is seen to be supporting both sides at once in such conflicts. For example Israel, as a member state, is accorded full 'sovereign equality' and protection of that sovereignty. Simultaneously other member states of the UN can claim that they are fully entitled to arm and support movements dedicated to the liquidation of Israel, on the grounds that they are merely supporting a legitimate national liberation struggle aimed at self-determination.

This double standard was clearly reflected in the UN's faltering attempts to deal with terrorism in the 1970s and 1980s. Following the Munich Olympics massacre in 1972, Secretary General Kurt Waldheim asked the UN to deal with the menace of international terrorism. A study undertaken by the Secretariat was entitled 'Measures to Prevent International Terrorism which Endangers or Takes Innocent Human Lives or Jeopardises Fundamental Freedoms, and Study of the Underlying Causes of those Forms of Terrorism and Acts of Terrorism which Lie in Misery, Frustration, Grievance and Despair, and which Cause some People to Sacrifice Human Lives Including their own, in an Attempt to Effect Radical Changes'.

The discussion revealed a clear split between those states wishing the UN to condemn an act against factional terrorism and those pro-terrorist states wanting to legalise terrorism by factions as a justifiable means of struggle. The latter group used the opportunity to attack Western states for 'colonial and racist terror', and blamed them for 'compelling' those engaged in 'freedom struggles' to use violence to secure 'justice'. In the ensuing Ad Hoc Committee on International Terrorism, consisting of 35 states, which met in the summer of 1973, the Third World states concentrated all their attention on attacking 'state terrorism'.

The UN General Assembly did however agree, in December 1973, to adopt a Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Agents (1973),² and this Convention has now acquired sufficient ratifications by member states to come into effect. Further progress was made in the special field of international measures against aircraft hijacking. The Tokyo Convention on Offences and Certain Other Acts Committed on Board Aircraft (1963)³ sets out the jurisdiction guiding principles requiring contracting states to make every effort to restore control of the aircraft to its lawful commander and to ensure the prompt onward passage or return of the hijacked aircraft together with its crew, passengers and cargo.

The 1970 Hague Convention⁴ requires contracting states either to extradite apprehended hijackers to their country of origin or to prosecute them under the judicial code of the recipient state. And the Montreal Convention of 1971⁵ extended the scope of international law to encompass sabotage and attacks on airports and grounded aircraft. It also laid down the principle that such offences should be subject to severe penalties. Unfortunately, despite the encouraging readiness of the majority of states to ratify these conventions, there is still no international convention providing for effective sanctions to ensure enforcement and the punishment of states that aid or give sanctuary to hijackers.

In December 1976 the UN established an ad hoc committee to draft a Convention Against the Taking of Hostages (1979).⁶ This was an initiative urged by Western Germany and other Western states, but it was so weakened in the process of drafting as to become practically useless.

However, the Security Council did use sanctions to help compel Libya to hand over for trial two of its citizens indicted for the Lockerbie bombing.

More recently the UN has taken the initiative to launch two new conventions on terrorism, the first the International Convention for the Suppression of Terrorist Bombings (1998) and the second to help combat terrorist financial infrastructure, the International Convention for the Suppression of the Financing of Terrorism (1999). The texts employ formulas similar to those adopted in the other UN Conventions dealing with aspects of terrorism. It remains to be seen how long it will take to obtain sufficient ratification from states to bring these conventions into effect. The convention dealing with terrorist finances is particularly welcome, as most terrorist groups involved in prolonged campaigns of violence set up networks to obtain funding from supporters and sponsors overseas, to launder money gained from organised crime and to purchase weaponry.

The difficulty with all these conventions and with the declarations of other bodies, such as G8, is that they are statements of good intentions, and not a guarantee of action. If for example, we examine the recommendations of the Paris Ministerial Summit on Terrorism we find many states have an extremely patchy record on implementation of anti-terrorism measures.

Pro-terrorist states such as Iran and Syria still give substantial aid and succour to terrorist groups. It is important to note that pro-terrorist countries go considerably beyond mere ideological and diplomatic support: they are, in fact, an important part of the problem. They have provided considerable sums of money and supplies of modern weapons to their protégé terrorist gangs. For example, shipments of weapons (including Semtex) from Gaddafi in the mid 1980s made the IRA the best-equipped terrorist group in Europe. They also made available to selected client groups, extensive terrorist training facilities, sanctuary for terrorists on the run, the use of embassies as hideouts and as sources of weapons and false documents, and the use of the diplomatic pouch to smuggle weapons and explosives – and, when necessary, their own radio communication links.

After the spate of diplomatic kidnappings in Latin America between 1968 and 1971 the OAS formulated a Convention to Prevent and Punish Acts of Terrorism Taking the Form of Crimes Against Persons and Related Extortion that are of International Significance.⁷ In terms of the Latin American legal tradition this was a remarkably bold innovation, for Latin American states have always held the principle of political asylum to be sacrosanct. The OAS convention circumvented this by defining attacks against internationally protected persons common crimes, regardless of motive thus making it possible to apply the *aut dedere aut punier* (extradite or prosecute) formula in all such cases. Unfortunately, however, ratification and effective implementation of this formula were resisted by legal conservatism.

Substantial progress has been made in the field of international cooperation within Europe, but this has not sufficed to prevent this region from experiencing a high proportion of terrorist attacks. EU Ministers of the Interior and the police forces and intelligence services of the member states have, since 1976, developed regular machinery for discussion and practical multilateral cooperation, for example through the TREVI (International Terrorism, Radicalism, Extremism and Violence) group.

But the earliest and most ambitious attempt at European cooperation at the judicial level is the Convention on the Suppression of Terrorism,⁸ which 17 out of the 19 Council of Europe member states signed in January 1977, when the Convention was opened for signature. At the time of writing, all EU member states are now party to the European Convention on the Suppression of Terrorism 1977.

The Convention provides, in effect, that all ratifying states will exclude the whole range of major terrorist offences, such as assassinations, hostage-takings, bomb attacks and hijackings, from the political offence exception clauses that had previously been used to justify refusal of extradition – in other words, to ensure that all contracting states will treat such offences as common crimes. In cases where, because of some technical or constitutional difficulty, a contracting state is unable to carry out extradition, the Convention obliges the authorities to bring the case before their own prosecuting authority. Mutual assistance in criminal investigation of such offences is also made mandatory.

However, the admirable intentions of this Convention were seriously obstructed by two major shortcomings. First, a possible escape clause was inserted into the Convention permitting a contracting state to reserve the right to regard a certain offence as political and hence to withhold extradition. In 1996 this loophole was closed by the EU states' strengthening of the Convention on Extradition. Use of the political offence exception as grounds for refusing extradition of a terrorist suspect is now excluded.

It is now generally realised that one of the most effective methods of cooperation against terrorism takes the form of bilateral agreements between neighbouring states. A notable instance of this occurred in the US–Cuba Hijack Pact⁹ of February 1973, in which both governments agreed to return hijacked aircraft, crews and passengers and hijackers. It is true that Cuba insisted on a caveat that meant it could refuse to return terrorists affiliated to a national liberation movement recognised by Cuba. But as most hijackers who sought sanctuary in Cuba from the US were criminals or psychopaths, this clause did not undermine the effectiveness of the agreement. Moreover, even though Cuba refused formally to renew the agreement, following the blowing up of a Cuban airliner by anti-Castro exiles in October 1976, the fact is that Cuba has continued to operate in the spirit of the pact, and it has undoubtedly contributed to the defeat of the hijacking plague that afflicted the United States between 1970 and 1972.

An even more unlikely example of partnership was the cooperation between Somalia and West Germany in the GSG9 (the German anti-terrorist unit) operation to rescue the Lufthansa hostages in Mogadishu. After all, Somalia was a Marxist regime that had previously been used as a base by terrorists organising the Air France hijack to Entebbe. Yet, the new state, encouraged by the prospect of economic assistance, rendered valuable service by allowing in the German rescue squad.

If such diverse political systems can cooperate profitably, surely it should not be beyond the power of European states to improve their own bilateral security cooperation? This form of bilateral collaboration made a big contribution to combating two particularly intractable terrorist campaigns in Europe: in Northern Ireland in the period 1980–98; and in regard to the Basque region and ETA's terrorist campaign since 1979. In January 1979 France abolished refugee status for Spanish nationals in France on the sensible grounds that Spain, as a democracy, no longer had political refugees. Almost simultaneously 13 Basques living near the Spanish border were banished to the remote Hautes-Alpes region in eastern France. This was France's very positive response to the Spanish government's demands for more vigorous cooperation to stamp out terrorism.

French border country has long been regarded as valuable sanctuary and a launching point of ETA terrorism and the new measures did much to assist the Spanish authorities' counter-terrorism drive. Spanish–French cross-border cooperation against terrorism has been vastly more effective than British–Irish cooperation in recent years. The French authorities began to change their attitude towards cooperation when the terrorism began to spill over to their side of the border, particularly when an extreme right-wing death squad calling itself GAL (Anti-Terrorist Liberation Group) began to step up its assassination attacks against Basque targets on French territory. At last they strengthened their controls on the frontier and started to deport and extradite ETA activists in Spain. This cooperation has led, for example, to the dismantling of ETA's itinerant network in France. In 1991, 40 ETA members, Spanish and French, were arrested in France, and the following year the French and Spanish police arrested three terrorist leaders and 199 terrorists and collaborators, thereby totally disrupting ETA's financial and logistic support. In 1993, French–Spanish cooperation led to the arrest of the leader of ETA's Barcelona cell. Despite this disruption, however, ETA's hard core continued its terrorist campaign. During the summer of 1993, it planted some small bombs in hotels in the Costa del Sol and in Barcelona.

French–Spanish cooperation in 1994 led to the capture of the deputy leader of ETA and the discovery of a bomb factory. The pressure from the police and intelligence cooperation and an increasingly sophisticated use of police informers by the authorities continues and has undoubtedly reduced ETA's capabilities to sustain major terrorist activity.

If the international community is to minimise the rewards of terrorism and maximise the risks and costs, it may be seen to be possible to bring terrorist suspects to justice even when they slip across frontiers. But extradition is a highly complex and unpredictable process. Many states do not have extradition agreements, and where these do exist they frequently exclude political offences – the term *political* is often very liberally construed. Differences in criminal codes, procedures and judicial traditions also have to be taken into account. Often the extradition procedures become highly protracted, owing to difficulties in obtaining evidence and witnesses from abroad. In the British extradition hearings in the case of Astrid Poll in 1978–79 there was further complication – a dispute over nationality.

Extradition proceedings succeed in the cases of only a small minority of terrorist suspects. Many states use deportation as a form of ‘disguised extradition’ and as this is a civil – as opposed to a criminal – proceeding it does not afford the individual the same opportunities to present his or her own case. However, deportation merely shifts the problem to another state, and does not ensure that a suspect terrorist is brought to justice. On all these grounds this method ought not to be encouraged. A far more desirable course is for states to attempt to standardise their criminal codes and procedures to facilitate the application of the ‘extradite or prosecute’ principle. However, ‘extraordinary rendition’, i.e. abducting a suspect, whether with or without the knowledge and approval of the state where it occurs, and secretly transporting the suspect to a third country where torture is known to be used, has been a tactic employed extensively during the ‘War on Terror’, and this method is a serious violation of international law. (See Chapter 9 for a fuller discussion of this issue.)

Far and away the most important advances in international cooperation against terrorism among the democratic countries have taken place at police and intelligence service levels.¹⁰ It is a measure of the sensitivities of the EU member states about their sovereignty over national security matters that all the improvements that have taken place on these operation aspects of combating terrorism fall under the heading of intergovernmental cooperation rather than arising from the Community method.¹¹ It is significant that even under the Maastricht Treaty, despite all the talk of a common foreign and security policy and the ‘Third Pillar’, cooperation in internal security matters is firmly under the direction of the EU governments. Articles K1–9 of the Treaty accorded the governments responsibility for coordinating their approach to a whole range of key issues, from combating organised crime and terrorism to matters such as asylum, visa requirements and refugee status. But the mechanism designated for the task of coordinating the EU response is the intergovernmental K4 Committee.

As early as 1976 the EU (formerly the European Economic Community (EEC)) had established a valuable structure for exchanging intelligence and

helping to coordinate the efforts of EU states to combat organised crime and terrorism. This was TREVI, a structure established in 1976 under the direction of the EU Ministers of Interior. TREVI's working groups of senior officials addressed problems of international organised crime, including drug trafficking and money laundering as well as terrorism. It provided an ideal mechanism for developing informal collaboration and exchanges of information between national police and intelligence officials. Routine liaison work was carried out by national police coordinating bureaux. However, now that EUROPOL (European Police) has been authorised to include terrorism within its remit, it is expected that EUROPOL will take on some of the valuable work previously done by TREVI.

Police and intelligence cooperation is generally most effective at the bilateral level, where there is a considerable degree of personal trust between the officials involved.¹² However, there can be serious obstructions and even failures in cooperation where a particular agency is blamed for a major intelligence failure or where it is suspected of compromising vital sources. As a means of fostering a culture of international cooperation, the secondment of police officers and officials to work with friendly countries has proved most effective in building up a network of informal international cooperation.

Among the EU members states the need for enhanced cooperation on security issues, including terrorism, was given added urgency by the introduction of the Single European Act, which established a European internal market. In preparation for this the governments of Germany, France, Belgium, The Netherlands and Luxembourg signed the Schengen Agreement, committing them to dismantle controls on their common frontiers. Their plan was to enable free movement of persons, goods and services across borders. However, in practice this radical scheme created complex problems that have taken a long time to resolve, such as the establishment of a satisfactory computer link between the national police forces, arrangements for the hot pursuit of criminals and terrorists, firearms control, visa requirements and work permits for aliens.

When one takes into account the fact that the EU has the most fully developed structures for regional integration in the world, it is evident that international police and intelligence cooperation on terrorism and related matters in other parts of the world is going to remain fairly limited in scope.

Some observers point to Interpol (International Criminal Police Organization) as a possible mechanism for enhancing police cooperation. However, under Article 3 of its constitution, Interpol is explicitly debarred from investigating in political matters. And although the organisation's 1984 assembly agreed to allow Interpol to handle cases involving crimes against innocent victims or property outside the area of conflict, the organisation continues to play a relatively modest role in combating terrorism.

Among the reasons for this is the fact that the states engaged in sponsoring terrorism belong to Interpol, and hence other states are reluctant to allow highly sensitive information into the Interpol network.

In the 1990s there was been a significant trend towards greater transnational terrorist activity by groups motivated by religious fanaticism, and by gangs and cartels involved in transnational organised crime, such as the Cali cartel and the Russian Mafias, and by degenerate guerrilla movements, corrupted by large-scale crime and racketeering.

Last, but by no means least, is the international concern about these developments shared by many governments and international organisations and the growing realisation that terrorism can only be combated effectively through greater enhanced international cooperation: sound national measures against terrorism are, of course, essential, but by themselves they are not going to be adequate to deal with an increasingly transnational phenomenon.

A recurring problem in the evolution of international cooperation against terrorism has been what I have described as 'the politics of the latest outrage'.¹³ In the wake of a major atrocity, such as the terrorist bombing of Pan Am 103 over Lockerbie, Scotland, in December 1998 or the US embassy bombings in East Africa in August 1998, public outrage is reflected in numerous promises of major governmental and international action to ensue that 'it never happens again'. However, once the memory of the atrocity begins to fade the public begins to lose interest in measures against terrorism, and governments fail to fully implement the promised preventative measures. Similarly, levels of international cooperation achieved during major crises, such as Operation Desert Shield and Operation Desert Storm in 1990–91, are soon discarded once the coalition partners no longer perceive it as a major priority.

Clear illustrations of the sharp decline in the level of cooperation against terrorism among the former coalition partners since the Gulf conflict were: the US government's granting of visas to Gerry Adams, the head of the IRA's political wing; the EU governments' unwillingness to back the US in economic sanctions against Libya and Iran; and the Saudi Arabian authorities' failure to provide adequate assistance and access to US investigators pursuing those responsible for the Dhahran bombing of US servicemen in 1996.

The continuing problems of moving beyond mere rhetoric by governments to the effective implementation of international cooperation against terrorism may at first sight seem surprising. After all, the United States, the sole remaining superpower commanding huge military capabilities and economic leverage, continued to be a major target of international terrorism and remains the leading champion of stronger international action. Over half of the world's states experience some form of international terrorist attack every year. Other G8 countries, such as Britain, France, Russia and

Japan, have every reason to favour stronger international measures. India, Israel, Egypt, Spain and Turkey have been among the most active supporters of enhanced international cooperation against terrorism. Above all, the peace process between Israel and the PLO appeared to provide an unprecedented opportunity for reducing one of the major sources of international terrorism.

In June 1995 a flurry of multilateral initiatives appeared to promise significant progress in international cooperation against terrorism. At the meeting of the G7 states plus Russia at Halifax in June 1995 the political leaders called for a special counter-terrorism conference of G8 ministers. This was held at ministerial level in Ottawa in December, and it pledged: to strengthen the sharing of intelligence on terrorism; to pursue measures to prevent terrorists' use of nuclear, chemical and biological weapons (a response to the gas attack by Aum Shinrikyo cult on the Tokyo underground system on 20 March 1995); to inhibit the movement of terrorists; to deprive terrorists of funds; to increase mutual legal assistance; to strengthen the protection of aviation, maritime and other forms of transport against terrorism; to enhance measures to prevent the falsification of documents; and to work towards universal adherence to international treaties and conventions on terrorism by the year 2000.

The assassination of Prime Minister Yitzhak Rabin by a Jewish extremist in November 1995, and the Hamas suicide bombings against Israel in 1996 provided the catalyst for a further summit at Sharm el Sheikh on strengthening international cooperation, and this theme was at the top of the agenda of the G8 meeting in 1996 in Lyon where President Clinton presented 40 US initiatives designed to enhance the counter-terrorism effort. The G8 summit agreed to hold an unprecedented three-day ministerial meeting on countering terrorism in Paris in July 1996.

At the Paris meeting 16 foreign and security ministers of the G7 states plus Russia agreed to back 25 measures. Some of the counter-terrorism steps agreed, such as improved sharing of intelligence and easing of extradition of suspect terrorists, had been the subject of many previous declarations and agreements. Some, however, were quite new. For example, ministers agreed to clamp down on the use of charitable organisations as a front for terrorist fund-raising and on the use of the internet by terrorists. Another fresh measure adopted – proposed by the British government – was for the establishment of a directory of counter-terrorist skills and expertise to enable agencies in different states to share expertise on combating different types of terrorism.

The intensive activity on international cooperation against terrorism in 1995–96 needs to be placed into perspective. It reflects the undoubted growing concern at that time among the world's leading industrialised nations about the growing threat of terrorism, as manifested in the 1993 World Trade Center bombing in New York City, the huge car bomb attacks

on the Israeli Embassy and a Jewish cultural centre in Buenos Aires in 1992 and 1994 respectively, the intensification of terrorist attacks in the Middle East and the assassination of Prime Minister Yitzhak Rabin, the attack on the Tokyo underground system by Aum Shinrikyo using the deadly chemical nerve agent Sarin, the spate of terrorist bombings in France linked with the GIA, the bomb at the Olympic Games in Atlanta in July 1996, the conviction of Ramzi Yousef and others for conspiring to plant bombs on board eleven US airliners in the east Asia region, and the bombings of the US embassies in Nairobi and Dar es-Salaam in which 250 were killed. When one bears in mind the great lethality of the east African Embassy attacks, the failure of the US and its G8 partners to take more effective concerted actions against the growing threat from Al Qaeda seems extraordinary.

However, although there is ample evidence of growing international concern about international terrorism on the part of the US and other G8 countries, many other countries afflicted by severe campaigns of international terrorism, such as India, Pakistan, Turkey, Peru, Algeria, Egypt, Sri Lanka and the Philippines, focused primarily, if not exclusively, on domestic counter-terrorism measures. Their main interest in international cooperation was understandably directed at cross-border security relations with their immediate neighbouring states, especially those sharing a land frontier that really counted. High-sounding multilateral declarations and agreements are not seen as having much practical value. One hopes that 9/11 and the Al Qaeda attacks in Bali, Casablanca, Madrid, Istanbul, London, Riyadh, Egypt and Iraq, etc. have made countries aware that *no* country can assume they are immune.

The state of Israel, assailed by terrorism almost continually throughout its history, has placed little reliance on international cooperation but has followed a determined and often draconian policy of self-help, including military interventions in neighbouring states and collective punishments of the Palestinian population. The prolonged and bitter Arab–Israeli conflict is a powerful reminder that the ethnic and religious struggles that have spawned a high proportion of the terrorist violence experienced in the late twentieth century have deeply divided the international community. It is obvious that it is going to be impossible to achieve a common or collective international security policy against terrorism where there is a fundamental disagreement regarding the *legitimacy* of those who use violence to pursue their aims, and those states that utilise overwhelming military power in an attempt to suppress them.

The huge gulf between the rhetoric and the reality of international cooperation against terrorism is a powerful illustration of the extent to which the realist paradigm actually dominates and shapes the perceptions of the majority of political leaders and their citizens in the contemporary international state system. It is obvious that there is no agreed international

sovereign authority and hence there are no clearly defined and universally accepted international binding laws, and no mechanisms for enforcing such laws. In our essentially anarchical international system there is no universal agreement as to what constitutes the illegitimate use of violence or the legitimate suppression of revolt by the state. Each state jealously guards its own national sovereignty, especially on sensitive issues of national security. And each national government inevitably places the pursuit of its own national interest above all other considerations, including even general international declarations about common responsibilities to combat terrorism.

The UN response to 9/11

The immediate and unusually concerted response by the UNSC to the 9/11 attacks marked a sea change in the role of the UN in relation to international terrorism and reflected the genuine shock and outrage voiced by the overwhelming majority of governments around the world, including the major powers. The Council responded to the 9/11 attacks by unanimously passing Resolution 1368 on the following day, declaring that 9/11 was ‘a threat to international peace and security’ and that it was willing to take ‘all necessary steps to respond to the attacks’. The Resolution also explicitly underlined the inherent right of the US to self-defence and the right of collective self-defence in accordance with the UN Charter.

Moreover, as if to indicate the urgency they attached to the situation, and in contrast to numerous lengthy Council debates on terrorism in the past, the Council passed Resolution 1373 two weeks later reiterating these declarations. It is true that these resolutions did not specifically propose or endorse military intervention in Afghanistan to topple the Taliban regime that had given a safe haven to Al Qaeda. The US administration was known to have great scepticism about the multilateral cooperation under the UN umbrella and did not seek explicit authorisation for its military action in Afghanistan. (We can already see the rather unilateralist tenor of the US response to 9/11 emerging at the UN debates, even though President Bush clearly welcomed the swift formation of the International Coalition Against Terrorism and the offers of sympathy and support from other countries on an unprecedented scale.)

The Bush administration was content to justify its actions in Afghanistan on the basis of the self-defence provision (Article 51) of the UN Charter. This position was – at least implicitly – accepted by both Russia and China in the light of the 9/11 attacks. In normal circumstances it could have been very difficult to carry support from the two Permanent Members traditionally most opposed to US foreign policy and military interventions in particular.

The great value of UNSC Resolution 1373, drafted by the US, is that it became a chapter VII obligation for member states to apply the terms of the Resolution, with the possibility of sanctions being used against them if they failed to.

Moreover, one of the great strengths of the Resolution is that it is geared to achieving goals that are, at least in principle, within the capacity of the UN to attain. It would be no good demanding that the UN organisation itself should take on the roles of enforcement and the suppression of terrorism. It does not have the power or resources to undertake these tasks: these matters are inevitably left in the hands of member states with the necessary means.

The major advantages the UN has are: (1) the use of its moral authority and legitimacy to *influence* the behaviour of member states; (2) the ability to *dissuade* or at least *discourage* certain types of behaviour by member states, e.g. by the threat or use of UN sanctions; and (3) the ability to set standards of behaviour, e.g. in the texts of the various UN Conventions dealing with aspects of terrorism, which are so useful as models for national governments to use in shaping their own legislation. For a list of the UN Conventions and numbers of member states that have ratified them, see Appendix 1.

Indeed, UNSC Resolution 1373 itself is largely based on the language and objectives of the major UN Conventions. For example, the Resolution obliges member states to concert action to suppress terrorist finances, to freeze assets of those who finance terrorism, and to amend their criminal codes to ensure that the financing of terrorism is treated as a serious criminal offence. The language used is modelled on that of the UN Convention for the Suppression of Terrorist Finances. UNSC 1373 also obliges states to operate effective border controls and procedures for issuing and checking travel documents, to take steps to prevent the supply of weapons to terrorists, and to refrain from permitting their territory to be used by terrorist organisations, including for the recruitment of members. All member states are obliged to ensure that those found to be involved in the financing, planning, preparing, perpetrating or supporting of terrorist acts should be prosecuted under the national criminal code on the basis that these are all serious offences in domestic and international law. Member states are also *required* to exchange intelligence to prevent attacks, especially information about:

actions or movements of terrorist persons or networks; forged or falsified travel documents; traffic in arms; explosives or sensitive materials; use of communication technologies by terrorist groups; and the threat posed by possession of weapons of mass destruction by terrorist groups.

However, perhaps the most radical and potentially useful new measure introduced by the UN Resolution was the establishment of the Counter-Terrorism Committee (CTC) of the Security Council to monitor its implementation. This breaks new ground by giving the UN a proactive role in identifying states failing, or lagging behind, in their implementation. The CTC made a good start under the chairmanship of the British representative to the UN, Sir Jeremy Greenstock, creating an initial set of procedures and a plan to carry out its work. It has already served as a valuable clearing house for developing best practice in countering terrorism among member states.

In short, there is no doubt that the UN Security Council's response to 9/11 acted as a catalyst to transform the UN's role and influence in this difficult field, and despite the difficulties and disagreements, for example over the US/UK invasion of Iraq, it has continued to make a valuable and very practical contribution.

The EU's response to 9/11

The EU also reacted very swiftly to 9/11 by issuing a very wide-ranging 'action plan' covering six main aspects of counter-terrorism cooperation:

- 1 police and judicial cooperation;
- 2 diplomatic activity, including the re-launch of the Middle East peace process;
- 3 humanitarian aid to Afghanistan;
- 4 improving airport security through the EU;
- 5 enhancing cooperation on the suppression of terrorist financing;
- 6 sharing expertise in emergency planning, including dealing with possible terrorist attacks using CBRN materials.

The flagship of EU counter-terrorism efforts since 9/11 was the introduction of the European Arrest Warrant in 2002. The value of this measure to combat international terrorism is *in theory* all too clear. It would make the lengthy, cumbersome and unpredictable method of extradition between the EU states unnecessary. The EU Arrest Warrant is based on the principle of mutual recognition of criminal judgements of the courts of all member states by fellow member states. It becomes an administrative procedure, and is aimed at being a fast-track means of transferring suspects. However, *in practice*, the European Arrest Warrant, which has now come into force, was initially undermined by the reluctance or unwillingness of some key member states to ratify it, and by the continuing desire of certain member states to maintain total national political control on these matters.

As in the past, however, the pressure of events has conspired to push the EU into great counter-terrorism activity. A major catalyst was the Madrid bombing on 11 March 2004, which killed almost 200 civilians. This led the EU to launch an ambitious Plan of Action to Combat Terrorism (March 2004). The strategic objectives of the Plan are as follows:

- to deepen the international consensus and enhance international efforts to combat terrorism;
- to reduce the access of terrorists to financial and other economic resources;
- to maximise capability within EU bodies and member states to detect, investigate and prosecute terrorists and prevent terrorist attacks;
- to protect the security of international transport and ensure effective systems of border control;
- to enhance the capability of the EU and of member states to deal with the consequences of terrorist attack;
- to address the factors that contribute to support for, and recruitment into, terrorism;
- to target actions under EU external relations towards priority third countries where counter-terrorism capacity or commitment to combating terrorism needs to be enhanced.

This Plan was accompanied by a declaration, the EU Declaration on Combating Terrorism, a powerful statement of solidarity against terrorism in the wake of the Madrid bombings. The European Council stated that it was:

Deeply shocked by the terrorist attacks in Madrid and expressed its sympathy and solidarity to the victims, their families, and to the Spanish people. The callous and cowardly attacks served as a terrible reminder of the threat posed by terrorism to our society.

The most recent catalyst for promoting further action from the EU in the prevention and combating of terrorism was the coordinated bombing attack in London on 7 July 2005, which killed 52 members of the public and injured over 700. Charles Clarke, the UK's Home Secretary, taking the initiative under the British EU presidency, called an Extraordinary Council meeting of Justice and Home Affairs in the wake of the bombings. After condemning the terrorist attacks on London and sending condolences to the victims and their families, the meeting declared that its immediate priority was to build on the existing EU framework 'for pursuing and investigating terrorists across borders'. The Council decided to:

Agree the Framework Decisions on the Retention of Telecommunications Data (October 2005), on the European Evidence

Warrant (December 2005) and on the exchange of information between law enforcement authorities (December 2005); adopt the Decision on the exchange of information concerning terrorist offences (September 2005); combat terrorist financing by: agreeing by December 2005 a Regulation on Wire Transfers; adopting the Third Money Laundering Directive and Regulation on cash control by September 2005; agreeing a Code of Conduct to prevent the misuse of charities by terrorists (December 2005); reviewing the EU's performance overall (December 2005) and urging Member States to ensure that comprehensive financial investigation is a part of all terrorist investigations and to develop robust asset freezing powers.¹⁴

In addition the Council urged member states to intensify exchange of police and judicial information, including information sharing on lost and stolen explosives. Member states were also urged to reduce vulnerability to attack by improved measures to protect citizens and infrastructures. On the issue of managing and minimising the consequences of terrorist attacks, the Council invited member states to undertake regular joint counter-terrorism exercises to test resilience and invited the EU Counter-Terrorism Coordinator and the Commission to report on the development of emergency response capabilities and to arrange sharing of information and coordination to enable collective decision-making in an emergency, particularly for terrorist attacks on more than one member state.

In a key part of their press release, the Council stressed that their recommendations were to be seen as part of a worldwide agenda to develop a global counter-terrorism strategy and to help reach an agreed Comprehensive Convention Against Terrorism at the UN Summit in September 2003.¹⁵ The Council and the Commission pledged to work with priority third countries, by increasing technical assistance and capacity-building to support them, including in the areas of countering radicalisation and terrorist financing. These matters are clearly to be given high priority in the EU's counter-terrorism activity.

In a valuable and informative interview with Mr Gijs de Vries, the EU's Counter-Terrorism Coordinator, the author was impressed by the Coordinator's total commitment to these tasks. He gave special emphasis to the work of the EU in assisting priority third countries, especially in the field of capacity building for preventing and combating terrorism.¹⁶ This emphasis is, in the author's view, absolutely correct, because the major form of terrorism threat we face is from Al Qaeda's transnational network. Unless we can develop an effective global strategy and coordination, and ensure that it is implemented, we will not succeed in unravelling the Al Qaeda network of networks.

In a potentially important initiative the EU's executive has prepared a paper (Brussels, 21.9.2005 COM (2005) 313 Final) on the radicalisation of European youth and measures to counter this trend, such as enhanced communication efforts with religious communities and better cooperation with third countries linked to terrorist training.

A further useful initiative was the adoption, in mid July 2005, of a European Commission Communication to work on the EU plan for the enhancement of security of explosives and firearms:

On ensuring greater security of explosives, detonators, bomb-making equipment and firearms that constitutes an integral part of the Commission's work in developing a coherent preventive strategy in the fight against terrorism and complements parallel work being done in the fight against terrorism financing and violent radicalisation and recruitment. The Communication reviews the current state of play regarding the security of explosives in all the fields in which the EU has competences and also makes a series of concrete proposals in all related fields – from a proposal to make the purchase of fertilisers subject to an authorisation obligation to the creation of a network of EU bomb disposal squads that would share information on new threats particularly those coming from home-made explosives. The communication places emphasis on improving security arrangements all along the production and supply chain but particularly during storage and transport.

The above measures are clearly very practical and should secure broad support. Far more controversial, because of their civil liberties implications, are the EU Ministers' proposals from the 13 July 2005 meeting, which would lead to: telecoms companies being mandated to retain details of all telephone calls, e-mails and web traffic for a minimum period; a strategy to counter radicalisation and recruitment; and a strengthening of the visa information system and the Schengen information system, which causes worries to civil liberties groups concerned about the concentration of data held and who would have access to it. The role of data exchange and intelligence cooperation is so crucial that we must now consider this in more detail.

The role of intelligence data exchange in EU counter-terrorism activities

The EU Declaration on Combating Terrorism can be seen as a powerful call for solidarity and firm action from member states, but it is clear from the language of the Declaration and the Plan of Action that the call for action is primarily directed at the member states' own national authorities, because in reality it is they who have the power and resources to carry out the Plan. It is true that under Objective 3, the Plan speaks

of enhancing the ‘capacity of appropriate EU bodies (i.e. EUROPOL, European Justice Organisation (EUROJUST) and the Police Chiefs’ Task Force) in the preparation of intelligence assessments of all aspects of the terrorist threat’.

However, the key source for this intelligence is inevitably the secret intelligence services and police forces of the individual member states. The reality is that national governments are unwilling to allow other governments’ intelligence services and police anything more than limited access to their secret intelligence on terrorism (or indeed on other key security issues). There are a number of reasons for this:

- They are afraid of disclosing their sources and possibly compromising them.
- They do not trust other countries to keep the secret intelligence secret.
- They fear that other countries might take action on the basis of the information given to them, which would be contrary to the sending state’s interest.
- They are afraid of revealing gaps and errors in their intelligence, which an unlimited access would disclose.
- In the extremely competitive world of intelligence, agencies are reluctant to part with intelligence, which they assess as giving them an advantage over their rival agencies within their own nation state.

For all the above reasons national intelligence agencies working with EUROPOL and other EU collaborative bodies will provide only *sanitised* intelligence data for sharing purposes. Hence it is *national governments*, and not the EU, which inevitably and understandably are the key recipients and gatekeepers for sensitive counter-terrorism intelligence. When they do engage in serious international cooperation, it is almost invariably at the bilateral or trilateral level. When there is a well-established and trusted bilateral cooperation, as between France and Spain in regard to Basque terrorism, there will be a concomitant sharing of high grade and sensitive intelligence.

This does not mean that intelligence sharing at EU level is a waste of time. It may have a valuable part to play in developing threat awareness and vigilance in member states. And, although access to raw intelligence data will inevitably be restricted by the collecting authorities’ national governments, we should bear in mind that the sharing of *analyses* and *assessments* may be highly beneficial in persuading national authorities to provide enhanced or more urgent action in support of a threatened or victim state.

In the light of the above, I support the 8 June 2004 proposal by Javier Solana, EU High Representative for the Common Foreign and Security Policy (CFSP), for charging the EU’s Joint Situation Centre (SITCEN) with the production of intelligence analyses with a view to support EU policymaking.

In his statement at Luxembourg on 8 June 2004,¹⁷ Javier Solana reported that the Heads of the Security Services of the member states had given their support to the proposal and that he hoped to reach ‘a final consensus on the proposal in the next European Council’. Mr Javier Solana correctly pointed out in his statement that his proposal would ‘build on the existing cooperation within the SITCEN, established between the external intelligence services of the Members States since early 2002’.

Mr Javier Solana put forward what he termed ‘core ideas’, which he hoped the Council would endorse:

- 1 Moves by the Heads of the EU’s 25 Security Services to meet regularly together as a group in the format of the existing Counter Terrorist Group (CTG).
- 2 The work of CTG would allow for close cooperation *in the field of analytical exchange* between Security Services, and would provide scope for improved operation cooperation.
- 3 Moves by EUROPOL to reactivate their Counter-Terrorist Task Force and efforts to improve the flow of criminal intelligence to EUROPOL.

Mr Javier Solana argued that these measures would mean that:

- 1 EU decision makers would be better informed, *inter alia*, about threats, terrorist methods, organisation of terrorist groups and thus better prepared to devise effective EU counter terrorism policies.
- 2 Member States would receive better support from European bodies. They would get assessment material from the EU’s SITCEN and their police services in particular would get better support from EUROPOL.
- 3 Member States would retain the lead in the operational field but would be working more closely together through CTG, EUROPOL, as well as through existing bilateral arrangements to strengthen information exchange and cooperation.

I fully accept the logic of Javier Solana’s proposal. It is realistic in recognising that member states will retain the lead in the operational field and that his proposal, if fully implemented, will simply complement ‘existing bilateral arrangements’.

However, there is an overwhelming counter-terrorism case that Mr Javier Solana does not deploy but that should persuade all member states to adopt his proposal. The threat from the Al Qaeda network is quintessentially transnational. As we saw in the investigation of the Madrid bombings and many other acts of the Al Qaeda networks and its affiliates, the terrorist

cells and their support networks operate across national boundaries. We need to greatly improve our transnational networking in order to prevent and combat Al Qaeda, the most lethal network in the modern history of non-state terror.

To sum up: the EU has made small and often faltering steps towards greater counter-terrorism cooperation. The role of national governments and their counter-terrorism agencies and their bilateral cooperation with other states' authorities have made a far more significant and effective contribution. But, 9/11 and 3/11 (the Madrid train bombing) have had the effect of triggering a more proactive approach by the EU. We should, in my view, warmly encourage this approach, viewing it as a way of adding to our existing methods of cooperation. Because of the changed nature of the threat it could develop into something very useful. I hope that Her Majesty's Government will encourage, and contribute to this process.

There are other measures that the EU has already initiated or is proposing to initiate that I believe to be urgent priorities in the fight against international terrorism and that the EU is particularly well placed to push forward:

- the inclusion of biometrics in passports and the strengthening of European border controls;
- efforts to get member states to adhere to the commitment they made in the EU Action Plan for Combating Terrorism, especially implementation of the European Arrest Warrant and Joint Investigation Teams;
- facilitating joint training for police and emergency services;
- enhancing EU capabilities for combating terrorist financing and money laundering.

We must bear in mind, however that national authorities of member states carry prime responsibility for protecting their citizens. In the following conclusion the author proposes some general principles that should underpin the counter-terrorism policies of EU member states and that are fully compatible with EU legislation and with the European Convention on Human Rights.

Conclusion

Even if groupings of states at regional or global levels do agree on the nature and seriousness of terrorist challenges to their security, this does not necessarily mean that they will agree on *what* needs to be done or on which international organisation is the appropriate mechanism for countermeasures. For example, on matters of European security concerning NATO, the EU, Western European Union (WEU) and OSCE all have a

finger in the pie. Which organisation, if any, should take the leading role in regional matters against terrorism?

What are the policy options open to cooperating states? Which are likely to tackle the terrorist threat without at the same time putting the wider interests of the state or alliance at risk? In situations where diplomatic pressure and economic sanctions are impracticable or inadequate, should the use of military force be considered? If so, what kind of force? How can the use of military force in such circumstances be prevented from acting as a catalyst for a wider conflict? Terrorism is a complex phenomenon presenting the international community with daunting decisions and dilemmas. There are no easy solutions. The response of the liberal democratic state at international level should be firm and courageous, but *always* within the rule of law. Massive military retaliation against states or groups involved in terrorism will only tend to substitute the even greater evil of war, with its attendant massive loss of life and destruction, in place of the lesser evil of terrorism. Yet equally it is essential to avoid cowardly under-reaction and surrender. Terrorism is a fundamental attack on human rights, and the international community has a moral as well as a legal duty to combat this international scourge of the innocent. The traditional realist paradigm is all too clearly inherently incapable of contending with the new transnational threats to human rights and security posed by international terrorism. Ideally all countries should cooperate fully to ensure that those involved in terrorist crimes are brought to justice. In practice, the anarchic nature of the international system and the fact there are states that use, sponsor, support and sympathise with specific terrorist groups are basic reasons why terrorism is likely to remain the most ubiquitous form of political violence well into the future.

THE FUTURE OF TERRORISM

America's sense of invulnerability to large-scale terrorist attacks within its own borders suffered a huge blow with the 9/11 attacks. There is no doubt that the sheer scale of the loss of life, unprecedented in the history of acts of international terrorism by non-state organisations, was a traumatic awakening for Americans to their vulnerability.

As noted in Chapter 3, one of the Al Qaeda movement's most worrying features is the intense interest it has shown in acquiring the necessary expertise, expertise and technology to construct CBRN weapons. In a notorious statement issued in 1998 Osama bin Laden said it was the duty of Muslims to prepare the maximum force to terrorise the infidel enemy. The statement was entitled, 'The Nuclear Bomb of Islam'. There have been numerous reports of Al Qaeda seeking to obtain WMD from former Soviet Union countries and trying to buy uranium, presumably to make an atomic bomb. This interest in CBRN weaponry is chilling and entirely credible. A terrorist movement that is explicitly committed to mass killing of civilians and that massacred nearly 3,000 civilians on 9/11 without any compunction is clearly capable of using its suicide attackers in a CBRN attack of some kind. For all these reasons I believe that since 9/11 the threat of CBRN terrorism has increased from low probability to medium probability, high consequence. Al Qaeda appears to have had some difficulty in implementing this type of attack and this may be partly because of the major disruption it suffered after being moved out of its Afghan bases when the Taliban regime was overthrown in the autumn of 2001. However, though this may have given the world a breathing space, it is hard to believe that it will take Al Qaeda more than a few years to produce its own atomic weapon, however crude. It is all the more important for the international community to inflict greater disruption on Al Qaeda to help stop this happening.

The significance of the first known cases of the use of chemical weapons by a terrorist group in Japan should be heavily emphasised. Sarin and other nerve gas agents have been known about for decades. Until the gas attack at Matsumoto, Japan, in June 1994, however, it had been widely

assumed that terrorists would be inhibited in their use of chemical, biological and nuclear weapons because of the political backlash it would provoke, and because of the very real risks to the lives of the perpetrators in manufacturing and deploying such weapons.

Now that a fanatical Japanese group has shown that it can be done, and that even a crude home-made chemical weapon attack can potentially cause massive loss of life, a climate of fear and huge disruption, there is a real danger that either the residue of Aum Shinrikyo group in Japan or elsewhere, or another group seeking to emulate their mode of attack, will seek to copy this tactic or resort to other forms of WMD terrorism.

Japan has no monopoly on groups with bizarre beliefs capable of attempting mass murder. It should be stressed that the profiles and track records of the overwhelming majority of terrorist groups suggest that there are very few that appear to have the propensity for using WMD, and hence this type of terrorist attack remains a low-probability event. It is encouraging to note that in the eleven years that have elapsed since the Tokyo Sarin attack in 1995, there has been no attack emulating Aum's choice of weapon.

However, it is worth noting that the Japanese police discovered some evidence suggesting that Aum Shinrikyo, the group suspected of the Tokyo underground attack, was also studying the possibilities of producing biological and nuclear weapons.

It should also be borne in mind that the Aum cult had been setting up branches in other countries, including Russia, and that many activists and loyal adherents in the organisation are still at large. Hence, it would be dangerous to assume that we have heard of the last of this cult, despite the capture and trial of its leader Shoko Asahara. Indeed media reports in early 1999 confirmed that Aum was still raising funds and recruiting support in Japan. The group has not been suppressed.

Taking into account these developments in Japan, and the strong evidence of the smuggling of nuclear materials from the former Soviet Union countries, it is vital that democratic governments develop the specialist counter-terrorism intelligence and contingency planning designed to thwart the acquisition and deployment of WMD by terrorists, and the disaster management of capabilities to deal with the consequences of a chemical, biological and nuclear attack.

Even though the probability of such an attack is still relatively low, the consequences could be so catastrophic that it is vital for government authorities to plan for the worst-case scenario. Dealing with nuclear, biological and chemical threats requires highly specialised personnel and equipment of a type not generally available to the civilian police and emergency services. In the Tokyo attack the Japanese anti-chemical warfare units of the Self Defence Force had to be deployed. They and the emergency services performed well in circumstances, which were almost

unprecedented in peacetime. Other countries should now be studying the Japanese experience and applying the lessons to their own planning. The American and Japanese police would also gain by examining the experience of democratic countries that have suffered prolonged and intensive internal terrorism and have developed particular expertise. However, it cannot be sufficiently emphasised that such studies and the tasks of threat analysis, intelligence gathering, counter-proliferation measures, contingency planning and crisis management exercises for mass-destruction terrorism should be conducted quietly and discreetly, out of the public gaze. Too much strident public comment may have the effect of encouraging WMD terrorism.

Wider lessons for democratic response

Some general lessons can be drawn from the tragic attacks of 9/11.

First, terrorist attacks have grown far more lethal over the past 25 years, as shown in the shift from hijacking to the sabotage bombings of jumbo jets and suicide hijackings turning airliners into cruise missiles and the escalation from small car bombs to huge truck bombs capable of killing hundreds of people. This greater capability for mass murder can be achieved by traditional terrorist weapons. After Tokyo, however, we now have to consider the possibility of other terrorists using chemical weapons or even biological or nuclear materials.

Second, in an open pluralistic society, physical security measures alone will never be enough to combat terrorism. Well-planned and coordinated measures can greatly reduce the threat. But the key to the success against terrorism in a democracy is winning the intelligence war and mobilising the political will and democratic support for a multi-pronged strategy, carefully calibrated to the specific threat posed by a particular campaign.

Third, it is important not to lose sight of the international dimension of response. There is a danger that countries such as America and Japan may become too preoccupied with their internal threats, forgetting perhaps that international terrorist threats are still very much alive, and hence they must be vigilant in protecting their citizens and facilities abroad. Moreover, many 'domestic' terrorist movements seek weapons, training, funds and other assistance from abroad, from closely allied groups, from sponsors or through links with international organised crime and so on.

Fourth, in the final analysis, the inner strength of a liberal democracy against terrorism lies in its citizens' determination not to allow the terrorist to impose by the bomb and the gun what they cannot achieve by the ballot box. The deeper lesson of Tokyo, Oklahoma and 9/11 is that democratic governments must in all circumstances try to avoid, on the one hand,

appeasement or weakness in response to terrorism, and on the other hand, suspending democracy in the name of defending it.

The Japanese authorities have been blamed for under-reacting to the nerve gas attacks. The American government has been criticised for over-reaction to 9/11 and for hyping the threat of WMD terrorism and devoting so much attention to it that they have paradoxically increased the possibility of such an attack while neglecting necessary measures for combating more probable forms of terrorism.

It is still too early to form a proper evaluation of these responses, but West Europeans should have enough experience of domestic terrorism to put them on their guard against any easy 'solutions' that may be on offer. Every terrorist group and campaign is different and no democratic country has a monopoly of wisdom on this complex challenge.

Likely targets

On the basis of statistical analysis of trends in targeting by international terrorist groups over recent years, it is not difficult to predict the most likely targets in the coming years. Over half of the attacks on property or facilities are likely to involve business or industrial premises, roughly 10 per cent are likely to involve diplomatic premises and about half this number will involve other government premises and military facilities. Owing to the fact that some terrorism is primarily directed at buildings rather than personnel and that military, governmental and diplomatic facilities have been 'target hardened', the vulnerability of personnel in each category does not coincide with the vulnerability of the facilities. The most vulnerable individuals are usually civilian members of the public, such as shoppers or tourists, passengers in public transit systems and worshippers in mosques and churches, who do not have the benefit of any security protection whatsoever.

It is important not to rely too heavily on terrorism incident statistics. These do not bring out the qualitative differences in the effect of specific terrorist attacks. In view of the fact that terrorist groups have shown an increasing tendency to be more lethal over recent years, it is wise to plan for a continuing trend towards massive car and truck bombings in crowded city areas. 'Spectacular' terrorist attacks, for example on civil aviation, governmental, business, transportation or diplomatic targets, are designed to capture maximum attention from the mass media and to cause maximum shock and outrage and to effect some demands sought by the terrorists.

Nuclear terrorism

Many analysts have endorsed the somewhat sanguine assessment of an American writer that 'the threat of nuclear action by terrorists appears to

be exaggerated'. In support of this optimistic view it has been argued that terrorists are not really interested in mass murder but in gaining publicity and using propaganda to influence people. Of course, publicity and propaganda are generally key tactical objectives. But in many cases the terrorists' cardinal aim is to create a climate of fear and collapse, essentially by terrifying and demoralising their targets into capitulation. And what more potent weapon of psychological coercion can be conceived in the modern age than the threat to explode a nuclear device.

It would be extraordinarily foolish to assume that all terrorist groups shared the same perceptions of rationality, humanity and prudence that inform the consciences of most of humanity. In the strange transcendental logic of the fanatical political terrorist, as I have earlier observed, the end is held to justify any means. If any individual life is expendable in the case of 'global jihad', 'revolutionary justice' or 'liberation', so many hundreds, even thousands, of lives may have to be 'sacrificed'. One has only to turn to the hysterical writings of Johannes Most, Pierre Vallieres,¹ and the Weathermen to find mass slaughter of 'bourgeois vermin' not only commended but proudly and enthusiastically advocated. Justifications for mass killings are not confined to religious and ethnic fanatics. As for international terrorists, who may be operating in the heart of the territory of their hated enemy, there has been a similar readiness on their part to regard the 'enemy' civil population as expendable. Hence although a lower probability than chemical or biological terrorism, nuclear terrorism is potentially so high-consequence that we must have contingency plans to prevent such an attack and to deal with possible consequences should it happen, in order to minimise loss of life.

For a whole variety of technical reasons it would probably be easier for a group to manufacture its own home-made nuclear bomb than to acquire a tactical nuclear weapon by theft. However, even a very crude low-yield atomic blast could have a very destructive and deadly effect, well beyond the destruction and deadliness that a conventional high-explosive weapon of similar size could produce. Let us also bear in mind that beyond the immediate effects of a nuclear explosion (intense heat, shock and blast pulse, electro-magnetic phenomenon and initial radiation), the explosion would cause residual radiation, contaminating a wider area and causing deaths and very serious radiation effects on large numbers of civilians.

Practical constraints

There are major practical constraints that help to explain the absence, to date, of terrorists 'going nuclear'. In the first place, nuclear weapons, both strategic and tactical, are closely guarded by governments. Their security is the prime responsibility of security forces and secret services in all the nuclear powers. Furthermore, by their very nature their operational use is

controlled by complex secret codes and procedures for unlocking the weapon and preparing it for action readiness. Unless they have confederates within the nuclear military forces of the state concerned, terrorists are unable to operate such weapons. The most they might hope to achieve would be gravely to damage or destroy them by sabotage. It is also clear that no nuclear power, even one sponsoring proxy terrorism, would willingly allow part of its own nuclear armoury to fall into the hands of a terrorist movement. The danger of the movement recklessly triggering a nuclear conflict or a major limited war, or of the sponsor's state being blackmailed by the movement with threats of nuclear use, would discourage any such adventurism by a rogue state. The problem is that Al Qaeda is unlikely to be deterred by such factors.

The future of Al Qaeda

It is likely that many of the current terror wars will continue for many years ahead, for the reasons outlined in the previous sections. It is also clear that there will be some fresh outbreaks of this type of warfare in conflict hot spots where it will have been hoped that some political resolution had been achieved. Areas that are particularly vulnerable to this reversion to terror war include central Africa, west Africa, the Horn of Africa, the Caucasus, Sudan, Iraq, Afghanistan, Kashmir and Indonesia.

As the author concluded in an earlier chapter, the Al Qaeda movement, though seriously damaged by the extensive international measures against it, seems likely to continue to pose a threat through its global network of networks for some decades ahead. Even if the current leadership is removed from the scene, there are likely to be eager successors in the wings ready to pursue the same overall objectives and using the terrorism weapon. Whoever assumes the leadership, it seems almost certain that they will retain the key elements of Al Qaeda's ideology and combat doctrine, and hence will continue to wage their jihad within the front-line countries (Iraq, Afghanistan, Pakistan, Saudi Arabia), and by urging their networks within Western countries to launch terrorist attacks on the homelands of the Coalition allies, including, of course, the US and the UK.

Investigations into the 7 July London bombings have confirmed that this was the first case of suicide bombing being used in Western Europe. This will have major implications for Europe's counter-terrorism strategy.

Vulnerable targets

There are extremely grave dangers involved in the diffusion of civil nuclear facilities and technologies in many states. These processes involve the use of substances that could be employed to make a nuclear explosive device. Plutonium, which is used for incorporation into reactor fuel, has to be

shipped, and in some cases transported by road. It is clearly vulnerable to theft by terrorists while it is in transit. Still more dangerous is the practice, which has developed in the nuclear power industry, of transporting plutonium nitrate in liquid form by road. This is a hazardous process. Plutonium transported as a pure compound, even in small quantities, is a particularly tempting target for terrorist theft or hijack because of the material's obvious value in constructing a nuclear weapon. And because of its extreme toxicity, it could be used by terrorists as a weapon of radiological extortion. Reports by scientific experts have underlined both these dangers, but this does not appear to have influenced the policy of the EU member states' authorities regarding the transportation of nuclear fuels. Plutonium is also present in spent reactor fuel. It then has to be stored because there is to date no commercially viable system for reprocessing it. And in the special case of liquid metal fast-breeder reactors, more plutonium is produced than is actually consumed, so that the problem of disposal is especially acute.

Terrorists, therefore, might seek by various means, including infiltration of the nuclear industry workforce, to obtain regular small supplies of nuclear materials. The particularly vulnerable points for nuclear theft include storage facilities for spent fuel, fuel reprocessing plants, and fabrication and uranium enrichment plants. There is little doubt that sufficient quantities of enriched uranium and plutonium could be obtained to make possible the manufacture of a primitive device. Recent firm evidence of the smuggling of nuclear materials from Russian installations underlines the growing seriousness of this threat. Even more worrying is the strong possibility that disaffected scientists and engineers from the former Soviet Union's nuclear weapons programme have been lured into the employ of rogue states or terrorist groups. It is certainly credible that a group of competent and qualified scientists and engineers could be recruited for the special purpose of building an atomic weapon or advising the group on techniques of nuclear sabotage and extortion. A team of five or six could probably accomplish this within the space of five or six weeks without incurring any serious risk to their personal health or safety. Estimates of the financial costs involved vary.

A particularly difficult threat to counter would be the terrorist group organising large-scale theft, sabotage or the manufacture of an explosive device with the skilled assistance of many collaborators within the nuclear power industry. Also, by infiltrating terrorist activists into relatively unskilled work on nuclear power plants the terrorist organisation could gain vital information and assistance in planning a raid on the nuclear site. Even a relatively small group with a crude general knowledge of a civil nuclear plant and its points of vulnerability could be tempted into seizing control of an installation and threatening to sabotage as a means of extorting concessions, especially if they were suicide terrorists. This would appeal to certain groups because of the dramatic publicity they

would receive. And it would be an extremely difficult and hazardous situation for the authorities. With the possibility of a major disaster that could result, for example, from reactor-core disassembly and fire in a commercial fast-breeder reactor, it would be a dangerous business to assume that the terrorists were bluffing. Prudent authorities would rapidly have to effect a mass evacuation of the population in the surrounding area.

It is sometimes argued that terrorists would be effectively discouraged from sabotage of nuclear installations because of the risk to their own safety, lack of knowledge of safety precautions and ignorance of nuclear technology. We have already noted that these weaknesses could be overcome by certain terrorist groups through the employment of their own 'expert' advisers on nuclear technology, or alternatively by the use of employees in the installation as agents and collaborators, and that some fanatical groups include individuals willing to martyr themselves for their cause.

Governments and security forces would be wise to plan for the 'worst possible' terrorist contingencies. Much as they may like to reassure themselves that those anarchist fringe groups or 'crazy state' terrorists are a tiny minority, they cannot afford to discount the possibility of a small number of fanatics launching into nuclear terrorism. It is the duty of the authorities to do all they can to prevent any such attacks from succeeding. There is no shortage of evidence that individuals and groups have been tempted into attacks and threats against nuclear installations. It is noteworthy that the Japanese police discovered documents showing that the Aum cult was very interested in nuclear technology, and the police believe that they were actively seeking to purchase a nuclear weapon and to obtain a supply of uranium.

Chemical and biological weapons

Most specialists in the study of terrorism have been as sceptical about the possibility of terrorists using chemical or biological weapons as they have about the prospect of nuclear terrorism. The late Dr Richard Clutterbuck, in his book *Terrorism in an Unstable World*, concluded:

Clearly we should not be complacent about nuclear, biological and chemical weapons, both because of the need to evaluate hoax calls . . . and because all of them would be feasible for a group which was both desperate and suicidal. But the threat is far less, and would in many ways be easier to handle because of its lack of credibility than the terrorist actions to which we are accustomed.²

The tragic attack on the Tokyo underground system with the nerve gas Sarin, which killed 12 and injured many more, has made it vital to

reconsider the conventional wisdom. It is unlikely that there are more than a tiny number of groups willing to commit such acts. It is still only a medium-probability threat. But the fact that it has been attempted and that it clearly could have caused a large number of deaths if the Sarin had been used in a purer form, may tempt another group to emulate the Aum group's action.

The methods for making nerve gases and biological pathogens have been known for decades. The formula for making Sarin is on the internet. The materials and equipment for making crude chemical and biological weapons are cheap and easily obtained, and the weapons can be made by a person with only basic scientific training.

In these circumstances it is essential that government and security services place the possibility of attack by terrorists using WMD into their future threat scenarios and contingency plans. In the Tokyo underground attack a significant threshold was crossed by a sub-state group for the first time. We may find it very hard to understand the thinking of extreme groups that would use such weapons, but we must allow for the possibility that in addition to the embittered remaining followers of the Aum cult in Japan and the followers of Al Qaeda, there may other groups in other countries with their own internal agenda and reasoning that may be capable of using WMD in their attacks.³

Terrorist tactics and the use of conventional weapons

In a recently published symposium edited by myself, a number of experts rightly stressed that the most likely trend in terrorist weaponry and tactics was further refinement and adaptation and deployment of what is already widely available and affordable. Why go to the trouble of acquiring more hazardous and costly weapons when so much death and destruction can be achieved by traditional means? It is worth bearing in mind that the bomb used in Oklahoma, which killed 169, comprised ammonium nitrate and fuel oil; the same bomb is also one of the most effective conventional weapons used by the IRA. The IRA provides us with the outstanding example of an experienced terrorist group improvising and adapting traditional weaponry, for example in its development of the drogue grenade, home-made mortars and booby-trap devices. There are reports that they developed a remote control device to guide a driverless car containing a bomb to its target in the early 1990s. When terrorist groups are able to achieve 'successes' using such improvisations, they are less likely to feel the need to experiment with entirely new weapons that carry a high risk of death or injury to their own operatives. We are likely to see more developments of this kind in a constant battle to keep ahead of the technology available to the counter-terrorist agencies.⁴

One important source of innovations or switches in tactics and weaponry is the introduction by the authorities of more effective counter-measures against certain types of attack. For example, as the civil aviation system's measures to improve protection against the sabotage bombings of airliners become more efficient, we are likely to see a greater use of alternative means of terrorist attack against aviation, such as SAMs. There are clear signs that this was already happening in the 1990s. There have been at least 25 attacks using man-portable SAMs since November 1990, and in 15 of the incidents an aircraft was shot down, causing an estimated 300 deaths. So far, most of the aircraft involved have been military. However, in view of the clear evidence that terrorist groups in many parts of the world have managed to obtain SAMs, the security authorities in the European democracies should be urgently concentrating efforts to combat this growing threat.⁵

Predicting terrorist attacks

So far we have been looking at the future of terrorism from a long-term prospective: in the light of recent experience and emerging trends and what are the probable long-term trajectories of different types of terrorism? This is an extremely difficult problem. However, it is an even more daunting challenge to try to predict specific terrorist attacks. As will be clear to anyone who has studied *The 9/11 Commission Report*, intelligence is an art rather than a science, and very often intelligence agencies get things disastrously wrong. Fair-minded and realistic academic analysts will sympathise with the problems of the intelligence analysts trying to obtain advance warning in order to prevent attacks. However Dr Joseph Sinai, an erudite and very practical US specialist in terrorism studies, has made a very useful contribution in a recent journal article by identifying seven major 'Attack Indicators', which, I believe, are useful tools for counter-terrorism agencies and specialists. The 'Sinai Attack Indicators' are:

- 1 previous terrorist attacks, failed attacks or plots not yet executed, which serve as blueprints for intentions and future targeting;
- 2 a terrorist group's modus operandi, especially tactics;
- 3 use of particular types of weaponry and devices that a terrorist group perceives will achieve its objectives;
- 4 the objectives of a state sponsor;
- 5 the geographic factor;
- 6 historical dates of particular significance to terrorist groups;
- 7 triggers that propel a group to launch attacks in a revenge mode as quickly as possible.⁶

Countering international terrorism: the democratic response

In countering international terrorism, the democratic state confronts an inescapable dilemma. It has to deal effectively with the terrorist threat to citizens and to vulnerable potential targets, such as civil aviation, diplomatic and commercial premises, without at the same time destroying basic civil rights, the democratic process and the rule of law. On the one hand, the democratic government and its agencies of law enforcement must avoid the heavy-handed overreaction, which many terrorist groups deliberately seek to provoke. Such a response would only help to alienate the public from the government and could ultimately destroy democracy more swiftly and completely than any small terrorist group ever could. On the other hand, if government, judiciary and police prove incapable of upholding the law and protecting life and property, then their whole credibility and authority is undermined.

If this balance is to be maintained, the liberal state should seek at all times to combat terrorism using its criminal justice and law enforcement mechanisms. However, it is clearly the case that some terrorist groups attain a level of firepower that outstrips even the capabilities of elite squads of armed police. It has been proven time and again that in certain circumstances of high emergency, such as the hijacking to Entebbe in 1976 and the Iranian embassy siege of 1980, it may be essential to deploy a highly trained military rescue commando force to save hostages. Military, naval or air forces may be invaluable in interdicting a major terrorist assault, as has been seen in the case of Israel's measures against terrorist groups attacking its borders from land and sea. But in the more normal conditions enjoyed by the democratic states in Western Europe, the occasions when military deployment to tackle international terrorists is required will be very rare.

A number of dangers need to be constantly borne in mind when deploying the army in a major internal terrorist emergency role. First, an unnecessarily high military profile may serve to escalate the level of violence by polarising pro- and anti-government elements in the community. Second, there is a constant risk that a repressive overreaction or a minor error in judgement by the military might trigger further civil violence. Internal security duties inevitably impose considerable strains on the soldiers, who are well aware of the hostility of certain sections of the community towards them. Third, anti-terrorist and internal security duties absorb considerable manpower and involve diverting highly trained military technicians from their primary NATO and external defence roles. Fourth, there is a risk that the civil power may become over-dependent on the army's presence and there may be a consequent lack of urgency in preparing the civil police for gradually reassuming the internal security responsibility. Finally, in the event of an international terrorist attack, a military operation to punish a

state sponsor or to strike at alleged terrorist bases may trigger an international conflict worse than the act of terrorism one is seeking to oppose.

High-quality intelligence is at the heart of the proactive counter-terrorism strategy. It has been used with notable success against many terrorist groups. By gaining advance warning of terrorists' planned operations – their weaponry, personnel, financial assets, fund-raising, tactics, communications systems and so on – it becomes feasible to pre-empt terrorist attacks, and ultimately to crack open the terrorist cell structure and bring its members to trial. Impressive examples of this proactive intelligence-led counter-terrorism strategy are frequently ignored or forgotten by the public, but this should not deceive us into underestimating their value.

Sadly, such high levels of international cooperation against terrorism are hard to find. Just as the lack of intelligence sharing between uniformed and non-uniformed security agencies often damages national counter-terrorism responses, so international mistrust and reluctance to share information often vitiates an effective international response. The most useful enhancements of policy to combat terrorism at the international level need to be made in intelligence gathering, by every means available, intelligence sharing, intelligence analysis and threat assessment. This is my key recommendation and it is my hope that there will be a fuller debate on refining a better proactive strategy for America and G8 and EU friends and allies, and the democratised states of Eastern Europe.

Terrorist attacks against troops and civilians engaged in UN peacekeeping operations are also likely to increase in frequency and lethality. UN personnel experienced a wave of attacks of this kind in Northern Iraq, for example, in the wake of Operation Desert Storm and the establishment of Kurdish safe havens. In July 1997 SFOR troops and facilities were targeted in a wave of attacks following on from an SAS snatch operation in which one Serb war crimes suspect, Milan Kovacevic, was arrested, and a second, Simo Drljaca, was killed while resisting arrest. On 17 July a leaflet was found in Banja Luka announcing the re-launch of the Serbian Black Hand terrorist organisation, notorious for its ruthless attacks in the early twentieth century, threatening revenge attacks against SFOR members and promising that 'the IRA will be child's play compared with our struggle'.⁷ We are likely to see a growing trend of terrorist attacks, especially hostage-takings of peacekeeping personnel and international aid workers involved in humanitarian and UN peacekeeping missions, as ethnic or ethno-religious conflicts increase around the globe. It would be disastrous if the terrorists involved were to succeed in intimidating the contributing peacekeeping countries into withdrawing their contingents and civilian aid workers so desperately needed in these important tasks.⁸

It would be a grave error to assume that even the most sophisticated intelligence and security measures are going to be sufficient to eradicate or even

contain the most dangerous forms of international terrorism. In situations where there is a deep-seated ethnic or ethno-religious conflict involved, as in the case of the relationship between Israel and the Palestinians, much will depend on the will and ability of the political leaders involved to address the underlying causes of the conflict by imaginative political and socio-economic measures and a generous spirit of compromise. If the efforts to rejuvenate the Middle East peace process do not succeed, the consequences will almost certainly involve a fresh wave of terrorism, including international terrorism and the eruption of further Middle East wars. It would be a dangerous complacency to assume that the course of the Israeli–Palestinian peace process is inevitably going to lead to a peaceful resolution of their bitter conflict.⁹ Only a combination of dedication and hard work on the political and security aspects by both sides is likely to bring eventual success. Terrorism has demonstrated its potential for disrupting the peace process. It could destroy the peace efforts completely if there is an inadequate will on the part of the parties to the ‘peace process’ and the wider international community to sustain them. The victory of Hamas in the 2006 Palestinian elections should not have come as a surprise. It sent a strong message to Israel and to the whole international community that Palestinians had finally lost patience with Fatah’s failure to deliver better governance and social and economic reforms, and to get rid of corruption. It is a fact that Hamas suicide bombings had killed over 500 Israelis up until March 2005, but they then declared a ceasefire that had lasted over a year at the time of writing. As in the case of the IRA ceasefire, this should have provided a window of opportunity for the new Israeli government and the more pragmatic leaders in Hamas to negotiate a rejuvenation of the peace process. Let us hope that there is enough courage and statesmanship to enable this to happen.

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Towards a response to terrorism based on democratic principles and respect for human rights

Can the end justify the means?

It would be a serious mistake to exaggerate the importance of the new terrorism of the Al Qaeda movement. There are far greater long-term threats to the security of the human race, dangers also created by human activity: threats to the global environment, for example, should be a far higher priority in the agenda for international cooperation and action. Nor should we overlook the dangers posed by the possibility of warfare between states possessing nuclear weapons. However, the global jihad waged by the Al Qaeda movement is the most dangerous international non-state terrorist threat the world has ever confronted, and we should bear in mind that it has had a huge impact on international relations, in addition to the large-scale loss of life and economic disruption it has caused. Nor should we overlook the danger of terrorism triggering a wider conflict. After all, it was a militant supporter of a Balkan terrorist group who triggered the outbreak of the First World War by assassinating Archduke Ferdinand.

As I hope to have made clear, the Al Qaeda movement is by far the most serious terrorist threat now faced by the international community. The movement is not like traditional, highly centralized terrorist organisations. It has been able to adapt and sustain its campaign of terror through its global network of networks and affiliates, leaving local/regional groups to plan and carry out attacks and to recruit new militants and suicide bombers while providing ideological leadership and general strategic goals and inspirations to its followers around the world. It is therefore just as irresponsible to pretend that the Al Qaeda movement is finished, or that it poses a threat indistinguishable from traditional groups. Last but not least, research into the Al Qaeda movement's aims, ideology and track record of terrorist activity shows that it comes into the category of an incorrigible group, i.e. there is no feasible political or diplomatic route to resolving its conflict with the civilized world. Therefore the only sensible way forward is through a coordinated, multinational and multi-pronged approach to unravel the terrorist network and bring it to justice. In the discussion above on the key elements

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of a successful strategy to counter Al Qaeda I have warned of the dangers of both overreaction and under-reaction and have stressed the cardinal importance of ensuring that basic civil liberties and the rule of law are upheld even in a severe terrorist emergency. The key roles of high-quality intelligence, public support and cooperation of the mass media and the private sector have been emphasised.

Much confusion occurs in the debate on the morality of terrorism because of a failure to distinguish ends and means. Terrorism is a *method* that can be used for an infinite variety of goals. The cliché that one man's terrorist is another man's freedom fighter simply reflects the paradox that many groups use terror in pursuit of a cause that most liberal democrats in principle regard as just, the goal of self-determination or national liberation.

Yet even in cases where we have firm grounds for believing that a group has a legitimate grievance or sense of grave injustice, this does not mean that we should refrain from posing the question: 'Does a just cause justify the use of terrorism by its supporters?' Terrorism is inherently and inevitably a means of struggle involving indiscriminate and arbitrary violence against the innocent. It is almost universally agreed among the citizens of liberal democracies that the method of terrorism is morally indefensible in a free society in which, by definition, there are always other ways of campaigning for a cause, methods, which do not involve a fundamental attack on the human rights of fellow citizens.

I take an even more determined moral position against the use of terrorism, whether by states or factions. It is frequently claimed by the terrorists that actions such as bombings, hostage-taking and assassinations are the only means they have for removing a tyrannical or oppressive authoritarian regime. This claim does not bear serious examination. There are *always* some other means, including moral resistance, civil disobedience and well-planned concerted economic and political action, that either alone or in combination may prove extremely effective in removing an unpleasant regime with the minimum of violence. There is no case of non-state terrorism removing an autocracy, but there are many inspiring examples of the relatively bloodless removal of dictatorships – including those in Portugal and Spain in the mid-1970s and in Haiti and the Philippines in early 1986 – and of communist regimes in Eastern Europe in 1989–90.

Thus, I would argue that we should question the received wisdom of the radical left, which constantly asserts that terrorism is permissible, even desirable, as a weapon against non-democratic systems. From the humanitarian point of view there is a stench of double standards about such a policy. Should we be less concerned about the rights of the innocent in non-democratic societies? What right have we, sitting in the comfort of our free political systems, to condone a method of 'freedom fighting' that robs innocent civilians of life, maims many others and destroys their property? And how can we ignore the historical evidence that those

who use such methods become corrupted and criminalised by the savagery of the infliction of terrorism. Moreover, the idea that terrorism is a precise, highly controlled, almost surgical strategy is a cruel illusion. Once a society starts on a spiral of terror and counter-terror, there may be no way of stopping the carnage. Terrorism will become interwoven with the criminal sub-culture: for many it will become a way of the life. The mass killings by the Al Qaeda network in Iraq and elsewhere are gruesome testimony to the effects of habitual terrorism (Iraq Body Count website (www.iraqbodycount.org), 2005).

An alternative to war? Or a threat to peace?

There can be no doubt that terrorism, despite its savage inhumanity to civilians, is a lesser evil than modern war. Even in a relatively short-lived civil war in a small country, the level of violence will be vastly more lethal and destructive. For example, more people died in the Lebanese civil war (1974–76) than were killed in the entire decade of international terrorism 1975–85. The authoritative Oxford Research Group has estimated that almost 25,000 civilians were killed in Iraq from March 2003 to March 2005.

Terrorism is sometimes described as a form of ‘surrogate warfare’. In the sense that it is often adopted as a low-cost/low-risk/potentially high-yield instrument of foreign policy by pro-terrorist states, this is a useful concept. But it would be a dangerous error to assume that it therefore follows that the international community can face the growth of terrorism with equanimity. For just as severe international terrorism often leads to a full-scale bloody civil war, so international terrorism has sometimes triggered international war, with all its accompanying wider dangers to international peace. Let us not forget that the First World War was ignited by the assassination of Archduke Francis Ferdinand and his wife at Sarajevo on 28 June 1914 by Gavrilo Princip, a member of Mlada Bosnia, ‘Young Bosnia’. More recently, the attempt on the life of Ambassador Argov in 1982 helped to spark the Israeli invasion of Lebanon, with all its inevitable dangers of escalation to a general war in the Middle East. There is a real danger that terrorist attacks across the Line of Control could trigger a full-scale conflict between India and Pakistan, both of which are nuclear-armed states.

Democracies are clearly vulnerable to terrorist attacks because of the openness of their societies and the ease of movement across and within frontiers. It is always easy for extremists to exploit democratic freedoms with the aim of destroying democracy. But a well-established democratic political system also has enormous inner strengths. By definition the majority of the population sees the government as legitimate and accountable. They willingly cooperate in the upholding of the law, and they rally

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to defend democracy against the petty tyrants who try to substitute the gun and the bomb for the ballot box. There is no case in the modern history of terrorism in which a European democracy has been destroyed by a terrorist group and replaced by a pro-terrorist regime.

Even so, it is clear that prolonged and intensive terrorism can be very damaging to the democratic governments and societies that experience it. For example, in Northern Ireland and Spain terrorism has not only attacked innocent life and fundamental rights but it has also been used to undermine the democratic values, institutions, processes and rule of law. By scaring away investment and disrupting industry and commerce, terrorism can gravely weaken the economy. At its most intensive, terrorist violence serves to incite hatred, promote and provoke inter-communal conflict and violence and destroy the middle ground of normal politics. If unchecked, terrorism can easily escalate to a civil war situation, which the terrorist may seek to exploit in order to establish a terrorist-style dictatorship.

In the long run, the threat to human freedom from the spread of terrorism in Asia and Africa is far more serious. For terrorism in these often highly unstable areas is much more likely to lead to the undermining of fragile democratic governments and is widely used as part of the repertoire of revolutionary movements and separatist and extreme fundamentalist groups. These wider conflicts clearly alter the regional balance of power in Third World areas. They also threaten general economic interests, such as access to oil and raw materials and lines of maritime communication, such as strategic choke points.

Internationally, terrorism is more than a challenge to the rule of law and a clear threat to individual life and safety. It has potential to become far more than a minor problem of law and order. For the United States, the major target of international terrorism all over the world, terrorism can be a major national security problem. For example, the handling of the seizure of the entire United States diplomatic mission in Tehran in 1979 became a colossal burden to the Carter administration, crippling other activities and weakening US morale and prestige internationally, particularly in the Middle East. In the early 1980s the tragic bombings of US marines in Lebanon not only took large numbers of lives but also severely curtailed President Reagan's military options in the Middle East and made it impossible for him to maintain a US presence in Lebanon, either through the multinational force or independently. The suicide bombers' atrocity reached US public opinion, Congress and the media, as it was clearly designed to do.

Why the collective response of the democracies has been so ineffective

In a world of sovereign states, it is inherently difficult to secure effective international cooperation. Despite the fact that Western states have

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cooperated with such organisations as the Organisation for Economic Cooperation and Development (OECD), NATO and the EU, it is extremely hard for them to cooperate in the sensitive area of internal security and law and order. On such matters, they have traditionally taken the view that the national government has total sovereign control. Western politicians and judiciaries are as chauvinistic in this respect as other states, despite the many moral and legal values they have in common with fellow Western organisations.

A major political difficulty in cooperation against terrorism is the lack of a clear single forum for Western democratic cooperation. The EU does not include all the major Western states, and in any case it is primarily concerned with economic matters. NATO, though it has a larger membership, is by no means comprehensive and essentially remains an IGO in which member states jealously guard their national sovereignty.

Some Western democracies have little or no direct experience of terrorism and thus cannot see the importance of the problem. Enthusiasm for action often dissipates rapidly once the shock at a specific outrage has died away. Some Western governments are unwilling to sacrifice or endanger commercial outlets, possible markets, trade links or sources of oil or raw materials by taking really tough action against pro-terrorist states such as Iran. Some states are also afraid of attracting revenge attacks from terrorist states; they hope to buy security by appeasement. Some have a double standard; they insist on regarding some terrorists as 'freedom fighters' that need not be condemned (e.g. Irish-American attitudes to the IRA, the French attitude to Armenian terrorists and the Greek attitude to the PLO).

Worst of all is the widespread defeatist illusion, assiduously cultivated by the propaganda of the terrorist movements, that democracies can do nothing to defeat terrorism. This is a dangerous myth; look at the success of countries such as Canada against the Front de Libération du Québec (FLQ) and Italy against the Red Brigades. We do have experience and knowledge showing us how to defeat even severe campaigns of terrorism. It is basically up to each democratic government to learn and apply these lessons, and to improve its cooperation with fellow democracies.

Pathways out of terrorism

The experience of modern terrorism in democratic societies has shown that there are no simple solutions. There are many pathways out of terrorism; some lead in opposite directions, while others provide alternative routes to strengthen democracy and reduce violence. Let us briefly identify six main possible pathways out of terrorism:

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- 1 The terrorists solve the problem on *their* terms: they achieve their goals and abandon the violence as it is no longer seen as necessary. This has happened only very rarely. In a number of colonial independence struggles in the 1950 and 1960s (Palestine, Algeria, Cyprus, Aden) something very close to this did occur. But the conditions of decaying colonialism provided exceptional opportunities for terrorists who no longer exist: for example, the colonial regimes lacked the will to maintain their control and were gravely economically and militarily weakened by the exertions of the Second World War. The terrorists in most cases had vast popular support from their own populations.
- 2 The terrorists perceive the inevitable failure of their campaign, or in any case grow weary of it, and give up their violent struggle without having achieved their goals. An example of this was the abandonment of the struggle by the IRA in Northern Ireland in 1962.
- 3 The terrorist campaign may be eradicated within the border of the state by determined and efficient military action. For example, a draconian military campaign virtually wiped out the Tupamaros' campaign in Uruguay. But this was at the heavy cost of the virtual suspension of democratic government in Uruguay and its replacement by military rule. A frequent effect of this strategy is to drive the terrorist residue into exile. The campaign may thus be continued abroad, including attacks on the diplomats of the target state, with the terrorist hoping to carry their fight back to their homeland.
- 4 A fourth scenario is a political solution on the state's terms that nevertheless makes sufficient concession to genuine and deeply felt grievances of a particular group that in effect it dries up the water in which the terrorist 'fish' swim. There are a few examples of the remarkably successful use of this strategy. It was extremely effective in the case of South Tyrol (Alto Adige), where the autonomy measure passed by the Italian Senate in 1971 defused a violent campaign. But in most cases this method has had only limited success because there are always 'maximalists' or 'irreconcilables' among the terrorists who refuse to abandon the struggle unless or until their absolute demands are met. Hence, despite the bold and imaginative measures taken by the French and Spanish governments to introduce a real regional autonomy in Corsica and the Basque region respectively, hard-line terrorist groups in each case have continued to wage violence.
- 5 Many democratic states attempt to deal with internal terrorism as essentially a problem of law enforcement and judicial control, viewing terrorist actions as serious crimes and dealing with them firmly under the criminal code. There have been some remarkably successful applications of this approach, for example against the early generation of the RAF in West Germany and against the Red Brigades and

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other terrorist groups in Italy. In both these cases it is true that the laws and the judicial process had to be strengthened in order to cope with the ruthlessness and cunning of the terrorists. But it is manifestly the case that in both countries essential democratic values and institutions and the rule of law remain intact despite these long and bitter campaigns of terrorists to undermine the state and to provoke it into overreaction. There are often serious residual problems with this approach, however. Some terrorists will inevitably succeed in escaping justice by fleeing abroad, as has been the case with many Red Brigades and RAF members, who have fled to France, 'Terre d'Asile'. From their new bases abroad they may then continue to wage violence and attempt to rebuild their networks within their home countries. Nor does the problem end when terrorists are successfully apprehended, tried and convicted. As our penal systems are ill-adapted and under-equipped to handle large numbers of imprisoned terrorists, it is all too easy for militant and determined terrorists with considerable expertise of covert activity outside gaol, to begin to re-establish their terrorist organisations within the prison system,. In addition, using the aid of pro-terrorist lawyers and friends, they can even hope to establish a network outside the prison that they can direct, or at least strongly influence, from inside. Hence the law enforcement solution by itself is inevitably incomplete. Without additional measures there is the strong likelihood of new terrorist movements recreating themselves from the ashes of the old.

- 6 Finally there is the educative solution, in which the combination of education effort by democratic political parties, the mass media, trade unions, churches, schools, colleges and other major social institutions succeeds in persuading the terrorists or a sufficient proportion of their supporters, that terrorism is both undesirable and counterproductive to the realisation of their political ideals. This approach is, of course, fraught with enormous difficulties and requires many years of patient work before it yields results. It has rarely been tried on a major scale. However, small-scale experiments in the re-education and rehabilitation of former members of ETA and the Red Brigades indicate that it can be extraordinarily successful in certain cases.

Democratic pathways out of terrorism (4, 5 and 6) are obviously not mutually exclusive. Undoubtedly the most effective policy will be multi-pronged, involving skilful coordinated elements of each. However, with the exception of models 1 and 2, in which the terrorist group itself takes the decision to abandon its violence, there is no sound basis for assuming that the *total* eradication of terrorism violence from democratic society is feasible. It is part of the price we must pay for our democratic freedoms that some may choose to abuse these freedoms for the purpose of destroying democracy, or some other goal.

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It follows that an essential part of the democratic effort must be to provide effective pathways out of terrorism for the individual. By so doing we will constantly be aiming to minimise the threat of residual or irreconcilable terrorism, which may otherwise slowly regroup and regain sufficient support and strength to launch fresh campaigns of violence. In this constant moral and psychological battle of attrition, democratic authorities must continually seek more imaginative and effective ways of enabling individual members of terrorist organisations to make a complete break with their comrades and leaders who, for their part, strive to keep their members under an iron grip.

Individual pathways out of terrorism

The first thing to understand about the problem is the colossal pressure that keeps the individual terrorist bonded to the terrorist group. He or she will have been intensively indoctrinated – literally brainwashed – into seeing the world through terrorist spectacles. They will have been taught to hate everyone associated with the government and legal system, especially the police, with a blind loathing. They will be schooled into suspecting the authorities' every move, basically disbelieving their every statement, constantly vigilant for new traps or ruses set by the 'enemy'. Moreover, they will have it instilled into them that the only important thing in life is the furtherance of their cause. Every involvement in a terrorist action will further reinforce this and will be rationalised as the dedicated pursuit of justice. They are taught to see each bombing, shooting, fresh act of violence against the 'enemy' state as a heroic act, as the living of the true revolutionary existence. Terrorist violence is thus transvalued in their minds to provide meaning and purpose to their hitherto 'wasted' lives. Once this process of indoctrination and mental bonding to the ideology of the group has reached a certain point, it is extremely difficult to bring the terrorists to *question* their fundamental ideological assumptions and belief, let alone to abandon them.

A second major constraint is the individual terrorist's fear of his/her own group. Terror has always been the method used to ruthlessly control discipline within the conspiratorial world of the terrorist organisation. Kneecapping, shooting in the hand or foot and torture are punishments frequently meted out for relatively minor violations of the rules laid down by the leadership. Major infractions or repeated disobedience of the leaders' orders usually mean death. If an individual terrorist 'disappears' or is suspected of having gone over to the side of the authorities, the group will try to mete out vengeance on their closest family member. Faced with such deadly threats from within their own group, it is little wonder that few terrorists find the courage to try to break with the past.

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Third, even if a terrorist can break these bonds, some individuals will be deterred from breaking with their group because of the apparently insuperable difficulties of rehabilitating themselves into normal society. They will be in constant fear of being handed over to the authorities. In order to get a job, buy a car or obtain a home, they will need false identity papers, and will be in constant fear of their true identity being discovered by their employers and by the police. If they wish to get married, register a birth or death, obtain a passport, open a bank account or acquire social security benefits, then these difficulties will be compounded. If a terrorist knows the normal sentence for the crime(s) of which they have been guilty is severe, say at least 10 years' imprisonment, they may calculate that the dangers of leaving the group's protective 'underground' cover and the added risk of arrest outweigh the disadvantages of continued terrorist membership.

Countries such as Italy and the United Kingdom already have some considerable experience of the ways in which these conflicting pressures tug at the emotions and divide the loyalties of those who are hesitating on the brink of turning states' evidence. The 'repentant terrorist' legislation in Italy (which is not being used to combat the Mafia) and the 'Supergrass' system in Northern Ireland have both provided invaluable intelligence about the operations, membership and plans for their respective terrorist groups. It is notoriously difficult for the police to infiltrate the cell structures of modern terrorist organisations. Hence this type of 'inside information' from the informers is often the sole means of securing the information to bring terrorists to trial and to convict them. This experience has also led to an intensification of the terrorist leaderships' attempts to punish and deter those who may seek to betray them, for they know that once such a process gets under way it can rapidly demoralise and destroy a whole campaign. This underlines the absolute necessity of providing 'supergrasses' with new identities and secure new lives to protect them from assassination by their former comrades.

In spite of this important and fascinating experience, which incidentally has hardly begun to be subjected to any serious research by social scientists, it must be said that our democratic legal and penal systems remain extraordinarily ill-suited to the specialised tasks of winning over individual members of the terror organisations and setting about their long-term rehabilitation in normal society.

There are many who would deny the need to bother with such efforts. It is easy to pour cold water on theories and policies of rehabilitation that have proved of very limited value in application to conventional crime. Yet there is reason to believe that the terrorist who has been subjected to intensive political indoctrination and conditioned by the terrorist training and way of life, especially when under the direct influence of fanatical terrorist mentors, is potentially susceptible to determined skilful and well-

planned re-education and rehabilitation techniques, if only we could make these available within our penal systems. Moreover, within the prison system it should be possible to ensure that those showing a potential for re-education and rehabilitation are insulated from terrorist bosses, militant activists and propagandists.

It is, of course, a very important consideration in any rule-of-law system that there should be no special privileges or discrimination in favour of those who plead political motives for their crimes of violence. According to terrorists special status only serves to legitimise and perpetuate their own self-perception as ‘freedom fighters’ and ‘heroes’, and simultaneously undermines the general public’s confidence in the impartiality and consistency of the judicial system. But why should we not be more innovative and sophisticated in our *application* of penal policy? The prisons already have the broad tasks of education and rehabilitation, though few have the resources to do the jobs well. There is already considerable flexibility in reviewing sentences and in the parole system. There is no reason whatsoever, in principle, why we should not make a more serious effort within the prisons to re-educate and rehabilitate, and to inject the expertise and relatively modest resources necessary to cope with the special problems of terrorist offenders, in just the same way as we make special provision for weaning drug addicts away from their addictions. In the long term such measures would make a substantial contribution by significantly reducing the danger of terrorist cells reconstituting within the prison systems and of terrorists returning to their careers of violence when ultimately released. Currently in most penal systems little or nothing is being done to open up these individual pathways out of terrorism. Intense efforts in this field will be required if they are to have any effect, and we should be under no illusion that it will be easy to win back the committed terrorists. However, recent evidence suggests that recruiters for Al Qaeda have managed to penetrate penal systems, and it is important to combat this.

Prophylaxis, preventive diplomacy and efforts towards conflict resolution

So far this study has concentrated on the security policies that have a proven track record in reducing or in some cases eradicating, terrorist campaigns against liberal states. An effective proactive counter-terrorism policy based on a high-quality intelligence system and effective coordination and professionalism, determination and courage among the policy and judiciary may be enough to eradicate ideological groupuscules such as the CCC (Cellules Communistes Combattantes) in Belgium and AD in France and the BR (Brigate Rosse) in Italy. But they are unlikely to be sufficient to quell a terrorist movement with a genuine base of mass support among an ethnic or ethno-religious constituency. No truly liberal

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democratic government can afford to ignore the demands and aspirations of a genuinely popular movement, even if that movement only has the full support of a sizable minority of the population. The democratic authorities need to defeat the terrorist leadership at the *political* level by showing that the government is capable of responding imaginatively to the legitimate demands and aspirations of the very social groups the terrorists seek to mobilise.

An efficient democratic government will attempt to remain sensitive to the needs of all sectors of society and take effective action to remedy widely perceived injustices before they fester into full-blown rebellion. It is a common mistake to assume that such injustices are always perceived in purely materialistic terms, such as access to jobs, housing and so forth. Social scientific research suggests that perceived deprivation of civil and political rights, such as downgrading the status of a religious or ethnic group or a language is far more of a danger to stability than purely material deprivation.

Timely and effective political, social and economic reform measures should be introduced because of their inherent worth and the degree of popular support they enjoy. At the same time, such measures can have the inestimable advantage of serving as prophylactics against violence, insurrection and terrorism.

In cases of long-standing and potentially bitter and violent ethnic conflicts within liberal democratic states, imaginative policies designed to give fuller recognition and rights to a minority population can be the most effective way of preventing or greatly diminishing polarisation and armed conflict. An outstanding example of this method of heading off a potentially bitter and prolonged civil war was the Italian government's 1972 statute granting a considerable degree of autonomy to the German-speaking province of South Tyrol, where terrorist violence was an increasing danger at that time. There is wide agreement that Italy's handling of the South Tyrol issue was pretty effective.

Similarly, the 1978 Statute of Autonomy granted to the Basque region by the Madrid government appears to have been very successful and has led to the increasing isolation of ETA, which, in March 2006, announced a permanent ceasefire, cautiously welcomed by Prime Minister Jose Zapatero. The Statute of Autonomy was not sufficient to eradicate ETA violence, but it did help to marginalise it and has captured the allegiance of the overwhelming majority of Basques. The French have tried a similar approach in their attempts to resolve the Corsican conflict, but so far with little success.

However, attempts to resolve bitter international conflicts that have spawned international terrorism are fraught with even more difficulties and dangers. The recent efforts by the Israeli government and the moderates in the Palestinian movement to counteract rejectionist terrorism

deserved the widest possible support from the liberal democratic countries throughout the world. There is no doubt that the terrorist bomb attacks by Al-Aqsa and Islamic Jihad were aimed at derailing the peace process. All states supporting the peace process must constantly reaffirm their determination not to allow the terrorists to get their way and to press on with the patient and determined peace efforts that are so vital to the long-term security of Israel and its Arab neighbours.

Realistically, in the light of the ideologies and track records of the terrorist groups involved and the authoritarian elements in the Iranian Islamic fundamentalist regime that sponsor and succour them, we must expect more desperate attempts to block the peace efforts. Indeed, the closer we come to negotiated diplomatic settlement of major outstanding issues, the more likely it is that we shall see bloody terrorist attacks by the maximalist groups who view any such agreements as a betrayal of their commitment to the total eradication of the state of Israel. Similarly, fanatical right-wing Israeli groups are likely to use violence to derail the peace effort if they see it moving forward to trade more land in the occupied territories in return for peace. Hence, an important part of the strategy for countering international terrorism is to adopt and implement the principle that 'one democracy's terrorist is another democracy's terrorist', and to give the fullest possible political and moral support and wholehearted international intelligence, police and judicial cooperation to efforts to defeat terrorism and keep the peace effort on track. Solidarity between all the democracies, the other EU states and the United States is a vital part of this strategy.

A principled response

There is no universally applicable counter-terrorism policy for democracies. Every conflict involving terrorism has its own unique characteristics. In order to design an appropriate and effective response, each national government and its security advisers will need to take into account the nature and severity of the threat and the political, social, economic and strategic context and the capabilities and preparedness of their intelligence, police and judicial systems, their anti-terrorism legislation (if any) and, when necessary, the availability and potential value of their military force in aid of the civil power in combating terrorism. For example, the level of response against terrorism in Northern Ireland and the Basque region would have been totally inappropriate in the Benelux countries, where experience of indigenous terrorist groups is negligible. The tightrope between under-reaction, or toleration of terrorism, on the one hand, and draconian overreaction, leading to serious infringement of civil liberties, on the other, is pitched at a different height and angle in each case. It is, of course, not only the scale and intensity of the democratic states' responses that will

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vary: the key *components* of the counter-terrorism strategy must be geared to the type of terrorist threat confronted.

In combating challenges from terrorist movements with some degree of mass support and significant resources, the democratic authorities need to win the battle for popular legitimacy and support by showing that they can respond to the basic needs and demands of the population. Popular consent and support are the foundations of effective democratic government. Terrorist groups such as ETA and the IRA have invested huge efforts in political and propaganda warfare, but they have failed to win the electoral support of the ethnic populations they claim to represent. Nevertheless, very often these propaganda efforts can help to damage democratic processes and institutions even in well-established democracies, and even limited political successes for the terrorist groups and their front organisations may help to compensate for setbacks in their battle against the security forces. Against groups that enjoy at least some degree of mass support, democratic governments need to wage simultaneously both a security campaign to contain and reduce terrorist violence and a political and information campaign to secure popular consent and support and to sustain it.

However, it is fallacious to assume that terrorists need mass support before they can perpetrate murder and destruction; as I have already observed, many contemporary terrorist groups are numerically tiny. Examples of this are the group that carried out the first World Trade Center bombing in 1993 and the extreme right-wing cell in Israel to which the assassin of Prime Minister Yitzhak Rabin belonged. Other groups, such as the Aum Shinrikyo in Japan, the extreme right-wing terrorist groups in the United States and the Al Qaeda network, may have larger numbers of members but are following a religious or ideological agenda that so totally rejects the existing political and social order that there is no basis for negotiation with democratic government on political, social and economic demands. No democratic government worthy of the name could enter into political negotiations with the Al Qaeda network responsible for the 9/11 bombings or those who carried out the nerve gas attack on the Tokyo underground system.

The appropriate democratic response to murderous terrorist sects of this kind is to deploy the counter-terrorism resources of the intelligence and police services and the judicial and prison system to deter and suppress this threat to the innocent. To be successful this strategy demands a unified control of all counter-terrorism operations, an intelligence service of the highest quality, adequate security forces possessing the full range of counter-terrorism skills and complete loyalty to the government, and last but not least, enormous reserves of patience and determination.

There are rarely any easy victories over terrorism. The characteristic features of political terrorism, its undeclared and clandestine nature, and

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its employment by desperate fanatics, often already on the run from the authorities, imply a struggle of attrition constantly erupting into murder and destruction. Moreover, the terrorists know that the security forces in a liberal democracy are forced to operate at mid levels of coerciveness. Judicial restraints and civil control and accountability, all of which are essential safeguards in a democracy, prevent the security forces from deploying their full strength and firepower. These constraints are inevitable and desirable, but they do mean that the task of countering terrorism in a democracy, under the constant scrutiny of the free media, becomes an enormously complex and demanding task. It also means that a serious error of judgment, negligence or hasty overreaction can have very serious long-term consequences. They can provide a powerful propaganda weapon and a recruiting sergeant for the terrorist group, and can severely damage the government and the security forces in their efforts to maintain popular legitimacy and support.

High-quality intelligence is at the heart of the proactive counter-terrorism strategy. It has been used with notable success against many terrorist groups. By gaining advance warning of terrorist planned operations, terrorist weaponry, personnel, financial assets and fund-raising tactics, communications systems and so on, it becomes feasible to preempt terrorist attacks and ultimately to crack open the terrorist cell structure and bring its members to trial. Impressive examples of proactive, intelligence-led counter-terrorism are frequently ignored or forgotten by the public, but this should not deceive us into underestimating their value. At the international level, the most impressive example was the brilliant intelligence cooperation among the Allies to thwart Saddam Hussein's much-vaunted campaign of 'holy terror' during operations Desert Shield and Desert Storm.

Sadly, such high levels of international cooperation against terrorism are hard to find. Just as the lack of intelligence sharing between uniformed and non-uniformed security agencies often damages national counter-terrorism responses, so international mistrust and reluctance to share information often vitiates an effective international response. The most useful enhancements to policy to combat terrorism at the international level need to be made in intelligence gathering by every means available, intelligence sharing, intelligence analysis and threat assessments.

International judicial cooperation against terrorism remains pathetically weak at global level. In some cases this is due to the absence of extradition between the states concerned: in others it results from differences in legal codes and procedures. In many cases fugitive terrorists can rely on the protection of a sponsoring or supporting state to provide them with a safe haven. Pro-terrorist states would, of course, refuse to participate in a convention establishing an international criminal court. Nevertheless, if the United States and other states with a common interest in suppressing

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terrorism were to collaborate in establishing the new court, many other law-abiding states could be encouraged to join, and strong sanctions could be placed on those states that adamantly refused to cooperate. After all, there is a precedent. The International War Crimes Tribunal, which sits at The Hague, has tried individuals accused of war crimes in the Former Yugoslavia. Despite the fact that this lacks universal support from the international community, it is clearly able to hear cases involving allegations of gross violations of human rights, and observers have been impressed by the great care and rigour displayed by the Tribunal in its extremely difficult and harrowing task. The international community has now agreed (at the 1998 Rome diplomatic conference) to set up an international criminal court, but regrettably its mandate does not include international terrorism crimes. In principle there is no reason why an international tribunal to try those alleged to have committed terrorist crimes against human rights should not be successfully established: the prime obstacle is the absence of political will. However, if an international criminal law statute is, one day, accepted by a majority of member states of the UN, it will have enormous practical benefits. The confusion, political abuse and unreliability of the present extradition process could, in effect, be bypassed so far as serious international crimes are concerned. Small countries would not be so vulnerable to intimidation by fear of terrorist retaliation in prosecuting members of a terrorist group, and terrorists would have to come to terms with the fact there would be far fewer places to hide from justice. The pro-terrorist states remaining could be subject to sanctions based on the encouraging precedent of UNSC sanctions between 1991 and 1999 against Libya for refusing to render the two Lockerbie suspects for trial. A major advantage would be the concentration of judicial expertise in the handling of international terrorism cases. At present there is enormous variation in the levels of specialist knowledge of terrorism available to national judicial systems. In France, Judge Jean-Louis Bruguiere and his fellow specialist judges handling terrorism cases are able to draw upon a wealth of knowledge and experience of investigating such cases. In countries with little or no experience of terrorism there may be no knowledge of terrorism among members of the judiciary. And in Britain and the US, where you would expect such expertise to be available, the court procedures and the structure of the legal profession often leads to judges hearing major terrorist cases when they have absolutely no previous knowledge or experience of this field.

Conclusion

Faced with the scenario of terrorism continuing well into the twenty-first century, what are the prospects of the international community achieving radical improvements in their policies and measures to combat terrorism?

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It would be foolish to be sanguine. So much depends on the quality of the political leaders and their advisers and the moral strength and determination of the democratic societies. The true litmus tests will be the major democracies' consistency and courage in maintaining a firm line against terrorism in all its forms. They must abhor the idea that terrorism can be tolerated as long as it is only affecting someone else's democratic rule of law. They must adopt the clear principle that 'one democracy's terrorist is another democracy's terrorist'. The general principles of the firm hard-line strategy for liberal democracies in combating terrorism have the best track record in reducing terrorism. I have noted that the threat of terrorism is changing in a number of ways, but we still confront a very wide range of terrorist groups and states. Some of the major principles and measures to combat terrorism which I examined in *Terrorism and the Liberal State* (1977 and 1986)¹ are still as relevant to the world's problems today. The major principles are:

- no surrender to the terrorists, and an absolute determination to defeat terrorism within the framework of the rule of law and the democratic process;
- no deals and no concessions, even in the face of the most severe intimidation and blackmail;
- an intensified effort to bring terrorists to justice by prosecution and conviction before courts of law;
- tough measures to penalise the state sponsors who give terrorist movements' safe haven, explosives, cash, and moral and diplomatic support.
- a determination never to allow terrorist intimidation to block or derail international diplomatic efforts to resolve major conflicts in strife-torn regions, such as the Middle East: in many such cases terrorism has become a major threat to peace and stability and its suppression or termination therefore is in the common interests of international society.

Where we stand now in the 'War on Terror'

In attempting to construct an overall balance sheet of the failures and successes of the 'War on Terror' as we approach 2007, a number of health warnings are required. First, the Al Qaeda network fanatically believes that Allah is on their side and that their self-proclaimed global jihad will ultimately obtain victory over its designated enemies. Their leaders have a very different historical calendar from that of secularised western societies. They refer to historical events such as the collapse of the last caliphate in the nineteenth century as if it was only yesterday. Hence they are psychologically prepared to wage a long-term struggle. Their concept of war is therefore very different from Western ideas of war.

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Second, we need to bear in mind that Al Qaeda's leaders believe that they must wage a *global* jihad, and for this purpose their development of a global network of affiliated groups, operational cells and support networks has been an ideal structure: it gives them a truly global reach and it means that even when they have suffered a major setback, as in the overthrow of the Taliban regime in Afghanistan in the autumn of 2001, they can gain comfort and encouragement from successful jihadi attacks elsewhere. Moreover, as they want to exploit every conflict in which Muslims confront non-Muslims from Iraq and Afghanistan to Kashmir, Chechnya, Bosnia and Palestine, they have a wide range of major theatres of conflict in which to exploit and manipulate events to serve their cause.

As is made clear by Ayman Zawahiri, bin Laden's deputy and the Al Qaeda movement's major strategist, a central objective of their campaign is to seize control over a piece of territory in the heart of the Muslim world that they can use as a base for expanding their operations, for training more jihadis and for weapons development and other activities to support their global terrorist network. Needless to say, they have set their sights on setting up such a base in Iraq. Once the coalition forces have been withdrawn they will attempt to undermine, penetrate or topple the new, extremely fragile Iraq government and continue the conflict and tensions between Sunnis and Shi'ites to bring about what would undoubtedly be a huge strategic success for them. (This is one of the major reasons why it would be both irresponsible and dangerous for the coalition to withdraw its troops before the Iraqi army and police are strong enough to preserve national security and law and order.)

However, there are other key so-called 'front-line' Muslim countries where, despite undoubted local successes by government security forces against Al Qaeda, the threat from the Al Qaeda network is still very real. Pakistan and Afghanistan are the most obvious examples, both key members of the international Coalition Against Terrorism, both with strong leaders who are under continual threat of assassination and who could not be easily replaced.

Another central strategic objective of Al Qaeda is to use terrorist attacks to carry their global jihad into the heart of the Western countries' homeland. They have not abandoned this part of their strategy in the wake of 9/11. On the contrary, what they have done is focus more closely on Europe. As we noted in earlier chapters, they have been able to rely on locally recruited, in some cases almost entirely 'home-grown', cells to carry out deadly attacks.

The March 2004 Madrid train bombings and the July 2005 London Underground and bus bombings are evidence that these networks are capable of mass-killing attacks against Western homeland targets. Moreover the 7 July attacks in London are the first cases of suicide bombing in Western

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Europe, a type of attack that is particularly difficult to prevent in open societies.

Against this complex global background it would be foolish to predict the precise outcome of the Al Qaeda network's global jihad, or even the approximate length of time it might take to defeat it. However, what I shall attempt is a kind of interim balance sheet, identifying, on the one hand, reasons why one might be pessimistic about the long term, and on the other, reasons why one might, at least in the long term, be much more optimistic.

The author does not share the rather apocalyptic view of some authors that the Coalition Against Terrorism is losing the battle against Al Qaeda, yet he has to admit that there are a number of very worrying adverse developments. Partly as a result of its horizontal network of networks Al Qaeda has succeeded in adapting and surviving following the loss of its Afghan base in the autumn of 2001. The invasion and occupation of Iraq, whatever the arguments for and against these policies, did create an enormous opportunity for Al Qaeda to boost its support. It was able to portray the invasions as an act of imperialism, and has used the conflict to increase recruitment, intensify anti-US and anti-Western propaganda and to increase donations from wealthy supporters and sympathisers. The Iraq occupation has also provided them with a wealth of civilian and military targets to attack, easily accessible across the borders of Iraq. It has tied down huge numbers of US and UK troops and financial resources that might otherwise have gone to help President Karzai to consolidate security in Afghanistan, where the Taliban and Al Qaeda, in alliance with warlords, are already reinserting themselves.

The other major reason for being pessimistic is the apparent success of the Al Qaeda network in inspiring and mobilising new networks and cells within Western and other countries, with both the intent and capability to mount deadly terrorist attacks, including suicide attacks. Although there have been arrests and convictions of some cell-members and others involved in support activities, there is a well-founded concern among police and intelligence services that the networks are managing to replace captured operatives and to recruit additional potential suicide bombers, more than outstripping the authorities' ability to identify and apprehend them. This is the most serious worry of all, for if this trend continues, it is going to take many more years, perhaps decades, to unravel the networks.

As the author has argued repeatedly in earlier chapters, a major reason for the failure to stem the flow of fresh recruits into jihadi networks is the failure of the democracies to make a serious effort to wage the battle of ideas against the perverted ideology of Al Qaeda.

Moreover, as I have argued in detail in earlier chapters, it is very hard, if not impossible, to have real success in this battle of ideas if leading Western democracies are seen to violate their own proclaimed norms of

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protection of human rights and the rule of law. It is vital to understand that human rights protection is not an optional extra in the fight against terrorism; it is an *essential weapon or asset* in the protection of democracy.

Despite these very serious mistakes and weaknesses I remain an optimist and believe that there are a number of good reasons for being optimistic about the long-term outcome of the struggle against Al Qaeda. First, like so many terrorist groups in history, the Al Qaeda leaders hopelessly overestimate the effectiveness of terrorism, even mass-killing attacks, to coerce governments and societies to bend to the terrorists' will. Second, Al Qaeda underestimates the extent to which its mass-killing attacks have alienated opinion within the Muslim world. This is dramatically illustrated in the Jordanian opinion poll taken after the November 9 bomb outrages in Amman.

Similar trends in public opinion following Al Qaeda-linked attacks have been identified in Indonesia, Morocco, Turkey and Egypt. Admittedly, terrorist groups do not need large numbers to carry out attacks, but if they are trying to shape opinion and win wider political support, this is bad news for the terrorists.

Last but not least, one can be at least encouraged by the fact that five years after the 9/11 attacks, Al Qaeda has not been able to take power in any Muslim country.

If the Coalition Against Terrorism remains solid and determined and unites behind a balanced multi-pronged strategy, I am optimistic enough to believe the Al Qaeda Network can be unravelled.

APPENDIX 1

Extract from the report of the Secretary-General on measures to eliminate international terrorism

Doc. A/57/183, as updated on 10 December 2002

III. International legal instruments related to the prevention and suppression of international terrorism

Status of international conventions pertaining to international terrorism 227.

Currently, there are 19 global or regional treaties pertaining to the subject of international terrorism. Each instrument listed below is represented by the letter shown on the left, which is featured in the tables that follow to reflect the status of that instrument:

- A. Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963 (entered into force on 4 December 1969): status as at 10 December 2002;
- B. Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970 (entered into force on 14 October 1971): status as at 10 December 2002;
- C. Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 23 September 1971 (entered into force on 26 January 1973): status as at 10 December 2002;
- D. Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on 14 December 1973 (entered into force on 20 February 1977): status as at 10 December 2002;
- E. International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on 17 December 1979 (entered into force on 3 June 1983): status as at 10 December 2002;

- F. Convention on the Physical Protection of Nuclear Material, signed at Vienna on 3 March 1980 (entered into force on 8 February 1987): status as at 10 December 2002;
- G. Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 24 February 1988 (entered into force on 6 August 1989): status as at 10 December 2002;
- H. Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on 10 March 1988 (entered into force on 1 March 1992): status as at 10 December 2002;
- I. Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, done at Rome on 10 March 1988 (entered into force on 1 March 1992): status as at 10 December 2002;
- J. Convention on the Marking of Plastic Explosives for the Purpose of Detection, signed at Montreal on 1 March 1991 (entered into force on 21 June 1998): status as at 10 December 2002;
- K. International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on 15 December 1997 (entered into force on 23 May 2001): status as at 10 December 2002;
- L. International Convention for the Suppression of the Financing of Terrorism, adopted by the General Assembly of the United Nations on 9 December 1999 (entered into force on 10 April 2001): status as at 10 December 2002;
- M. Arab Convention on the Suppression of Terrorism, signed at a meeting held at the General Secretariat of the League of Arab States in Cairo on 22 April 1998 (entered into force on 7 May 1999): status as at 22 May 2002;
- N. Convention of the Organization of the Islamic Conference on Combating International Terrorism, adopted at Ouagadougou on 1 July 1999; status as at 9 March 2002;
- O. European Convention on the Suppression of Terrorism, concluded at Strasbourg on 27 January 1977 (entered into force on 4 August 1978): status as at 13 December 2002;
- P. OAS Convention to Prevent and Punish Acts of Terrorism Taking the Form of Crimes against Persons and Related Extortion that are of International Significance, concluded at Washington, DC, on 2 February 1971 (entered into force on 16 October 1973): status as at 28 June 2002;

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- Q. OAU Convention on the Prevention and Combating of Terrorism, adopted at Algiers on 14 July 1999: status as at 24 June 2002;
- R. SAARC Regional Convention on Suppression of Terrorism, signed at Kathmandu on 4 November 1987 (entered into force on 22 August 1988): all seven States members of SAARC (Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka) are parties to the Convention;
- S. Treaty on Cooperation among States Members of the Commonwealth of Independent States in Combating Terrorism, done at Minsk on 4 June 1999: status as at 1 April 2002.

Table 1 Total participation in international conventions pertaining to international terrorism (numbers of member states ratifying each convention)

<i>Signature</i>																		
A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S
41	77	60	25	39	45 ^a	69	41	39	51	58	132	22 ^b	6	43	19	41 ^c	–	7
<i>Ratification, accession or succession</i>																		
A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S
173	175	176	124	113	81 ^a	125	60	55	88	78	63	16 ^b	3 ^b	38	16	12 ^c	7	6

a Includes the European Atomic Energy Community.

b Includes the Palestinian Authority.

c Includes the Saharawi Arab Democratic Republic.

APPENDIX 2

Select addresses of internet sources on terrorism

- Canada's Counter Terrorism Program
www.csis-scrs.gc.ca/en/newsroom/backgrounders/backgrounder08.asp
- Center for Democracy & Technology
www.cdt.org/policy/terrorism
- Centre for the Study of Terrorism and Political Violence, University of St Andrews
www.st-andrews.ac.uk/academic/intrel/research/cstpv
- Commentary published by the Canadian Security Intelligence Service
www.csis-scrs.gc.ca/en/publications/commentary.asp
- Counterterrorism Home Page, Explotech, Ltd. Co.
www.counterterrorism.com
- Counter-terrorism bills and proposals, Electronic Privacy Information Center
www.epic.org/privacy/terrorism
- Electronic Frontier Foundation
www.eff.org
- Emergency Response & Research Institute
www.emergency.com
- EUROPA
europa.eu.int
- Federal Emergency Management Agency, US Department of Homeland Security
www.fema.gov
- International Center for Terrorism Studies, Potomac Institute for Policy Studies
www.potomacinstitute.org/academiccen/icts/icts.htm
- International Association for Counterterrorism and Security Professionals
www.iacsp.com

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International Policy Institute for Counter-Terrorism
www.ict.org.il

MIPT (Oklahoma City National Memorial Institute for the Prevention of
Terrorism)
www.mipt.org

Office of the Coordinator for Counterterrorism, US Department of State
www.state.gov/s/ct

'Patterns of Global Terrorism' report, US Department of State
www.state.gov/s/ct/rls/pgtrpt

Terrorism Group Profiles, US Naval Postgraduate School
www.library.nps.navy.mil/home/tgp/tgpndx.htm

The Terrorism Research Center
www.terrorism.com

Terrorist and Insurgent Organizations, Air University, US
www.au.af.mil/au/aul/bibs/tergps/tg98tc.htm

UK Government Home Office
www.homeoffice.gov.uk/security/current-terrorism-risk

US Department of Defense
www.defenselink.mil

US Department of Homeland Security
www.dhs.gov/dhspublic/index.jsp

William R. Nelson Institute of Public Affairs
www.jmu.edu/nelsoninstitute/director.htm

APPENDIX 3

Chronology of Al Qaeda network attacks 1988 to 2005

- 1988 Al Qaeda ('The Base') was founded by Abdullah Azzam and Osama bin Laden, both of whom had experience of recruiting Sunni Islamist extremists to join the Mujahadeen fighters who expelled the former Soviet Union's forces from Afghanistan. Al Qaeda's main aims are: to expel the US, other Western states and non-Muslim regimes from Muslim countries, most especially from close proximity to the Holy Places in Saudi Arabia. The movement also wants to overthrow the Muslim regimes in all the countries of the Muslim world – and ultimately to establish a pan-Islamic Caliphate by forming a coalition of Sunni fundamentalist extremist groups dedicated to waging a 'holy war' against the US, and other Western countries, European countries, Israel and also Muslim regimes/governments that Al Qaeda regards as 'apostates' because of their friendly relations with the US and other Western countries.
- 1992 Mounted bomb attacks against US troops in Aden, Yemen.
- 1993 Claims to have shot down US helicopters and killed US servicemen in Somalia.
- 1998 February – Issued a statement announcing the formation of the 'World Front for Jihad Against the Jews and Crusaders' and calling on all Muslims to kill US citizens – civilian and military – and their allies everywhere.
- 1998 August – Carried out suicide bombings of the US Embassies in Nairobi and Dar es Salaam, killing over 240 and injuring over 5,000 people.
- 2000 October – Attack USS *Cole* in the harbour of Aden, Yemen, killing 17 US naval personnel and injuring 39 people.
- 2001 June – Merged with the Egyptian group, Islamic Jihad, led by Ayman Zawahiri. Zawahiri became deputy leader of Al Qaeda under bin Laden.
- 2001 11 September – Nineteen Al Qaeda suicide hijackers seized control of four US commercial airliners and crashed them into the World Trade Center towers and the Pentagon, killing almost 3,000 people. The

- passengers and crew of the fourth airliner became aware of the hijackers' intentions and made a heroic attempt to regain control of the aircraft from the hijackers. In the resulting struggle the plane went out of control and crashed in Pennsylvania, killing all passengers and crew.
- 2001 Autumn – Coalition forces toppled the Taliban regime in Afghanistan which has given the Al Qaeda movement safe haven.
- 2001 December – Al Qaeda member, Richard Reid attempted to detonate a bomb hidden in his shoe while travelling on an American Airlines flight from Paris to Miami. He was thwarted and overwhelmed by cabin crew and passengers before he could set off the explosion.
- 2001 late – A series of Al Qaeda linked attacks planned against targets in Singapore were thwarted as a result of some fortunate intelligence breakthroughs and the arrest of network members of the Al Qaeda affiliate, Jemaah Islamiyah. Among the targets the Singapore plotters were planning to attack were the Israeli, American, Australian and British embassies and consulates, US vessels and a bus carrying American soldiers from their base.
- 2002 11 April – Nizar Nawar used a petrol tanker filled with explosives to attack the synagogue in Djerba. Twenty-one people, most of them German tourists, were killed in the attack.
- 2002 6 October – Carried out a suicide attack against the tanker *MV Limburg* off the coast of Yemen killing 1 person and injuring 4 others.
- 2002 12 October – Al Qaeda affiliated group, Jemaah Islamiyah carried out suicide bombing attacks of two nightclubs in Bali packed with tourists. The attacks were almost simultaneous and caused a huge fire; 202 people were killed in the attacks.
- 2002 28 November – Two missiles (Strela SA-7) were fired at an Arkia Airlines flight with 261 passengers and crew on board as it took off from Mombassa airport. The missiles missed their target but shortly afterwards a suicide terrorist drove a car bomb into the Paradise Hotel in Mombassa, killing 10 people, of whom 3 were Israelis, and injuring 80 others.
- 2003 to March 2006** – Terrorists linked to Al Qaeda have been responsible for hundreds of attacks in Iraq, not only against Coalition troops but also against Iraqi civilians and members of the newly-established Iraqi army and police. In December 2004, a taped message was broadcast in which bin Laden announced his official support for Abu Mu'sab al-Zarqawi and the unification of Al Qaeda with Zarqawi's terrorist network. Hundreds of Iraqi civilians have been killed in a series of suicide bombings. In 2006 Al Qaeda affiliates in Iraq intensified terrorist attacks on Shi'ites and on Shi'ite holy sites in a desperate effort to provoke a full-scale civil war between Sunnis and Shi'ites. In February 2006 the Golden Mosque in Samarra, one of the holiest places in Shi'ite Islam, was bombed. It is estimated that over 400 people died in the

following week in reprisal attacks between Shi'ites and Sunnis. The bombing of the Golden Shrine was clearly an act aimed at provoking further polarisation and civil war.

Zarqawi's group has also been responsible for holding a number of Western hostages, and for killing them. It is known that Zarqawi's group killed the American, Nicholas Berg, and it is believed they have also murdered other hostages.

- 2003 9 May – Al Qaeda's affiliate in Saudi Arabia attacked three residential complexes in Riyadh simultaneously, killing 29 people.
- 2003 15 May – A series of suicide bombs in Casablanca killed 45 and injured 100 people. The bombers were in a group linked to Al Qaeda.
- 2003 August – Jemaah Islamiyah launched a suicide vehicle bomb attack on the Marriott Hotel, Jakarta.
- 2003 9 September – Jemaah Islamiyah carried out a suicide car bomb attack on the Australian Embassy in Jakarta, killing 9 and injuring 180 people.
- 2003 8 November – Suicide attacks on the al-Muhi residential complex killed 17 and injured 122 people.
- 2003 15 November – Suicide terrorists affiliated to Al Qaeda set off two vehicle bombs at Istanbul's two main synagogues killing 23 people and injuring 300 others.
- 2003 20 November – Suicide terrorists from the same network carried out car bomb attacks on the British Consulate and HSBC Bank in Istanbul killing 34 and injuring 500 people.
- 2004 March – A cell based in Spain and identifying itself as a group sharing Al Qaeda's objectives carried out a massive bombing of trains at Madrid railway stations, killing 181 and injuring 2,051 people.
- 2004 21 April – A suicide terrorist blew himself up inside a booby-trapped car next to the security headquarters in Riyadh, killing four people.
- 2004 29 May – Terrorists attacked the offices of three Western oil companies using light weapons. Although they had intended to set off a car bomb, they were unable to do this. It became a siege situation and the terrorists killed 16 hostages.
- 2005 July – An Al Qaeda linked cell succeeded in carrying out a series of suicide bombings on the London Underground and on a double-decker bus, killing 52 civilians and injuring hundreds more.

GLOSSARY OF TERRORIST GROUPS

- Action Directe** French extreme left group formed in 1976: the group faded out following the arrest of its main leaders in 1987.
- al-Aqsa Martyrs Brigade** Palestinian group aiming to expel Israeli military and settlers from the West Bank and Jerusalem and to form a Palestinian state.
- Al Fatah** A Palestinian organisation, founded in 1956, with the aim of establishing a Palestinian state: it formally renounced international terrorism in 1988.
- al-Gama' al-Islamiyya** Founded in the late 1970s in Egypt, it aimed to overthrow the Egyptian government by violence. It carried out a series of terrorist attacks including the massacre of 58 tourists and 4 Egyptians in the Valley of the Kings in November 1997. In June 1999 the group announced a ceasefire but Sheikh Omar Abd al-Rahman, its spiritual leader, withdrew his support for the ceasefire while in prison in the US.
- al-Jihad** A radical Islamist group that aimed at overthrowing the Egyptian government: later under Ayman Zawahiri, it merged with Al Qaeda.
- Al Qaeda Jihad Organisation Mesopotamia** Al Qaeda major affiliate and support group.
- Al Qaeda** Al Qaeda ('The Base') was founded in 1989 by Osama bin Laden and Abdallah Azzam. They aim to establish a pan-Islamist caliphate (super-state) uniting all Muslims. Al Qaeda has declared a jihad or holy war against the US and its allies and has set up a World Islamic Front for Jihad declaring it is 'the duty of all Muslims to kill US citizens – civilian or military, and their allies everywhere' (bin Laden 'fatwa', 23 February 1998). A key feature of the Al Qaeda movement is its explicit commitment to mass-killing terrorist attacks, making it the most dangerous terrorist organisation in recent times.
- Angry Brigade** A small British anarchist group formed in 1968.
- Ansar al-Islam** Al Qaeda major affiliate and support group.
- Asbat al-Ansar** Al Qaeda major affiliate and support group, based in Lebanon.
- Assassin Sect** A sect of Shi'a Islam that was active in Persia and Syria in the twelfth and thirteenth centuries and that used the dagger to assassinate opponents.

- Aum Shinrikyo** A Japanese cult responsible for the Sarin gas attack on the Tokyo underground in March 1995.
- Baader-Meinhof Group** *see* RAF.
- Black Hand** A Serbian extreme nationalist group formed in 1911 and linked to the Serbian military, who assassinated Archduke Ferdinand in 1914.
- Black September** Palestinian terrorist group responsible for the Munich Olympics attack in 1972.
- Brigate Rosse** *see* Red Brigades.
- CCC** Cellules Communistes Combattantes (Fighting Communist Cells): a Belgian extreme left group active in the 1980s.
- Continuity IRA** Splinter group that decided to continue to wage violence to oppose the Good Friday Agreement.
- Cosa Nostra** Literally 'our thing', a branch of the Italian Mafia in the US.
- DFLP** Democratic Front for the Liberation of Palestine: it split from the PFLP in 1969 under its leader Nayef Hawatmeh.
- ELN** National Liberation Army Colombia: an extreme left group formed in 1965. Its major activity has been kidnapping for ransom.
- EOKA** Ethniki Organosis Kyprion Agoniston (National Organisation of Cypriot Fighters): it waged a campaign of terrorism from 1955 to 1960 to force Britain to relinquish its colonial rule over Cyprus and to unite Cyprus with Greece (Enosis).
- ETA** Euzkadi Ta Askatasuna (Basque Fatherland and Liberty): aimed at establishing an independent Marxist Basque state.
- EYAL** Israeli extreme nationalist group bitterly opposed to the Israeli-Palestinian peace process: the assassination of Prime Minister Yitzhak Rabin was linked to this group.
- FARC** Revolutionary Armed Forces of Colombia formed in 1964: a Marxist group that wages guerrilla war and terrorism, specialising in kidnapping for ransom and providing armed protection for narcotics traffickers.
- FCO** Fighting Communist Organisation, a term used to describe any of the 'Red Army' terrorist groups that emerged in the late 1960s and early 1970s.
- FLNC** Front de Libération Nationale de la Corse (Corsican National Liberation Front): the group emerged in 1976 and has conducted a campaign of terrorism against French authorities with the aim of securing autonomy for Corsica.
- FLQ** Front de Libération du Québec (Quebec Liberation Front): the group waged a terrorist campaign in the 1960s and early 1970s against the Canadian authorities with the aim of securing the separation of Quebec from the rest of Canada.
- GAL** Grupos Antiterroristas de Liberacion (Anti-terrorist Liberation Group): a Spanish death squad responsible for the murder of ETA activists in France during the 1980s. The group received covert support from high levels in the Spanish government and security forces.
- GIA** Armed Islamic Group: an extreme Algerian Islamist group that since the early 1990s has waged a ruthless campaign of terrorism with the aim

- of overthrowing the secular Algerian regime and replacing it with an Islamic state.
- GSPC** Salafist Group for Call and Combat: Al Qaeda major affiliate and support group.
- Hamas** Islamic Resistance Movement: a Palestinian Islamic fundamentalist group, formed in 1987, aiming to establish an Islamic Palestinian state; won Palestinian elections, 2006.
- Harakat-ul-Mujahedin** Al Qaeda major affiliate and support group.
- Herri Batasuna** The political wing of ETA.
- Hezbollah** The Party of God: a Shi'a Islamist fundamentalist movement backed by Iran and established in the early 1980s. It aims to create an Islamic Lebanese republic.
- Hizb-e-Islam/Gulbuddin** Al Qaeda major affiliate and support group.
- HUA** Harakut ul-Ansar: an Islamist fundamentalist group, formed in 1993, aimed at securing the transfer of jurisdiction over the whole of Kashmir to Pakistan. It has now been renamed Harakat ul-Mujaheddin.
- INLA** Irish National Liberation Army: a small Marxist group aimed at expelling British presence from Northern Ireland.
- IRA** Irish Republican Army, *see* Provisional IRA.
- Islamic Army of Yemen** Al Qaeda major affiliate and support group.
- Islamic Group** Egyptian Islamic group: Al Qaeda major affiliate and support group.
- Islamic Jihad** The name adopted by Hezbollah when claiming some of their terrorist operations in Lebanon in the 1980s.
- Jaish-e-Mohammad** Al Qaeda major affiliate and support group.
- Japanese Red Army** *See* JRA.
- Jemaah Islamiyah (Islamic Group)** Al Qaeda major affiliate and support group.
- JRA** Japanese Red Army: an extreme left group formed in the early 1970s with the aim of overthrowing the Japanese government and monarchy and promoting world revolution.
- Kach** An extreme right-wing Jewish group, founded by Rabbi Meir Kahane, aimed at restoring the biblical state of Israel.
- KLA** Kosovo Liberation Army: a militant organisation of Kosovo Albanians aiming at wresting control of Kosovo from the Serbs.
- KMT** Kuomintang: Chinese Nationalist Party.
- Lashkar-e-Jhangvi** Al Qaeda major affiliate and support group.
- Lashkar-e-Tayyiba** Al Qaeda major affiliate and support group.
- Libyan Islamic Fighting Group** Al Qaeda major affiliate and support group.
- LTTE** *see* Tamil Tigers.
- M19** Movimiento 19 Abril (April 19 Movement): an extreme left Colombian group, formed in 1974. In 1981, it split into two factions, one supporting a non-violent political strategy, the other (CNB) committed to continuing the 'armed struggle'.

- Mafia** Sicilian secret society that developed into a major international crime organisation.
- Mlada Bosna** Young Bosnia: an extreme Bosnia Serb group formed before the First World War.
- Moroccan Islamic Combatant Group** Al Qaeda major affiliate and support group.
- MRTA** Tupac Amaru Revolutionary Movement: a Marxist group formed in 1983 and aimed at establishing a Marxist regime in Peru. It takes its name from Tupac Amaru (*see* Tupamaros).
- Mujaheddin Brigades** An extreme Palestinian group operating in Gaza.
- New People's Army** The armed wing of the Philippines Communist Party, founded in 1969.
- November 17** Greek extreme left group: formed in 1975, taking its name from 17 November 1973 student uprising against the Colonel's regime.
- PFLP** Popular Front for the Liberation of Palestine; formed in 1967 and led by George Habash; it is opposed to the Israeli–Palestinian peace process.
- PIJ** The Palestinian Islamic Jihad: formed in the 1970s by Palestinians in Gaza, it is bitterly opposed to the Israeli–Palestinian peace process and aims to set up an Islamic–Palestinian state and to remove the state of Israel.
- PKK** Kurdistan Workers' Party: formed in 1974, it seeks to create an autonomous Kurdish homeland in south-eastern Turkey.
- PLO** Palestinian Liberation Organisation: formed in 1964, it became recognised by Arab states as 'the sole legitimate representative of the Palestinian people'. In September 1993, the PLO leader, Yasser Arafat, and the Israeli Prime Minister, Yitzhak Rabin, agreed to the Declaration of Principles and set in train the Israeli–Palestinian peace process.
- Provisional IRA** Provisional Irish Republican Army: formed in 1969, it became the dominant Republican organisation and the most lethal group in Western Europe. It declared a ceasefire in 1997, and in 1998 Sinn Fein, its political wing, signed the Good Friday Agreement aimed at establishing a power-sharing government in Northern Ireland.
- RAF** Red Army Faction (Rote Armee Fraktion), also commonly known as the Baader-Meinhof Group: formed in the late 1960s, this group became one of the leading fighting communist organisations in Europe. It lost its momentum following the suicides of its key leaders in gaol, and eventually disbanded in March 1998.
- Real IRA** A militant Irish Republican group that decided to wage violence to oppose the Good Friday Agreement: it carried out the Omagh bombing in 1998, causing the death of 29 people, the worst atrocity in the history of the 'Troubles' in Northern Ireland.
- Red Brigades** Brigate Rosse: formed in 1969, it became the major Italian left-wing group waging terrorism, aiming at overthrowing the Italian government and replacing it with a revolutionary communist system. The group was defeated in the early 1980s by police and judicial measures and through its own internal divisions and deterioration.

- Secret Organisation of Al Qaeda in Europe** Al Qaeda major affiliate and support group.
- Shining Path** Sendero Luminoso: a Maoist group formed in the late 1960s, it has waged a particularly ruthless and lethal terrorist campaign aimed at overthrowing the Peruvian government, but the capture of its founder, Abimael Guzman, in 1992 severely weakened the organisation.
- Sinn Fein** Political wing of the Provisional IRA, *see* Provisional IRA.
- Socialist Patients' Collective** An extreme left group, formed in the late 1960s: it believed West German society was sick and that only revolutionary action would save it.
- SPLA** Sudanese People's Liberation Army: formed in 1973, it has waged an insurgency against the Arab-speaking northerners who have dominated the country since 1956.
- Tamil Tigers** Liberation Tigers of Tamil Eelam: an extremist Tamil separatist organisation formed in 1972. It has used terrorism and guerrilla and conventional warfare in its conflict with the Sri Lankan security forces that has cost thousands of lives on both sides.
- Tawhid and Jihad Group** Terrorist group linked to Al Qaeda, started by Musab al Zarqawi: it is believed to have been responsible for the beheading of British hostage Ken Bigley.
- TREVI** International Terrorism, Radicalism, Extremism and Violence: an informal grouping of European states promoting closer cooperation on international terrorism, radicalism, extremism and violence, set up in 1976.
- Triads** Chinese secret societies, mainly involved in criminal activity including drug trafficking.
- Tupamaros** Uruguayan left-wing group, formed in 1963: its name derives from Tupac Amaru, a Peruvian Indian leader killed in the eighteenth century.
- UDA** Ulster Defence Association; formed in 1971: it is the largest Loyalist paramilitary organisation in Northern Ireland.
- UFF** Ulster Freedom Fighters: a terrorist arm of the UDA.
- UNITA** Uniao Nacional Para a Independencia Total de Angola (National Union for the Total Independence of Angola): established in 1966, it remained involved in political violence following UN efforts to resolve the Angolan conflict.
- UVF** Ulster Volunteer Force: formed in 1966, this is a Northern Ireland Loyalist group.
- Weathermen** An extreme left group in the US: formed out of Students for a Democratic Society in 1969. It fizzled out in the mid-1970s.

NOTES

1 TERRORISM, INSURGENCY AND ASYMMETRICAL CONFLICT

- 1 Lecture at Aberdeen University, April 1986.
- 2 Brian Michael Jenkins, *Will Terrorists Go Nuclear?*, RAND Paper P-5541 (1975), p. 4.
- 3 World Islamic Front, 'Statement of Jihad against Jews and Crusaders', *Al Quds Al Arabi*, 28 February 1998.
- 4 Alistair Horne, *A Savage War of Peace: Algeria, 1954–1962* (Harmondsworth: Penguin, 1977).
- 5 The International Institute for Strategic Studies, *The Military Balance 1995/96* (London: Oxford University Press, 1995), p. 234.
- 6 *Ibid.*, p. 258.
- 7 Robert Taber, *The War of the Flea* (New York: Citadel, 1965).
- 8 For an excellent historical survey, see Walter Laqueur, *Guerrilla* (London: Weidenfeld & Nicholson, 1977).
- 9 See A. J. Jongman and A. P. Schmid, *Mapping Dimensions of Contemporary Conflict* (Amsterdam and Oxford: North Holland Publishing Co.).
- 10 For a penetrating analysis of this phenomenon see Richard Clutterbuck, *Terrorism and Guerrilla Warfare* (London: Routledge, 1992).
- 11 On this phase in Hezbollah's campaign, see Magnus Ranstorp, *Hizb'allah in Lebanon: The Politics of the Western Hostage Crisis* (New York: St Martins Press, 1997).

2 THE EMERGENCE OF MODERN TERRORISM

- 1 On the implication of liberal democratic theory for the regulation of internal conflict and civil violence, see Paul Wilkinson, *Terrorism and the Liberal State* (Basingstoke: Macmillan, 1986), Part 1.
- 2 On Mussolini's rise to power, see Adrian Lyttelton, *The Seizure of Power: Fascism in Italy – 1919–29* (London: Weidenfeld & Nicolson, 1973).
- 3 On southern Africa, see William Gutteridge and J. E. Spence, *Violence in Southern Africa* (London: Frank Cass, 1997); on the Indian sub-continent, see Paul Wallace, 'Political Violence and Terrorism in India', in M. Crenshaw (ed.), *Terrorism in Context* (University Park PA: Pennsylvania State University Press, 1995); and on the Former Yugoslavia, see Susan Woodward, *Balkan Tragedy: Chaos and Dissolution After the Cold War* (Washington DC: Brookings Institute, 1995) and James Gow, *Triumph of the Luck of Will: International Diplomacy and the Yugoslav War*, (London: Hurst, 1997).

- 4 For example: the bibliography included in Alex P. Schmid, Albert J. Jongman *et al.*, *Political Terrorism*; Edward F. Mickolus with Peter A. Fleming, *Terrorism, 1980–1987: A Selectively Annotated Bibliography* (New York: Greenwood, 1988); and Amos Lokos, *International Terrorism: A Bibliography* (Boulder CO: Westview Press, 1986).
- 5 See Charles Foley and W. I. Scobie, *The Struggle for Cyprus* (Stanford CA: Hoover Institution Press, 1975).
- 6 For useful surveys of these conflicts, see, for example: Patrick Brogan, *World Conflict: Why and Where They are Happening* (London: Bloomsbury, 1992); Gerald Chaliand, *Minority Peoples in the Age of Nation-States* (London: Pluto Press, 1989); and Ted Robert Gurr and Barbara Harff, *Ethnic Conflict in World Politics* (Boulder CO: Westview Press, 1994).
- 7 For a discussion on these ideas and their influence on extreme left-wing terrorist groups see Paul Wilkinson, *Terrorism and the Liberal State* (Basingstoke: Macmillan, 1986), Chapter 3, pp. 71–80.
- 8 See John Amos, *Palestinian Resistance: Organisation of a National Movement* (New York: 1980) for a useful account of the origins of this group and its role in the wider Palestinian Movement.
- 9 *Ibid.*
- 10 On the origins and political backgrounds of this group see Peter Savigear, ‘Separatism and Centralism in Corsica’, *World Today*, September 1980, pp. 351–5.
- 11 Amos, *Palestinian Resistance*.
- 12 *Ibid.*
- 13 Jillian Becker, *Hitler’s Children: The Story of the Baader-Meinhof Gang* (St Albans: Granada, 1978).
- 14 See Galia Golan, *The Soviet Union and the Palestine Liberation Organisation*, (London: Integration Institute for Strategic Studies, 1976).
- 15 Carlos Marighella, trans. John Butt and Rosemary Sheed, *For the Liberation of Brazil* (Harmondsworth: Penguin, 1971).
- 16 See A. Labrousse, *The Tupamaros: Urban Guerrillas in Uruguay* (Harmondsworth: Penguin, 1973) and J. A. Miller. ‘The Tupamaros insurgents of Uruguay’, in B. E. O’Neill, D. J. Albers and S. J. Rossetti (eds), *Political Violence and Insurgency: A Comparative Approach* (Arvada CO: Phoenix, 1974), pp. 199–283.
- 17 See Paul Wilkinson (ed.), *Technology and Terrorism* (London: Frank Cass, 1993) for a series of essays on this theme.
- 18 These vulnerabilities are well explored in, for example, Peter St John, *Air Piracy, Airport Security and International Terrorism* (New York: Quorum Books, 1991) and Rodney Wallis, *Combating Air Terrorism* (Washington DC: Brassey’s, 1993).
- 19 A good discussion of the implications of these trends is in Alex P. Schmid, ‘Terrorism and the Media: The Ethics of Publicity’, *Terrorism and Political Violence*, 1: 4 (October 1994) and in Ronald D. Crelinsten, ‘Television and Terrorism: Implications for Crisis Management and Policy Making’, *Terrorism and Political Violence*, 9: 4 (winter 1997).
- 20 For the historical and political background to this conflict, see: Conor Cruise O’Brien, *States of Ireland* (London: Panther, 1972); Richard Rose, *Governing Without Consensus* (London: Faber, 1971); Charles Townshend, *Political Violence in Ireland: Government and Resistance Since 1848* (Oxford: Oxford University Press, 1984); Patrick Buckland, *A History of Northern Ireland* (Dublin: Gill & Macmillan, 1981); and Robert McKee, *Ireland A History* (London, Weidenfeld & Nicolson, 1987).
- 21 Conor Cruise O’Brien, *States of Ireland* (London: Hutchinson, 1972).

- 22 On the emergence of the Provisionals see Patrick Bishop and Eamonn Mallie, *The Provisional IRA* (London: Heinemann, 1987).
- 23 The best analysis of the Loyalist terror groups is Steve Bruce, *The Red Hand: Protestant Paramilitaries in Northern Ireland* (Oxford: Oxford University Press, 1992).
- 24 Ibid.
- 25 For a collection of hitherto unpublished eye-witness accounts of Bloody Sunday, which threw into doubt the findings of Lord Widgery's official inquiry, see Don Mullan (ed.), *Eyewitness Bloody Sunday: The Truth* (Wolfhound Press, 1997).
- 26 For accounts of the bitter disputes and tensions between Goulding and MacStiofain, see: Patrick Bishop and Eamonn Mallie, *The Provisional IRA* (London: Heinemann, 1987); Ed Maloney, *A Secret History of IRA* (London: Penguin Books, 2002); and Richard English, *Armed Struggle: The History of the IRA* (London, Macmillan, 2003).
- 27 See Bruce, *The Red Hand*, for examples.
- 28 For a brief note on al-Gama'at al-Islamiyya, see Glossary.
- 29 See Magnus Ranstorp, 'Hezbollah's Command Leadership – Its Structure, Decision Making and Relationship with Iranian Clergy and Institutions', *Terrorism and Political Violence*, 6: 3 (autumn 1994), pp. 303–39.
- 30 Indeed, in the early 1970s the Shi'ites of southern Lebanon and the poorest districts of Beirut had already cast aside Sunni and Maronite attempts to lead them. Large numbers of them became won over to Musa Sadr, founder of the Amal Militia, and hence became involved in the Lebanese civil war, often in alliance with the Palestinians and in opposition to the Lebanese government. Musa Sadr disappeared in 1978 and is widely presumed to have been murdered on the order of Colonel Gaddafi. See also Robert Fisk, *Pity the Nation: Lebanon at War*, 2nd edition (Oxford: Oxford University Press, 1992).
- 31 For a detailed analysis of the Iranian-Contra arms-for-hostages affair and its impact on US domestic politics see Theodore Draper, *A Very Thin Line: The Iran Contra Affair* (New York: Simon & Schuster, 1991).
- 32 See Harvey W. Kushner, 'Suicide Bombers: Business As Usual', *Studies In Conflict and Terrorism* 19: 4 (October–December 1996), and for a fuller scholarly debate, see *Terrorism and Political Violence*, 15: 3 (autumn 2003), articles by Ivan Strenski, Richard D. Hecht and Richard C. Martin.
- 33 See Bruce Hoffman, *Inside Terrorism* (London: Victor Gollancz, 1998).
- 34 On terrorist fund-raising generally, see James Adams, *The Financing of Terror* (New York: Simon & Schuster, 1986) and Loretta Napoleoni, *Terror Inc: Tracing the Money Behind Global Terrorism* (London: Penguin Books, 2004).
- 35 See the report by Tunku Varadarajan, 'ETA kills Businessman Who Resisted Extortion', *The Times*, 27 July 1996.
- 36 Children have also been targeted. In a paper to the British Psychological Society, 27 March 1998, Andrew Silke, a psychologist, stressed that children and adolescents were often the receivers of republican and loyalist punishment attacks. In a study of 477 punishment attacks that occurred over a 20-month period he found that 119 attacks were directed against children or adolescents. A further 68 attacks involved child or adolescent witnesses. These factors should be more widely known.
- 37 See comments by the head of Italy's parliamentary anti-Mafia commission after the Iffizi Gallery bomb, *Daily Telegraph*, 29 May 1993, and report 'Bombers Paid £111.00 for Bombay Attacks', *The Scotsman*, 19 May 1992.
- 38 See *The Guardian*, 25 May 1992, and commentary by Ed Vullany, 'The Man Who Got Too Close', *The Guardian*, 26 May 1992. See report 'Mafia Arsenal Seized by Police in Sicily Raid', *The Times*, 23 July 1997.

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- 39 See report, 'Mafia Blows up Judge', *The Guardian*, 20 July 1992.
- 40 See report, 'Mafia Arsenal Seized by Police in Sicily Raid', *The Times*, 23 July 1997.
- 41 This worrying trend is emphasised by Richard Owen, 'Fugitive Godfather leading Mafia Revival', *The Times*, 20 October 1997.
- 42 St Andrews University Seminar discussion with Professor Roy Godson of Georgetown University, Washington DC.
- 43 *The Economist*, 16–22 August 1997, p. 13.
- 44 Hoffman, *Inside Terrorism*.

3 ORIGINS AND KEY CHARACTERISTICS OF AL QAEDA

- 1 For accounts of the origins of Al Qaeda see: Rohan Gunaratna, *Inside Al Qaeda: Global Network of Terror* (revised edn) (London: Hurst, 2002); Jane Corbin, *The Base: In Search of Al Qaeda* (London and New York: Simon and Schuster 2002); and Fawaz A. Gerges, *The Far Enemy: Why Jihad Went Global* (Cambridge: Cambridge University Press, 2005).
- 2 See Mariam Abou Zahab and Olivier Roy, *Islamist Network: The Afghan-Pakistan Connection* (London: Hurst & Co., 2004).
- 3 Lawrence Wright, 'The Man Behind Bin Laden: How an Egyptian Doctor Became a Master of Terror', *The New Yorker*, 24 September 2002, gives a useful account.
- 4 On Al Qaeda ideology, see Gunaratna, *Inside Al Qaeda*.
- 5 See Ayman Zawahiri, 'Knights Under the Prophets Banner', 3 December 2001, English translation in Walter Laqueur (ed.), *Voices of Terror* (New York: Reed Publishers, 2004).
- 6 Olivier Roy, *Globalised Islam* (London: Hurst & Co., 2004); and Fawaz A. Gerges, *The Far Enemy: Why Jihad Went Global* (Cambridge: Cambridge University Press, 2005).
- 7 For a translation of this notorious 'fatwa', see Laqueur, *Voices of Terror*.
- 8 Brian Michael Jenkins, *Will Terrorists Go Nuclear?*, RAND Paper P-5541 (1975), p. 4.
- 9 See National Commission on Terrorist Attacks upon the United States *The 9/11 Commission Report* (New York: W. W. Norton, 2004).
- 10 For a masterly analysis of the dynamics of this relationship and the setbacks the Al Qaeda network has experienced, as well as their remaining assets, see Fawaz A. Gerges, *The Far Enemy*, pp. 185–276.
- 11 Report of the House of Commons Foreign Affairs Committee, 10th Report of Session, 3 June 2003, London: The Stationery Office, 2003.
- 12 See report on JTAC assessment, *New York Times*, June 2005.
- 13 See R. Gunaratna, *Inside Al Qaeda*.
- 14 For a penetrating and original analysis of the internal politics of the global Al Qaeda network, identifying some of the key ideological disputes and energy splits, see Fawaz A. Gerges, *The Far Enemy: Why Jihad Went Global* (New York: Cambridge University Press, 2005).

4 POLITICS, DIPLOMACY AND PEACE PROCESSES

- 1 For useful annual surveys of major tension and conflicts, see *Strategic Survey*, produced by the International Institute for Strategic Studies and published by Oxford University Press. On the linkage between recent and current patterns of

- conflict and terrorism, see Richard Clutterbuck, *Terrorism in an Unstable World* (London: Routledge, 1994) and Paul Wilkinson, 'International Terrorism: New Risks to World Order', in John Baylis and N. J. Rengger (eds), *Dilemmas of World Politics* (Oxford: Clarendon Press, 1992), pp. 228–60.
- 2 Among the many instances, some of the most dramatic failures of terrorism came in the 1970s. For example, in Uruguay the Tupamaros campaign led to the establishment of an emergency government and the suppression of the insurgent movement within Uruguay; in West Germany the success of the government of Chancellor Schmidt in facing down the Red Army Faction demands and defeating the gang that hijacked a Lufthansa jet to Mogadishu triggered the suicide of the RAF's leaders and the beginning of their demise as an effective force; and in Italy the Red Brigades' kidnap and brutal murder of Aldo Moro signalled the beginning of the end for Red Brigades' terrorism.
 - 3 A notable dissenter from this hard-line policy has been Japan, which was prepared to make major concessions to terrorist demands by the Japanese Red Army in the 1970s and 1980s. However, the policy of the Japanese government appears to have undergone something of a sea change in the light of the Aum nerve gas attack on the Tokyo subway system and seizure of hostages by the MRTA (Tupac Amaru Revolutionary Movement) at the Japanese ambassador's residence in Lima in 1996.
 - 4 This is an underlying assumption of the contributors to a number of major academic symposia on democratic responses to terrorism, for example: Juliet Lodge (ed.), *The Threat of Terrorism* (Brighton: Wheatsheaf, 1988); David A. Charters (ed.), *Democratic Responses to International Terrorism* (New York: Transnational Publishers, 1990); and Alex P. Schmid and Ronald D. Crelinsten (eds), *Western Responses to Terrorism* (London: Frank Cass 1993). However, there is a real need for an up-to-date and in-depth social scientific study focused exclusively on the relationship between public opinion and terrorism in democratic societies.
 - 5 Feliks Gross, 'Political Violence and Terror in Nineteenth and Twentieth Century Russian and Eastern Europe', in James F. Kirkham, Sheldon G. Levy and William J. Crotty (eds), *A Report to the National Commission on Causes and Prevention of Violence*, Vol. 8 (Washington DC: US Government Printing Office, 1969), pp. 421–76.
 - 6 See, for example, Langston Hughes, *Fight for Freedom: The Story of the NAACP* (New York: Berkley Medallion Books, 1962).
 - 7 For valuable analyses of these factors, see: Michael E. Brown, 'The Causes and Regional Dimensions of Internal Conflict', in Michael E. Brown (ed.), *The International Dimensions of Internal Conflict* (Cambridge MA: MIT Press, 1996); Pauline H. Baker and John A. Ausink, 'State Collapse and Ethnic Violence: Toward a Predictive C Model', *Parameters*, 26:1 (spring 1996), pp. 19–31; and Carnegie Commission on Preventing Deadly Conflict Final Report, *Preventing Deadly Conflict* (New York: Carnegie Corporation, December 1997), Chapter 2.
 - 8 See: Alan Bullock, *Hitler: A Study in Tyranny* (London: Odhams, 1952); W. S. Allen, *The Nazi Seizure of Power* (London: Quadrangle, 1965); and J. P. Stern, *Hitler: The Führer and the People* (London: Collins/Fontana, 1975).
 - 9 For a thoughtful and balanced English language account, see D. W. Brackett, *Holy Terror: Armageddon in Tokyo* (New York: Weatherhill, 1996).
 - 10 For an overview of current trends, see Jeffrey Kaplan, 'Right-Wing Violence in North America', in Tore Bjorgo (ed.) *Terror from the Extreme Right* (London: Frank Cass, 1995), pp. 44–95.

- 11 See 'Massacre by the Nile', *Daily Telegraph*, 19 November 1997.
- 12 This point is made powerfully in the Carnegie Commission Report, *Preventing Deadly Conflict*.
- 13 On the possibilities of a strengthened UN in the wake of the cold war, see Boutros Boutros-Ghali, *An Agenda for Peace: Preventative Diplomacy: Peace-making and Peacekeeping* (New York: United Nations, 1992) and Erskine Childers and Brian Urquhart, *Towards a More Effective United Nations* (New York: Dag Hammarskjöld Foundation, 1991); and on peacekeeping potentialities specifically, see Paul F. Diehl, *International Peacekeeping* (Baltimore MD: Johns Hopkins University Press, 1993) and Thomas C. Weiss, 'New Challenges for UN Military Operations: Implementing an Agenda for Peace', *Washington Quarterly* (winter 1993).
- 14 See, for example, Trevor Findlay, *Cambodia: The Legacy and Lessons of UNTAC* (New York: Oxford University Press, SIPRI Research Report No. 9, 1995) and United Nations, *The Blue Helmets: A Review of UN Peacekeeping* (New York: UN Department of Public Information, 1996).
- 15 See Allister Sparks, *Tomorrow is Another Country: The Inside Story of South Africa's Road to Change* (New York: Hill & Wang, 1995).
- 16 See General Assembly/Security Council, *Supplement to An Agenda for Peace*, General Assembly/Security Council A15/60S/I 995/1, 3 (January 1995).
- 17 Alex P. Schmid and Albert Jongman, 'Violent Conflicts and Human Rights Violations in the Mid 1990s', *Terrorism and Political Violence*, 9: 4 (winter 1997), pp. 166–92.
- 18 But for analyses of some of the huge problems involved in implementing the peace process, see Anthony H. Cordesman, *Perilous Prospect: the Peace Process and the Arab-Israeli Balance* (Boulder CO: Westview Press, 1996) and Joseph Alpher, *The Netanyahu Government and the Israeli Peace Process* (London: Institute for Jewish Policy Research, JPR policy paper No. 4, January 1997).
- 19 For the key role of Palestinian terrorism, see: Walter Laqueur, *The Age of Terrorism* (Boston MA: Little Brown, 1987); Barry Rubin, *Revolution until Victory? The Politics and History of the PLO* (Cambridge MA: Harvard University Press, 1994); and Bruce Hoffman, *Inside Terrorism* (London, Gollancz 1998), Chapter 3, 'The Internationalisation of Terrorism'.
- 20 See Barton Gellman and Laura Blumenfeld, 'The Religious Obsessions that Drove Rabin's Killer', *International Herald Tribune*, 13 November 1995.
- 21 This position was later implicitly retracted. However, Mr Binyamin Netanyahu continued, from summer 1997 to May 1998, taking a hard line on the issue of further Israeli withdrawals from the West Bank and the continuation of settlement building at Har Homa.
- 22 On the origins of the ceasefires, see Brian Rowan, *Behind the Lines: The Story of the IRA and Loyalist Ceasefires* (Belfast: Blackstaff Press, 1995).
- 23 The IRA retracted its refusal to accept decommissioning of weapons in a statement published in the *Republican News*, 30 April 1998.
- 24 On Sunningdale, see Patrick Buckland, *A History of Northern Ireland* (Dublin: Gill & Macmillan, 1981) and Paul Arthur, *Government and Politics of Northern Ireland* (Harlow: Longman, 1984).
- 25 See http://news.bbc.co.uk/1/hi/world/south_asia/4581914.stm. Published 2006/-1/12 17:44:43 GMT.
- 26 It is worth noting that the June 1999 agreement between the Kosovo Liberation Army (KLA) and NATO committed the KLA to disarming as part of a general process of demilitarisation. Under the agreement the KLA undertook to place its weapons in storage depots. The total time allocated for the disarmament process was 90 days. It was immediately apparent that some KLA units resented

these terms and that there were some factions determined to defy the KLA's political leadership.

5 LAW ENFORCEMENT, CRIMINAL JUSTICE AND THE LIBERAL STATE

- 1 For a useful symposium on Western responses to terrorism, including successful cases, see Alex P. Schmid and Ronald D. Crelinsten (eds), *Western Responses to Terrorism* (London: Frank Cass, 1993).
- 2 See Richard Drake, *The Aldo Moro Murder Case* (Cambridge MA: Harvard University Press, 1995) and Alison Jamieson, *The Heart Attacked: Terrorism and Conflict in the Italian State* (London: Marion Byers, 1989).
- 3 See Jamieson, *The Heart Attacked*.
- 4 The most perceptive survey of the West German experience in English recently is Peter Merkl, 'West German Left-wing Terrorism', in Martha Crenshaw (ed.), *Terrorism in Context* (University Park PA: Pennsylvania State University Press, 1995), pp. 160–210.
- 5 The statistics are derived from the RUC Chief Constable's annual reports.
- 6 The main Republican splinter groups, both of which appear to have access to expertise from defectors from the IRA and considerable supplies of explosives and weapons, are Continuity IRA and the 32 County Sovereignty Committee formed by Bernadette Sands-McKevitt, the sister of IRA hunger-striker Bobby Sands.
- 7 On Aum Shinrikyo, see D. W. Brackett, *Holy Terror: Armageddon in Tokyo* (New York: Weatherhill, 1996) and a useful assessment in James Campbell, *Weapons of Mass Destruction Terrorism* (Seminole FL: Interpact Press, 1997).
- 8 A notable example of this approach is the collection of articles edited by Binyamin Netanyahu, *Terrorism: How the West Can Win* (New York: Avon, 1986).
- 9 See Benjamin S. Lambeth, 'Russia's Air War in Chechnya', *Studies in Conflict and Terrorism*, 19: 4 (October–December 1996), pp. 365–84.
- 10 Assuming that the indictment issued against the Libyan convicted for his role in the Lockerbie bombing is backed up with solid proof, the destruction of Pan Am flight 103 could have been motivated by the desire to avenge the 1986 US raid on Libya. It has also been widely assumed that Libya's decision to send major consignments of weapons to the IRA was also an act of revenge for British assistance to the US raid on Libya. (Britain allowed the use of air bases to launch the attack.)
- 11 See Robert Fisk, *Pity the Nation: Lebanon at War*, 2nd edition (Oxford: Oxford University Press, 1992).
- 12 Moreover, in the light of nuclear tests by both India and Pakistan in June 1998 and the border war along the Line of Control in summer 1999, we must recognise the real danger that an escalation of conflict between India and Pakistan could well lead to the unleashing of missiles with nuclear warheads. In the sub-continent terrorism could potentially trigger a nuclear war.
- 13 Christopher Andrew, *For the President's Eyes Only: Secret Intelligence and the American Revolutionary Violence* (London: HarperCollins, 1995).
- 14 See report of the trial in *Daily Telegraph* (London), 3 July 1997, Issue 769.
- 15 *Ibid.*
- 16 There is a useful collection of these international legal measures and agreements in Robert Friedlander (ed.), *Terrorism: Documents of International and Local Control*, Vols I–IV (Dobbs Ferry NY: Oceana Publications, 1979–84).

NOTES

- 17 Under the Maastricht Treaty (1992) setting out the terms for the EU, it was agreed that matters of law and order should be subjects of intergovernmental cooperation (The Third Pillar). K4 is the intergovernmental committee dealing with this aspect of cooperation.
- 18 See the valuable testimony of my colleague Professor Didier Bigo of the Institute of Political Science, Paris, at the hearing of the European Parliament Committee on Civil Liberties and International Affairs on 21 February 1996. See Doc EN/CM.305/3005696, where we both addressed the members of the European Community's response to terrorism.
- 19 See Friedlander, *Terrorism*, Vol. II, pp. 565–70.
- 20 Ibid.
- 21 Ibid.

6 THE ROLE OF THE MILITARY IN COMBATING TERRORISM

- 1 For an authoritative account see Michael Dewar, *The British Army in Northern Ireland* (London: Guild, 1985).
- 2 C. Kennedy-Pipe and C. McInnes, 'The British Army in Northern Ireland, 1969–72: From Policing to Counter-Terror', *Journal of Strategic Studies*, 20: 2 (June 1997), pp. 1–24.
- 3 See Don Mullan, *Eyewitness Bloody Sunday: The Truth* (Dublin: Wolfhound Press, 1997).
- 4 See Derrick Patrick, *Fetch Felix: The Fight Against the Ulster Bombers, 1976–77* (London: Hamish Hamilton, 1981).
- 5 For valuable estimates of casualty figures in Iraq, see Iraq Body Count website: www.iraqbodycount.org.
- 6 Nigel Aylwin-Foster, 'Changing the Army for Counterinsurgency Operations', *Military Review*, November to December 2005. See <http://usacac.leavenworth.army.mil/CAC/milreview/English/NovDec05/index.asp>.
- 7 Hala Jaber, 'Terror Reborn in Fallujah Ruins', *Sunday Times*, 18 December 2005, p. 24.

7 HOSTAGE-TAKING, SIEGES AND PROBLEMS OF RESPONSE

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- 4 On the Munich Olympics massacre, see Schmid and de Graaf, *Violence as Communication*, pp. 30f.
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- 12 In this connection the author has observed in a recent article in Martin Warner and Roger Crisp (eds), *Terrorism Protest and Power* (London: Elgar, 1990), p. 52: 'Terrorists are fond of using romantic euphemisms; they claim to be revolutionary heroes yet they commit cowardly acts, and lack the heroic qualities of humanity and magnanimity. They profess to be revolutionary soldiers yet they attack only by stealth, murder and maim the innocent and disdain all conventions of war. They claim to bring liberation when in reality they generally seek power for themselves.'
- 13 On terrorists' manufacture of media events, see the useful discussion in Schmid and de Graaf, *Violence as Communication*, pp. 9–56.
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10 INTERNATIONAL COOPERATION AGAINST TERRORISM

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- 6 For the definitive analysis see Joseph J. Lambert, *Terrorism and Hostages in International Law* (Cambridge: Grotius Publications, 1990), and see Appendix 1 for the text of the International Convention Against the Taking of Hostages, 1979.
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- 8 *Ibid.*, vol II, pp. 565–70.
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- 10 For a fuller discussion of the role of this form of cooperation see G. Davidson Smith, *Combating Terrorism* (London: Routledge, 1990). See also Richard Clutterbuck, *Terrorism, Drugs and Crime in Europe After 1992* (London: Routledge, 1990).
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- 15 See www.europa.eu.int/rapid.pressReleaseAction.do?reference=IP/05/969&fo;http://euobserver.com/?sid=9&aid=19610.
- 16 Interview with Mr Gijs de Vries conducted by the author in January 2005.
- 17 The full text of Mr Javier Solana’s remarks can be accessed at <http://ue.eu.int/ueDocs/cms-Data/docs/pressdata/EN/declarations/80852.pdf>.

11 THE FUTURE OF TERRORISM

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- 3 See: David E. Kaplan and Andrew Marshall, *The Cult at the End of the World* (New York: Crown Publishers, 1996); and James K. Campbell, ‘Weapons of Mass Destruction and Terrorism: Proliferation by Non-State Actors’, unpublished Masters thesis for the Naval Postgraduate School, Monterey, California 1996.
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- 5 See Thomas B. Hunter, ‘The Proliferation of Man portable SAMs’, *Counter Terrorism and Security Report*, 6: 2 (July/August 1997), pp. 2–5.

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- 8 See: 'BBC Summary of World Broadcasts, Section: Part 2 Central Europe: the Balkans Former Yugoslavia: Bosnia Herzegovina', BBC, 17 July 1997; Tom Walker, 'British Base is Attacked as Bosnia Serbs Vow Revenge', *The Times*, 18 July 1997; and Julius Strauss, 'Serb Attack on British Base: Explosives Lobbed into Vehicle Park', *Daily Telegraph*, 18 July 1997.
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12 CONCLUSION

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