

The Nexus of Terrorism & WMDs: Developing a Consensus
How could a Leaders' Level G20 make a difference?

December 12-14, 2004
Princeton University

BRIEFING NOTE

Paul Wilkinson – Professor of International Relations and Chairman of the Advisory Board of the Centre for the Study of Terrorism and Political Violence (CSTPV)

ISSUE:

What an LG20 could do to address the issue of -- Armies, agents or diplomats: what works?

BACKGROUND/CONSIDERATIONS:

Anti Terrorism Measures

Some Ground Rules. It is possible to draw from recent experience of low intensity and counterinsurgency operations certain basic ground rules, which should be followed by liberal democracies taking a tough line against terrorism.

1. The democratically elected government must proclaim a determination to uphold the rule of law and constitutional authority, and must demonstrate this political will in its actions.
2. There must be no resort to general indiscriminate repression. The government must show that's its measures against terrorism are solely directed at quelling the terrorists and their active collaborators and at defending society against terrorists. A slide into general repression would destroy individual liberties and political democracy and may indeed bring about a ruthless dictatorship even more implacable than the terrorism the repression was supposed to destroy. Moreover, repressive over-reaction plays into the hands of terrorists by giving credence to the revolutionaries' claim that liberal democracy is a sham or a chimera, and it enables them to pose as defenders of the people.

3. The government must be seen to be doing all in its power to defend the life and limb of citizens. This is a vital prerequisite for public confidence and cooperation. If it is lacking, private armies and vigilante groups will tend to proliferate and will exacerbate civil violence.
4. There must be a clear-cut and consistent policy of refusing to make any concessions to terrorist blackmail. If the terrorist weapon can be shown to pay off against a particular government, then that government and its political moderates will find their power and authority undermined. There is abundant evidence that weakness and concession provoke a rapid emulation of terrorism by other groups and a dramatic escalation in the price of blackmail demands
5. All aspects of the antiterrorist policy and its operations should be under the overall control of the civil authorities and, hence, democratically accountable.
6. 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. The maximum should be six months subject to the legislature's right to revoke or renew the Special Powers should circumstances require. Emergency measures should be clearly and simply drafted, published as widely as possible and administered impartially.
7. Sudden vacillations in security policy should be avoided; they tend to undermine public confidence and encourage terrorists to exploit rifts in the government and its security forces.
8. Loyal community leaders, official and personnel at all levels of government and security forces should be accorded full backing by the civil authorities.

9. No deals should be made with terrorist organisations behind the backs of elected politicians.
10. The government should not engage in dialogue and negotiation with groups which are actively engaged in promoting, committing or supporting terrorism. To do so only lends the terrorists publicity, status and, worst of all, a spurious respectability
11. Terrorist propaganda and defamation should be countered by full and clear official statements of the government's objectives, policies and problems.
12. The government and security forces must conduce all antiterrorist operation 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.
13. Terrorists imprisoned for crimes committed for professedly political motives should be treated in the same manner as ordinary criminals. Concession of special status and other privileges tend to erode respect of the impartiality of the law, arouse false hopes of an amnesty and impose extra strains on the penal system.
14. It is a vital principle that liberal democratic governments should not allow their concern with countering terrorism, even in a serious emergency, to deflect from their responsibility for the social and economic welfare of the community. Liberal democratic governments must, by definition, be grounded in the broad consent of the governed. There are inherently reformist and ameliorative; it is their citizens' natural and legitimate expectation that their representatives and ministers will respond constructively to the expressed needs and grievances of the people. The business of attending to the public welfare must go on. It is of course true that this one of the greater inner strengths of liberal democracy and, incidentally, one reason why its citizens constitute such a hostile "sea" for the terrorist to swim in.

It would be the height of folly for a liberal democracy faced with a terrorist emergency to halt its work of amelioration and reform. On the contrary, everything possible should be done to prevent the serious disruption and paralysis of social and economic life so ardently sought by the terrorists. Yet, the liberal democratic government should not, on any account, concede a reform or change of policy under terrorist duress. Such grave acts of weakness would only breed contempt for the normal political process and for the law.

I must emphasise that the above general principles are not meant to be comprehensive. Much qualification and elaboration will be needed to relate these ground rules to the actual problems of conducting anti terrorist operations. Nevertheless, I do believe that these broad principles embody some of the major lessons that have been learned from antiterrorist campaigns of the past. It is now necessary to survey the strategy, tactics, measures, and resources of antiterrorist operations and to identify some of the more valuable forms of international response.

If you could stop the flow of recruits into the terrorist organisations, you could prevent much of the violence and damage done to society later on and you would have saved many young people. One might save many young people from the fate of becoming pawns of a terrorist organisation, from becoming exploited by them. For indeed many are exploited. Many do not really want to stay in the movement. Some of them are trying to get out. It is hard for them because once the terrorists have got you, they use terror to keep you and threat against your family or against your own life is enough to keep the average man or woman in the organisation.

So therefore, it is important for us to try and do two things:

1. Locate those centres of recruitment and cut off the flow of recruits before the damage is done; and
2. Find ways of helping terrorists to leave their movements, and to become rehabilitated as constructive members of society.

Of course, political will and propaganda cannot win the whole war against terrorism on their own. Battles on the military, security and political fronts all need to be won. But there are two

key lessons I think we can draw. You cannot win against terror by military methods alone, except perhaps in a totalitarian state that none of us would want to live in. And you cannot win *solely* by better propaganda. Charles Roetter, in *Psychological Warfare*, wrote, “Propaganda is no substitute for victory. It cannot unmake defeats. It can help prepare the way for the former and speed it’s coming: and it can mitigate the impact of the latter. It cannot act in isolation. To be effective, it must be closely related to events”.

That is rather a wise comment and it does apply very much to the terrorist situation. The gravest danger of all, in situation of severe and protracted challenge by terrorists, is that the moral integrity, will, and loyalty of a democracy may become eroded under the impact of general cynicism, the blind pursuit of self-interest by powerful groups.

EU Counter Terrorism Measures since 9/11

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 was supposedly to come into force from January 2004, has been somewhat undermined by the reluctance or unwillingness of some key member states to ratify it, and by the continuing desire of certain members states to maintain total national political control on these matters. At time of writing the following member states had still failed to enact the European Arrest Warrant: Italy, Germany, Greece, Czech Republic and Malta.

As in the past, however, the pressure of events has conspired to push the EU into great counter-terrorism activity. The most recent catalyst was the Madrid bombing on 11th 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 European Union and of Member States to deal with the consequences of terrorist attack.
- To address the factors which 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 an EU Declaration on Combating Terrorism, a powerful statement of solidarity against terrorism in the wake of the Madrid bombings. The European Council stated 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 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, 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 Members States. The reality is that national governments are unwilling to allow other governments’ intelligence services and police anything more than a 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 only provide sanitized 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 June 8th proposal by Javier Solana, EU High Representative for the 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 June 8th, 2004, Javier Solana reported that the Heads of the Security Services of the Member States have given their support to the proposal and that he hoped to reach "a final consensus on the proposal in the next European Council". Mr 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 Member States since early 2002".

Mr 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 the European Police Office (EUROPOL) to reactivate their Counter-Terrorist Task Force and efforts to improve the flow of criminal intelligence to EUROPOL.

Mr 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 implemented will simply complement "existing bilateral arrangements".

However, there is an overwhelming counter-terrorism case which Mr Solana does not deploy but which 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 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 which the EU has already initiated or is proposing to initiate which I believe to be urgent priorities in the fight against international terrorism and which 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.

Mobilising the Public. Yet there are many other valuable lines of defence open to liberal democracies before the Army is put to the ultimate test of preserving the state. The ordinary, loyal and decent citizens are themselves a priceless asset in combating terrorism if only they can be mobilised to help the government and security forces. One way of doing this is to enrol large numbers of able-bodied men into the police reserves. One is aware that the auxiliaries are treated with some disdain by the professionals, and that there is considerable resistance in some quarters to extending the police reserve. Nevertheless, when so many of our major city police

forces are below efficient strength a large injection of police reserve manpower could considerably ease the situation.

Another valuable way of mobilizing public assistance against terrorism is through a concerted program of public information and education about how to recognise bombs and terrorist weapons, the procedure to be adopted when a suspicious object is sighted, the kind of information that might be valuable to the police, the speediest method of communication with the antiterrorist squad and so forth. There should also be much more use of television, radio and public advertisement to convey this essential informant. There is a rich fund of experience from Ulster and elsewhere concerning the most effective methods of mobilising the public behind an antiterrorist campaign.

The security authorities should also take care to brief special groups such as property owners in areas under attack and businessmen concerning the particular terrorist hazards that they are most likely to confront, and to give special advice on appropriate countermeasures. It is to be hoped that the police in British cities have already held such consultations with owners of premises and places of entertainment. The police should also make a regular practice of informing regional hospital authorities of the kind of emergency situations that are likely to arise through terrorist attacks. The task of public education and mobilisation is just as vital to the task of saving lives as the formulation of contingency plans for military and police action.

One general aim of such measures should be to make the public far more security conscious. Members of the public must be constantly vigilant for suspicious objects or activities in the environs of buildings, for signs of tampering with vehicles, and for unattended bags and parcels. Gunsmiths and commercial suppliers of chemicals and explosives should, as a matter of routine, check that their customers are bona fide. Any irregular transactions or unaccountable losses should be immediately reported to the police. The eyes and ears of the security forces must be their citizens.

Indeed, without the fullest public cooperation special preventative measures against terrorism are bound to fail. Take, for example, the matter of storage of detonators and explosive substances

for industrial purposes. It would do no earthly good for the government to bring in a new Act to impose severe penalties for failing to keep explosives stores fully secure if the actual workers and managers involved in their industrial use still failed to observe the minimal rules of security. Police are generally called in only where there is an explosives or weapons theft, i.e. when it is probably too late. Truly preventative action against terrorism demands the fullest cooperation of every member of the public.

RECOMMENDATIONS:

1. The most important consideration in arriving at an appropriate response to terrorist violence must be the strengthening of democracy and human rights. It is by these means above all that we can be sure of denying victory to those who have been corrupted by hatred and violence.
2. It is, of course obvious that the judicial control of international response I have advocated is extremely difficult to apply rigorously even in the confines of Western Europe. Special problems arise when lives of Western citizens are threatened by acts of terrorism undertaken with the full connivance and support of fanatical anti-Western regimes. In such circumstances international law certainly permits a state of use-limited force to rescue its endangered citizens. Military force must always be one option, but it must be remembered that such action may well threaten the lives not only of the hostages in the hands of the terrorists, but also the lives of large numbers of other innocent citizens.
3. The chances of a successful Entebbe-style rescue operation must be weighed against the potentially wider dangers of armed intervention, and all possible diplomatic, moral, political and economic pressures must be tried before resort to force.
4. Military action played an invaluable role in toppling the Taliban regime, which had sheltered Al Qaeda. However, it is clear that there is no purely military solution to the challenge of global terrorism. If it is to be effective the response must be genuinely multilateral and multi-pronged.