TURKISH GENERAL STAFF
ANKARA

PROCEEDINGS OF THE SECOND INTERNATIONAL SYMPOSIUM
(ANKARA, 10-11 MARCH 2008)

GLOBAL TERRORISM and INTERNATIONAL COOPERATION

COE-DAT

THE REPUBLIC OF TURKEY
THE TURKISH GENERAL STAFF
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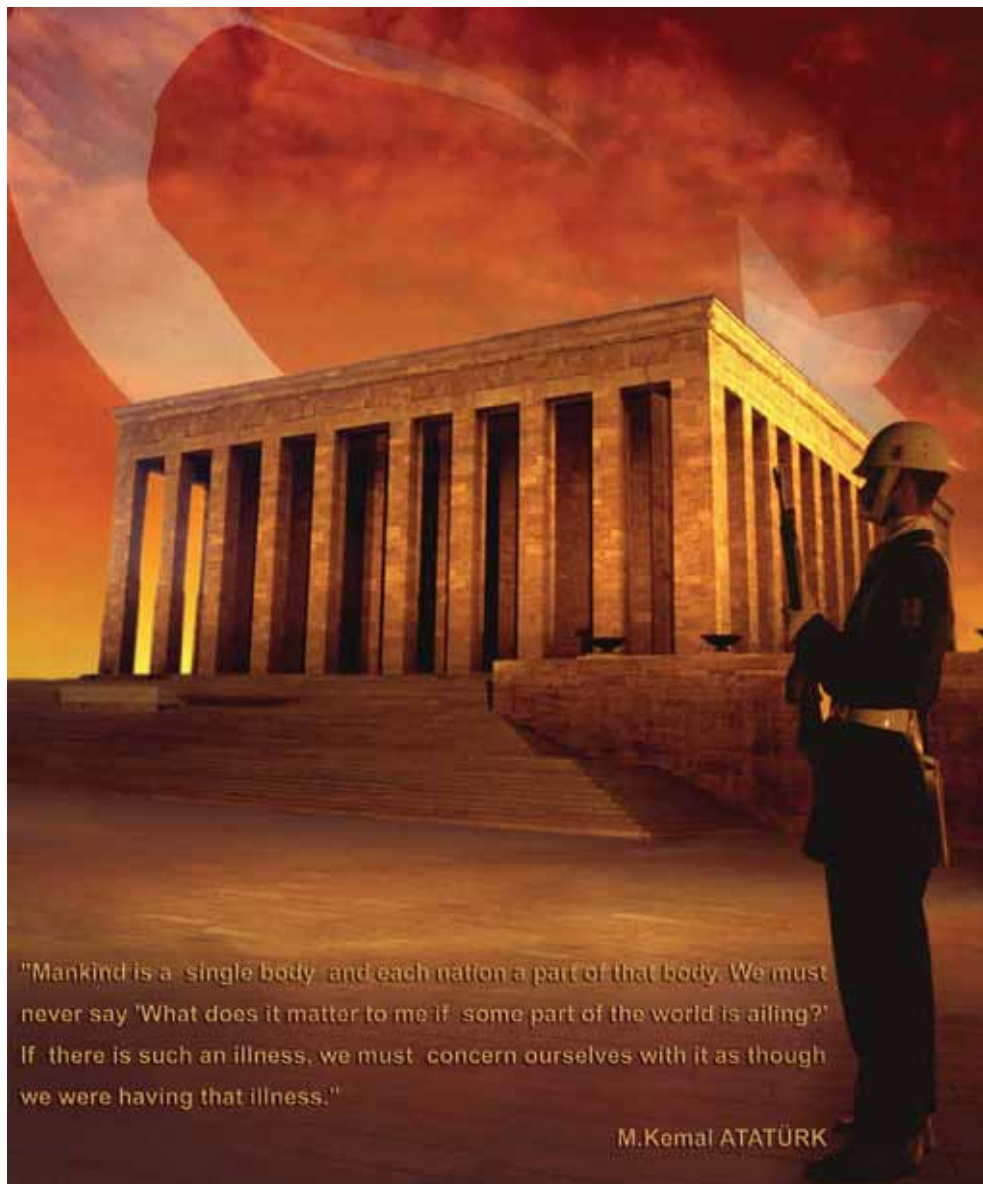Cvl. Enver TOPÇOĞLU
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"Mankind is a single body and each nation a part of that body. We must never say 'What does it matter to me if some part of the world is ailing?' If there is such an illness, we must concern ourselves with it as though we were having that illness."

M.Kemal ATATÜRK

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Preface

"The Global Terrorism and International Cooperation Symposium", which is an activity in the annual program of the Centre of Excellence Defence Against Terrorism, and which is co-hosted by the Turkish Armed Forces, was held on 10-11 March 2008.

The aim of the Symposium, which attracts a very broad range of participants, is to improve international cooperation by providing an environment where various countries can contribute from their experiences.

690 participants from 80 countries were involved in the Symposium, including very high level officials from NATO, Partnership for Peace, Mediterranean Dialogue and other countries.

The Symposium was composed of seven sessions with thirty-four academics, state officials, specialists, session heads and rapporteurs from nine different countries taking part.

The Symposium began with opening remarks by the Commander of the Turkish Armed Forces General Yaşar BÜYÜKANIT, after a short introductory film on COE-DAT. After that, there was a keynote speech given by Dr. Andrew MANGO.

In the first session, headed by Prof. Dr. Ali DOĞRAMACI and (R) Major General Mohammed Kadry SAID, the main topic was "Problems and Prospects in Defence against Terrorism and Existing Concepts and Doctrines". There were five presentations in this session.

The second session was headed by Prof. Dr. Jesus Martin RAMIREZ, and "The Socio-Psychological Dimension of Terrorism" was discussed. There were three presentations in this session.

The topic of the third session is "The Legal Aspects of the International Fight against Terrorism" and this session was headed by Ambassador Daryal BATIBAY. There were two presentations in this session.

The second day of the Symposium started with the fourth session, headed by Ochieng ADALA, and the topic of this session was "The Role of International Organizations in Countering Terrorism". There were three presentations in this session.

The topic of fifth and sixth sessions was "Other Areas of Cooperation in the International Fight against Terrorism". The fifth session was chaired by Prof. Dr. Ali KARAOSMANOĞLU, and the sixth session was chaired by (R) Major General Mihail IONESCU. There were a total of five presentations in these sessions.

After the sixth session, the Symposium results and evaluations related to the sessions were presented by rapporteurs. This was headed by Prof. Dr. Ersin ONULDURAN.

The Symposium ended with closing remarks by Deputy Chief of General Staff General Ergin SAYGUN.

The book, which includes the opening remarks of Commander of the Turkish Armed Forces General Yaşar BÜYÜKANIT, the papers presented at the Symposium, the question and answer sessions, the closing remarks by Deputy Chief of General Staff General Ergin SAYGUN is published as a contribution to global security.

H. Nusret TAŞDELER
Lt. General
Chief of Operations of TGS

OPENING REMARKS BY
THE COMMANDER OF THE TURKISH ARMED FORCES
GENERAL YAŞAR BÜYÜKANIT

Distinguished guests,

Welcome to the Second "Global Terrorism and International Cooperation Symposium". This symposium is organized in a period during which the international efforts against global terrorism have been intensified. This, along with the support provided by our esteemed participants, is the indication of our common determination in the fight against terrorism. I would like to thank you all for your contributions and greet you warmly.

I would like to begin my speech by emphasizing the importance of the "Center of Excellence Defense Against Terrorism". This center, which was founded by its host country, Turkey, supports NATO's efforts in concept and doctrine development for combating terrorism. It also provides NATO and the other countries with operative and strategic level training on defense against terrorism. With the support and involvement of the USA, Germany, Bulgaria, Britain, the Netherlands and Romania, the center conducts workshops, courses, seminars and symposiums to form a common platform against global terrorism. 1976 participants from 85 countries and 469 instructors and experts from 40 different countries have participated in the

activities of the center since its establishment. I believe these activities contribute a lot to the establishment of a common understanding and to cooperation among the nations in the fight against terrorism.

Distinguished guests,

Throughout the two-day period, experts in the field of combating terrorism will share with us their observations and findings in their areas of expertise. Now, I would like to make an overall assessment of this important topic of global terrorism, which is the greatest menace to the world peace.

Terrorism has gained new dimensions as a result of the globalization process. The September 11 attacks in the U.S. were typical illustrations of this. An analysis of the effects of these dimensions on terrorism, I believe, will serve as a springboard for our discussions throughout the two-day period.

It is important to emphasize one point: Terrorism is not the real face of an event but the veil which disguises it. Without uncovering the veil, it is not possible to grasp who is trying to do what. In other words, terrorism is the means to an end, not the end in itself.

I think the effects of globalization on terrorism can be grouped under two categories: The first being the new capabilities with which globalization has endowed terrorism, and the second being the exploitation of the effects of globalization by terrorist organizations.

A most significant effect of globalization is the emergence of some organizations that have the power to influence the policies and decisions of national governments. It is not just that some of these organizations have spread the message to the remotest parts of the world that there are different types of living conditions and worldviews, but they also cause discontent among those who live in these regions by enhancing their expectations about their current living conditions.

Many social scientists attribute the current dimensions of global terrorism to this discontentment. In fact, one may view terrorist organizations as the dark side of these global organizations. The difference between the terrorist organizations and the others is that they tend to manipulate government policies in line with their evil ends by sending violent messages to the governments and to public.

Another factor contributing to the mushrooming of global terrorism is unbalanced population growth, and the concomitant movements of population. According to UN estimates, the world population will grow by another 1.5 billion in the next 15 years and almost all of this growth will be in developing countries, while the population in developed countries will either stay stable or decrease. In the light of these facts, population movements and waves of immigration will

pose a serious threat to developed countries in the future, as exemplified by illicit human trafficking. The nations overlooking these activities today will pay the price in the future.

The aspects of this tendency which affect global terrorism are:

• Illicit human trafficking as a source of finance for terrorist organizations,

• Cultural integration problems of immigrant communities in developed countries.

Identity crises stemming from integration problems expose immigrant communities to the influence of terrorist organizations.

Another issue which should be evaluated in relation to population growth is the level of production and income to satisfy the basic needs of this population and the distribution of this income. Today, the total wealth of the 500 billionaires in the world equals the total wealth of the half of the world population. Besides, some 1.1 billion people are living on the brink of starvation or even worse according to the figures of the World Bank, which sets the poverty line at one dollar a day, or less. This state of affairs is exploited most effectively by terrorist organizations, which use terrorism as a means of employment.

Another critical variable that has its effect on global terrorism is the rapid development in science and technology, both in the course of the last century, and this. Especially as a result of the developments in the information technologies, the world has become a small village.

Today, the latest news can be broadcast in real time to everywhere in the world, and the influence of the great media companies in shaping public opinion is being challenged by the efforts of individuals who can now exercise the freedom of posting their own information packages on the Internet. This state of affairs enhances the capabilities of the media, which are viewed as the oxygen of terrorist organizations. The Internet allows them to choose as the target of their terrorist attacks, not the major cities where the mass media centers are located, but instead any place on earth.

These developments in information technology have added cyberspace to the battlefield. Nations are becoming more and more dependent on technology and its associated systems. These systems are gradually becoming a center of gravity on which almost every element of the national forces of all countries relies. As a result, the need to defend information systems against the physical and electronic attacks of terrorist organizations is emphasized in national list of security priorities.

These developments have led to information pollution to such an extent that it is no longer easy to tell which piece of information is real or manipulated. I would like to draw special attention to the aspect of this issue which relates to the fight against terrorism. Terrorist organizations constantly manipulate international public opinion through the biased information that they circulate through various communications channels.

International public opinion is generally under the influence of this kind of information. Sometimes, this information may lead to the emergence of misunderstandings. Trapped by the misinformation of terrorist organizations, public opinion may, therefore, serve the terrorists' evil purposes.

Unfortunately, nation states are almost always one step behind the level attained by terrorist organizations in terms of the techniques of psychological operations implemented to shape public opinion. Nation states expend much of their efforts and resources in correcting the misguided perceptions of international public opinion created by terrorist circles.

Another important factor playing a role in the spread of global terrorism is the continuous growth experienced in the production and circulation of weapons. The system is based on the laws of supply and demand, the supply being constant and under the control of developed countries to a great extent. The aspect of this factor which affects terrorism is that the demand today comes from widely varying circles, and the growth observed in the production of small arms has reached alarming levels. It is estimated that there are some 700 million light weapons in the world today, and only 40% of these are in the hands of legal security services. These figures include weapon systems such as small-scale shoulder-fired surface-to-air missiles.

Although light weapons and easily available improvised explosive devices are being used in terrorist attacks today, terrorist organizations persist in their efforts to obtain weapons of mass destruction (WMD). Weapons of mass destruction were critical elements of the strategic balance maintained throughout the Cold War. If, however, terrorist organizations get their hands on these weapons, they will have gained a decisive advantage for securing their aims.

Distinguished guests,

Many social scientists today suggest that nation states are gradually losing their effectiveness as a result of globalization and that this will continue in the future. In this context, I would like to touch upon a couple of relevant points.

Each nation, and even each individual, will necessarily be affected by the results of globalization. However, the assertion that globalization should be allowed to

proceed on the basis of its own dynamics leads to a dilemma. It is in seeking solutions to this dilemma that we find the reasons why humanity needs an entity like a "state" which transcends individuals.

This basic question was tackled by the thinkers who shaped the theory of the "state", thinkers whose theories are still valid today to some extent. A striking commonality observed in almost all of these theories is this: humanity wanted to transfer the responsibility for protecting basic rights and liberties, and above all security requirements, to a super-entity like a "state". If nation states are to lose their effectiveness, who is to protect these basic rights and liberties? When you analyze the threat assessments of many developed countries, you will notice that organizations involved in terrorism and international organized crime networks are at the top of their threat lists. The basic guarantee for humanity as it faces such threats is still the nation-state structure.

At this point, I would like to share with you one of my observations. I see globalization, especially from an economic point of view, as a flow emanating from developed countries and reaching into developing or underdeveloped ones. These developed countries may perceive a strong nation-state structure as a barrier to globalization. Such a perception may lead them to adopt policies towards developing or under-developed countries like:

- Eroding their nation-state structure,
- Transferring the state authority to regional administrations, and
- Supporting micro-ethnic nationalist movements.

Such activities may create fertile ground for the mushrooming of terrorism in these countries.

With respect to correcting the imbalance in the distribution of wealth, one of the side-effects of globalization, I would argue that the most significant element guarding individuals against the negative effects of globalization is the social state structure. The erosion of the effectiveness of a balancing factor like the nation-state leads to the widening of the gaps in the social structure. The resultant conflicts and instable regions give way, in their turn, to environments which harbor terrorism. The major guarantee against this threat is again the nation-state with its strong institutions, as well as the international organizations for cooperation formed by the nation-states.

For the reasons that I have just mentioned, terrorist organizations perceive the nation-state structure to be the biggest obstacle threatening their very existence. The aim of the terrorist organizations is to damage, shake and then destroy this structure. Without concerted international cooperation it is clearly very difficult for

a nation-state single-handedly to fight against terrorist organizations that have connections in various regions. Because of this, as nation-states we have to think internationally and act regionally. When the common approach and attitude that we adopt as a result of our international engagement is reinforced by the effective measures that we apply in our regions, I believe we will cover quite some ground in our fight against terrorism.

Distinguished guests,

After this general assessment, I would like to talk about some of my other observations on topics that I consider important in combating terrorism.

A major characteristic of our age is that developments for the good of humanity are not realized homogenously. While some countries present the blessings of information age to their peoples, some other communities still live at the stage of the agricultural and industrial ages.

The developed countries, which act as the driving force behind globalization, disregard the fact that developing countries are now facing some of the problems that the developed countries previously faced. The prosperity created by the developed nations has enabled the formation of a common identity among the communities in those nations, an identity that ensures the continuation of their prosperous state.

This macro-identity is also seen as a guarantee of the micro-identities formed within those communities. However, the process of forming a common identity is not necessarily the result of very same dynamics everywhere in the world. The aspect of this issue concerning terrorism is this: without analyzing each case in terms of its own peculiar dynamics, developed countries are manipulating some values in the name of "universal values", in line with their interests. While trying to translate the values presented as universal values into practice, microstructures in developing countries are activated. Because of this, the developing countries, which are quite susceptible to outside intervention during their transition process, experience major trauma and chaos. As a result, such nations may then isolate themselves totally from the international community, and the terrorist organizations which thrive in such instable regions may threaten the security of developed countries as well.

Especially after the September 11 attacks, an increasing number of analyses and assessments have been made on the topic of terrorism. Apart from contributing to our understanding of terrorism and of its origins, these analyses have also caused, I think, some damage. Some of the damage is caused by the fact that a number of researchers, when categorizing terrorism, put certain adjectives in front of the word terrorism which will lead the people to think that certain cultural

codes are more prone to terrorism. Such an approach may give rise to dangerous results, such as the emergence of prejudices in determining the real sources that feed terrorism, and in assessments of terrorism, because of some fixed ideas which are far from scientific objectivity. However, scientific thinking prompts us to observe the events around us impartially, critically and free from the influence of fixed ideas.

Distinguished guests,

In today's world the concept of security has gone beyond the classical concept of areas of influence and areas of interest, which was based on time and distance.

With respect to terrorism, the areas of influence and interest cover the whole globe. Today no nation has the luxury of being indifferent to the events developing even in the remotest parts of the world.

Terrorist organizations, which have legal and illegal activities in different countries for recruitment and finance, must be regarded as transnational terrorist organizations. Otherwise, the Fight against Global Terrorism will lose its effectiveness. In one of his remarks, the Great Leader Atatürk succinctly depicts this interdependency: "The whole of humanity should be viewed as a single body, the organs of which are the nation-states. Even the slightest pain in the toe affects all other parts of the body." This fact should never be forgotten.

So what constrains the international community so that it does not act as a single body against terrorism, although terrorism is the worst crime perpetrated against humanity? In this part of my speech, I would like to share with you some of the underlying reasons I deem important.

During the Cold War, states, instead of all-out war, covertly and overtly utilized low-intensity conflict and terrorism as a tool for destabilizing their adversaries. The lack of trust among the nations created by this tendency still represents the most formidable handicap of the Fight against Global Terrorism. One must always keep in mind that sponsoring terrorism is equivalent to feeding a viper. The feeder will never be immune from the attack of the viper. The boomerang effect of terrorism will eventually harm its collaborators.

Studies on terrorism show that terrorist organizations cannot be sustained without external support that spans from provision of safe havens for terrorist organizations on national soil to overlooking their illegal activities.

The responsibility for the bloodshed in a terrorist attack falls equally on the perpetrator and every single person, institution and nation which provide training, training grounds, financial and logistic support, and technical expertise to the

terrorists, and those who overlook these activities and allow terrorist organizations to utilize national written and visual communication means for spreading their poisonous ideas. It will be a futile effort to talk about international cooperation against terrorism before a level of common understanding of responsibilities is reached.

A good sign indicating such a level of consciousness would be a condemnation of the terror supporters acting under the guise of freedom of speech.

I personally believe that forming an environment of mutual trust is one of the most important prerequisites for reaching this level of consciousness. Trust may seem like a simple concept at first glance. However when one scrutinizes the underlying meanings of this concept, it will be seen that trust is the most crucial glue keeping the involved parties together in social interactions, especially in cooperation.

In his book Trust as a Social Theory, Piotr Sztompka, the Polish Sociologist, describes the concept of trust as "a bet about the future contingent actions of others". What is meant by the word bet is linked to the phenomenon of uncertainty. The extent of our confidence in the future behavior of those whom we face determines our trust or distrust in them.

Irrespective of their causes and their extremist ideologies, Turkey, with its clear attitude towards every kind of terrorism, is a country that fulfils its responsibilities by the initiatives it has taken in the regional and international arena.

In spite of the resolutions adopted by the UN on counter-terrorism, the continuing irrational practices and tolerance sometimes shown by nations to the terrorist organization PKK/KONGRA-GEL, which has turned to drugs and human trafficking in the whole of Europe to finance its activities, harm the security environment we strive to establish. I believe UN sanctions should be imposed on such countries.

Distinguished guests,

International efforts in the fight against terrorism go back to the League of Nations. The Convention on Prevention and Penalizing of Terrorism, signed in 1937 by the League of Nations, was the very first initiative launched to describe terrorism. However, it did not come into force since the members of the League failed to sign it.

Today twelve international agreements and protocols have been formulated and brought into force by the United Nations, and a thirteenth agreement was made ready for signatures in 2005. When we look at the dates and content of these agreements we see that the arrangements were made in accordance with

the requirements of the time, and cover some specific matters. For example, in a period during which attacks on aircraft became more numerous, arrangements for such matters were needed, and in the same way new arrangements were made to prevent terrorist activities against diplomats and diplomatic missions. It would be possible to give more examples.

Distinguished guests,

To get a result in terms of legal action from the agreements concluded by the United Nations, the nations should make the necessary adjustments in their national laws and describe the offences covered in the said agreements as offences in their own laws as well. Otherwise, it is not possible to obtain results from these agreements. I am of the opinion that this is our biggest shortcoming in fighting against global terrorism. Notwithstanding, currently there is no available agreement which clearly describes terror and terrorism.

Including those with ambitious names such as the "European Convention on Prevention of Terrorism", signed on 27 January 1970 in Strasbourg, neither the thirteen agreements signed within the framework of the United Nations, nor the ten documents and charters prepared by the OSCE between 1975-2001 include the description of terror and terrorism.

Distinguished guests,

These facts raise a question: How are we to fight against a phenomenon which has so far not been accorded a description? By the decree of the United Nations General Assembly No. 51/250, dated 16 January 1997, a special committee was formed aiming to prepare a multilateral draft agreement. However, although 11 years have passed, no clarification has so far been achieved. Nonetheless, the absence of an agreed-upon definition cannot be a justification for the failure to fight against terrorism. The presence of organizations recognized and declared as terrorists at an international level is an undeniable fact. Given this, a successful international effort to formulate a common definition of terrorism during our on-going fight against it would make a positive contribution to combating this scourge.

What we should do today is to overcome all our prejudices and try to understand each other by increasing our empathy, by gradually increasing the common denominators and encouraging the efforts of the nations who fight against terrorism and cooperate with others internationally. I think at this stage our common denominator is that we cannot accept as legitimate any type of terrorism, as these outrages continue to claim the lives and properties of innocent people, making it the pestilence of our era.

It is certain that, as long as it remains within our body like a cancer cell, wasting our efforts in seeking to name terrorism, instead of wiping it out, will merely spread the cell to our whole body and worsen the pain.

Distinguished guests,

I believe that this symposium and similar efforts are of great importance for establishing a culture of trust among the nations, which is the cornerstone of the fight against global terrorism. In addition such initiatives will further improve mutual relations and achieve a common understanding, eliminating the diversities and ensuring the continuity of the ties we maintain here. With these feelings and thoughts in mind, I would once more like to thank the participants from the UN, OSCE, NATO, Partnership for Peace and Mediterranean Dialogue nations, and the participants from other countries, the academicians and experts who will present papers, and the Centre of Excellence Defence Against Terrorism, which organized this symposium. I would like to take this opportunity to express my gratitude and respect to our esteemed guests.

Thank you.

Yaşar BÜYÜKANIT
General
Commander of Turkish Armed Forces

TERRORISM: LEARNING BY EXPERIENCE

(Keynote Speech)

Dr. Andrew MANGO (UK)[1]

I thank the Director of the Centre of Excellence Defence Against Terrorism for inviting me to speak at this international conference. As a historian and a writer on modern Turkey, I had, of course, to take note of the campaigns waged by terrorists of various persuasions determined to harm this country and its people. But what impelled me to write a book on the subject (Turkey and the War on Terror, which was published in London and New York in 2005) was the feeble response to terrorist outrages by many people outside the country, including Turkey's friends and allies. All too frequently the response was "Yes, we condemn the terrorist act, but, on the other hand, the terrorists did have real grievances, which you should address." But how could the wife of the Turkish ambassador in Madrid, whom I knew well, redress the grievances of the Armenian terrorists who murdered her and her brother? It was this mindset which led to a failure to take action against terrorists who did not target one's own country.

In spite of a series of international conventions against terrorism concluded under the auspices of the United Nations, or on a regional basis in Europe and the Americas, there was little international solidarity when ethnic nationalist terrorists targeted specific countries, from Northern Ireland and Spain in the West to the Philippines in the Far East. It took the deadly attack by al-Qaida against the Twin Towers in New York and the Pentagon in Washington on 9/11, 2001, to call forth

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[1] Andrew Mango is a historian and author on modern Turkey. As well as a long career in the BBC External Services, he has written books including a well-known biography of Atatürk and Turkey and the War on Terrorism (2005). Born in Istanbul in 1926, Dr. Mango has been based in London since 1947.

an international response, led by the United States. All of a sudden action—or at least some action—was taken against terrorist organisations whose activity had been tolerated by countries which were not directly affected. Thus the PKK, the Kurdish nationalist terrorist organisation, which had been murdering people in Turkey (and elsewhere) since 1984 was finally banned in the European Union only in May 2002, by which time its campaign had caused the deaths of more than 35,000 people.

Finally all civilised countries have been alerted to the threat that terrorism poses globally. But although international cooperation has increased and studies have proliferated, much remains to be done to reduce the incidence of terrorism. Nevertheless, in spite of all the effort and thought put into anti-terrorism, it cannot be claimed that the lessons learnt in the past half century of modern terrorism (not to mention its earlier history) are clear in the public mind. My purpose today is to share with you my views of the conclusions which should be drawn from our accumulated experience. I believe that the record shows that:

1st. Terrorism is usually the tactic of choice of the weak, above all of groups which are weak numerically and which cannot rely on the voluntary support of the communities from which they spring. The purpose of the terrorist is to frighten his own community before he frightens the enemy, in order to ensure that his community fears the terrorist more than it does the authority of the state. The terrorist aims to compromise his community as a whole, and make it difficult, if not impossible, to resolve grievances by compromise and conciliation. Ascertaining by democratic means the preferences of the community afflicted by terrorism becomes difficult, if not impossible, if the voter's main concern is to avert the threat to himself, his family and his friends. In these conditions the election result shows not whom the voter likes most, but whom he fears most.

2nd. The terrorist is not interested in reform, and especially not in gradual reform. His objective is the triumph of his cause in toto. This all-or-nothing approach does not usually work. To give examples which we can discuss later in more detail, Northern Ireland is still part of the United Kingdom, the Basque country is still part of Spain, what terrorists of the Italian Red Brigades and the German Red Army Faction called the bourgeois society is stronger than ever, the state of Israel controls more territory than it did when it was established, India remains united, and the condition of the Tamils in Sri Lanka, and of Muslims in the Philippines and Thailand is worse than before terrorists took up their various causes.

3rd. Governments must avoid two temptations in their dealings with foreign terrorists on their soil. The first is to look the other way so long as the foreign terrorist confines his activity to foreign countries. This attitude, which is summed up in the Turkish saying If a snake doesn't bite me, let it live a thousand years, can lead to the unofficial toleration of the presence of foreign terrorists, and to unofficial agreements between state security services and the terrorists. Under such an agreement foreign terrorists typically promise not to make trouble for the host government, and to make sure that the immigrant community to which they belong does not disturb the public order. The second temptation is more serious. This is the temptation to employ foreign terrorist organisations to promote national policies. Examples of this practice abound in the Middle East, but they are not unknown elsewhere. Suffice it to say, that Abdullah Öcalan, the leader of the PKK terrorist organisation, was given refuge in Syria for many years, that he was captured as he left Greek diplomatic premises in Kenya, and was found to be carrying a Greek Cypriot passport, because the authorities concerned believed he was a useful weapon in their armoury. Encouraging foreign irregulars to fight your enemies is dangerous. It is a fallacy to believe that the enemy of my enemy is my friend. The United States has found that the enemies of the Soviet-installed regime in Afghanistan were not its friends: the mujahidin, aided and armed by the Americans, formed the core of the Taliban when the Soviets withdrew, and then hosted al-Qaida and provided recruits for it. Unorthodox practices, summed up in the saying set a thief to catch a thief produce perverse results.

4th. When they become aware of the presence of foreign terrorists in their country, governments should first of all consider extradition. However, the demand for extradition must be legally acceptable, and must not violate human rights. Democratic must also consider public opinion. But where a host government cannot extradite or expel a foreigner involved in terrorism, it must neutralise him. It must at all costs make sure that no foreigner abuses the refuge he is granted to conduct or help in terrorist operations abroad. This rule dates back to the 19th century when the threat of anarchist terrorists first arose.

5th. Governments must do all they can to stop terrorist fund-raising in their countries or the laundering of money by terrorists through the host country's financial institutions. They must also prohibit any propaganda which calls for or encourages violence. Admittedly, this can be difficult, particularly since terrorists usually operate behind the façade of front organisations, which call themselves humanitarian, cultural or journalistic. Here too the criterion is incitement to violence.

There is, of course, a grey area: at what point, for example, does a theoretical justification of violence amount to praise of violence and finally to incitement to violence in a specific case? Where does factual reporting of violence encourage its perpetration? As Mrs Thatcher found, it is not easy to win the cooperation of the media in depriving terrorists of the oxygen of publicity. Democracies must preserve free speech and free inquiry, but always within the law. Most countries punish direct incitement to violence—and this must include violence abroad as well as at home.

6th. The bloodshed caused by terrorists makes it difficult for them to give up their campaign. Every time the possibility of a compromise arises, there will be terrorists who feel that to accept a resolution short of their total demands would mean that they have fought and their comrades have died in vain. An acceptance of the compromise by the leadership therefore leads inevitably to the emergence of extremist factions determined to carry on the fight—factions such as the Continuity IRA and the Real IRA in Ireland and ETA Militár in Spain.

7th. A terrorist organisation cannot survive without a base outside the jurisdiction of the state which it is attacking, and without a flow of funds from outside the country. To turn once again to the Irish example, the IRA campaign could carry on as long as it could keep its bases south of the border in Ireland, and obtain funds from Irish American sympathisers. The campaign was ended only when the British, Irish and American governments came together to deny the IRA bases and funds.

8th. Terrorists cannot rely solely on volunteers and voluntary contributions by sympathisers. Inevitably they turn to coercion, extortion, and common crime, such as bank robberies and smuggling, particularly of illegal immigrants and of drugs. While narcotic smuggling is especially profitable and has given rise to the phenomenon known as narco-terrorism (as in Colombia), the smuggling of immigrants has this advantage that the terrorist establishes a hold over the illegal immigrant and can then subject him to extortion under the threat of denunciation to the authorities.

9th. Like the mafia, terrorists are as violent in their relations with each other as they are in challenging the authorities of the state. Opponents of the leadership of terrorist organisations are routinely liquidated. Their murders are then blamed on state security forces and exploited for propaganda purposes. Members are under constant surveillance lest they be spies of the authorities. Any member who

tries to leave the organisation does so at the peril of his life. Voluntary recruits find themselves sooner or later sucked into the quick-sands of violent crime, from which they are lucky to escape.

10th. The social and psychological profiles of terrorists have been studied exhaustively. Typically terrorist leaders start their career in their late 20s and come from families which can afford to educate them to university level. Leaders, as was the case in the Red Brigades in Italy and Sendero Luminoso in Peru, are sometimes junior lecturers in universities—intellectuals, but not of the first rank. Many followers are university dropouts. However, intellectuals even of a junior kind do not make up the bulk of a terrorist organisation, because intellectuals tend to argue among themselves, often reject discipline and are prone to factionalism. Moreover, the leadership wants to be accepted as intellectually superior to rank-and-file members. Some researchers have established a correlation between the proportion of young men—particularly of semi-educated unemployed young men—and the incidence of terrorism in a country. Terrorists also try to recruit young women whom they tempt with emancipation from the pressure of their families and their backgrounds. But women recruits find that they exchange traditional oppression for oppression by the male terrorist leadership, however much the latter may preach gender equality. Women are seldom to be found in leadership positions among terrorists, but are commonly used as couriers, suicide bombers, and in effect servants of the leadership.

11th. Since terrorism is a perverse and almost always counter-productive reaction to a grievance felt by individuals or groups, the original grievance must be examined and, where possible, addressed. Addressing a grievance hardly ever satisfies the terrorist, but it helps to isolate him. However, an effort to address a grievance does not imply readiness to negotiate with terrorists. Governments are right to refuse such direct negotiations since these confer on terrorists the status of valid interlocutors. But most governments try at one time or another to establish contact through the terrorists' front organisations operating within the law. Such contacts require great care. Men of violence cannot be conciliated. One can only hope to isolate and neutralise them.

12th. When the authorities try to address grievances and establish indirect contact with terrorists in order to minimise their depredations, they should make sure that there is no let-up in anti-terrorist operations. The state has a paramount duty to maintain law and order and to secure the lives and property of its citizens.

It is a duty it must continue to discharge even as it tries to disarm terrorism by peaceful means. People who speak of the example of Northern Ireland should bear in mind that the authorities always insisted on the cessation of terrorist violence and the surrender of terrorist weapons (at the very least to the safekeeping of third parties) as a precondition of a negotiated settlement. Fighting terrorism while seeking a peaceful settlement is usually called a twin-track approach. There is much to commend it, provided public security is not compromised and a situation is not created where the citizen begins to fear the terrorist more than he does the legitimate authority of the state.

My next, 13th point, is that the record shows convincingly that terrorism is not confined to followers of any particular religion or members of any particular ethnic community. Anarchist terrorism first arose among European militant atheists. In our day we have Christian Catholic terrorists in Ireland and Spain, Sikh terrorists in India, Hindu terrorists in Sri Lanka, as well as the Islamist terrorists who have captured the attention of the West. Like other authors I have classified terrorism under different categories—ideological, religious and ethnic. But in real life these categories overlap. Ideological terrorists can have an ethnic basis; so too can terrorists who find their inspiration in a perverse interpretation of their religion. Every case has its specific characteristics which security agencies must bear in mind. Terrorism can arise both in socially advanced societies like that of the Basques and in societies which are still tribal or bear the traces of tribalism, as is the case of the Kurds. Social advance must be promoted for its own sake, but it does not cure terrorism. As European history demonstrates, civilisation does not exorcise the impulse to violence.

This consideration leads me to my final point: fighting terrorism requires cooperation and coordination internationally as well as between a country's domestic agencies, and also the cooperation and trust of the public. Knowledge of best practice can be advanced and shared. This is after all the purpose of this Centre of Excellence, which is hosting our conference. The security services must be one step ahead of the terrorists in mastering technology and particularly information technology. Above all, the authorities of states under terrorist threat must learn to be patient; they must have more staying power than the terrorists. Anti-terrorism is a mixture of police work and of military operations. The term of asymmetric war is often used. I prefer to compare anti-terrorism with the struggle of a healthy organism against a virus. The struggle goes on as long as the organism is alive. The struggle against terrorism is a struggle for life against the cult of death.

For centuries human societies have been ravaged by epidemic illnesses. These were finally brought under control by better sanitation locally, and international cooperation in quarantine regulations and the sharing of information. I believe that our efforts can produce similar results in bringing under control the social and political disease of terrorism.

I thank you for your attention and wish you success in your important work.

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FIRST SESSION

PROBLEMS AND PROSPECTS IN DEFENCE AGAINST TERRORISM AND EXISTING CONCEPTS AND DOCTRINES

Co-Chairman : Prof. Dr. Ali DOĞRAMACI
Co-Chairman : (R) MG. Mohamed Kadry SAID
Rapporteur   : Assoc. Prof. Mitat ÇELİKPALA
Rapporteur   : Assoc. Prof. Oktay TANRISEVER

SPEAKERS
Mr. Ercan ÇİTLİOĞLU
Assoc. Prof. Ahmed HASHIM
(R) LTG. Talat MASOOD
(R) Gen. Kemal YAVUZ

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THE EXISTING CONCEPTS IN DEFENCE AGAINST TERRORISM

Mr. Ercan ÇİTLİOĞLU (TURKEY)[1]

This paper aims to outline the efforts to define a general concept of defense against terrorism. It is a well-known fact that, though terror has been a widely and efficiently used fighting method, with major and extensive effects over a long period of years, a universally accepted term defining terrorism does not exist. This is mainly because each country pursues its struggle against terrorism individually.

The fact that there has been no agreement on a common definition, or comprehensive sanctions based upon such a definition, despite the unanimous opinions and statements that proclaim terrorism to be a threat to the whole of humanity whose effects know no borders, has meant naturally that different nations apply widely differing concepts to combating terrorism.

These differences in the way the struggle is conducted arise through the related and third countries which are involved, or are due to subjective, political and socio-economic internal dynamics, or priority differences in threat perceptions, as well as the influence of regional and global actors. Of course, terrorism itself differs in

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ethnic, political or radical religious ideological terms, and these contribute to make it a comprehensive threat on a global scale. In line with these differences, each country pursues its struggle individually, and this has led to some discrepancies and hampered the lasting solutions.

Furthermore, even when terrorism had been recognized as a common threat by the leading international political and military organizations, such as the United Nations, the European Union, the Council of Europe and NATO, and even when counter-terrorism is further supported by directives and recommendations in the domestic law of individual countries, there will still be differences in practice. It is to be observed that the styles of combat differ, in spite of some commonly agreed, clear-cut approaches, and the reshaping and ironing out of discrepancies at the implementation stage.

Most of the General Assembly resolutions and protocols which have been signed by the United Nations and adopted by the member countries into their national law have lost their binding and preventive nature to a large extend due to the theoretical and factual changes in the nature of terrorism. In this regard, it is clearly evident that the international legal arrangements that constitute the basis of the existing combating concepts have fallen short of what is to be desired.

When one looks at the long periods which elapse between the signature dates and the dates of entry into force of the UN conventions, it can be assessed that the UN prefers to look on counter terrorism efforts from a distance, rather than to lead and to direct. In terms of deterrence, counteracting or pre-empting terrorism, it is a sign of weakness in the UN system that it sometimes takes ten years for some conventions to enter into force after having been signed.

Given that UN member countries have to fulfill mandatory legal procedures in their domestic law so that General Assembly resolutions, protocols and conventions can enter into force in each country, these decisions can lose their efficacy and binding nature through the failure to implement them on time or in their entirety. Accordingly, these initiatives fall behind and do not keep up with events, for terrorism has a dynamic nature that does not conform to the rules.

One of the fundamental reasons why a global concept for combating terrorism has not been created is the lack of a definition. Another is the lack of agreement on the extradition of criminals among the states taking part in the action, although

the state parties to the conventions are requested to introduce into their domestic law the necessary provisions regarding the punishment of individuals found guilty as per international law, and there are also uncertainties when the states where crimes are committed refuse to allow extradition.

Due to the legal loopholes, states have given priority to the local struggle and concentrated on the conflicts they regard as the closest threats in terms of their own internal dynamics, instead of engaging in a comprehensive struggle within the scope of a general definition. As a result they had to develop and implement individual fighting concepts.

Another reason why states determine and implement individual concepts is because there are no regulations clearly distinguishing the terrorist criminals from the political criminals. Instead, states which have the criminals are left to their own political preferences rather than seeking to implement non-existing international rules that would prevent approaches that might be one-sided.

Moving on from the UN General Assembly's resolutions and conventions, the Security Council has also introduced a total of six resolutions on defense against terrorism, namely those numbered 1267, 1269, 1333, 1368, 1373 and 1390—resolutions drawn up after Taliban and al-Qaeda actions and activities had already taken place, which, inevitably, brings up the reality that we tend to find reactive not proactive policies and approaches in the battle against terrorism.

Turning to Europe, the European Union is supposed, according to a clear provision made regarding Amsterdam Agreement Article 29 of the EU Convention, to conduct a coordinated struggle against terrorism, and EUROPOL (the European Union Police) was established on November 1, 1998, with its activities beginning on January 1, 1999.

The European Convention on Prevention of Terrorism came into force on August 20, 1981. It was opened for signatures in Strasbourg on January 27, 1977, by the Council of Europe, of which Turkey is a founding member. The European Parliament also has so far issued more than ten recommendations within the framework of defense against terrorism. Finally, the Trevi Group was formed according to a decision requiring that "terrorism, radicalism and international violence" be combated. The decision establishing cooperation between European countries was taken at the Rome meeting of the European Union Council in 1975.

We will briefly mention the efforts of the leading international organizations in the scope of prevention of and struggle against terrorism so as to highlight the insufficiency of their doubtless well-intentioned approaches, given the level that terrorism has now reached.

The picture that emerges from all the binding decisions, recommendations, and conventions, is that states give priority to their own interest-specific issues rather than to defining an overall concept in defense against terrorism, and to planning measures that put this concept into implementation.

This priority has been, so far, reflected in all the decisions, mainly because the driving forces behind decisions relating to defense against terrorism have consisted uniquely of policing activities, and have not taken into consideration cause and effect relations or cause analysis.

Whatever the external reasoning given for the terrorism—radical religious, ethnic, or ideological—for there are various motives and reasons, there is always a sense, right or wrong, of having been victimized. For this reason the sanctions and practices which base themselves on approaches which omit the cause and effect relations and analysis do not work and cannot eradicate the threat. Rather, they merely provide temporary solutions to the threat, since terrorism emerges from a background of suffering wrong.

I would like to touch upon another issue which negatively affects the efforts to find a common definition and defense concept, one that has not been grasped due to complex overlapping factors which have triggered a chain reaction in the globalization of the terrorism, such as priority differences, diverse and subjective approaches to threat perceptions, and interaction with the actual and prospective projections of the regional and global actors.

Terrorism is a novel and effective warfare method that needs only limited financial and human resources, has a great striking power, creates a global effect through a local attack, is protected by anonymity due to its secrecy, and recognizes no responsibilities on the state and governmental level, or where international law and practices are observed. Accordingly, as long as it remains an attractive instrument for weak and strong states, as well as for civilian actors, it is unlikely that a common term will be introduced, or a concept for the defense against terrorism.

This tendency, which can be called the "demand for terrorism", creates a market which will always find sufficient supply. The result is a vicious circle, it seems, that impedes efforts to develop an integrated concept for defense against terrorism.

I would like to state another issue affecting the position of the states in the combat with terrorism before exemplifying the differences in views, priorities, attitudes and concepts among some countries within the framework of defense against terrorism. These will support the assessment and findings I have given with facts from the near past.

With the collapse of the Warsaw Pact and the break-up of the USSR in 1991, European countries have refocused their policy onto defense strategy and security because of the removal of the threat on their borders, while the USA, as the result of its current hegemonic power, has begun to put into practice an aggressive concept requiring the elimination of the threat in situ, before it reaches the USA's borders and zones of interest.

In this context, the concept which has been created and implemented by the USA involves a struggle against terrorism through active and sometimes aggressive methods according to the country's own threat perceptions and observations, a concept which has also been shared by Israel. For many countries this entails a violation of international law and is not to be regarded as a good example in the fight against terrorism.

For example, weapons of mass destruction, which were publicized globally as one of the reasons given for Iraqi occupation, and which were said to be a tool in the hands of a brutal and unpredictable dictator, have not been found so far. Furthermore, the alleged link between the Saddam Regime and Al Qaeda has not been proven. However, Al Qaeda, which had no presence in Iraq before March 2002, has now found a spacious habitat in the country.

The large majority of the countries actively taking part in the NATO operation in Iraq now hesitate to send troops to the conflict areas where the Taliban are working on re-establishing sovereignty. The question of a common view and concept on defense against terrorism within NATO is now wide open to discussion.

The PKK, or KONGRA-GEL, which is listed as a terror organization by the USA and EU, can freely carry out their political and financial activities in some European countries. Even one of the top leaders of the organization, for whom Interpol had

issued a red bulletin, was sent to the Kurdish Administration in Northern Iraq, in spite of the demand that he be extradited to Turkey. This nullifies the resolutions on counter-terrorism of the UN and EU, as well bringing the justice process to a standstill.

The PKK-KONGRA-GEL, though included in the terror organizations list, is able to open offices in some EU countries. It has found printed and audio-visual broadcasting organs through which it can air its incitements to violence and self-justifications in programs and events, as well as transmitting encrypted orders for terror actions via its TV channel in Europe.

The fact that a television station which has been proven to belong to a terror organization is allowed to maintain its broadcasts uninterruptedly on the unconvincing grounds of "freedom of the press and democratic rights" shows that we are still far from outlining a common understanding of counter-terrorism, let alone a concept. This can be regarded as an interesting and thought-provoking example.

Meanwhile, in an EU country, and in a city seen as the capital of EU, members and leaders of another terrorist group (the DHKPC)—also included in the EU terror organizations list—plan, support and commit murder in Turkey but are exempted from punishment as their actions are not regarded as crimes and they cannot be termed terrorists for they did not use automatic weapons.

It is obvious that the lack of clear and binding criteria differentiating the terror criminals from the political criminals, and the kinds of decisions referred to above, which reflect the preferences and tendencies of some countries, furnish the terrorists with a covert safe haven, and encourage terrorism.

On the other hand, Iraq, which the terror organization PKK-KONGRA GEL has utilized as a base for years to launch strikes against civilian and military objects in Turkey, continues to open its territories for the use of this group in violation of the UN Charter and good neighborly relations. Worse still, the autonomous Kurdish Administration in the north of Iraq, insistently refuses to accept that PKK-KONGRA GEL, which seeks to destroy Turkey's national integrity and unitary structure through its ethnic discriminatory violent campaigns, is a terror organization. This is in line with the administration's covert approval of the terror organization.

This grave example occurring before the eyes of the whole civilized world should be a sufficient warning which clearly displays the lack of a common will, determination or shared concept in the struggle against terrorism.

We refer here to attacks which put the sovereignty, social peace and harmony, national integrity and unitary structure of Turkey in danger. To expect a neighboring country which is exposed to the attacks of armed groups of terrorists that are not its citizens neither to exercise its right of self-defense, nor other rights granted under international law regarding defense, and criticizing and opposing the initiatives taken to exercise these rights, seems to encourage terrorism rather than struggle against it.

Further questions relate to the fact that many states are making new provisions in their internal law related to the struggle against terrorism as they respond to the evolutionary transformation of terrorism and adapt themselves to the changing conditions of the day. A considerable number of these new arrangements give rise to serious debate since they impose restrictions on individual rights and freedoms.

For example, in the case of some of European countries which experienced terror attacks and ethnic conflicts, they made changes in their laws regarding the struggle against terrorism which provide for heavier sentences and control mechanisms, granted new authorizations to their security forces, extended the time for arrest and notification to the relatives and lawyers of those who are arrested, enlarged the scope of the search of domiciles and persons, and taken deterrence and preventive measures by imposing new applications procedures for entry into/exit from their countries. Meanwhile, the Terrorism Act amended with the same thoughts and concerns in mind by Turkey, the country which has paid and still pays a heavy price among European nations as the one which suffers most from terrorism, has unfortunately become a target of the same European countries and the European Parliament.

Similarly, another example which seriously undermines the neutrality and moral authority of some European countries and EU authorities, is that they welcomed with silence and hidden approval the closure of a political party based on ethnicity which had links with terrorism, but the same authorities have made statements to the effect that they find the law case opened on the same grounds for the closure of a political party in Turkey, which has not yet reached a verdict, to be against EU

criteria, and by doing so they have shown a disregard for the universal principle of the independence of the judiciary, and they have said the case would adversely affect Turkey's EU membership process.

The primary goal of these very limited and brief examples, which have focused on Turkey by reason of the fact that this symposium is being held in Turkey, is to use the method of induction to emphasize from the Turkey's experience the failure of the decisions, agreements and internal legal arrangements made by international agencies and organizations related to the struggle against terrorism. These legal and other arrangements are insufficient for confronting the dynamic structure of terrorism, let alone for creating a common concept.

The fact that the states behave according to their own priorities and criteria and apply different strategies in the battle against terrorism, in spite of the fact that there are authoritative organizations like the UN and EU, not to mention the decisions taken in these fora, has prevented the development and implementation of a common concept so far.

In this context, the most important discrepancy which emerges and requires a solution is the fact that no common concept has so far been developed on a practical basis for the prevention of terrorism, whereas there are numerous statements that a verbal consensus has been reached regarding terrorism being common threat and danger to all humanity.

It is matter of fact that there are differences in the perception of the threat between those states which never suffer from terror acts, whose citizens and flags have not been attacked by terrorists in third countries, and the states which are the direct targets of terrorism.

Though it may seem understandable and right that these differences lead some states to develop and pursue passive policies, and adopt an attitude of refraining from confronting terrorist organizations, in order not to become areas of interest and activity, the rightness of this position is undermined by the fact that terrorism mainly gives its messages to the targeted states through third countries.

It should be noted that an analysis of terrorists' methods for achieving their objectives and sending messages, and a consideration of the fact that terrorists chose their targets through an abstract selection process in terms of time, place

and victims, lead us to the conclusion that those countries which have not yet been targets of terror acts could easily become targets in the future.

Remembering that the success criteria of a terrorist act depend on the magnitude of its effect rather than the damage caused by the terrorist act itself, the effect of a terrorist attack on a new target state, which had been known for its passive or neutral attitude towards terrorism, would be much greater and more threatening than otherwise. Such a scenario could create a strong psychological reaction since it proves that no country or society has a protective shield against terrorism.

Terrorism is substantially structured such that it can select any nation or person as a target, as required. There is no protection against the boomerang effect of terrorist acts. The fact that no country, even those states pursuing a passive policy towards terrorism, is able to distance itself from terrorist acts requires that they leave aside their differences in perceptions of terrorism and that they develop a common concept.

Given the impossibility of arriving at a common and generally accepted definition of terrorism, it remains that states should transfer their energies at least to the creation of a common concept of combating terrorism. This should take place even in the absence of a common definition, and it is indeed a necessary and feasible solution to this problem for the future.

Sharing my opinion—which might be considered natural and obvious—that we must bring our hopes to fruition and eliminate our differences over the importance and priority criteria of the states, and that we must create effective initiatives to prevent a common threat and danger, I wish us all to join together in a single concept for combating this scourge, instead of different, contradictory, reactive, multiple concepts, which lack dynamism, which are in conflict, and which render each other ineffective. Failure to do so would allow terrorism to become more widespread and enduring. I thank you for your attention and extend my warm regards to all of you.

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COUNTER-TERRORISM DOCTRINES

Assoc. Prof. Ahmet HASHIM (USA)[1]

As a person whose Turkish ancestors left their Anatolian homeland in the nineteenth century in the service of the Ottoman Army administration, and settled in the Middle East, I'm honored today here to present before the Turkish defense establishment. Let me continue with some administrative details of my own. I'm here in an official capacity as a member of the US government. But the views that I'll be presenting here today are my own and do not represent those of any institution to which I am currently affiliated. Lastly I need to apologize for being afflicted with a slight illness, so my profound apologies if I seem a little fatigued.

I have five themes that I wish to address here. First, the definition issue of what terrorism is. Second, the relationship of terrorism to irregular warfare in the early mid-twentieth century, and the role it has played in insurgent ideology and practice. Third, the de-coupling of terrorism from regular warfare with the rise of international terrorism in the 1970-80s. Forth, the re-coupling of terrorism and irregular warfare in the late 20th and early 21st centuries in the context of the emergence of the globalized insurgency of jihadist extremists. Last but not least, elements of a counter-responding policy in terms of this new era of terrorism.

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This sounds like a tall order for twenty minutes, and it is. In this context I'm only able to scratch the surface but before I look at these themes in more detail I need to present a couple of hypotheses: first, that terrorism is a tactic in an operation of the new kind of war that we are facing today. Variations of what Prof. Herfried Münkler and Dr. Mary Kaldor refer to as new wars.

My approach and foundation concerning the issue of the fight against terrorism can best be explained by what I am not and what I am. I am not trying to sound flippantly Cartesian, so let me explain. First, I'm not a policeman, therefore the purely police approach and functions—which I should add are extremely valuable and important, as I saw first hand during deployment in Iraq, in taking down terrorist and insurgency structures—are not by themselves a solution. Thus, I take exception to the viewpoint of one senior political authority who wrote that terrorists typically have no political agenda, which is news to me, and terrorists are not interested in holding territory, which is true for the international terrorists of the seventies, but is not true for the terrorists of the present. The fact that professional soldiers are often used in counter-terrorism operations does not prove that counter-terrorism is war. Professional soldiers are often used for flood relief, and it does not follow that flood relief is war. I found this observation rather tendentious on many levels. As I said, it comes as a surprise that terrorism has no political agenda. The fact that their agenda is unrealizable is more because of a mismatch between resources and desires.

Second, I'm not a lawyer. Therefore the legal aspects of these conflicts are something that I'm not very well versed in, except to say that we need to function according to the rule of law as we formulate effective policy and strategic conduct and responses. I've had three deployments to Iraq in the Army, and I have witnessed first hand some of the detrimental impact of extrajudicial means in Iraq.

Third, as a long-time strategic analyst, I was immersed in the literature of terrorism as it was developed in the 1970s and 1980s. The big names like Brian Jenkins, Yonah Alexander, Bruce Hoffman, and Walter Laqueur, I'm familiar with. But I'm more of an irregular warfare analyst, and terrorism in my view falls within the ambit of irregular warfare.

As a military person and the member of a military establishment that is without peer in high-tech conventional warfare, we are collectively grappling, in many ways—organizationally, culturally, doctrinally, operationally—with this type of

warfare that is totally at variance with what we have been set up for, and more to the point, what the US defense transformation over the last five years was designed to do. Five years ago the US army was in a commotion over the prospect of a defense transformation. A transformation which called for the adoption of a style of warfare that was heavily technologically dependent, and was informed by a notion of a revolution in military affairs founded on emerging technologies of stealth, pervasive intelligence, reconnaissance, surveillance and target acquisition. Now, the conflict environment of the late 20th and early 21st centuries has changed, but not in the manner that the US army expected. Instead of symmetric conflict we are responding to highly complex lethal campaigns with multiple levels of violence. What the French strategic analyst Raymond Aron called in the 1960s, even before it had arrived, polymorphic warfare. Violence in which terrorism is an integrated aspect. Fighting against irregular enemies that range from highly functionally specialized entities like Hizbollah and the Tamil Tigers (the LTTE), to less functionally specialized groups that are nonetheless lethal.

Theme 1, the definition of terrorism. I'm not going to talk a lot about this. We could spend hours on this. It is one of these contested concepts for which we do not have a definition that's universally binding on all, but we are found in the position of judge who once famously said: "I can't define pornography, but when I see it I know it". I'm not going to endeavor to give a definition here. Except to say that the confusion in defining terrorism has hampered policy, strategy, and doctrine in terms of focus, i.e. international versus domestic, military response versus civil response, at the national level. Also, because of the many definitions and disagreements at the international level, the definition issue has tied down international and multilateral cooperation. Almost any definition of terrorism crosses several boundaries. It's not an issue that resides solely in criminal, military, political, domestic or international domains, but crosses through all of them at will. Thus doctrinally and operationally terrorism must be countered with a combination of organizations, agencies, governments and coalitions with a clear basket of measures.

Theme 2: the relationship of terrorism to irregular revolutionary warfare from the mid 20th to the early 20th century. My argument is that during the height of people's revolutionary warfare in the 1960s terrorism was an important albeit secondary aspect of the measures used by the people's revolutionary war of insurgency. In the early days of Cold War terrorism as a phenomenon was not high on the list

of US national security concerns. What terrorism work was done took place in a small section within the CIA's counter-intelligence staff. But there was a clear belief particularly during the Kennedy administration that terrorism was a key tool of insurgent movements, particularly communist insurgent movements such as the ones taking place in South Vietnam. Walt Rostow, a high-ranking official in both the JFK and LBJ administrations, used terrorists interchangeably with guerillas and insurgents.

The concept of international terrorism as we saw it in the 70s and 80s was still in its infancy. I mention the Kennedy administration's approach for a particular reason, which will become clear momentarily. The JFK administration's belief that insurgent terrorism in fragile decolonizing states would be best dealt with by the principle of modernization, in which the US would help its fragile allies face and often defeat the communist insurgent terrorist threat through the principle of nation-building, that is to say the formulation and implementation of political and socio-economic programs designed to fix structural deficiencies, set US allies on the road of development and modernity. In other words the communist ideology would be nullified by the effective implementation of modernization projects. There would, thus, be a demonstration or a domino effect beginning with the example of Vietnam spreading throughout the rest of South East Asia.

Now this bold experiment failed for a variety of reasons which I will not go into detail about here, but which are now very relevant. Briefly we suffered from strategic ethno-centrism. We underestimated the enemy. We lacked cultural awareness, and cultural and social intelligence of the Vietnamese. We overestimated the NLF's reliance on pure terrorism. And last but not least we thought that we had the right solution and that nobody else did. It was the American way, or the high way to use an Americanism. Now you see where I am going with this. We have come full circle to the present and the current administration's response to the globalized insurgent terrorism of the extremists we are fighting now. At present it is predicated on the notion of rectifying democracy and nation-building deficits in the fragile states in which these radical movements grow. Now, for an administration that came to office opposing the idea of nation building, this was a sea change. It was a sea change because of 9/11.

I'm running ahead of the story a little bit. I want to see how terrorism relates to traditional insurgency. Let's look at the traditional principles of insurgency theory

and practice and see what fits with terrorism. First of all traditional insurgency talked about protracted warfare and the imperative of exploiting time and space against enemy forces. Secondly, the population is the center of gravity. This is a war for the people. Thirdly, mass popular mobilization leads from principle number two. Forth, insurgents blow the boundaries as well as terrorists between the civil and military spheres by forcing the government to over-react against the civilian population. In other words, it puts the government into a situation in which it practices what the insurgents and terrorists refer to as state terrorism. Fifth, there is an operational art in traditional insurgency. One is guerilla tactics, which I'll not go into. Two is terrorism. Terrorism has a circumscribed but important role in traditional insurgency. Mao Tsedung suggested that varying degrees of terrorism may be used to destroy the incumbent regime. As he put it in a famous statement on protracted war, it's necessary to create terror for a while in every rural area or otherwise it will be impossible to suppress the activities of the counter-revolutionaries in the countryside. But Mao was apprehensive that terrorism may drive the population into the hands of the regime because it conflicted with principles two and three. Che Guevara echoes this, despite being the most celebrated failure in irregular war. As he put it, terrorism is a negative instrument which in no way produces the desired effect, and can turn people against the given revolutionary movement.

The third pillar of traditional insurgency is what I call infrastructure take-down. That is to implement of doctrine of collapsing state infrastructure, societal cohesion and normality. In modern times it was first practiced by Michael Collins of the IRA, between 1990 and 1991. Michael Collins once said that he wanted to pull the administrative and bureaucratic mechanism of British control over Island from beneath their feet. To some extent he succeeded, and Michael Collins is one of those few whose impact has not been fully understood yet. While in deployment in Iraq in 2004 and 2005 we captured books on the IRA in the hands of insurgents, and in fact the Baath party's declarations on the strategic and operational principles of how to collapse the mechanism of coalition control in Iraq had an uncanny resemblance to what the head of the IRA said.

I'm going to skip the third theme here of international terrorism and go on to Theme Four. Terrorism in terms of the late twentieth and early twenty-first centuries is in the context of state fragility and globalized insurgencies. International terrorism of the 70s primarily was seen as a law enforcement problem. The terrorism of the late twentieth and early twenty-first centuries, because it occurs in the context of

failing or fragile states, and because it is an insidious insurgency that transcends borders, is what we call a whole of government problem rather than a purely law enforcement or even a purely military issue. In this context let me present you the brief summary of the nature of warfare as I see it in the world right now. This is still work on progress, so please keep in mind that some of the ideas I'm talking about here are still exploratory.

First of all we are waging a conflict in what I call a Hobbesian battleground. Much of the fighting is occurring in fragile, failing, or collapsed states. Not so much in revolutionary, transitional and decolonizing states engaged in nation-building. We are looking at states that are facing structural collapse, that can no longer control the instruments of violence nor provide social services.

Two. We are in a protracted social conflict. We will fight in conflicts that will go on for a very long time. Termination of violence will rarely be final. Indeed, we will most likely be faced with what Secretary for Northern Ireland Reginald Maudling once said about his hope of attaining "an acceptable level of violence". In this context, victory may never be achieved with any sense of finality. Associated with conventional wars or even early and mid-twentieth century irregular wars, like the victory of the Chinese communists, the victory of Vietnamese, and the FLN in Algeria.

Three. The effects to be sought by governments in fighting new terrorism are rarely physical. Rather, they are overwhelmingly social and ideational. And I'll explain this a little later.

Four. We are faced with what we can call a fire in the minds of men. This is a war about a whole "strategic narrative", to use phrase invented by Lawrence Friedman, the British strategic analyst. This is a war over strategic narrative, and in this context understanding the enemies' belief system, and implementing a strategic operational program to erode his hold over the minds of men and women, is critical.

Five. We are witnessing a micro level to macro level communal violence in many countries, in places where terrorism is an explicit instrument of the perpetrators, from what Clifford Geertz referred to as homeboy ethnic sub-contractors like Arkan and the Tigers in Serbia, to insurgency leaders like Abu Dara in Iraq. Warlords are using terrorism. We are facing "a war among the people", in British General Sir Rupert Smith's felicitous phrase.

Six. Insurgent and terrorist battlefield weapons have become decisive weapons at the political, strategic and operational levels, in a way that the weapons of the state cannot do easily. I think of the weapons of the Hizbollah arsenal in the summer of 2006, and the suicide bombs in Sri Lanka, and in Iraq there are the bombs used from 2003 to the present. What is extraordinary about the attacks in the War in Iraq is their sheer high tempo, or the tempo of operations between 2004 and 2005, when some 1300 car bombs devastated Iraqi society. Some of the devices have been gigantic. And a study by the John Hopkins and Mustansiriyya Universities estimated that 78 thousand Iraqis have been killed or wounded purely by car bombs.

Now, since I am running out of time, my favorite theme, the element of the response to the new terrorism, is going to be very short. I'll just go over some of the themes. A. This is a protracted and long conflict. Terrorists want to de-accelerate war. We as a state want to accelerate war. We have to change our mentality and fight a long protracted struggle. B. We need to understand the adversary. This is what is known as cultural awareness and social intelligence. C. We have to formulate and execute an effective strategic communications program. And D, we have to change organizational cultures and mindsets and overcome bureaucratic inertia across the board, not just in the US.

The famous political thinker Nicolo Machiavelli once advised in "The Prince" that there is nothing more difficult to take in hand, or more perilous to conduct, or more certain its success then to take the lead in the introduction of a new order of things. Organizations the world over are nothing if not predictable. They do not like change. In some cases it's because it's hard to teach all those new tricks, in other cases because they want to preserve their structural integrity, and in other cases simply because they cannot see another way of doing business. With this, ladies and gentlemen, I come to the end of a long and protracted road. It's not complete, unfortunately, but I hope this has been helpful and has added another way of looking at the long war on terrorism. Thank you very much.

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PROBLEMS AND PROSPECTS IN DEFENCE AGAINST TERRORISM:
THE EXPERIENCE OF TURKEY

(R) General Kemal YAVUZ (TURKEY)[1]

I will talk about the "Turkish experience in the international war against terrorism". Before beginning my subject, within this framework, I think I need to touch briefly on two important issues in international terrorism.

The first one is the danger that international terrorism, more and more, works together with international criminal organizations or as their subcontractor. The second, posing the greatest threat for the world, is that these two elements come together and support each other to challenge the law worldwide and modern humanity, which is not something we can neglect. The PKK/KONGRA-GEL terrorist organization, against which Turkey has been struggling for years, is very active in this sense.

It is not only widely active in drug trafficking, as well as arms and human smuggling, demanding ransoms, extorting, forgery, usurping, theft, burglary, money laundering, but also these illegal activities all over the world gather a very important amount of funds for its terrorist activities. Turkey's struggle against the PKK/KONGRA-GEL terrorist organization, in this context, also helps prevent the spread of international organized crimes.

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[1] Retired General Kemal Yavuz graduated from the Military Academy in 1953 and from the Army War College in 1967. He commanded Brigades, Division and Army Corps and he was the commander of the 2nd Army, which is located on the Iraqi border, during the 1st Gulf War. He has retired after commanding the War College during the period 1992-1994. He is decorated with the Distinguished Service Medal of the Turkish Armed Forces.

The other aspect of this issue is that international terrorism, losing its localized character and gaining an active global scope, has turned to the method of "covered war". As a matter of fact, international terrorist organizations, collaborating with each other and aiming at "internationalism", have become a threat not only to a nation and culture, but to the whole of humanity and civilization. In contradiction to all these realities, most western countries still continue to use international terrorism as "a kind of tool for pressure in their foreign policies".

Although everybody always claims that the "War against Terror" must be carried out with "International solidarity", unfortunately, Turkey's experience on this issue is full of proofs of the insincerity of these claims. Most of the leading countries of the western world must not forget that the game they insistently play for their petty political interests will harm them in the end.

In the next part of my speech, I will talk about "Turkish experience in the international war against terrorism". Turkey has been struggling with terrorism for a long time. In the 1970s, it first struggled with the Armenian ASALA terrorist organization and in this struggle it lost fifty-four diplomats, despite the fact that the countries in which they worked were responsible for their security. That international series of bloody activities was stopped through the efforts of Turkey. Later, beginning in the 1980s, Turkey started to struggle against the PKK/KONGRA-GEL terrorist organization which was backed from abroad, and Turkey lost thousands of its citizens. This struggle will surely end with success.

The most important factor in the struggle against international terror and international organized crime organizations is surely "political determination" and social faith and integrity, and the determination to join in the struggle. As long as these two determinations are not established correctly and actively mobilized, it is impossible to achieve success. In this sense, without an adequate and continuous political determination and social support focused on success, it is impossible to carry out and conclude a struggle against terror. The people in the region where terrorism takes place face two negative things: insecurity of their lives and property, and limitations on their living conditions. In these regions the first duty of the state is to defend these two vital and right requirements. Failure in making this security continuous will lead the people of this region to incline to terror.

At this phase of the implementation, the officials of the state in the region become important. These officials must be chosen from the people who are aware

of the fact that the struggle is multifaceted, who can understand the psychology of the people in the region, and who can approach them, sure of themselves, dynamic, constructive, enterprising and experienced.

It must also be known that using force will not be enough, but before that political, legal, economic, social and cultural investments and sanctions based on an unyielding determination within a long-term plan are needed. The basis of the strategy for the struggle against terror necessitates patience and perseverance and the implementation necessitates speed and a decisive result. The struggle against terror must be carried out with a continuous determination. Temporary slowdowns, political ceasefires and localized periods of peace must not weaken the struggle.

These pauses will always be useful for the terrorists and make them stronger, directly or indirectly. Terrorism is like forest fire; we must not be deceived when it seems to have died down, it can start up again more vigorously in an unexpected time and place. When the terrorist organizations see that they are going to lose the armed struggle, they will try to seek shelter under the umbrella of a "political struggle". We need to be ready for this.

We must do everything to prevent ethnic terror collaborating with religious terror. And also, parallel to these efforts, it is vital to carry out sincere and continuous policies to eliminate the local sources of abuse, unrest and unhappiness, and policies to eradicate the social problems of people in the region.

The attempt to turn state/citizen relations into a security forces/people fight must be observed carefully and must be prevented. It is one of the most important aims of terrorism to bring people and the security forces into confrontation and to make them fight. In order to avoid error, security forces should be patient and sympathetic. It will always create more useful results when we apply psychological approaches to the people instead of using force.

The "Village Guard" organization is a very successful system and it has provided effective results. In this system, on the one hand, you can benefit from the advantages of using personnel who know the geographical and sociological features of the region, and on the other hand, you can provide opportunities to people whose economic opportunities are very limited because of the terrorist activities.

To contribute to the development of the region, we should consider not only the economic dimensions of the ongoing projects in the area but also their social consequences. Moreover, we should take action in advance and consider possible political and cultural consequences.

The South Anatolian Project is a significant example which is carried out using the country's own capabilities in the southeast of Turkey. In terms of its physical structure, this project has almost been realized. However, it has not been possible properly to accomplish its social and political structure. Therefore, its contribution has not been sufficient.

In modern society it is unavoidable that we fight international terrorism, which violates and exploits international law on every occasion, within legal and lawful boundaries. However, legislators should understand the difficulty and sensitivity of the subject, and they have to help the security forces who are caught in the middle between security requirements and legality.

A security operation which is not supported by international policy can hardly accomplish its mission. Therefore we should support the fight against terrorism by establishing better relationships with the neighboring countries and the world's superpowers.

On the other hand, in some areas of the world, stopping terrorism and establishing stability are not the real target of the world's superpowers. Therefore the people who live in such regions should be wide awake and the governments should be well prepared. Today, most of the terrorist activities are considered to be local. But in fact they have external support. Therefore we should be very careful when we constitute and apply the national and international policies.

Components of international security like "Provide Comfort", which is deployed in Northern Iraq, and its activities should be observed permanently. This is because it is a very important matter to know on what conditions these organizations fight against terrorism in the region and on what conditions they support it. Besides, international civil community and media organizations, which immediately crowd together on a problem area anywhere in the world, are another subject that should be considered very carefully. In these organizations there are of course well-intentioned elements. But they are in the minority. Unfortunately, it is a clear fact that most of them have harmful activities and they are dealing with things which are none of their business.

Honorable guests,

In the last part of my speech, I would like to present the opinions and thoughts of Mustafa Kemal ATATÜRK, who is the founder of our country and our eternal leader. About international relations and the ideals of humanity, Mustafa Kemal ATATÜRK says:

"Today, nations of the world are almost relatives, or becoming relatives. Therefore, people should care about all the world's nations' existence and prosperity as much as their own nations' existence and prosperity. And people should help all the world's nations' happiness as much as their own nation's happiness. This is because working for the world's nations' happiness brings peace and happiness to your nation. If there is no peace, sincerity and harmony between world's nations, it is highly unlikely that only one nation will be able to exist. We have to see the mankind as a body, and we have to see the nations as the organs of the body. Pain in a single finger affects all of the body. You cannot simply say "It's not my problem" when something bad happens somewhere in the world. We have to care about that problem as it is our problem. And we should care about the problems no matter how far they are. This mentality eliminates the egoism of people, of nations and of governments. Either individual or national, egoism should be regarded as wrong. If we want a permanent peace, we must truly take international measures which will help the peoples' circumstances. The total prosperity of humanity should replace poverty and oppression. The world's citizens should be taught to avoid the jealousy, hatred and greed. Look at the sun rising from the east. Today, I see the eastern nations' revival as I see the dawn. There are a lot of nations which will regain their freedom and independence. Colonialism and imperialism will be vanquished. Then, the future will be one of harmony and there will be an age of cooperation which will not discriminate between people."

Mustafa Kemal ATATÜRK (March 1933)

These opinions were expressed in the 1930s, when there were no "Human Rights" as a concept in the literature. Thank you very much.

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PROBLEMS AND PROSPECTS IN DEFENCE AGAINST TERRORISM: THE EXPERIENCE OF PAKISTAN

(R) Lt. General Talat MASOOD (PAKISTAN)[1]

Root Causes of Terrorism

The roots of international terrorism and Islamic militancy were sowed in the 1980s when Pakistan became a key ally of the United States to fight the Soviet occupation of Afghanistan. General Zia ul Haq, an authoritarian military leader who captured power through a coup in 1977, tried to legitimize his regime by making Pakistan a front line ally against Soviet expansionism. At the domestic level Zia strengthened the country's conservative religious forces that later greatly influenced Pakistan's Afghanistan and Kashmir policy. The United States was the prime mover in creating a very large Islamic militant force in Afghanistan and Pakistan to fight and support the insurgency in Afghanistan and act as a bastion against the godless creed of communism. It was during this period that a large number of Madrasas were set up in Pakistan in which Pakistani and Afghan refugees were tutored in a highly conservative and aggressive ideology that has

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[1] Lt. General Talat Masood served in the Pakistani Army for 39 years, retiring in 1990 as Secretary for Defence Production in the Ministry of Defence. Prior to this, Lt. Gen. Masood was chairman and chief executive of the Pakistan Ordnance Factories Board, where he oversaw the modernization and expansion of military technologies. Since retirement, he has been closely associated with think-tanks and universities regionally and globally, working to promote peace and stability in the region. He writes on security and political issues in national newspapers and foreign magazines and is a prominent commentator on national and international television and radio networks. He has worked as a visiting fellow at the Stimson Center in Washington, DC. A graduate of the Pakistan Command and Staff College and the National Defence College of the Armed Forces, Lt. Gen. Masood has a Bachelors degree in mechanical engineering and a Masters in defence and strategic studies.

since backfired. Pakistan also played host to millions of Afghan refugees and most of them continue to stay on, with adverse consequences for its economy, politics, demography and social fabric.

The abandonment of Afghanistan by the US and western countries after the withdrawal of Soviet forces in the late 80s resulted in instability and civil war. This had a major fallout on Pakistan's tribal belt (FATA) and the adjoining provinces of North West Frontier and Baluchistan. Moreover, the support of Pakistan for the Taliban regime in Afghanistan from 1996 to 2001 laid the seeds for the rise of indigenous Taliban in the western region of Pakistan. No less has been the trouble brought by the post 9/11 invasion of US on Afghanistan, of which Pakistan has borne the brunt, both in terms of dislocation and devastation across the Pak-Afghan divide. Several Afghan Taliban groups retreated into Pakistan. Pakhtun tribal affinity helped them to settle into the tribal belt and into parts of North-West Frontier Province and Baluchistan. The influx of Afghan refugees that consisted of a sizeable number of Taliban and members of al-Qaeda accelerated the process of Talibanization in Pakistan in areas adjacent to the Afghan border. Current US and NATO counter insurgency operations in Afghanistan have a spill-over effect on Pakistan. Many Taliban and other militant groups cross over into Pakistan's tribal belt (FATA), taking advantage of their historical, cultural, tribal and religious linkages, despite the government's efforts at preventing it. Pakistan has deployed nearly 100,000 troops on its western border and lost nearly 1200 soldiers and several hundred injured fighting since the start of the insurgency. The Pakistan-Afghanistan border is nearly 2500 km and is porous. As the normal traffic on any day is 10,000 to 20,000 persons crossing the border and that too without any visas, it is impossible to control radical elements sneaking in and out.

As a consequence most of the tribes in the border belt, especially in South Waziristan are radicalized. About 40 small groups in the tribal areas have recently created an alliance and call themselves "Tehrik Taliban". The current leader of this alliance is Baithullah Mehsud and he boasts a following of about 30,000 and dozens of highly motivated suicide bombers. He has become an important figure and many acts of violence are attributed to him, although these may not necessarily be planned or executed by his organization. Militant groups in Pakistan, like their counterparts in Afghanistan, receive external support and financial assistance from many sympathizers around the globe especially from the Middle East. The drug mafia and criminal economy of the region is also supportive of the Taliban.

Apart from the huge stockpile of weapons left behind from conflicts spread over decades, access to these financial resources allows them to buy a range of lethal weapons and equipment from the thriving black market in the region. Political turmoil in Pakistan has made it difficult for the government to take a bold and decisive action against them. In the last two years a synergy has developed between al-Qaeda, Afghan Taliban and Pakistani Taliban that is making the threat more dangerous.

Moreover, manipulation of radical Islamic groups by Pakistan's security establishment in the 1990s as part of a strategy to fuel the jihad in Kashmir has also backfired and contributed toward promoting extremism and militancy in many parts of Pakistan. Many of these groups have committed acts of violence and their obscurantist culture has permeated the social fabric of Pakistan.

As a part of grand strategy to combat foreign aggression and to counter internal political opposition, the Pakistan establishment has used ethnic, religious and tribal rivalries to build up leaders who are pro-government. This has resulted in factionalizing and polarizing the society. There are several Mujahideen groups operating in Pakistan that are different from the Taliban. These include Lashkar-e-Taiba, Jaish Mohammad and Harkatul Mujahidin. Essentially these groups are more focused on the region and are primarily related to Kashmir liberation and pursuing an agenda of freeing it from the Indian yoke. A few of the misguided militant groups operating in Kashmir have at times turned inwards and committed acts of terrorism within the country. In addition, regional rivalries, religious bigotry and expedient politics have given rise to jihadis who are promoting a sectarian agenda. Although goals and objectives of these jihadi groups are different from Al Qaeda, nonetheless, at times they are sympathetic and supportive of each other and there is an overlap.

Counter Measures

The experience of Pakistan has been that a military response to growing militancy and terrorism is not enough. It has to be countered by a comprehensive policy that combines political, economic, ideological, media, military, and intelligence measures.

Penetration of Taliban groups and disrupting their networks by better human intelligence and surveillance is critical for countering these forces. It is important

that the sources of financial support, doctrines, and tactics used by the militants are tracked and denied.

Militants are using the computer and information technologies to their great advantage. At times it appears the new generation of Taliban or other militant groups are using the computer and Internet more effectively than the security forces. Their intelligence is getting sophisticated which enables them to hit military targets with less collateral damage as compared to what the military can achieve. Of course there are no laid-down performance standards by which success or failure in the war on terror can be measured apart from tracking casualties or witnessing progress in governance and development.

Taking their cue from the success of asymmetric warfare in Iraq and then in Afghanistan, the new generation of Pakistani Taliban are also employing similar tactics in the tribal belt as well as in settled areas. By resorting to suicide bombings, use of improvised explosive devices, and attacks on military and intelligence and even soft civilian targets, the militants have spread fear and despondency and raised their offensive profile. In 2007, Pakistan experienced more suicide bombs and kidnappings, and suffered more casualties, than in the last five years—2001 to 2006. The insurgents have become bolder and have been attacking military posts and bases, and when confronted with a major military response have withdrawn, as is typical of guerilla tactics. In any case they do not have to win. For them to maintain a certain tempo of insurgency is enough to keep the security forces unbalanced and the population in a state of fear and despondency.

Recent encounters in South and North Waziristan, Swat and other places clearly manifest the fact that there is a large and dedicated cadre of militants who are in a position to take on the military at least at the tactical level. These militant groups have expanded their power base by organizing under a unified command structure and synergizing their activities.

The US, Russia and Israel are great military powers which proved their military capabilities during conventional wars and rely on nuclear deterrence but they have yet to succeed against insurgencies and in asymmetrical warfare. And Pakistan too is facing a serious challenge in encountering the insurgency. There is lack of clarity in understanding and defining the nature of the threat and the enemy. President Musharraf's government also suffers from a legitimacy problem. For this reason the government has been vacillating between tough military action

and peace deals that were designed more for pacification than meaningful and verifiable peace agreements.

The army's professional competence and its operations in the tribal belt suffered enormously due to President Musharraf simultaneously holding two posts, with most of his time being devoted to issues relating to his political survival. And the Army was being run by the VCOAS. Fortunately, since General Kayani has taken over as COAS there is a greater focus on professionalism and the "war on terror" is being fought more effectively. Pakistan's military, due to adversarial relations with India, has primarily remained focused on conventional warfare. It is in the process of evolving doctrines, tactics, strategy and procedures for facing the new threat of asymmetrical warfare. Counter-insurgency strategy should ensure that there is minimal collateral fallout. In the past, during counter-insurgency operations in the tribal belt, Swat and Lal Masjid loss of innocent lives and displacement of hundreds of people created extreme ill-will against the government, bringing new recruits into the militants' fold.

Democratic Governance an Effective Tool

Democracy gained credibility as a counter-terrorism strategy in the aftermath of the events of 9/11. Democratic institutions and procedures, by enabling peaceful reconciliation of grievances and providing channels of communication for participation in policy-making, can help to address those underlying conditions that have fuelled the rise of extremism and terrorism. Pakistan's current government's questionable legitimacy and capacity to respond to economic and social challenges has aggravated militancy.

Pakistan's experience has been that an authoritarian regime creates an environment in which terrorist activity thrives. The reason is apparent as such regimes lack public support and legitimacy and co-opts only ossified political parties, whose legitimacy itself is questionable. These parties fail to solve the innumerable social and economic problems faced by the people and create an environment where the people are denied justice and security at the local level. Poor governance, lack of employment opportunities, high levels of corruption and patronage, prolonged military rule, politicized civil services, all result in growing support for militants.

The credibility of the government also gets severely undermined by continuous distortion and manipulation of information. A classic example of this occurred

when Benazir Bhutto was killed in a terrorist attack. Government agencies kept on changing their version of the incident. It was ironic that when Baithullah Mehsud, the leader of Pakistani Taliban, denied any involvement in Bhutto's murder, the majority were inclined to believe him rather than the statement of President Musharraf.

Role of Civil Society

Prolonged military rule and President Musharraf's recent highly controversial actions of dismissing the judiciary, declaring an emergency and curbing the media have given rise to a civil society movement. The movement, spearheaded by the lawyers, is also being supported by a wide cross-section of society. It is seeking the rule of law, the sanctity of the constitution, and the promotion of democracy by challenging the dominance of the military. Clearly, for the military too, it has become a professional and security imperative to promote democracy and to distance itself from politics. Pakistan has experienced that military rule alienates and sharpens the civil-military divide and no war external or internal can be won without the support of the people.

Pakistan needs to step up its efforts at nation-building as this also is a key element in combating conflict. The country's multiple ethnicities have to find a common identity. The military government, and in particular President Musharraf, have concentrated all powers on him alone, practicing what he described as unity of command. This has set in motion centrifugal forces that have to be countered by organizing the state were people can live together with different sub-nationalities or ethnicities. It has been experienced in Pakistan that religion alone is not sufficient in unifying a people. In fact, the growth of jihadi culture and sectarian strife has created deep ruptures in the society as there are different interpretations and several schools of religious thought. Ethnic nationalism is on the rise. Local Taliban and international jihadists are trying to challenge the writ of the state. Some among them even aim at forming an internationalist Islamist state and take up arms, run training camps, use drug money or raise funds from criminal activity like smuggling cars, and use terror tactics to harass the populace.

Common Vision for Pakistan and Afghanistan

It is only by eliminating the bases of terrorism in Afghanistan and Pakistan's tribal belt that the threat to regional and global security can be removed.

The stability of Afghanistan is vital for the stability of Pakistan and the reverse is equally true. Clearly, both countries have taken positive steps to improve their relationship and President Musharraf and President Karzai are refraining from accusing each other's country for the rise in militancy. But a lot more has to be done to improve coordination and enhance cooperation in intelligence sharing and security operations. What is required is to develop a common vision as ultimately this war has to be won by the Afghans and Pakistanis. For Islamist militants (Taliban), the US presence in Afghanistan provides the motivation to rise against the occupying power to regain independence and Pakhtun nationalism integrates with religious fanatic forces. To counter this it becomes crucial that Pakistan and Afghanistan rely essentially on their indigenous strength. Foreign support should be sought in the form of economic assistance, military hardware and training. The two countries should be responsible for engaging in military operations, providing security and undertaking development work within their respective countries. The holding of joint Pak- Afghan Jirgas to mobilize public opinion and formulate unified policies and programs could be another step forward towards self-reliance. Bringing stability to the region is also a great humanitarian need.

NATO and US, Challenges Ahead

The role of NATO in Afghanistan remains an enigma. On the one hand there is a genuine desire on the part of the governments of European allies to reinforce the US military's efforts by their presence and participate in Afghanistan's nation-building efforts. On the other, there is a domestic pressure to withdraw and a feeling of despondency and sense of despair as though defeat were inevitable. The international community should assist in creating a favorable security environment, display greater commitment in strengthening institutions and assisting Afghanistan in nation building through cooperative and well coordinated effort.

During the past six years, United States policy toward Pakistan has focused around Pakistan's usefulness in the "war on terror" and the stability of the border belt. The Bush administration found dealing with President Musharraf very convenient as he combined the two posts of President and Chief of the Army in one. Washington has fully backed President Musharraf and his autocratic political dispensation because it suited its strategic interests and it paid lip service to the rule of law and democratic governance. But of late, realizing that Musharraf has failed to stabilize Pakistan as new threats emerge from Pakistan and Afghanistan,

his utility is being called in question, especially by the Congress and US media. The time is not too far off when Washington realizes that reliance on the military dimension and one individual is not enough, and promoting democracy is a strong tool against the radicalization of societies.

Terrorism has many dimensions with the roots of discord deeply embedded within the society and the nation, requiring political, social and economic solutions. Pakistan's greatest challenge is to develop a comprehensive approach in which selective application of military power combined with political dialogue, economic development and social cohesion can bring success in the fight against terror.

FIRST SESSION

QUESTIONS AND ANSWERS

Q: *Thank you. My name is Mohammed Al HUSSAINI, Ambassador of the Kingdom of Saudi Arabia. I would like to thank you and the general staff for this informative very important symposium. This is the third one I have attended. I have two points: One is the problem of definition, the other one is the root of terrorism. We still have the problem of definition. There is still no exact definition of terrorism, or the concept of terrorism, and we go through this dilemma. As the chief of staff mentioned, there is no single agreed upon definition. But this is a great handicap, which is true of all the conferences I have attended. It is very crucial. The other day an Israeli official equated the terrorists of the PKK with the Palestinian movement of Hamas. Of course, many countries consider the Palestinian movement as a resistance. The PKK is considered by the Iraqi themselves, by European Union, by the United States and by Turkey, as a terrorist organization. Here we have a problem that somebody allowed himself to equate a movement, a political movement, with a terrorist organization. Here is the crucial problem of definition. The other point I will just move on to: If no one is born as a terrorist, as terrorism has no religion, or nationality, then what is it? Is it society? Is it poverty? That chief of staff also dealt with that. Poverty causes unemployment, unemployment allows terrorists to recruit terrorists. Or is it the grievances inflicted upon other nations, when they are occupied, like Palestine or the Palestinians? Thank you very much.*

Chairman: Thank you. Yes, Just to give an opportunity to other participants, let us focus on one point.

Q: *Thank you very much, Mr. Chairman. First of all let me say thank you very much to the commander of the Turkish Armed Forces and the COE for this very*

interesting symposium. And my question refers to Dr. HASHIM. Dr. HASHIM, my question is simple. Which are in your opinion the criteria for answering the dilemma of "one person's terrorist…", and then the same person is declared to be a freedom fighter. Thank you very much.

A: May I just comment? I don't go along with General MASSOOD on the causes of terrorism. I think it is a myth to believe that poverty causes terrorism. Poverty can be exploited by terrorists. And they can do so very effectively if you see the recruitment trends among young, disadvantaged people in ghettos in the Middle East, in North Africa, even in ghettos of Western European cities, and this has led some of these people to end up in Iraq. And they were recruited from various cities around Middle East: Casablanca, Algeria, Paris, and so on. These are poor people. But I think there is also psychological dislocation aspect to do it. Going in to join the jihad in Iraq gives them meaning in their lives, from their point of view. I am speaking a little bit first hand here because I interviewed large numbers of these people. They don't even have good understanding of Islam, they were exploited, they were re-indoctrinated, and they were sent to Iraq. Now I just want to comment on the question of "one man's terrorist is another man freedom fighter". You know there is no universal definition of terrorism. Expert Alex, I think, Schmid, found out something like over a hundred definitions since the League of Nations first mentioned terrorism as a scourge in 1939. If you go back a hundred years ago to the French Revolution, state terror was regarded as a positive thing against the enemies of the revolution. We only have to read Maximillian Robspiere's two tracts on the positive virtues of terror to understand the guillotine. They also express the positive value of terrorism. But, whether you believe one is genuine freedom fighter or another one is a terrorist has also to be contingent on way you stand politically, for a lot of people. You may want or may not want to admit that. But the fact is governments of states define what terrorism is in this day and age. They create the narrative of what terrorism is. And frankly our groups in the world, there are beyond the pale in their activities, irrespective of whether one supports them or not. But you want my own personal opinion, I think I am going to "plead the fifth".

I would like to add one more thing, that I have a feeling that many countries take cover in "terrorism" in order to suppress the genuine political aspirations of many groups. I think that we create great harm, both to themselves and to the international community. Because where the line is, is sometimes definitely

obscure. There is no doubt about it. There are also times when genuine freedom fighters also get involved in terrorist activities. I don't say that that is not true. But at the same time, I think it is important for countries, wherever it is, I don't want to get into politics, but the fact is there are many countries, I leave it there, for your imagination, that need to understand that it is in their interest as much as in the interest of international community, to really look at the genuine aspirations of the people against who are involved in the terrorism.

Chairman: One of our earlier speakers mentioned that, like terrorism, a definition of pornography is not universally found, but you know what pornography is when you see it. When innocent civilians are killed in the name of a cause, whether it is poverty or injustice or freedom, and then the supporters of those killers go out there rejoice for them, if that is not terrorism then what is? In another words, although we do not have a totally agreed definition of terrorism, there are the basic tenets of what it is. It is clear, using the titles of insurgency, of freedom fighters, for terrorists is what they want in the media anyway for publicity. This was one of the topics that was addressed in our opening address this morning, and mentioned now several times. So yes, although Professor HASHIM can "plead the fifth", I am sure he will also agree on certain aspects of what terrorism is, and that this is good enough for us not to call it with any other name. We have room for just one or two questions.

Q: *Thank you, Mr. Chairman, I would like to ask General MASSOOD one question. I am İlnur ÇEVİK, a journalist from Turkey. Sir, now we are talking about the penetration of Islamic radical groups in Pakistani society. How much penetration is there in the Pakistani Army do you think?*

Q: *I am retired Lt. General Hayrettin UZUN. My question is also to the retired general Mr. Talat MASSOOD. I have been very much impressed by the point you raised as to the counter-measure of terrorism in Pakistan: your reference to democracy. My question to you is, how do you see democracy without secularism in Pakistan? Thank you very much General MASSOOD.*

Comment: Aytekin BERKMAN. Rector of the Maltepe University. This is not a question but I want to remind Dr. HASHIM a point. He is also come from Middle East. I think we have to look at 13th century and know Hasan-ı Sabbah. This can be helpful. As you know, Hasan-ı Sabbah is head of the "hashashins". This word is known as "assassin" in the western languages. He is a master of faith

orientated terrorism. I think we have to understand Hasan-ı Sabbah movement and its philosophy. This is how I look at the issue. Thank you.

A (Lt. Genaral MASSOOD): Actually two questions were addressed to me. One is the penetration of Islamist military forces within the Pakistan Army. Well, I think to some extent during the period of General Ziya, the conservative and Islamist forces did in a way find some space within the Pakistani Army. In the society there is a lot of Islamist discourse. And there was also extreme discussion of global issues. But, what is dangerous is if it is mixed: there is a cocktail of militancy in it. But as of now, there is absolutely no way that there could be any existing Islamist radicals within the Pakistani army. They are just not there. Because of the top leadership, and also there is no space for them, and so there is no question of having any Islamic radicalism. I am telling you, as friends of Turkey, that there is no reason for you to be apprehensive about that. As you know, the results of the elections themselves proved that the people of the Pakistan, by and large, when they voted, 97% of the people voted for the moderate mainstream political parties. That in itself is a good indicator. Because, after all, the military also represents, to a large extent, on an aggregate basis, the thinking and the philosophy or the ideology of the common person in Pakistan. Now as far as democracy without secularism is concerned, I do agree the two go hand in hand. I think democracy takes roots over a period of time, and you will find that Pakistan is also secular. But this does not mean that Pakistan will abandon its ethical Islamic framework, in the sense of the ethical Islamic values we cherish, and we will continue to cherish. I think there is no clash whatsoever of Islamic ethical values and international norms and standards. All religions here converge as a matter of fact. No religion will tell to do wrong things, it is only a matter of interpretation. They are there because of a lack of education and the need for the society to get more educated and more democratic. Thank you.

SECOND SESSION

THE SOCIO-PSYCHOLOGICAL DIMENSION OF TERRORISM

Chairman : Prof. Dr. Jesus Martin RAMIREZ

SPEAKERS
Prof. Dr. Abdülkadir ÇEVİK
Prof. Dr. Yonah ALEXANDER

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SOCIO-PSYCHOLOGY OF TERRORISTS AND TERRORISM

Prof. Dr. Abdülkadir ÇEVİK (TURKEY)[1]

Psychology of Terrorists and Terrorism

Terrorism has emerged as a new war method in today's unipolar world. Unfortunately, nations and the public have not been able to find a specific and consistent way of fighting against terrorism because a consensus on the definition of terrorism has not been established.

There are various reasons of terrorist activities such as political, ethnic, geographic, strategic, military, economic and socio-political. Other than these, injustices in the community, inefficient government ruling, and traumas following forced migration can also serve as bases for terrorism. The main goal of terrorism is to frighten the public, pacify the public by intimidation and suppression, and to get the terrorists' demands accepted by demonstrating their power. Generally speaking, terrorism is a communications strategy with the aim of provoking the dominant powers.

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Terrorists also like to attract the media. They try to sublimate and legitimize their terrorist activities by using ideological or ethnic combat methods. With their activities terrorists also aim at rescue their sympathizers. According to Loren Lomarsky (1991) the most distinctive aspect of terrorist activities is the gap between their factual demands and their activities. Carol Weinberg (1992) states that terrorist groups have a tendency even to spoil their own successes because success enables the elimination of victimization, which is the main component of terrorists' identities. For that reason, the following question may rise, especially considering ethnic terrorists. Do ethnic terrorists truly want to reach a solution or are they only looking for excuses to create violence?

This paper will try to analyze and discuss the psycho-social reasons behind terrorism. First, I will briefly discuss some important aspects regarding the development of personality and ethnic consciousness in childhood. I will explain how terrorists develop certain personality traits. Next I will discuss personal motivations behind ethnic terrorism and the underlying psychological reasons of terrorist behavior, such as the psychology of victimization, the psychology of injured narcissism, the psychology of splitting and the psychology of belonging and survival. At the end of my speech we will be able to figure out what the missing element is in their personality. In other words, we will find out what kind of gap they have been experiencing in their personality and how they try to repair this gap.

Psychological Development of Ethnic Identity

The human mind during infancy is in what might be called a creative state of confusion. Children are born without a separate sense of self and acquire a genuine sense of "I" only by the end of their third year of life.

During this early process of separation and individualization, an infant uses certain unconscious mental mechanisms to protect the cohesion of his or her developing identity. These are mainly two major types of mechanisms; those directed outwards, which are called "Projections" and "Displacement", and those directed inwards which are called "Introjections" and "Identifications". It should be remembered too, that theory separates what life entangles: external influences and internal expressions interact to form an individual's complex mode of adaptation to the world that he or she experiences.

I. Outward Mechanisms

The unconsciousness projection onto another person or object of those aspects of oneself which one finds unpleasant or humiliating and about which one feels

anxious is a normal part of early childhood development. Unconsciously, the infant tells himself, "It is not I who can't walk properly, it's the "other" that has this "bad" characteristic. I'll try and distance myself from this "bad" other so that I won't become aware that the other is really contaminated by something that comes from me". As the child grows, his projections become more "sophisticated", and he rids himself of unaccounted thoughts, perceptions and feelings, "telling" himself, for example, "it is not I who am greedy and full of rage, it's my elder brother who has these unacceptable qualities". On occasion, he may also project "good" aspects of himself onto others so as to keep them safe "out there".

The more a child is traumatized or abused, the more pain and frustration he is likely to experience and the more he is likely to make use of various projections. Then, as the child develops further, he may "re-own" what he previously projected and so find himself able to integrate his pleasant and unpleasant aspects into a more realistic image of himself and others. Displacement functions in much the same way. Hostile feelings towards one person, whom the child does not wish to harm or alienate, are unconsciously redirected towards a safer target. The child tells herself, for example, "I'm upset with my mother and I want to hurt her, but this isn't good, since I depend on her. So I'll feel angry with someone else and become prejudiced against this 'other'. That way I can continue to live with my mother. I can still depend on her". The "other" takes on whatever aspects of the parent that the child finds threatening and becomes "safe" object of the child anger.

Adults also use outward mechanisms. In all of us there is a tendency to look for scapegoats, or to experience prejudice or xenophobia, but exaggerations of such behavior are clues that an adult is fixated on or has regressed to the use of primitive outward mechanisms. The more integrated an adult's sense of identity, the less likely he or she is likely to depend on projections and displacement. Ethnic conflict, at least in the minds of terrorist leaders, is in its turn often rooted in shared projections. So if we are to understand the development of ethnic consciousness in childhood, we need to comprehend the origins of shared projections and displacements.

"Reservoirs" are of particular interest in this respect. These are shared by all the children in a given ethnic group, which become common targets for projections and displacements, regardless of the differences between individual children. These "reservoirs" are formed by the interplay between the individual and the group psychological process.

These sanctioned reservoirs are usually non-human (pigs) or inanimate (colors, foods, songs, folktales). But they seem to us to represent the first stages of a shared human "other" (the enemy) and a shared human "we-ness" (the allies). As the children grow, they abstract the concept of ethnicity, with its attendant categories of "enemies" and "allies", from the specific reservoirs that they have learned to use. This concept then becomes central to their sense of self and group identity. Since the reservoirs contain the children's own unwanted parts, each child's sense of "I" and his or her investment in the group become intertwined. The children grow, as it were, with two linked identities—individual and ethnic (or national)—and their membership in related sub-groups, such as family or tribe, reinforces this link. The maintenance of clear boundaries between "us" and "others" is thus vital both to their individual and to their ethnic sense of identity. If the borders are blurred, and neighboring "others" are allowed to become like us, they will no longer provide a stable reservoir for our projections and displacements.

2. Inward Mechanisms

The child takes from others, by way of introjection or identification, perspectives, values, feelings and behaviors that help to form his own personality. These become, as it were, the building blocks of his identity. He acquires, for example, the same language and the same eating habits as his parents and the other adults of his community.

While by such mechanisms the child develops his ethnic identity, we believe that the most potent sources of a group's self identity are what Volkan has called "chosen traumas" and "chosen glories". These shared mental representations or "memories", often highly mythologized, of historical encounters between one's own nation or ethnic group and others are incorporated at an early age into the psyches of the group's children.

"Chosen trauma" refers to an event that induces in the members of one group intense feelings of having been humiliated and victimized by members of another group. A group does not of course "choose" to be victimized. These "memories" of a "chosen trauma" which is transmitted from generation to generation, become a vital marker of ethnic identity.

We use the term "chosen glory" to refer to an event that induces in the members of a group intense feelings of having been successful or of having triumphed deservedly over the members of another group. Chosen glories serve to bolster

a group's present self-esteem and, like the chosen trauma, may be heavily mythologized.

The Shaping of the Ethnic Tent

Ethnic identity can be expressed adaptively in energetic but ordinarily peaceful rituals of competition, such as sporting events, or by a greater affection for the diet, costumes, symbols and cultural artifacts of one's own group over those of another. Under certain circumstances, however, it can take the form of maladaptive belligerence and violence.

We can better understand why this happens if we think figuratively in terms of learning from childhood on to wear two layers of clothing. The first garment, which belongs only to the individual who wears it, fits snugly. This is his or her self-identity. The second set of "clothes" is a loose covering that shelters many individuals. It is, if you like, a large canvas tent. This is the individual's group or ethnic identity. Chosen traumas and chosen glories are woven into the fabric of the tent, and the column that supports the tent is held by the group's leaders. Their role is to sustain the group's identity by keeping the mental representation of chosen traumas and chosen glories alive, and by presiding over the group's relationships with its neighbors.

As long as the tent remains strong and stable, the members of the group pay it little heed. They go about their daily lives without constantly rehearsing and proving their ethnic identity. A leader may, however, be driven to act out his own personal drama in the historical arena and, in the process, may shake the tent.

The need to be different from "others" who are not "us" is part of normal human psychological development. Often it finds expression in such mild forms of prejudice and xenophobia as ethnic jokes and caricatures, however, preoccupation with the other can turn malignant. As the group under stress regresses to primitive modes of behavior, making increasing use of inward and outward mechanisms, its relationships with "others" become more rigid. Introjections and identifications bind its members together even more tightly and further differentiate it from others: ethnic affiliation becomes its most important rallying point, and its leaders are idealized. At the same time, projection and displacements cause the others to appear less than human.

The Ethnic Terrorist: Personal Motivations

Although the atmosphere in a given locale may be conducive to ethnic terrorism,

specific acts of terrorism are performed by individuals bonded together in small, conspiratorial groups. Therefore, it is proper to ask why some individuals and not others, whose ethnic sympathies may be just as intense, actually become terrorists. The answer lies in the ways in which personal history and individual psychology become intertwined with large group processes.

We need to acknowledge at the outset that whatever the popular media may lead us to believe, "terrorists generally", as Weinberg states, "are not crazy".

We recognize that those who form the initial "cell" of a terrorist group may have personality organizations that differ from those who join later. There is evidence that the founding members of a terrorist group suffer from identity problems caused by early psychological traumas. They have experienced severe internal "wounds" or, in more technical language, narcissistic injuries. These wounds lead to identity diffusion (the absence of an integrated sense of self and others), and terrorism offers a "cure" for their wounds. When an "enemy" is killed, for example, there is an increase in mutual identification within the cell, and the destruction of the "outsider" protects the cell from the return of projections and displacements. The members of the cell feel a more cohesive identity.

1. Psychology of Victimization

Many terrorists themselves have been victims of terror directed against them by members of their own family group or by members of another ethnic group. The violation of personal boundaries, whether it is in the form of incestuous rape or alcoholic beatings by a father, or violent personal assault on basic human rights by members of an occupying army, damages, or destroys an individual's belief in the possibility of personal safety. The conversion to terrorism is, of course, much easier where well-established terrorist organizations already exist and actively recruit members.

We believe, too, that traumas suffered within the family dovetail with those experienced as a consequence of ethnic affiliation, so that terrorism becomes a way of dealing unconsciously with both personal and ethnic wounds. Moreover, rage directed at the individual victimizer within the family or the enemy group is compounded, in the one who lacks an integrated sense of self, by the psychological need to "kill" his or her own projections and so prevent their return. Finally, this complex rage is displaced from the individual to the group, so that the other group is no longer regarded as innocent and it seems just to fight any member of the opposing group rather than to confine one's anger to the individual victimizer.

Just as the victim of father-daughter incest may unconsciously regard all fathers as dangerous, so the victim of ethnic oppression may regard all members of the dominant group as guilty.

The merging of personal and ethnic wounds may also sometimes explain the selection of "random" terrorist targets.

2. Psychology of Injured Narcissism

Some individuals attracted to terrorism, however, may not have been subject to specific traumatic violence in their formative years. Pearlstein has proposed a more general reading of the terrorist mind in terms of narcissistic personality disturbance, a condition which is often caused by childhood self-esteem injuries that result in grandiose and aggressive compensatory behaviors. Violence will almost certainly injure a child's self-esteem, but so may parental divorce, perceived or actual rejection by parents or their substitutes, a deep sense of personal failure, serious physical injury, illness, or disabling handicap, extreme poverty, or a host of other experiences that do not involve the kind of direct victimization which I have described in the previous section. Adults who suffer from what is known as "malignant narcissism" repair and maintain their sense of self-esteem by repeated acts of aggression and by the collection of "aggressive triumphs". For example, it is known that some serial killers possess such personality organizations.

The psychic damage wrought by narcissistic disappointment upon self-esteem or self-image tends to culminate in narcissistic rage. That rage may be directed at the one who inflicted the wound or, more commonly, displaced onto others who trigger (conscious or unconscious) memories of him, onto the segment of society to which he belongs or more generally onto the world at large. When individual narcissistic injuries become entangled with perceived injuries to one's ethnic group, rage will tend to be directed at members of the other ethnic group. Such rage may become violent, for to treat others as objects who may be assaulted at will creates a false but self-persuasive sense of omnipotence. "In many respects", Pearlstein writes, "the fateful decision to become a political terrorist constitutes a firm rejection of an individual's old, weak and psychically discredited self or identity through the establishment, assumption and maintenance of a new, omnipotent, as-if other self. In the case of the ethnic terrorist, rejection of the psychically discredited individual identity is linked to a simultaneous rejection of the group's subordinate status." The sense of empowerment that comes with a "successful" terrorist action accrues both to the individual terrorist and, in his mind, to the entire ethnic group.

3. Psychology of Splitting

Terrorists, then, may have been victims of abuse or they may have suffered narcissistic injuries to their self-esteem, but they are not crazy. However, the impression of comparative mental health may be enhanced by what is known technically as "splitting". Splitting, and other mechanisms which support it, constitute the dominant mental operations of individuals with unintegrated selves and identity diffusions. Supportive mechanisms include denial (denial, for example, of "our" vulnerability or of "their" power), feelings of omnipotence, devaluation (of other individuals or groups), and idealization. Technically, such individuals are said to possess narcissistic or borderline personality organizations. Splitting enables the terrorist to function as a "normal" human being while at the same time plotting and carrying out "inhuman" acts. Or, to put it in more technical language, contradictory functions and their associated contradictory feelings are possible for those who have not properly integrated their sense of "I". Terrorists, for instance, are often able to channel their rage into terrorist activities in such a way that they can be genuinely compassionate and sensitive family members at the same time. Katherine Kennedy recounted an interview with a leader of the Ulster Defense Association who played lovingly with his infant son while boasting of having ordered a bombing two weeks earlier in which a mother and two children were killed. The day after the interview, warming up his car to drive his son to day-care, he was killed by a car bomb triggered by the ignition switch. On another occasion, a representative of the I.R.A., interviewed by Kennedy in unheated offices in the middle of winter, interrupted his description of personal involvement in terrorist activities to find a coat to protect Kennedy from the cold. Terrorists, in another words, do not lack compassion. But their compassion may be directed exclusively inwards, towards members of their own family or group, rather than outwards to members of the other group. Jerald Post explains the phenomenon:

"An individual with this personality constellation idealizes his grandiose self and splits out and projects onto others all the hatred and devalued weaknesses within. Individuals who place high reliance on the mechanisms of splitting and externalization look outward for the source of difficulties. They need an outside enemy to blame ... Such people find the polarizing absolutist rhetoric of terrorism extremely attractive. The statement, "It's not us ... it's them; they are the cause of our problems" provides a psychologically satisfying explanation for what has gone wrong with their lives."

Such individuals are naturally attracted to ethnic terrorism, with its communally sanctioned splitting of group identity into the "us" (good) and the "not us" (bad). The psychology of ethnicity, in other words, can sanction the terrorists' activities and protect them from unconscious feelings of guilt.

It cannot, however, protect them from conscious guilt over their atrocities and their rebellion against authority. This unconscious guilt may be a factor in the peculiar relationship between terrorists and their torturers. Torture is intended ostensibly to extract a confession or other important information. But it may also serve to punish and, in some cases, to erase the identity of the one being tortured. The torturer, we surmise, senses that the terrorist's enhanced ethnic and personal identity derives in large part, from the projection of "bad" and "weak" parts onto the entire group to which the torturer belongs. The torturer, therefore, unconsciously tries to "debilitate" or to "kill" the source of projection intending, as it were, to "eliminate the germ" of the other's ethnicity so that it will no longer "spread" to the torturer and his group. At the same time, the torturer tries forcebily to return those unwanted parts which the terrorist has already projected. The effect may be to annihilate the victim's newly found terrorist identity, bound up as it is in the very projections which are being violently prevented and returned. This effect is particularly noticeable when the terrorist is induced under torture to betray his own group. Moreover, the terrorist may "accept" the "punishment" meted out by the torturer as a way of atoning for his own unconscious guilt. The expiation of unconscious guilt and the destruction of the terrorist's acquired sense of identity may together explain why in many instances a victim of torture feels no subsequent hatred for and attempts no revenge on his torturer. It is not only the victim's dignity that has been assaulted; but also his identity may have been psychologically annihilated, leaving, as it were, only a "living corpse".

4. Psychology of Belonging and Survival

Splitting is often accompanied by the need to depend on others in a close knit group for the completion of a personal sense of identity. A commonplace of writing on terrorism is the observation that "for many, belonging to the terrorist group may be the first time they truly belonged". For some particularly radical ideological terrorists, this may be a matter of belonging to a small group whose very identity is bound up with being on the margins of society. For ethnic terrorists, it may involve an attempt to find acceptance in the larger group on whose behalf the terrorist acts. For example, Clark's study of the social backgrounds

of the Basque separatist terrorists ETA is instructive in this respect. Clark found that a much higher percentage (more than 40%) of ETA members were mixed Basque-Spanish parentage than was true of Basque population as a whole (no more than 8%). Since in the Basque region of Spain offspring of mixed Basque-Spanish parentage are generally reviled as half-breeds, Clark surmised that those "outcasts" who joined ETA were trying to demonstrate that they truly "belonged" to their chosen ethnic group.

If the need to belong is so important a motive for the terrorist, then the survivial of the group to which the terrorist belongs will also be of central psychological importance. This goes a long way towards explaining what Post calls "the threat of success". He notes that the achievement of a terrorist group's stated goals rarely leads to the dissolution of the group. Moreover, such groups often protect themselves against success by making impossible demands or intensifying their violence when faced with a potentially successful peace initiative. Post comments:

"For any group or organization, the highest priority is survival. This is especially true for the terrorist group. To succeed in achieving its espoused cause would threaten the goal of survival. This fact suggests a position of cybernetic balance for the group. It must be successful enough in its terrorist acts and rhetoric of legitimating to attract members and perpetuate itself but it must not be so successful that it will succeed itself out of business."

There are no easy solutions to the problem of terrorism, and to offer suggestions as to the direction in which such solutions may be found is beyond the scope of this presentation. However the following long-term suggestions can be offered. For example, the aim should be one of helping persons to abandon some parts of their identities and live through the mourning period related to this process so that a more balanced sense of individuality can be developed. The way states fight against terrorism can make this mourning process impossible or can simplify the process. Precautions increasing the rate of the victimization psychology of the terrorists can also increase their resistance and make the mourning process more difficult. States have to balance carefully their strategy in suppressing and dismembering the terrorism cycle in order to protect its citizens. In doing this, states also need to be careful to prevent the emergence of new terrorists.

THE SITUATION IN THE MIDDLE EAST

Prof. Dr. Yonah ALEXANDER (USA)[1]

The latest targeted killing in Syria of Imad Mughniyah, a senior leader of Hezbollah, who was celebrated as a "legend" and "martyr" by his supporters, came after decades of evading the "long arm" of Justice of the international community. This underscores once again the complexity of combating modern terrorism.

To be sure, the security challenges in the Middle East and elsewhere are much broader. These include the following aspects: theological and political radicalization; propaganda and psychological warfare; violations of human rights; internal political and economic dislocations; organized criminal activities; state-sponsored and non-state terrorism; maritime threats in the gulf; development of weapons of mass destruction; employing the energy weapon; and regional destabilization.

The contemporary network of terrorism is of particular concern. It is the informal and formal relationship among various terrorist groups and state sponsors resulting in machinery for terror on national, regional, and global levels. This framework has operated in many ways: ideological and theological alliances; organizational assistance; propaganda and psychological warfare; financial help; recruitment

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support; intelligence; supply of weapons; training; operational activities (unilateral and coordinated); and sanctuary.

To better understand the complexity of the challenges of terrorism in the Middle East, it is prudent to provide a general overview of the historical origins and contemporary terrorism; focus on the contributing factors, including sociological and psychological, that encourage terrorism; survey the national, regional, and global threats related to the region; and suggest "best practices" for counter-terrorism strategies in the 21st Century.

Historical Origins and Contemporary Terrorism

Terrorism has ancient roots as a cost effective tool of low intensity conflict that projects psychological intimidation and physical force in violation of law. Examples include the attacks mounted by the Jewish religious extremists, known as the Zealot Sicarii, against the Romans in occupied Judea, as well as the martyrdom missions of the Hashashin (assassins) targeting Crusaders in the Middle East. The former were active for 70 years in the first century and the latter lasted some 200 years—from the eleventh to the thirteenth centuries. Their experience has proven that terrorism can be attractive, effective, and durable, even if the tools are rather primitive.

It was not until the late 1960s that terrorism became a constant fixture of international life. Rapid developments in modern technology, communications facilities, and inexpensive and rapid travel have contributed to the proliferation of indigenous international terrorist groups and to the intensification of ideological and political violence.

More specifically, present-day terrorists have introduced into contemporary life a new scale of terror violence in terms of both threats and responses that has made it clear that we have entered into an Age of Terrorism with all of its serious implications to national, regional, and global security concerns. Perhaps the most significant dangers that evolve from modern day terrorism are those relating to the safety, welfare, and rights of ordinary people; the stability of the state system; the health of economic development; the expansion of democracy; and possibly the survival of civilization itself.

Undoubtedly, conflicts emerging from ideological, religious, and national animosities will continue to make terrorism a global problem well into the twenty-

first century. The vulnerability of modern society and its infrastructure, coupled with opportunities for the utilization of sophisticated high-leverage conventional and unconventional weaponry, requires states, both unilaterally and in concert, to develop credible responses and capabilities to minimize future threats. Ensuring the safety and interests of its citizens at home and abroad will therefore continue to be every government's paramount responsibility in the coming decades. Understanding the sociological and psychological perspectives of the terrorists and their methods of operation, identifying the threats and specific targets, both present and future, and knowing the damage and consequences that may result from acts of terror violence will assist governments, with the help of private industry, in responding to the reality of terrorism.

Context and Contributing Factors for Future Terrorism

Terrorism is a permanent fixture of international life, epitomizing the state of anarchy of modern societies that is increasingly becoming a universal nightmare. It is safe to assume, therefore, that terrorism will continue throughout the twenty-first century. This prognosis is born of the reality that many of the causes that motivate terrorists, such as ideological, political and national animosities, will remain unresolved, thereby encouraging social change.

There are several specific reasons why terrorism will grow in the future. First, terrorism has proved very successful in attracting publicity, disrupting the activities of government and business, and causing significant death and destruction. Second, arms, explosives, supplies, financing, and secret communications are readily available. Third, an international support network of groups and states exists that greatly facilitates the undertaking of terrorist activities.

There is a broad spectrum of factors that encourage terrorism in the Middle East and elsewhere. These include the consequences of the collapse of the Soviet Union; ethnic, racial, religious, and tribal intolerance and violence; the escalation of propaganda and psychological warfare; extreme nationalism and separatism; regional conflicts that defy easy solutions; an intensification of criminal activity and narco-trafficking; population explosion, migration expansion, and unemployment; the widening economic gap between the north and south; environmental challenges; and arms development and proliferation of weapons.

There are also a number of other reasons and conditions for the future escalation of terrorism. These include the absence of a universal definition of

terrorism; disagreement as to the root causes of terrorism; the religionization of politics; the exploitation of the media; double standards of morality; loss of resolve by governments; weak punishment of terrorists; violation of international law by states; the complexity of modern societies; and the high cost of security in democracy.

Most importantly however are political, economic, sociological and psychological impulses that motivate terrorists and structured movements. Selected impulses include the following: Political discontent (ideological (anarchism, ambitious radicalism) and nationalistic (anti-colonialism, resistance, separatism, irredentism)); economic discontent (low living standards, lack of opportunity, unfulfilled expectations, lost or squandered resources, foreign control); and cultural discontent (class constraints, ethnic discrimination, religious intolerance, technological irritants, environmental irritants).

National, Regional, and Global Threats

No community, country, or region is immune from conventional and unconventional threats of terrorism. The Middle East is the most terrorist active region with serious implications for international security concerns. Turkey is a classic case study.

More specifically, Turkey has been a prime victim of terrorism over the last thirty-five years and will continue to suffer from it in the foreseeable future. With the changing global and regional political environment, the Turkish regime is attacked by virtually all kinds of terrorism present in today's world, namely ideological, religious, and ethnic terrorism. Flourishing in the impoverished parts of the country and supported by the foreign powers at odds with Turkey, terrorism inflicted much damage on the Turkish people in the last two decades.

Although the terrorist organization PKK announced a so-called unilateral ceasefire on October 1, 2007, terrorism has escalated, particularly as a result of attacks originating from the terrorist bases in Northern Iraq. In response to the intensification of hostilities across the border, Turkey undertook successive air strikes and deployed troops against terrorist targets inside Iraq. Apparently, Turkey's military actions were sanctioned by the United States which provided to its NATO ally the actionable intelligence required for such operations.

When terrorism turned into a low-intensity conflict in Turkey towards the end of the twentieth century, the government was forced to develop new military and legal methods to fight it, while remaining determined not to negotiate with or make concessions to the terrorists. This, in turn, led to legal and diplomatic problems that came close to making Turkey a pariah state on account of its human rights record. Fortunately, the governmental strategy against the separatists provided an environment of reconciliation and peace, which made it possible to improve human rights and democratic practices. In the future, Turkey's terrorism problem is expected to mutate into a transitional nacro-criminal one, which will be harder to fight than its previous form due to its economic dimension. Nevertheless, the determination of the civilian and military authorities to overcome this new form of terrorism is promising better days for Turkey.

Conclusions: Implications for Policy and Action

Many governments and people have failed to appreciate the magnitude and implications of the terrorist threat. Some countries tend to regard terrorism as a minor nuisance or irritant. As a result, a large number of countries have not yet developed a strong commitment to deal effectively with the problem of terrorism.

The policy implications are therefore threefold: first, there are no simplistic or complete solutions to the dangers of terrorism. As the tactics utilized to challenge the authority of the state are and continue to be novel, so, too, must be the response by the instruments of the state. We must also be cautious to avoid the kinds of overreaction that could lead to repression and the ultimate weakening of the democratic institutions that we seek to protect.

Second, having achieved considerable tactical success during the past three decades, terrorists sometimes find it politically expedient to restrain the level of political violence. These self-imposed restraints will not persist indefinitely, and future incidents may continue to be costly in terms of human lives and property. Certain conditions, such as religious extremism or perceptions that the "cause" is lost, could provide terrorists with an incentive to escalate their attacks dramatically.

Third, the vulnerability of modern society and its infrastructure, coupled with the opportunities for the utilization of sophisticated high-leverage conventional and unconventional weaponry, require states both unilaterally, and in concert, to develop credible responses and capabilities to minimize future threats.

On the basis of extensive academic study and practical experience the following "best practices", structures, resources, and implementations of counterterrorism policies are critical: policies and funding; organizational structures; intelligence; legal and law enforcement; scientific and technological; diplomatic and international cooperation; economic; military; propaganda and psychological warfare; and civil society.

Criteria for success includes reduction in the number of terrorist incidents; reduction in the number of casualties from these terrorist incidents; reduction in the monetary cost inflicted by terrorist incidents; reduction in the size of terrorist groups operating in the country; the number of terrorist killed, captured, and/or convicted; protection of national infrastructures; and preservation of basic national structures and policies (e.g. the rule of law, democracy, civil rights and civil liberties).

In sum, Syrus Publilius wrote over 2000 years ago that "he is best secure from dangers who is on his guard even when he seems safe" (Caret periculo, qui etiam tutas caveat).

SECOND SESSION

QUESTIONS AND ANSWERS

Q: *Thank you Mr. Chairman, my question is to Professor ÇEVİK. Thank you very much for your contribution on the social and psychological aspects and dimensions. I think it is more linked to the domestic or local terrorism rather than to the international one, since we now have a magnitude of terrorism that we never had before. So the aspects you mentioned are not new. They must have been with us for many years. But the magnitude (of the terrorism) in the last ten or fifteen years—do you have an explanation for the international aspect of that?*

A (Prof. Dr. ÇEVİK): Thank you very much for your question. First of all I would like to say that it is not only for local terrorist psychology. It is all around the world. It is all the same. But of course there are some small differences according to the local geography. But it is all the same all around the world.

I am Aydın NURHAN, acting chairman of the Centre for Strategic Studies of the Ministry of Foreign Affairs. Talking about psychology, I have recent memory from Austria. I was consul general there until 6 months ago. One day, a Turk of Kurdish origin came to me, to the consulate. He said the PKK was forcing him to give money to the PKK. And I said "did you go to the police?" He said "I am afraid of the police. The police are on their side." Just to remember. Thank you.

I am Colonel RUMIZIN, the military attaché of Iran. I am very sorry for some who misuse the scientific and democratic environment of Turkey and show the picture of some leaders in caricature. My country is not only the victim of terrorism, but also it fights against it in all fields. Everybody knows in Turkey, and all the world

knows, that those who kill the women and children are terrorists. And it does not differ whether it is in the United States or Palestine or Iraq or somewhere else. Terrorism is terrorism and it has no identity, no right, no left. Thank you very much Dr. Alexander that you told us this thing. Thank you.

Q: I just have small point to make. I would like Professor ALEXANDER to elaborate on it. The idea of such a kind of conference, I would expect this, is to have a strategic output with both the issue and the solution. For example, out of the whole thing, we need once more respect for a political solution. If you can implement internationally a political solution, agreed by the United Nations Security Council, on all the issues regarding the region, you will find that all the other aspects will go away very quickly. Because, like in the West, in the Middle East, also, people appreciate quality of life. The value of quality of life is diminishing every day as the military keeps its boots on. So I would suggest that you will comment on this. The whole army should go for getting a political solution that is internationally acclaimed.

Q: I am Police Constable Boy Rafli AMAR, from the Indonesian national police. Thanks also to the Turkish government for the invitation. I would like to give some information about terrorism in our country. We still fight against terrorism, and have since 2002. We joined the investigation, and we tried to learn what the root causes are, like the professor said about the radicalization in our country. Nowadays we try to implement comprehensive counter-measures against terrorism so that it is not only law enforcement and military force. Also we used soft power in combating terrorism, but it is very difficult to think with the mind of the radical group. This is our way. My question is to Professor Alexander. Can you tell us about the current situation in Iraq, especially about radicalization in Iraq. As we know, that radicalization in Iraq is on the increase. I don't know exactly the situation. We get the news only by watching television. Do you have an idea? How can the radicalization in Iraq be reduced? Because we have a heavy toll from suicide bombers every day, I think almost every day, occurring in Iraq. Maybe you can give us solution. What is the best solution? How do you reduce the radicalization in Iraq? Thank you very much.

A (Prof. Dr. ALEXANDER): Thank you for all of your comments, especially the general comment in terms of the psychology of terrorists, not only the Middle East, but in general. I remind you that Dostoyevsky observed that it is very easy to condemn the evil. But it is very difficult to understand the mind of the evil. So in another words, we need the psychologist, psychiatrist, sociologist, and the others

too, to teach us. I just want to give a footnote for the ambassador from Saudi Arabia. I think all of us feel pain because of the brutalization and globalization of terrorism, whether the terrorism is being proliferated right here in Turkey, or in United States, or in Saudi Arabia. Going all the way back to the attack Grand Mosque of Mecca in 1979, and, according to our statistics, in 2007, over 400 suspects of al-Qaeda were arrested in Saudi Arabia. I was honored by your ambassador in Washington, who participated in my seminar last year. Also there are the threats to the oil industry in Saudi Arabia, and of course Saudi Arabia has played very positive role in terms of giving a balance and it made sure of re-supplying fuel. Now some of the other issues that were mentioned. I respect the representative of Iran. But I am not a politician. I am an analyst. Just looking at the Saudi press, the al-Watan of December 6th 2007, mentioned AHMEDINEJAD's demands. And on one hand, he demands security. Security and division. Without trying to mention particularly the U.S and the coalition, at the same time he claims some of the islands (in the Gulf), and favors events to establish Islam, and so on. That's why Saudi Arabia, and many other countries, are concerned about this. I am just talking about the Saudis in terms of some of the many possibilities today, and the issue of best practices. We have a long way, and will go all the way, whether it is in Iraq, or whether it is elsewhere. For example Somalia and Latin America. We studied this problem for many years. The best part of our studies was the discussion with practitioners. There are factors all the way from apprehension about the elimination of theocracy, the disruption of command and control and communication systems, and the disruption of the infrastructure sector, the inflicting of punishments, state sponsor of terrorism, and so on. We seek to develop governmental policies which are relevant to the public. And the public has to understand that these are the responsibilities of the government: To establish organizational structures to counter terrorism, to use whatever legal instruments are available to governments. For example to ban suicide bombing and so on. And there is the quality of the intelligence, both human and technological, to deal with the problem. And to increase the cooperation, that is the purpose of this conference. This is very good news for strengthening the cooperation. No nation, including the United States, the superpower, can deal with the terrorism individually. Then most importantly, there is the need to educate the public, and to get them involved in combating terrorism. I am talking about educators, I am talking about the professionals, like lawyers and those in the media. The media

has to pull itself together and make sure that there is common knowledge of what terrorism is. Otherwise there will panic and chaos. These are some of the issues that we have to consider.

Q: *Major General TARIQ from Egyptian Armed Forces. My question is to Professor ALEXANDER, and it is very important. Today and every day, and in every seminar like that, we talk a lot. We talk about ideological poverty, fighting for jobs, and every item raised here today. We have resources, equipment, and so on. Do we have a plan directly? Do we have an agenda? I never hear about any agenda! Do we have a road map? Do we have the next step? Everybody understands the situation is like that, and it was raised this morning. Thank you.*

Q: *I am Raphael PERL from the OSCE. I was wondering, given the magnitude of the threat of terrorism that Professor Alexander described, how is this going to impact on the future democracies? Is there going to be a heavy pressure on democracies to provide security? That was my question. Thank you.*

A (Prof. Dr. ALEXANDER): Thank you very much for the two questions. Two weeks ago I had the honor and pleasure to be in Brussels, at NATO. I think NATO realizes that in the post-Cold War period there is a new mission, and, as the Chief of Staff indicated directly, terrorism is one of the major enemies of civilization, particularly if you combine it with the proliferation particularly of weapons of mass destruction. I think NATO understands that, and I understand that they appreciate the contribution right here of Turkey, and the Center of Excellence on Terrorism. As I indicated, this only one part. There are no magic solutions. As we know, the military responds to a particular threat. In the discussions so far we have certainly dealt with other challenges, all the way from the economic dislocation, to developing civil society. If people know they have a future, and that it is worthwhile to work within the democratic system, then there is no need to explode bombs and destroy human lives and property, because anything can be done through the system and we do not exhaust the remedies. If we deal with democracies we deal with value systems. And we have to make sure that obviously we don't over-react. We don't do what the terrorists want us to do, that is to destroy our system, and infrastructure, and cause chaos. We will not develop a jungle where might is right. Because here right is might, and we have to do whatever we can. But in order to do that we cannot allow the system to deteriorate and disintegrate. Therefore we need strong military, we need strong intelligence, but we need also strong

parliaments that will give us the tools to legitimize the actions that are necessary for the military and police and the intelligence to deal with the problem. But again, I think the current international community is all in the same boat. Historically we have two options. Either we are going to cooperate to do whatever is necessary to protect our lives and quality of life, or we are going to destroy each other. I am sure of the fact that we will know what to do.

   Chairman: Thank you very much. So I am going to close the session with a very short comment. We have a tendency to find out about causes, about motivations, about the justifications made by terrorists, and say they have their human rights. But most of the time we forget to talk about the victims of the terrorists, and of their suffering. I am quite glad of both speaks yesterday who mentioned the victims, and spoke of things like psychological treatments and how we people can help them the heal, to build more trust, and consequently less hate and tolerance. Because it is worth thinking about that. Thank you very much.

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THIRD SESSION

THE LEGAL ASPECTS OF THE INTERNATIONAL FIGHT AGAINST TERRORISM

Chairman   : Ambassador Daryal BATIBAY
Rapporteur : Dr. Müge KINACIOĞLU

SPEAKERS
Ambassador Rıza TÜRMEN
Prof. Dr. Tom FARER

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LEGAL ASPECTS OF INTERNATIONAL COUNTER-TERRORISM: TURKEY'S PERSPECTIVE

Ambassador Rıza TÜRMEN (TURKEY)[1]

I would like to greet you all most sincerely. Also, I would like to thank COE-DAT for having organized such a meeting, and having invited me as a speaker.

I would like to begin by underlining a few points with regard to terrorism. It is above all an attack on democracy. It is an attack that threatens democracy. It is a phenomenon which threatens the basic principles and institutions of democracy. Democracy can be devastated in two ways. Either a democratic system cannot defend itself against the threat terrorism poses, and therefore it becomes insufficient in that sense, or the system takes measures which do not correspond to the principles of democracy in order to protect itself against terrorism.

States of emergency create regimes, and this harms both to the institutions and principles of democracy to the same degree. It is necessary to prevent both of these from being harmed. Certainly, today terrorism poses a global threat, and several speakers have alluded to that point. Now that there is such a global threat, the struggle against terrorism should certainly also gain a global character. Today the response that should be given to terrorism cannot be solely on the

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[1] He has graduated from Istanbul University Law Faculty in 1964. He received his Masters degree from McGill University Law Faculty, Montreal Canada and his Doctorate degree from Ankara University, Faculty of Political Sciences. In 1966 he joined the Ministry of Foreign Affairs. Between 1970-1974, he served at the Permanent Delegation of Turkey to the United Nations. He served as Ambassador of Turkey to Singapore and Switzerland. From 1996 to 1998, he worked as the Turkish Ambassador to the Council of Europe. In 1998, he was elected as Judge to the European Court of Human Rights by the Parliamentary Assembly of the Council of Europe. In 2001 he was re-elected for another six years.

national level. National responses are bound to remain insufficient—the response to terrorism should inevitably be a global one.

Today the issue of the definition of terrorism is over-emphasized. Is there a definition of terrorism or not? In fact international judicial bodies and agencies have agreed upon a dominant view as to the definition of terrorism, and their opinion is shared by state authorities. There is no definition of terrorism, that is, there is no agreed definition of terrorism, or at least it has not been determined which deeds are implied by the word terrorism. Therefore, it is said, a universal decision cannot be made concerning terrorism, as it has no definition, and only national judicial bodies are authorised to deal with terrorism judicially. The exception is that, if there is a specific international convention concerning the act of terrorism, such as the convention on the hijacking of planes, states parties may require from one another that the provisions of that convention be applied.

I believe this is not a correct view. In my opinion, as our Chief of General Staff also noted in his speech this morning, a definition of terrorism has been available since the 1937 convention, although it was not brought into force. Within international law a definition of terrorism exists, and it continues to broaden in terms of content. Perhaps to assert that there is no consensus as to the exceptions to what constitutes terrorism would be more appropriate than to assert that there is no definition of terrorism. That is because terrorism has a definition, but many states require that some crimes not be included in this definition, and that they be evaluated as exceptions to the definition. That is to say, there is no consensus as to how much the exceptions, those acts that are evaluated as striving for national independency, or regarded as part of a fight for freedom, should be left out. We must not ignore the conclusion: terrorism has a definition. In international law there is an evolving definition of terrorism, but there is no consensus on what form the exceptions.

How do we make this inference that a definition exists? When we look at the international conventions we see that terrorism is prohibited in various of the relevant definitions. For instance, the Humanitarian Laws and the Geneva Convention dated 1949, No. 4, prohibit terrorism. In the same manner, the Second Protocol of the Geneva Convention dated 1997 prohibits terrorist acts in internal conflicts. Article 4 of the Rwanda International Criminal Court Statutes includes terrorist acts within the scope of its authority. Now that terrorism is explicitly prohibited in so

many international conventions, how can we claim that those who drew up these documents did not know what they were saying? Certainly we cannot assert that there is no definition of terrorism. When terrorism was prohibited in international conventions which met with widespread agreement, everybody knew very well what they meant, what the agreements were about, and what the acts in question were.

Apart from those mentioned, there is the 1999 convention on the prohibition of the financing of terrorism. This convention was also agreed by the United Nations Security Council. It refers to nine international conventions, and then it gives a definition, in Article 2. The definition is as follows: "Any act intended to give serious injury to a civilian or to any other person not taking part in the hostilities in an armed conflict when the purpose of such act by its nature or contacts is to intimidate the population or compel government or any international organisation to abstain from doing an act." This definition is one agreed upon by all of the members of the General Assembly.

The characteristics of terrorism are known to everybody: The first characteristic of terrorism is that it does not know its victim, in fact the killer does not have any direct personal relationship to the person he/she kills. There is a completely depersonalized victim. Terrorism regards the atrocities as a means to an end rather than seeing the victims as human beings. Another property of terrorism is that it is connected to some internal or external conflict. A third property of terrorism is that the acts are also carried out against civilians.

If terrorism were found in the statutes of the international criminal court there would be no problem as to whether there was a definition of terrorism or not. I believe the fact that terrorism is not found in the international criminal court statutes is a great misfortune. Furthermore, I have no doubt that if the statutes of the international criminal court had been agreed after 9/11 terrorism would have been addressed in the statutes.

When we examine why terrorism was not handled in the international criminal court statutes, we find that the reason given was that terrorism did not have a definition. A second justification asserted that it would cause the court to become embroiled in political controversies. A third justification was that the prosecution of terrorism on the national level would be much more effective. Also, when we examine the proceedings, we see that there are those who even claimed that

terrorism was not a sufficiently serious crime to be included within the purview of the court.

There are many international instruments and agreements on anti-terrorism which were accepted during the negotiations in Rome. In fact, as the chairperson pointed out this morning, there are 13 relevant United Nations conventions. In addition, there are those initiatives and efforts carried out by the European Union, and there are efforts of the Council of Europe. I will not mention all of them in my speech, above all because time does not allow this. I am only able to allude to two conventions.

One of them is the 1957 Convention on Extradition. The principles of that convention are as follows: In Article 1 of the convention the offences that can be the subject of extradition are defined, in other words, extraditable offences are specified. These are offences that are regarded as crimes according to the laws of both states involved, and those which are punished in a manner that restricts freedom for more than a year. This definition was changed later, and fines and tax crimes were also included in the category of extraditable offences by the additional protocol of 1978. A second characteristic of the extradition convention is that, according to the convention, the state of which a request is made concerning extradition shall not extradite if it regards the offence as a political one. The state in question may also not extradite if it has firm grounds to believe that the person would be punished on the basis of his/her race, religious belief, nationality, or political views.

The convention also mentions the offences which are not to be subject to extradition. For instance, if the person who is the subject of the extradition request is the citizen of the state from which such a request is made, or if the person in question has committed a crime in the state from which that request is made, that person shall not be extradited. If the person who is to be extradited has already been sentenced in the state from which the extradition request is made, he/she shall not be extradited as he/she may not be punished twice for the same offence, since such an execution would be against the principle of "non bis in idem", that is, the principle of not being punished twice for the same offence. Likewise, if capital punishment is practiced in the state which makes the extradition request, but it is not in the state from which the extradition request is made, the person shall not be extradited. Of course, this provision has no current relevance as capital punishment has been fully abolished in Europe. Another of the provisions of the

convention is that, after being extradited, a person may not be tried for a crime other than the one that was the subject of the extradition request.

Two additional protocols were added to that convention, in 1975 and 1978, and what we observe is a tendency in both protocols to try to limit as much as possible the discretion of states from which the extradition request is made not to extradite due to their assessment of the offence in question as a political one. This development is because currently states have a vast authority on the issue, that is, a state may decide not to extradite the person in question if it regards the offence to be a political one. In that sense, we can observe that there are efforts to restrict the discretion of states. In addition, we note the same efforts in the later protocols. The 1975 additional protocol states that the offences which are included in the scope of 1948 United Nations Convention on the Prevention of Genocide cannot be regarded as political crimes. Apart from that, there are the 1949 Geneva Conventions. According to the Geneva Conventions, if concepts such as those found in Humanitarian Law, Human Law, and Jus Belli are violated, then the offences in question cannot be considered to be political, which means that in cases where extradition requests are based on these crimes the person has to be extradited.

The 1978 Second Additional Protocol was inspired by Article 6 of the European Human Rights Convention, and was introduced thanks to the efforts of the Netherlands. If the person who is required to be extradited is tried in his/her absence and he/she is not able to benefit from the right to a defence, then the state from which the extradition request is made may not extradite the person in question. That means that only in cases where the state making the extradition request can provide a guarantee to the state from which the extradition request is made that the prosecution will be renewed can the latter extradite the person in question.

The aim of the 27/01/1977 European Convention on the Suppression of Terrorism is to supplement the convention on extradition, and this aim is mentioned in the preface of the Convention. As we all know, in accordance with the Vienna Convention on Agreements, the preface of a convention determines or outlines the aims and scope of a convention. When we consult the preface of this convention in order to find out its aims, we see that it makes a really striking statement. The aim is as follows: "The idea underlying resolution is that certain crimes are so odious in their methods or results … that it is no longer possible to justify or classify them

as political offences." And it goes on: "The convention applies only to particular odious and serious acts often affecting persons foreign to the motives behind them. The seriousness of these acts and their consequences are such that their criminal element outweighs their possible political aspects." It is clear that the intention of this convention is to deny states room to exercise their discretion and not extradite alleged criminals by citing the broad reasons for denial, at least for some offences coming under the Convention on Extradition. The first article of the convention determines those offences. Offences such as the hijacking of planes, illegal acts carried out against planes, and threatening the lives of diplomats are already present in the existing conventions, and there are other conventions concerning them.

Three distinct categories of offence are included in the aforementioned convention and according to those categories states do not have the authority to regard them as political crimes. Either they must extradite or try the criminal. Those categories can be classified as kidnapping and taking hostages, threatening the lives of people by using means such as bombs, rockets, and automatic weapons, and participating in or aiding and abetting those crimes listed above. States can in no way regard them as political offences. The states parties must either extradite persons involved in those crimes or try them. In addition, there are those which are included in the second category. These are the offences which are directed at the lives of civilians, or else offences that may be related to wounding people or restricting their freedom. It may be useful to note that extradition is optional concerning these offences. That is, states may either extradite or not; they have the right to choose. The crucial point which has to be underlined is that states do not have a definite option on that issue, it would be wrong to assume so; I mean, as I said before, they either extradite or they try the criminal, and the fundamental principle here is to extradite the criminal concerning the above-mentioned crimes. Trying the criminal is only a complementary element and the two options are not the same. Furthermore, the Fifth Article of the Convention lists the conditions of extradition. For instance, if the state from which the extradition request is made is convinced that the person in question shall be tried due to his/her race, religious belief, nationality, or political opinions, it may choose not to extradite the person.

Although the aforementioned convention constitutes a great step in anti-terrorism, it is in a sense ineffective. That is because a state has now the right to state its reservations concerning the second article and also, especially, the first

article, which declares that states are obliged to extradite and that they cannot regard the persons in question as political offenders. States now have such a right, but as we all know, to put reservations on issues which are not in conformity with the aim of the convention is prohibited in the Vienna Convention on Agreements. That such a right is given to states must be expressed clearly in the convention and it was so. As the convention clearly expresses that states have a right to put their reservations, the relevant states have naturally such a right. Nevertheless, this situation gives rise to a difficulty concerning this issue. The reason is that the aim of the aforementioned convention is to prevent states considering at least some crimes as political, according to the preface of the convention. Yet states have a right to put their reservations concerning the above-mentioned aim in a way that can annul that aim, and they certainly have done so. States such as Belgium, France, the Netherlands, Sweden, Italy, Greece, and many others, have put their reservations to the first Article of the Convention. Thus, the first Article of the Convention has become null and void in that sense. As a result, this has led the Convention to become ineffective. That reveals the position of anti-terrorism on the international level very strikingly.

Now I would like to point out another issue, and it is this: Is terrorism an international crime?

Terrorism should have three characteristics for it to be considered an international crime. Either (1) the act committed should be considered a crime in various national judicial systems, or (2) it should be a violent act aiming to frighten or intimidate people, or else (3) the crime committed should have political, religious, or any other ideological grounds. Now let us turn to the question of whether terrorism is a war crime or not. If a terrorist crime is committed during a war, then we can claim that terrorism can be a war crime. How do we infer this? We do so from the 1949 Geneva Protocol No. 4. Article 33 of the Protocol prohibits terrorist acts committed against civilians who are under protection, I mean the people who are not citizens of one of the states which are involved in the war.

The 1977 Additional Protocol No. 2, that is, the convention on internal conflicts, prohibits terrorist acts committed against civilians who are not involved in the armed clash in its fourth Article. Also, while Protocol No. 1 prohibits international armed conflicts, Protocol No. 2 prohibits the acts or threats of violence which aim to spread terror among the people. As a result, we can assert that terrorist acts

directed against civilians are prohibited by international humanitarian law. Such acts are regarded as war crimes and they are to be brought to justice. At this point, a special intention is alluded to. It is possible to observe this special intention in all terrorist crimes, namely: A special intention such as the material element of the offence, terrorizing civilians, and arousing terror or anxiety, is looked for, as well as a general intention. For instance, there is the trial of Galiç, who was the commander of the forces which besieged Sarajevo for two years. He bombarded Sarajevo for two years and killed many civilians. He was tried by the Yugoslavia Court of War Crimes, and the prosecutor charged him as a war criminal on the basis of these crimes in his indictment.

Is it possible to regard terrorism as a crime against humanity? Terrorism can be regarded as a crime against humanity on condition that there is a systematically widespread and continuous attack against civilians, or else those who carry out the attacks perform some acts with a general and systematic attitude to establish their own system. Then, what are those acts? They can be listed as murder, rape, injury, torture, etc.

At this point I would like to touch on another issue. As well as the Rwanda International Criminal Court Statutes, both the International Criminal Court Statutes and those of the Yugoslavia Criminal Court claim that those crimes against humanity may be committed only against civilians. Certainly, if we attempt to interpret it within a restricted framework, we can reach unusual outcomes. For example, in that sense, the attack on the civilian Twin Towers in 9/11 would be evaluated as a war crime, whereas the attack against the Pentagon, which was carried out on the same day, would not be classified as a war crime. That would be because the Pentagon is not a place occupied by civilians but a place where there are military personnel. Now, to be frank, I believe this is a bit peculiar. Just as an attack against the civilian building on 9/11 was a crime against humanity, I believe the attack against the Pentagon was a crime against humanity. It is necessary to interpret this provision a bit more flexibly and the Security Council resolution enables such a flexible interpretation.

We have stated that a terrorist act could be deemed a war crime if it is committed during a war. We have noted that terrorism could be deemed a crime against humanity if it complies with some conditions that are provided and which state what is reckoned a war crime. A third question would be whether terrorism

is an independent international crime or not. In principal, terrorist acts within the territory of a state are deemed to be international crimes according to international law, and they are also crimes which are come under the authority of the state in question. I mean, they are under the jurisdiction of that state. Only if (1) the crime goes beyond the authority of that state with respect to the persons who have carried out the terrorist act, the means that have been used, and the effects of the act, or (2) another state supports, tolerates, or at least consents implicitly those acts, or else (3) another state proves incapable of preventing the acts of the terrorist organization that are committed from the territory of the state in question, and therefore those acts go beyond the borders of that state, can it be claimed that the crime has gained such characteristics that engage the international community. That means the crime has independently international characteristics which constitute a threat against peace. That is why the Security Council, in its resolution dated 12 September 2001, determined that an international terrorist act constitutes a threat against international peace and security with respect to the attacks carried out in New York and Washington.

In concluding my speech, I would like to point out that terrorism has an internationally accepted definition. Anti-terrorism also has internationally accepted criteria. The legal instruments we have are adequate for the struggle against terrorism but the sanctions they impose are insufficient, and that is why the international anti-terrorism efforts remain ineffective. Nonetheless, the most important reason for that ineffectiveness is that states do not have sufficient political will regarding anti-terrorism. What should be emphasized here is that it is possible to claim that terrorism is increasingly being recognized as a crime. The more this issue is mentioned in the many international instruments, and laid down in the many resolutions, the more it appears to be evaluated as a crime and this is generally accepted on the international level. This is what leads us to be hopeful about the future of anti-terrorism. I believe we should not lose our courage even though we see that the international struggle with terrorism has not reached the desired level, due to the fact that sanctions or the political will of states are insufficient, and we should make further efforts to improve judicial cooperation with respect to the international struggle in different areas of international relations. Thank you all for being so kind as to listen to me.

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DEFENSE AGAINST TRANSNATIONAL TERRORISM: LEGAL DIMENSIONS

Prof. Dr. Tom FARER (USA)[1]

Introduction

Two functionally distinct bodies of law govern the design and implementation of strategies to combat transnational terrorism. One consists of the norms stating the conditions in which states may legitimately project force across national frontiers.[2] Both the generality of international lawyers and most political leaders and diplomats now find those norms principally if not exclusively in the United Nations Charter and in the practice of states: both their actions and their claims about (a) the legality of their actions and (b) the reaction of other states and intergovernmental institutions and international legal scholars to those claims, that is whether they accepted, rejected or ignored the claims and the related acts of force.

The other body of law consists of the norms declaring limits on the means that a state using force may employ to achieve its political/military ends, limits that apply whether or not the use of force itself it legal or illegal. These norms are found both in the so-called Humanitarian Laws of War (principally the Hague Rules and the Geneva Conventions and the related practice of states) and in the various Human Rights Conventions, principally the International Covenant on Civil and Political rights (ICCPR) and the Torture Convention.[3] The most important limits,

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[1] Dean, Graduate School of International Studies, University of Denver.
[2] International lawyers refer to this body of norms as the *jus ad bellum*.
[3] International lawyers refer to this body of norms as *jus in bello*, but sometimes when they use the terms they intend a reference only to the Humanitarian Laws of War, but in so limiting their reference they are failing to encompass the full body of the relevant law.

limits relating to protection from summary execution and brutal treatment short of killing, apply also to the use of force internally.

Legitimate Recourse to Force

The Original Understanding

At the birth of the United Nations, a majority of legal scholars and probably of governments subscribed to the view that taking into account the language and structure of the Charter, in particular Articles 2 (4) and 51 in conjunction with Chapter VII as a whole, and taking account also of the document's negotiating history, it should be read as dividing the universe of cross-border military coercion and intervention into three categories.[4] Category 1 is self defense against an armed attack. Category 2 is force (or the threat thereof) authorized by the Security Council under Chapter VII to prevent a threat to the peace, a breach of the peace or an act of aggression. The domain of the illegal is Category 3, call it the default category, which is occupied by every act of state-initiated or tolerated cross-border violence that does not fall into the first two categories. However, it was not long before states with the capacity to project force across frontiers began proposing additional categories, based in part on curious readings of the Charter that happened to legitimate their uses of force, or discovered unexpected elasticities in the existing categories, and they invariably found some scholars[5] who sympathized with their claims. What follows is a sketch of the areas of ambiguity and contention that marked the Cold War years.

1. What Constitutes an "Armed Attack" for Purposes of Activating the Right of Individual and Collective Self Defense?

a. Do activities short of launching troops, planes or missiles across a frontier, for instance giving material assistance to an insurgency in another state or a terrorist group, ever trigger the right of self defense?

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[4] See, e.g. Myres McDougal and Florentino Feliciano, *Law and Minimum World Public Order* (New Haven: Yale University Press, 1961), at 126; Lassa Oppenheim, *International Law*, 8th ed. (New York: Longmans, Green & Co., 1955), at 154; Article 2 (i) of the Draft Code of Offenses against the Peace and Security of Mankind, Report of the International Law Commission, Third Sess. (1951), UN Doc. A/1858. But cf. Derek Bowett, *Self defense in International Law* (New York: Praeger, 1958), at 11-13; Tom J. Farer, "Panama: Beyond the Charter Frame," 84 (2) *American Journal of International Law* 1990, 503-515 and "A Paradigm of Legitimate Intervention," in L. F. Damrosch (ed.), *Enforcing Restraint: Collective Intervention in Internal Conflicts* (New York: Council on Foreign Relations Press, 1993) at 85.

[5] See e.g. Julius Stone, *Legal Controls of International Conflict* (1954) at 43, 243, 297-298; cf. Bowett, *Self defense in International Law* (1958).

During the Cold War, primarily with respect to the guerrilla wars waged generally by communist-inspired or -aided movements against pro-American regimes in Latin America and Southeast Asia, the US argued that where State A provided weapons or training or safe haven to opponents of the recognized government of State B, the latter and allied states could treat that assistance as an armed attack.[6] With one dissent (by chance the American judge) in the case brought by the Government of Nicaragua (represented by a formal Legal Advisor to the Department of State)[7] against the United States, The World Court rejected this claim insofar as it purported to justify US acts of war within Nicaragua.[8]

While the US Government refused to appear and argue the merits, on the grounds that the Court lacked jurisdiction,[9] in the forum of public opinion the Reagan Administration claimed that its own clandestine operations inside Nicaragua and its financing, arming and training of Nicaraguan insurgents were legitimate acts of collective self defense in response to Nicaraguan aggression against the Government of El Salvador,[10] an ally under the Rio Treaty of Mutual Defense.[11] The acts deemed constitutive of that aggression were various forms of assistance to the indisputably independent Salvadoran insurgents.[12] This was not a new argument for the US. It had earlier been marshaled against Cuba for its encouragement and support of insurgency in various Latin American countries[13] and against North Vietnam for its support of the insurgency in South Vietnam.[14] In

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[6] Tom J. Farer, "The Role of Regional Collective Security Arrangements," in *Collective Security in a Changing World*, T. Weiss, (ed.), (Boulder: Lynne Rienner, 1993), 153-188.

[7] Military and Paramilitary Activities In and Against Nicaragua (Nicar. v. U.S.), 1986 ICJ 14 (June 27).

[8] *Ibid.*

[9] Eric Effron, "State Department maintains world court lacks jurisdiction in matter; historic verdict," *The National Law Journal*, 10 December 1984, p. 11, col. 1; Kenneth Jost, "Reagan criticized for rejecting role of World Court: Nicaraguan complaint," *The Los Angeles Daily Journal*, 10 April 1984, p. 1, col. 2; Stuart Taylor Jr., "World Court's jurisdiction disputed in Nicaragua case," *Chicago Daily Law Bulletin*, 10 April 1984, p. 3, col. 2.

[10] Philip Taubman, "Releasing intelligence data: a 'no win situation'," *The New York Times*, 5 March 1982, A16; Philip Taubman, "US offers photos of bases to prove Nicaragua threat," *The New York Times*, 10 March 1982, A1.

[11] Inter-American Treaty of Reciprocal Assistance of 1947, signed at Rio de Janeiro on 2 September 1947, 21 UNTS 77.

[12] Philip Taubman, "El Salvador as 'domino'," *The New York Times*, 20 February 1982, p. 8.

[13] For a general view of US justifications of use of force, see Tom J. Farer and Christopher C. Joyner, "The United States and the Use of Force: Looking Back to See Ahead," 1 (1) *Transnational Law and Contemporary Problems*, (1991).

[14] This view is implicit in the Government's contention that North Vietnam's support of the Vietcong constituted an "armed attack" against the Saigon regime. See the Memorandum of the State Department on "The Legality of US Participation in the Defense of Vietnam," submitted to the Senate Committee on Foreign Relations on 8 March 1966, reprinted in Richard A. Falk, (ed.), *The Vietnam War and International Law* (Princeton: Princeton University Press, 1968), at 583.

retrospect, Vietnam was the stronger case for the argument, since it now appears that at least by the time the US became openly involved in combat, Hanoi was exercising substantial if not total strategic control over the Vietcong.[15]

Composed as it is of mostly distinguished judges and scholars from the various world regions, the Court's opinions, at least when they are nearly unanimous, are the closest thing we have to authoritative interpretation of the Charter.

b. At what point, if any, do activities that could reasonably be construed as preparations to launch an armed attack, justify preemption?

Perhaps because on a number of occasions during the Cold War, mechanical and electronic devices erroneously signaled the launch of nuclear missiles,[16] some have argued that preemption should never be allowed, that self defense requires a prior and actual border crossing.[17] But efforts by the Soviet bloc at the UN to secure a definition of aggression focused exclusively on first recourse to force failed.[18] The more generally prevailing view seems to be that if the behavior of State A is such as to lead a reasonable government in State B to believe that an armed and substantial attack is imminent and cannot be averted by means other than force, State B may preempt.

Most scholars have regarded *imminence* as the key criterion. Without it, measures plausibly intended for defensive or, in the case of nuclear weapons,

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[15] See, for example, Robert McNamara's account of retaliation against North Vietnam for its support of the Vietcong, beginning in 1964 with proposed air strikes and CIA support for South Vietnamese covert operations in North Vietnam in Robert S. McNamara, *In Retrospect: The Tragedy and Lesson of Vietnam* (New York: Crown, 1995), at 114, 130. Also see Robert D. Schulzinger, *A Time for War: The United States and Vietnam, 1941-1975* (Oxford, UK: Oxford University Press, 1999), at 95-96, for an account of the creation of the Vietcong (the National Front for the Liberation of Vietnam) in December 1960.

[16] An account of an erroneous signal during the Carter administration can be found in Robert M. Gates, *From the Shadows: The Ultimate Insider's Story of Five Presidents and How they Won the Cold War* (New York: Simon and Schuster, 1996), at 114-115.

[17] Albrecht Randelzhofer, "Article 51 and the Inherent Right to Self-Defence", in Bruno Simma (ed.), *The Charter of the United Nations: A Commentary* 2nd ed. (New York: Oxford University Press, 2002), 677; See also the exchange among European and US international lawyers in J. Delbrück (ed.), *The Future of International Law Enforcement: New Scenarios, New Law?: Proceedings of an International Symposium of the Kiel Institute of International Law, March 25 to 27, 1992* (Berlin: Duncker & Humblot, 1993). Oscar Schachter, "In Defense of International Rules on the Use of Force," 53 *University of Chicago Law Review* (1986), is an exemplary expression of this view. See also, "The Use of Armed Force in International Affairs: The Case of Panama," *Report of the Association of the Bar of New York City* (June 1992); Louis Henkin, "Force, Intervention and Neutrality in Contemporary International Law," *Proceedings of the American Society of International Law, 1963*, 147, 149, 165; Philip Jessup, *A Modern Law of Nations* (New York: Macmillan, 1948), at 166; Hans Kelsen, *The Law of the United Nations* (New York: Lawbook Exchange Ltd., 1950), at 797-98; Josef Kunz, "Individual and Collective Self defense in Article 51 of the Charter of the United Nations," 41 (4) *American Journal of International Law* (1947), 872, 878.

[18] UN Doc. No. A/AC77/L4 (1957).

deterrent purposes could be construed, hypocritically or otherwise, by another, unfriendly state as preparations for an attack justifying a first strike. If, as President Bush appeared to declare after 9/11, the United States is prepared to strike states deemed unfriendly whenever they engage in behavior which could facilitate an attack in the indeterminate future, whether by the state itself or by terrorists it might enable,[19] we are back in the era of preventive wars, the kinds of wars urged in the late Nineteenth and early Twentieth Centuries by German strategists fearing the future military superiority of the continental-sized powers, Russia and the United States.[20] These are wars to eradicate merely contingent risks, often risks not to survival, i.e. not to political independence and territorial integrity, but rather to regional superiority or even global hegemony. Remove the requirement of imminence and it becomes very difficult to distinguish aggression from self defense.

c. Can forms of coercion other than military ones constitute an armed attack?

Developing states have sometimes argued that economic ones threatening their political independence should be so regarded.[21] The US seemed to imply the same during the Arab oil boycott following the 1973 Middle East War.[22] In the West, there was little if any scholarly support for this view and efforts by some Third-World states to include economic coercion in the definition of aggression failed.

2. Does the Security Council Have Authority under the Charter to Authorize Coercive Measures Including Use of Force in Cases (a) Where the Threat to International Peace and Security Is not Imminent or (b) the "Threat" Consists of Massive Violations of Human Rights within a Country but with Little Immediate Spillover Effect to Other States?

With respect to (a), two views once competed for dominance. Some commentators argued[23] that the Council was an organ with jurisdictional authority

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[19] An overview of the relevant Security Council Resolutions—and of the overall "case" the US was making—can be found in the text of the draft resolution offered up by the US, Spain and the UK S/2003/215 (7 March 2003). See also W.H. Taft IV and T.F. Buchwald, "Preemption, Iraq, and International Law", 97 (1) *American Journal of International Law*, 5-10.

[20] See Wolfgang J. Mommsen, *Imperial Germany 1867-1918* (London: Hodder Arnold, 1995).

[21] See Tom J. Farer, "Political and Economic Coercion in Contemporary International Law," 79 (2) *The American Journal of International Law* (1985), 405-413.

[22] See Robert W. Tucker, "Oil: The Issue of American Intervention," 59 (1) *Commentary* (1975), 21-31.

[23] See e.g., Kelsen, *The Law of the United Nations* (1951), at 769-815.

strictly limited by the language of the Charter and that the Charter's grant of authority under Chapter VII to deal coercively with "threats" had to be read in the light of Chapter VI authorizing the Council to employ non-coercive measures like mediation in cases where a situation could develop into a threat. In other words, the Charter itself distinguishes in so many words between immediate and potential or longer-term threats and gives the Council authority to employ force only in the former case. So while it has authority to employ force (or to authorize force by states acting as its proxy) at a somewhat earlier point than an individual state can under Article 51, that authority does not extend to cases where the threat is in so early a stage of incubation that its actualization is uncertain and there is opportunity to test the efficacy of means other than force.

In recent years I have seen little support for this view in Western academic circles, although it may well reflect the preferences of the Chinese and certain other governments in the Global South. While the Council may not have absolute discretion to define its authority, it has and in contemporary circumstances must have a very broad discretion to decide at what stage in the gestation of a threat it should intervene with coercive means of one form or another.

With respect to (b), the practice of the Council since the end of the Cold War seems to have resolved the once sharp dispute over its authority to authorize coercion to avert or mitigate catastrophes that occur mainly within one country. When in the 1970s it authorized[24] coercive measures against the minority racist regime in what was then Rhodesia (contemporary Zimbabwe), the Council was sharply criticized by some legal commentators[25] and initially the United Kingdom took the position that the matter was an internal concern.[26] Sanctions against South Africa in the 1980s also encountered some opposition on legal grounds. Since the Cold War, however, the Council has authorized intervention to restore democracy

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[24] S/RES/232 (1966) and S/RES/221 (1966). See Myres S. McDougal and W. Michael Reisman, "Rhodesia and the United Nations: The Lawfulness of International Concern," 62 (1) *American Journal of International Law* (1968), 1-19

[25] Dean Acheson so argued and was criticized by Myres S. McDougal and W. Michael Reisman in "Rhodesia and the United Nations: The Lawfulness of International Concern," 62 (1) *American Journal of International Law* (1968), 1-19.

[26] The Lusaka communiqué, based on agreement by leaders of an August, 1979 Commonwealth, along with establishing the principle of majority rule and legal independence from Britain, was interpreted by British officials as precluding any intervention by the United Nations, see Henry Wiseman and Alastair M. Taylor, *From Rhodesia to Zimbabwe: The Politics of Transition* (New York: Pergamon Press, 1981), at 4.

(Haiti),[27] to protect the delivery of humanitarian relief (Bosnia and Somalia),[28] and to end civil conflicts marked by massive violations of human rights (e.g. Liberia and Sierra Leone).[29] Practice has confirmed the breadth of the Council's power to act for the sake of human as well as national security.

3. Can Regional and Sub-regional Organizations Authorize Uses of Force That Would Otherwise Be Illegal?[30]

Articles 52-54 (Chapter VIII) of the Charter recognize a possible role for such organizations particularly in helping to mediate festering hostility that, if left unattended, could lead to armed conflict.[31] It also recognizes them as possible instruments of the Security Council in dealing with Chapter VII situations.[32] But Article 54 states that any "enforcement action" by such organizations requires the approval of the Security Council.

During the Cold War, the US argued (in relation to the Cuban Quarantine of 1962,[33] the intervention into the Dominican Republic in 1965[34] and the invasion of Grenada in 1982)[35] that the approval could be after the fact and implicit, a position most scholars and governments rejected.[36] More recently the US has altered its position insofar as the OAS in concerned, insisting (most clearly in the

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[27] S/RES/940 (1994); see also David Malone, *Decision-making in the UN Security Council: The Case of Haiti, 1990-1997* (New York: Oxford University Press, 1998).

[28] S/RES/816 (1993) and S/RES/794 (1992), respectively.

[29] S/RES/1497 and S/RES/1509 in the case of Liberia; S/RES/1132 (1997), S/RES/1181 (1998), and S/RES/1245 (1999) in the case of Sierra Leone.

[30] See generally Farer, "The Role of Regional Collective Security Arrangements" in *Collective Security in a Changing World* (1993), 153-188; Tom J. Farer, "Law and War," in Cyril E. Black and Richard A. Falk (eds.), *The Future of the International Legal Order* III (Princeton: Princeton University Press, 1971), at 56-62.

[31] UN Charter art. 53; UN Charter art. 52, para.1; See also Farer, "Law and War," (1971).

[32] UN Charter art. 52, paras. 1-3 but see restrictions in art. 53 para. 1.

[33] See Abram Chayes, "Law and the Quarantine of Cuba," 41 (3) *Foreign Affairs* (1963), 550-557; Abram Chayes, *Cuban Missile Crisis* (New York: Oxford University Press, 1974); James G. Blight and David Welch, *On the Brink: Americans and Soviets Re-examine the Cuban Missile Crisis* (New York: Farrar, Straus & Giroux, 1989); Raymond Garthoff, *Reflections on the Cuban Missile Crisis* Rev. Ed. (Washington, DC: Brookings Institution Press, 1989). A rejection of the argument can be found in Organization of American States, *Sixteenth Meeting of Consultation of Ministers of Foreign Affairs* (San Jose, Costa Rica, July 29, 1975), Resolution I.

[34] See Abraham F. Lowenthal, *The Dominican Intervention* (Cambridge, Mass.: Harvard University Press, 1972); Piero Gleijeses, *The Dominican Crisis: The 1965 Constitutionalist Revolution and American Intervention* (Baltimore: Johns Hopkins University Press, 1978); and Leonard Meeker, "The Dominican Situation in the Perspective of International Law," *Department of State Bulletin LIII* (July 1, 1965), 60–62.

[35] UN General Assembly censure of the US interventions in Grenada and Panama can be found in A/RES/44/240 (1989).

[36] See Tom J. Farer, "The Role of Regional Collective Security Arrangements," in *Collective Security in a Changing World* (1993).

case of Haiti) that enforcement measures require SC authorization.[37] But the first ECOWAS intervention in Liberia,[38] although not authorized, was not criticized, much less condemned. A distinguished panel of experts established by the Swedish government found NATO's intervention in the Kosovo conflict to be not consistent with the charter and thus technically illegal but nevertheless "legitimate."[39] Whether NATO, originally a self defense rather than regional organization, can be said to have evolved into the latter is open to dispute.

4. Does Military Intervention at the Request of a Recognized Government to Assist It in Repressing Domestic Opponents Constitute a Permitted Use of Force?

Some scholars and governments have argued that the prerogatives of sovereignty certainly include authorizing foreign intervention and that the recognized government is the agent of state sovereignty.[40] Others have said that in cases of large-scale civil war, an intervention even if invited by the recognized government violates the country's political independence and the universal right of self-determination and should be deemed illegal.[41]

5. Are Interventions, not Authorized by the SC, Undertaken to Prevent or Terminate Crimes against Humanity ever Legal under the Charter?

In the early decades after the Charter's adoption, scholars and governments especially were reluctant to concede that the claims of humanity might trump the principle of non-intervention,[42] although at least in particular cases some seemed disposed to treat the circumstances as highly mitigating. The Kosovo Commission mentioned above based its finding of "legitimacy" largely on what it perceived as the imperative necessity of using force in order to abort massive ethnic cleansing

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[37] See David Malone, *Decision-making in the UN Security Council: The Case of Haiti, 1990-1997* (1998).

[38] Kenneth B. Noble, "5 NATIONS MOVING TROOPS TO LIBERIA; West Africans Begin an Effort to End Civil War but One Rebel Vows to Resist," *The New York Times*, 11 August 1990, A3; Kenneth B. Noble, "Civil War in Liberia Threatening To Divide West African Neighbors; Liberian War Threatens To Split West Africans," *The New York Times*, 29 August 1990, A1.

[39] Independent International Commission on Kosovo, *Kosovo Report* (New York, 2001).

[40] A/59/2005 (2005).

[41] See Myres McDougal and Florentino Feliciano, *Law and Minimum World Public Order* (1961), at 194n; for an earlier view see William E. Hall *A Treatise on International Law* 6th ed. (Oxford, UK: Clarendon Press, 1909), at 286.

[42] Ian Brownlie, *Principles of Public International Law* 4th ed. (Oxford, UK: Clarendon Press, 1990), at 304-305 and 324; and Ian Brownlie, *International Law and the Use of Force by States* (Oxford, UK: Clarendon Press, 1963), at 339–342.

initiated by the Belgrade Government against the Albanian population of Kosovo. Few would dispute that mass ethnic cleansing is a "crime against humanity", with genocidal potential. With respect to the question of law, it is significant that even in the presence of such a crime, coupled with action by an arguably "regional organization" (but not, to be sure, against a member of the organization) and SC resolutions condemning the Government of ex-Yugoslavia for its treatment of the Albanian population and calling upon it to cease and desist,[43] a committee of experts with a strong collective commitment to the protection of human rights has found that action to be illegal under the Charter yet still "legitimate". Nevertheless, some leading, primarily US-based international law scholars, including ardent defenders of the UN and the Charter-based legal order, have argued that Humanitarian Intervention is legal where the following criteria are satisfied:

- A massive crime against humanity is imminent or has begun to be executed;
- Either there is no time for recourse to the SC, if the crime is to be averted or aborted before its completion, or action by the SC is blocked by a Permanent Member's exercise of its veto
- The action is reported to the SC;
- The intervention is carried out in good faith and so as to minimize its consequences for the political independence of the target state;
- The intervention complies with the Humanitarian Law of War and is reasonably calculated to cause less harm to "innocent persons" than would occur if the crime against humanity were allowed to proceed.[44]

Scholars insisting on the legality of interventions satisfying the above criteria have emphasized the Charter's recognition of human rights along with national sovereignty as paired constitutional principles.[45] Even scholars from countries

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[43] S/RES/1244 (1999).

[44] These views are reflected by virtually all authors in J. L. Holzgrefe and R. O. Keohane (eds.), *Humanitarian Intervention: Ethical, Legal and Political Dilemmas* (Cambridge, UK: Cambridge University Press, 2002); but cf. Tom J. Farer with Daniele Archibugi, Chris Brown, Neta C. Crawford, Thomas G. Weiss and Nicholas J. Wheeler, "Round Table: Humanitarian Intervention after 9/11," 19 (2) *International Relations* (2005) 211-250.

[45] See, for example, Anthony D'Amato, "Agora: US Force in Panama: Defenders, Aggressors, or Human Rights Activists," 84 (2) *American Journal of International Law* (1990), 516-524; and W. Michael Riesman, "Coercion and Self-Determination: Construing Charter Article 2(4)," 74 (3) *American Journal of International Law* (1984), 642-645; see also Fernando Teson, *Humanitarian Intervention: An Inquiry into Law and Morality* (Dobbs Ferry, NY: Transnational Publishers, 1988).

with a history of intense opposition to intervention of any kind now show some disposition to concede that in extraordinary circumstances, for example the onset of genocide, international action may be justified even if the SC does not authorize it. A number of Chinese scholars from influential think tanks have so conceded in a recent discussion,[46] but they insisted that circumstances must be so exceptional that they cannot be codified, a position echoing that of the leading English authority on the use of force, Ian Brownlie, who analogized Humanitarian Interventions to "mercy killings" in domestic law which are illegal but may be overlooked in extraordinary circumstances.[47] Efforts by the Axworthy Commission, supported by the Canadian Government, to promote agreement that the prerogatives of sovereignty are dependent in some measure on states meeting minimum obligations to their citizens[48] initially met a cool reception from the generality of governments,[49] implying that they preferred the Chinese approach.

The humanitarian arguments invoked by the US and the U.K. in the case of Iraq, arguments increasingly emphasized when evidence of WMD programs failed to appear, are unusual in that they refer to conditions that were chronic rather than acute.[50] In fact, at the time of the invasion, violations of core human security rights appear to have been considerably less acute than during earlier periods when popular resistance to Saddam was more pronounced. The moral basis for distinguishing chronic violations of rights from acute ones, as most advocates of Humanitarian Intervention do, is problematical.[51] But failure to require a sudden spike in human rights violations as a condition of "Humanitarian Intervention"

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[46] Simon Chesterman, Tom Farer, and Timothy Sisk, "Competing Claims: Self-Determination, Security and the United Nations," report of the project "Self-Determination, Security, and the United Nations," Graduate School of International Studies, University of Denver, and the International Peace Academy, November 29 – December 1, 2000, Vail, Colorado; see: http://www.ipacademy.org/Publications/Reports/Research/PublRepoReseCompClaims_body.htm.

[47] Ian Brownlie, *International Law and the Use of Force by States* (1963).

[48] International Commission on Intervention and State Sovereignty, *The Responsibility to Protect* (Ottawa, 2001).

[49] See S. Neil Macfarlane, Jennifer Welsh, and Caroline Thielking, "The Responsibility to Protect: Assessing the Report of the International Commission on intervention and state sovereignty," 57 (4) *International Journal*, 489-502.

[50] Tony Blair's arguments, among others, are included in Thomas Cushman, ed., *A Matter of Principle: Humanitarian Arguments for War in Iraq* (Berkeley: University of California Press, 2005); A rejection of American and British administration humanitarian arguments can be found in Kenneth Roth, "War in Iraq: Not a Humanitarian Intervention," in *Human Rights Watch World Report 2004: Human Rights and Armed Conflict* (available online at http://hrw.org/wr2k4/), 13-36.

[51] Tom J. Farer, "Human Rights in Law's Empire: The Jurisprudence War," 85 (1) *American Journal of International Law* (1991), 117-127.

would exponentially increase the number of potential targets; at least a strong plurality of UN members would be at risk.

6. Are Reprisals Legal under the Charter?

In pre-Charter international legal practice, reprisals were punitive acts responding to some illegal act committed by another state.[52] They were deemed legitimate if they were proportional to the delinquency that occasioned them. One of their recognized purposes was to deter a repetition of the delinquency. In relation to a reprisal carried out by the United Kingdom during the 1950s in what is today the Republic of Yemen, the Security Council declared reprisals to be illegal under the Charter in that they did not constitute acts of self defense.[53] Self defense presumed an ongoing attack. A one-off border incursion by forces of State A into State B could be resisted. But if State A's forces withdrew before State B could mount a response and appeared unlikely to make another incursion in the immediate future, then the opportunity for the exercise of self defense rights had passed.[54] State B would thus have to pursue other remedies for any damage done to it from the incursion including, of course, an appeal to the Security Council on the grounds that the situation constitutes an ongoing "threat to the peace".

Distinguishing reprisal and legitimate self defense can be difficult in the context of ongoing hostile relations between states marked by numerous "incidents". For instance, the bombing of Tripoli by the United States in the wake of the bombing of a night club in Berlin frequented by US military personnel and attributed to Libyan intelligence operatives was arguably a reprisal;[55] but the US could have argued that the night club incident was only one in a line of Libyan-organized attacks on US installations and personnel and that these various incidents amounted cumulatively to an on-going attack. Similarly, some Israeli incursions into neighboring Arab states could have been characterized as incidents in a single on-going low-intensity armed conflict. However, Israel has an explicit doctrine of

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[52] Ibid, 11-13; see also Georg Schwarzenberger, "The Law of Armed Conflict," in *International Law as Applied by International Courts and Tribunals*, *Vol. II* (London: Sweet & Maxwell Ltd., 1968).

[53] S/RES/188 (1964); Tom J. Farer, "Law and War," in C.E. Black and R.A. Falk (eds.), *The Future of the International Legal Order: Conflict Management, Volume 3* (Princeton: Princeton University Press, 1969), 15-78.

[54] Anthony C. Arend, "International Law and the Preemptive Use of Military Force," 26 (2) *The Washington Quarterly* (2003), 89-103; Sean D. Murphy, *Humanitarian Intervention: The United Nations in an Evolving World Order* (Philadelphia: University of Pennsylvania Press, 1996), at 92.

[55] "Transcript of Address by Reagan on Libya," *The New York Times*, 15 April 1986, A10.

reprisal; it has not tried to characterize every incursion as an incident of an ongoing war.[56] And many of its reprisals have been ignored by the SC or action has been blocked by the US.

It appears that the SC has become inured to reprisals, at least in the context of the Arab-Israeli context, and therefore takes note of them only where they risk igniting a general conflict or possibly where they are grossly disproportionate to the damage inflicted by the act held to justify a reprisal, or violate rights protected by the Humanitarian Law of War. It did not condemn the US missile attack on Iraq following the alleged attempt by Saddam Hussein to assassinate former President George H. W. Bush during a visit to Kuwait. Arguably that was a reprisal, although it might have been defended as mere enforcement of the terms of the ceasefire that ended the first Gulf War.[57]

To help probe the distinction between acts justifying reprisal and acts of war, I offer the following hypothetical case. Suppose the attack on the World Trade Center and the Pentagon on 9/11 had been the first violent act against US persons or property by persons under the direction of Osama bin Laden and his associates and had been accompanied by a statement from bin Laden describing it as a single retaliation for crimes committed against the Arab people and declaring that the slate was clean, there had been an eye for an eye, and now co-existence was possible. If, without the benefit of an SC resolution recognizing the availability of the claim of self defense under the circumstances, the US had launched its campaign to overturn the Taliban regime and to destroy bin Laden's infrastructure in Afghanistan and to kill or capture bin Laden and his lieutenants, would that have been a reprisal or lawful action in self defense under the Charter?

It is implausible that under those circumstances, the US or any other nation that had experienced such a blow would have felt constrained either by the Charter or even by the pre-Charter doctrine to treat that blow as something other than an act of war. As an act of war, an aggression against the US, it would presumably allow the United States to take all necessary measures consistent with the Humanitarian Law of War to capture or kill the perpetrators and to dismantle their organization and to wage war against any state that interfered in this effort. In other words,

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[56] The United Nations condemns Israel's reprisals in S/RES/101 (1953) and S/3139/Rev. 2.
[57] S/RES/687 (1991).

some acts of violence may be of such scope and intensity that states generally will regard them as acts of war even if it is unclear that they will be repeated.

7. What Limits Does the Charter Impose on the Right of Self Defense Once It Is Triggered by an Act of Aggression?

The hypothetical case in No. 6 above warrants two further questions. One is whether, in a case where, following a wanton act of aggression, the aggressor withdraws from any territory it may have occupied and places its forces in a defensive posture and calls for negotiation or mediation of whatever dispute occasioned the aggression, the victim state can initiate a defensive war without SC authorization even though it can seek such authorization without further endangering itself. The second is whether a state exercising its right of self defense by preparing to invade an aggressor or destroy its military capability through an assault by missiles and aircraft must desist in cases where the SC, acting pursuant to Chapter VII, authorizes less intense measures such as economic sanctions or a blockade to force the surrender of the persons authorizing and conducting the aggression or takes other action which the victim state deems insufficient. Neither the practice of states and of the Security Council under the Charter nor the opinions of international legal experts have provided entirely clear answers to either question.[58]

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[58] Compare, for instance, Albrecht Randelzhofer, "Article 51 and the Inherent Right to Self-Defence", in Bruno Simma, ed., *The Charter of the United Nations: A Commentary* (2002), 677, Kelsen, *Principles of International Law* (1966), at 62 and 64-87, and Myres S. McDougal and Florentino P. Feliciano, *Law and Minimum World Public Order: The Legal Regulation of International Coercion* (1961), at 233-241.

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THIRD SESSION

QUESTIONS AND ANSWERS

Q: I'm the ambassador of Saudi Arabia to Turkey, Muhammed Ali HUSAINI. Dr. FARER, I think that at a certain point in your lecture came two words: "Islamic terrorism". I don't know whether you were quoting somebody else, or whether they were your words, or whether you were intentionally provoking me. I thought: "It is unfair to call it this." It is what the chief of staff this morning was warning us against, putting adjectives ahead of the word "terrorism", like, as you said "Islamic". You cannot say "Christian terrorism", you cannot say "Jewish terrorism". I don't think, because a few people who commit certain acts are certainly terrorists, that this can touch Islam, or other religions. So it is unfair. And by the way in the Holy Quran I have been looking for the word "terror" or "terrorism". I didn't find it anywhere in the Arabic version, or even in the English. So terrorism is actually coined by the West, just like Nazism, Zionism, fascism, and so on with all the "isms". Here my point is that we should not call it "Islamic terrorism". It is unfair, it is unjust, and you know that I am better than anybody else on this subject.

A: Well, as the ambassador no doubt realizes, I agree with him. But it is a question of phraseology. All I was trying to suggest is that the US is particularly concerned with terrorists who happen to be Islamic in their faith. It was not a suggestion that Islam uniquely produces terrorists. But the US is concerned with the terrorism that has much to do with the recent advancements of the last decade, or of the last decade and a half, and the principle threat as perceived by the American national security establishment is a threat not from Basques or from Irish terrorists but from terrorists who originate in the community of the faith. That they are a tiny fraction, of course, we both know. The question would be whether

there is within the community of Islam a significant number people who feel deeply alienated by American policy, or by Western policy, particularly in the Middle East. I think of the problem of terrorism in terms of a pyramid. The very the top of the pyramid is a very tiny point, and these are the people who actually use or organize violence. At the bottom of the pyramid is a much larger group of people who are alienated or estranged or critical, and in this case I would suggest we are talking with reference to Islam. I think there are substantial number of people of the faith who feel that about western policy, or particularly about American policy. I am not saying that it is right or wrong. I am just saying that they believe that the American policy has been on the whole inconsistent with broad Islamic interests, whether in the case of Palestinian-Israeli conflict, or the support for totalitarian governments. We know the issues that are on the table. So, that is what I was trying to capture in one single phrase. I was trying to capture a perception which is widespread in the US. That is very different to a perception that Islam uniquely generates violence or generates terrorism. It is merely a statement that, when the US talks about the problem of terrorism, most of the people who are talking about it have in their mind, as the central problem, the problem of terrorists coming from the broader community of Islam, particularly from West Asia. I don't think we would disagree about that. You know the US probably as well as I do. And I think that is an accurate statement of the American perception of terrorism, although we often talk of it in much more global terms.

Comment: My name is Şebnem UDUM and I am Ph. D. candidate at Bilkent University in the International Relations Department. Mine is rather a comment than a question. Well, I was in the US on 9/11, so I cannot tell whether I was lucky or not because the air space was closed. Being a non-American I was wondering whether I would ever be back to my home country. That was a totally different psychology, and I could understand how the Americans changed the definition of threat and response. Because I think what we are always discussing here is basically the definition of threat and whether it exists or not in the legal texts. But I think we should also ponder over the response part, because for the US the threat is the combination of motivation and capabilities. But after 9/11 it became merely motivations. That is, for the time "zero", if there were motivation for time "T", there would be capabilities for this group of countries of threat. And then the main dilemma became the opportunity cost of time spent on devising measures, instead of acting swiftly to prevent terrorist attacks. And then the main challenge

became the questioning of the legitimacy of international institutions, because they were late in dealing with the threat due to deliberations and everything. So what I would suggest is to ponder more over the incorporation of multilateral response strategies, so as to achieve and facilitate cooperation at the multilateral level. I am wondering about your comments about my comment.

Q: I am an associate professor in Gazi University, Çınar ÖZEN. I would like to ask a question to Professor FARER about safe havens and international law. If you consider that especially failed states create very fruitful occasions for terrorist organizations to create safe havens. We know that, for the survival of terrorist organizations, safe havens are crucial. They provide command and control facilities, planning facilities, and the real power of terrorist organizations, in reality, is crucially tied to the existence of safe havens. Imagine a configuration where you have a neighboring failed state providing a safe haven to a terrorist organization. From the concept we understand the failed state is unable to control its territory. But finally terrorist organizations use the territory of the failed state for safe havens, and this is providing the necessary conditions for the terrorist activities. In that case, on what can we base the protective measures taken by the state which is subject to the aggression from the terrorist state? Because you were not very specific on that issue. In which legal context should we understand the right of the state which is subject to the aggression from a terrorist organization based in a safe haven from a failed state, to protect herself?

Q: My question is for Mr. TÜRMEN. I would like to thank you for your mind-opening and educational, at least for me, speech. There is something which bothers me there. Let's think about a group, for example, the PKK. They blow up a minibus going through from Tatvan to Van. There are civilians in the minibus. We call it a terrorist organization then. Another day they are attacking a military position, we call it not a terrorist organization then. Is this true? From the viewpoint of lawyers or international jurists, within the context of the definition you gave, will the judges deal with these case by case? Or will they classify a group based on their general behavior? I would like to hear about this.

Comment: For Mr. FARER. I think the war in Iraq was inevitable because there was a president who, after all, instructed his staff to look and start finding a way to start a war against Iraq, practically a few days after September 11. And he was a man whose reference point was "he tried to kill my daddy". And also don't forget,

Mr. CLINTON allocated a hundred million dollars for a regime change in Iraq. So war in Iraq was inevitable. I thought you implied a sort of "what if scenario", and I think that "what if" could not have come about.

A (Prof. Dr. FARER): For the question of safe havens let me begin with the first one. The questioner said safe havens are crucial to terrorist organizations. I would say that they are crucial to insurgent organizations. Large-scale organizations could have mass terrorism without safe havens; the Madrid bombers did not need a safe haven, neither did the London bombers, their safe haven was Britain. So this is one of the most disturbing and frightening aspects of the contemporary terrorism. I come back to the point I made earlier that the very small group of people are able to inflict very considerable, very large damage on the infrastructure and on the population, even without a safe haven. And this capacity is likely to grow. Indeed, it will grow as the technology relevant to biological weapons and chemical weapons, and even nuclear weapons, continues to spread. A dirty bomb, that is a bomb with conventional explosives covered with radioactive material, which could for example be secured from hospitals, could destroy Wall Street, or at least make it impossible to use Lower Manhattan for a period of months. A handful of people could do that. So let us be clear that safe havens are not crucial for serious terrorist activities. But they are crucial, I would agree, to insurgent movements, fairly large scale insurgent movements, that may use terrorist methods. That also relates to the second question. I think the question of whether a group which attacks both military and civilian targets should be regarded as a terrorist group, or perhaps you were even asking the question of whether a group that only attacks military targets should ever be regarded as a terrorist group. The US has been a little inconsistent with that, I would say, because at some points we have talked about terrorism in terms of attacks on civilians, but at other points we have talked about any clandestine attack on US interests, or on US forces, as terrorism. The attack on the destroyer US Cole we refer to as a terrorist attack, the attack on the Marine Barracks in Beirut we refer to as a terrorist attack. Perhaps the question should be put this way: Is any use of violence against a democratic government a terrorist attack per se, whether the target is a military target or civilian target. The US has, in general, seemed to argue "yes". Others would say, in order to morally isolate the terrorists or terrorism, we should emphasize attacks on civilian targets, and attacks on military targets should be seen as political violence. It may be clearly illegal, and we may wish to use variety of instruments against it, including military

instruments, but still it is not to be regarded as terrorism. This is a question of, in a way, tactics, verbal, rhetorical tactics. What is most useful? To deal with the problem of terrorism, is it more useful to use the word only with respect to attacks on civilians? Or should we allow it to be used even in the case of attacks on military targets? Reasonable people can disagree on this point.

A (Ambassador TÜRMEN): Let's think that a group of PKK terrorists coming from Iraq attack a military facility in Van. In terms of the PKK terrorists, it is impossible to give them a combatant status. They do not fit in the combatant criteria there. If we cannot give them the combatant status, then their actions enter directly into the terrorism category. There is no doubt about that. The important thing is: Who is going to be held responsible? The attacking terrorist group will, of course, be held responsible. We need to take necessary precautions against them. And when they are caught they should be prosecuted according to the domestic laws. But what if they run away into a foreign state after the attack? Will that country have the responsibility for extradition? The second question is, as they come from another country, will that country have any responsibility? I think this is the interesting thing. As for extradition, as you see, agreements are too weak. There are lots of uncovered issues. I mean, the state to which the terrorists escaped may extradite, or it may not, claiming that it is a political crime. You cannot do much. If the attack originates from another country, that country has a responsibility coming from international law. In international law it is clear that any state should prevent her territory being used for an attack against another state. If it does not comply with this responsibility, it will have a responsibility resulting from this.

A: I realize I didn't answer the basic question, which is: Where there is a safe haven for an insurgent movement, whether it is a terrorist movement or not which is attacking your territory, can you cross the boundary, as you have done in the case of Northern Iraq. Is this consistent with UN Charter? As I interpret, I think the answer to that question is yes. It is consistent with the Charter. It is a very old doctrine of international law that precedes the Charter and I think survives the Charter which is that, if a state is unable to prevent its territory from being used in ways that are injurious, dangerous, to the territory of another country, as a last resort when other methods have failed, including an appeal to the Security Council to take appropriate steps, it is possible to cross a boundary for a limited, proportional operation to terminate the threat. That would be my position.

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FOURTH SESSION

THE ROLE OF INTERNATIONAL ORGANIZATIONS IN COUNTERING TERRORISM

Chairman   : Ambassador Ochieng ADALA
Rapporteur : Dr. Birgül DEMİRTAŞ COŞKUN

SPEAKERS
Dr. Patricia LEWIS
Dr. Shao YUQUN
Mr. Raphael PERL

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THE ROLE OF THE UNITED NATIONS IN DEFENCE AGAINST TERRORISM

Patricia LEWIS (IRELAND)[1]

I am here to talk this morning on role of international organizations in the fight against terrorism. I'm looking at international organizations, including regional organizations and also some of the international non-governmental organizations in the world, and what they are doing. I am looking at the enhancing coordination and reducing divergences particularly. I also want to look at something a little bit new in what we are doing within the UN, what we call the cultural approach, a new approach to try to increase security and combat terrorism.

My colleague from New York will speak later on today on the role of the UN in fighting WMD terrorism. I'm not going to spend a lot of time talking about this because that will be dealt with later. I'm going to focus very much on the conventional weaponry that terrorists are using today. We prefer to refer, and our organization refers, to terrorists as non-state armed groups. The reason we do that is the wide range of non-state armed groups, which can be very divergent in nature. I don't need to tell anyone in the room of this fact. They also have a wide range of interconnections. So we prefer to take this approach.

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We are looking at, for example, cutting off supplies, and at security assessments suggesting issues from local specifics in order to reduce demand, and we seek negotiated commitments from non-state armed groups, for example to international humanitarian or human rights law and mitigating their behaviors. So there are three forms of approach; reducing supply, reducing demand, and mitigation of behaviors. Finally of course there are the tasks of finding settlements, mediation, negotiations and central prevention.

In terms of cutting off the supply of weapons, which is one thing on which we spend a lot of time, we are not able to be very effective. The terrorists will always find ways around these restrictions, and certain governments will do the same. But at least our preventative activities increase the costs and difficulties of attaining weapons and explosives, and this is a very critical factor in fighting against terrorism. These are delaying, inhibiting and deterrent factors which decrease the damage done by non-state armed groups. One of the things that happens when our projects are implemented, if you involve in the local communities in the reduction of supplies, is that this decreases the participation of local communities in storage of the explosives and other supplies, which is a very critical factor as well. It also involves regional and international players. What kind of supplies do we focus on cutting? Of course, explosives are our one of the priorities for our attention.

One of the things to which we are not paying sufficient attention as an international community is the cutting the supply of ammunition. One thing we all know is that a gun is pretty useless if you don't have a bullet. If we were to cut the supply to certain regions, to certain conflicts, we could reduce the scale of the conflict, the rate of the use of ammunition by terrorist organizations, and so on, quite dramatically. The research shows that this is a chokepoint that we are not using to full effect in our supply reduction approaches.

The other area where we have done a lot of work, but as yet we don't see any great or long-term repercussions, although I think we now beginning to see some emerging, is the small arms and light weapons field, and reducing the supply of those.

Where we have had a very good impact in the UN, I think, has been the reducing of the supply of landmines and other explosive devices that have been made by large companies, which sell them all over the world. The restrictions and regulations

for land mines have meant that lately landmines have not cascaded down so easily to non-state armed groups and terrorist organizations, and therefore there haven't been used as much.

Another point that we are putting a lot of focus on, and we all see plenty of press reporting about this, is the CBNR field. My colleague will speak about that later today.

In terms of the international measures to reduce supply of weapons, the UN has spent a great deal of efficient energy negotiating and implementing two main documents, two main pieces—I'd like to say of law, but unfortunately, one of them is not yet a law—but it is the UN program of action to prevent the illicit trade of small arms and light weapons. In addition, the Protocol to the UN Organized Crime Prevention was included in the Vienna Protocol, and it addresses the issue firearms, not military firearms but civilian firearms.

Out of those two processes is coming an international approach to marking and tracing the weapons that we find in the field and the weapons that have been moved around the world. It's becoming easier for Interpol or peacekeeping forces to identify those weapons that are illegal, illicit. Now we are able to trace the point at which the weapons were diverted from the legal market to the illicit market. When we know that, we can then start to put measures in place to prevent that diversion happening again. We can also hold those people accountable, hold states accountable, hold organizations accountable, that allowed the leak to illegal channels, and maybe indeed sold these weapons quite deliberately. We can prevent that happening in the future.

The other set of instruments which are connected to these measures is the UN Security Council's embargos and sanctions regime. The strengths of all this is that it's comprehensive, it's global, and it's international. It has both regional and national connections. Many regional organizations have taken up their own approaches to these things. There are many national spin-offs as well.

The drawback—and this the most significant of the drawbacks—within the UN program of action, which is the comprehensive overarching program to prevent the illicit trade in small arms and light weapons, is that there is no explicit reference to non-state armed groups, or indeed to any form of non-state actors. That was a deliberate decision, made by one country in particular, which blocked that occurring within the program of action negotiation in 2001. It is very unfortunate

that the reference to non-state armed groups was blocked in July 2001 by the United States, because I think if the program had been negotiated after September 2001 we would not have seen that blockage happening. Fortunately there is now real commitment from the United States.

The program is not a legally binding document, and it does not exclude non-state armed groups. Therefore many states are insisting on including them in their reports to the UN General Assembly.

The international tracing instrument also, and this is another gap in our framework, does not cover ammunition specifically. It is also not legally binding and so there are many states that are not just implementing it. The next step in this approach within the UN is to negotiate—well, we hope to negotiate—an international agreement on prevention of illicit brokering. In my organization we have been working on this issue, looking at the various aspects of it, and working with brokers in the arms trade who are legal brokers, and getting them to help us think through what we need to put in place things to stop the illegal brokers. Victor Bout, you know, has recently been arrested, and he is one of the icons of legal brokering. Many of you have seen the film "Lords of War" which was made with people who work with the issue of illegal brokering, and it is a major problem. But there are actually very few people that we need to deal with. One of the problems is many countries do not understand that the illegal brokers are operating in their countries, as they are not passing any weapons through the countries, and they are not paying any taxes. Rather, they are just operating from their countries, and the real reason they are operating from their countries is there is no law against illegal brokering in that country. So you have these pockets around the world where illegal brokers can operate with impunity. What we are trying to do is to plug those gaps.

Another further step would be to approach the issue of MANPADS, and then the issue of a ban on transferring arms to terrorist organizations, a proposal put forward by Israel in the Conference on Disarmament last year. In terms of regional measures to reduce supply we have had a great deal of input from regional organizations such as the African Union, SADEC, REXO, and so on (these are all regional organizations in Africa). In the European context, there is the OSCE, which my colleague will talk about later, and of course the European Union. In America it is the OAS and CICTE. We have in the Middle East the League of Arab States. The

Middle East is unfortunately now bereft of security organizations. In Asia we have the Asian Regional Forum, the SAC, and the Shanghai Cooperation Organization, and of course we have Wassenaar, an organization which is often overlooked, although it is Wassenaar that has set the standards, for example in the lists of prohibited items, the MANPADS issue, and the transport of these weapons. Now, in terms of non-governmental organizations, I think this is really important.

One of the reasons why we prefer to call terrorists "non-state armed groups" rather than "non-state actors", which is a term of preference in the UN generally, is that we have a large number of non-state actors that are very helpful to our efforts. In the issue of conventional weaponry and preventing supply I will name, for example, the International Campaign to Ban Landmines, which is an international organization that has been working on the ground. It has been working at the political level also to ban these weapons, remove them and prevent their transfer, and it has been extremely effective. Recently they turned their attention to other types of munitions, such as cluster bombs, and they are having an equally important effect. The other is non-state actor is IANSA, the International Action Network on Small Arms, which is a global network of local non-governmental organizations that work in partnership with governments to collect and destroy, and to educate the communities about, small arms and light weapons. It is a fantastic force multiplier of governmental efforts on the ground, which is where we actually need to do the work. Finally, at the political level, organizations like OXFAM and Amnesty International have identified the arms trade has a major role in preventing terrorism, and preventing local conflicts—which are often, as you know, very much interlinked. And as a result of their efforts, the UK and other governments have begun a process to begin the negotiation of an "Arms Trade Treaty", which is a global effort to regulate the arms trade.

I just want to quickly turn to the issue of demand, as there has not been enough attention paid to the reduction of demand. The traditional approach to demand reduction is to bring in experts, experts on the local community, and experts on the region, who will tell the governments or the UN officials what the root causes of the problem are. It may be poverty, it may be inequality, and it may be border disputes and/or all of these things. The governments either will respond or they will not respond, and this is a very problematic approach to addressing demand. There is a great uncertainty about how to address demand from the point of view of dealing with non-state armed groups. How does one engage with non-state

armed groups when in their country all they do is to inspire fear through suicide bombings, through attacks with small arms and light weapons, and so on? And yet we all know that not to engage with those non-state armed groups is folly, because it is at that level that we need to reduce demand, and we need to involve the local communities in order that they will not provide the havens the safe houses for the terrorists, or the support that the organizations get from the local community—whether that is inspired by fear or genuine support is another question.

Quite often what governments do is that they respond exactly with the same types of tactics that non-state armed groups are using, and that is the tactics of fear. They inspire fear in the community. Basically the local community often ends up fearful of the terrorists and the non-state armed groups, which are in turn fearful of the governments, and of their measures. We end up not reducing demand but increasing demand for the small arms and light weapons. This is a vicious circle that we have to end.

As a final point, our approach to this issue in the UN is very much one of "thinking out of the box". We have started working with a group of academic anthropologists—they call themselves a different name these days, which is "ethnographic communicators." They work in a way that allows us to understand what people of the local communities mean when they talk about their security. Each local situation has a different concept of what security means to them. Many languages, for example, don't have the word for security. They don't think of the concept of security. They have a very different concept—for example—to the one I have, or you have.

What happens in the UN is that we go in a post-crisis situation and say: What you need to do is to give us all your weapons. In exchange for your weapons, we can build some roads, some hospitals, and maybe we can give you some schools, maybe a football pitch, whatever you'd like. Then we do a big analysis of that. But guess what! They don't give us their weapons. They keep their weapons. Or they give us the big ones that they can't hide and the old ones which are pretty useless and for which they cannot get ammunition. But they keep the ones that are useful. They hide them, because they do not trust the UN to come in and solve the situation. They don't trust their government to come in and solve the situation. Even if they've got a temporary ceasefire, they need to see some years of progress before they are going to give up those weapons. Otherwise, they realize, if the

conflict or the crisis begins again they are just sitting targets. So what we are trying to do now is to find another way to listen. We brought experts from the university of Goma who have a real expertise in listening to communities. They are listening through this new type of technique called ethnographic communication, and hear what people are saying about security. After addressing those problems, we're translating our questions into their cultural language. It is not just the language of words, but it is the cultural language. We're translating back up again into what I call "UN-ese". And we're hoping that then we will begin seriously to get some handle on addressing demand, particularly in the issue of terrorism.

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THE ROLE OF THE SHANGHAI COOPERATION ORGANIZATION (SCO) IN COUNTER-TERRORISM IN THE REGION

Dr. Shao YUQUN (CHINA)[1]

Good morning, ladies and gentlemen. First please allow me to thank the Center of Excellence Defense against Terrorism for inviting me to participate in this very prestigious and important symposium on global terrorism and international cooperation. As a researcher from a Chinese foreign policy think tank which is based in Shanghai, I would very much like to share my observations with you on the role of the Shanghai Cooperation Organization in counter-terrorism in the region of Central Asia and the neighboring areas. What I am going to say in the following twenty minutes does not represent the position of my institute, the Shanghai Institute for International Studies, and my government, but are all my personal views.

I would like to divide my presentation into three parts. The first part is about the international terrorism and regional security situation. The second part is about what the Shanghai Cooperation Organization has done and is doing now on combating terrorism. The third part is about the future challenges for this organization in fighting against international terrorism.

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So now I would like to begin with the international terrorism and regional security situation.

Since the disintegration of USSR, the five newly independent Central Asian countries have been seriously affected by traditional and non-traditional security threats. The non-traditional security threats include threats to economic security, environmental security, energy security, information security, the threat of terrorism, drugs, and so on. If we look at the history of 1990s, we find that since the end of the cold war, religious extremists have been more and more aggressive. Among other things, they had actively promoted their influence in Central Asia, which has a large Muslim population. Most of the regional countries had been affected by this development. As religious fundamentalism and terrorism increased its influence, it had posed a serious challenge to the established political authority of the newly independent countries. Because of its geographic proximity to Afghanistan, a center of Islamic fundamentalism, Tajikistan had been involved in civil conflicts and war. Other countries including China had also become victims of the religious extremist activities. Deterrence of and fighting against religious fundamentalism and terrorism in Central Asia therefore had become increasingly important for all Central Asian countries. And that is why they actively participated in the Afghanistan war started in October 2001 by offering logistic support to the American and their allies' troops.

The counter-terrorism actions by the United States and its western allies after the September 11 attacks had eliminated some footholds of the extremist groups in Central Asia and weakened the religious extremist forces in the region. However, these actions have not changed the fundamental social and economic structures of the regional countries and will not in the future either. Since the main factors which cause the instability of the region are still there, these actions can hardly solve the intensifying conflicts substantially. The international extremist forces, which have been active for many years in the Ferghana Valley, which is divided between Uzbekistan, Kyrgyzstan and Tajikistan, and which is home to a very diverse ethnic mix, have not stopped their activities, but moved their organizations and network to Pakistan and other neighboring areas.

Since 2004, when the counter-terrorism actions were increased in the boundary areas of Pakistan and Afghanistan, Central Asia has once again become a hot spot for three "evil forces", namely terrorist, separatist and extremist forces. Not only the

number, but also the size of the terrorist groups has increased. The extremist and terrorist groups have actively responded to the upsurge of the terrorist activities in the Middle East activated by the Iraqi war and the activities by the three "evil forces" in Central Asia have entered a new stage. The remnant of the forces of the Islamic Movement of Uzbekistan (IMU) and the Party of Islamic Liberation (Hizb ut-Tahrir al-Islami) in Central Asia have started to integrate into al-Qaeda, the illegal forces in Chechnya and the Eastern Turkistan terrorist groups in the Xinjiang Autonomous Region of China. They have made some tactical changes according to the current regional situation. In some countries they even sought to transform into legitimate political groups and parties in order to practice in the state's political forum.

At the same time the Ferghana Valley has once again become the center of the extremist religious groups that include not only the Islamic Movement of Uzbekistan and the Party of Islamic Liberation, but also some other new extremist groups. Since most of these regional countries have had problems of economic depression, high rates of unemployment and the belief vacuum, some extremist groups have used the opportunity for recruiting a large number of young people. Among all these groups the Party of Islamic Liberation is the one that should be paid special attention to. The group claims to be nonviolent, but its ultimate goal is still jihad against kuffar (non-believers), the overthrow of existing political regimes and their replacement with a caliphate (khilafah in Arabic), a theocratic dictatorship based on the Sharia (religious Islamic law). In recent years the group has been more violent than before and publicly raised initiatives of overthrowing the Constitutions of some regional countries. It is believed that the group has 15,000 members and supporters in Uzbekistan and more than two thousand members in the southern part of Kyrgyzstan.

So in conclusion, I would say that the threat from terrorism to Central Asia started from the very beginning of the history of these regional countries. This threat has decreased to some extent after the Afghanistan war in 2001 but since 2004 the security situation in Central Asia has again been affected by terrorism seriously. The regional countries have recognized that only through international cooperation can they effectively combat terrorism and improve their security.

The second part of my presentation is about what the Shanghai Cooperation Organization has done and is doing now on fighting against terrorism.

The Shanghai Cooperation Organization is an intergovernmental regional organization established in June 2001. The predecessor of this organization is the Shanghai Five mechanism started in 1996, which consisted of Russia, China, Kazakhstan, Kyrgyzstan and Tajikistan. The Shanghai Five was a kind of confidence-building mechanism to help China develop its relations with the newly independent Central Asian neighbors and reduce Russia's worry about China's presence in this region. Through 5 years of efforts, the Shanghai Five, among other achievements, had helped combat and at least discourage attempts to spread religious fundamentalism in the region. It has helped the member countries to offer support to each other and coordinate their efforts to combat religious extremism and terrorism. Through various joint public announcements at the Shanghai Five summits, the Shanghai Five countries had demonstrated their determination to cooperate in combating international terrorism. Through some concrete measures of cooperation, such as holding joint military exercises to combat terrorist activities, they managed to demonstrate to the world that they mean business. These and other efforts the Shanghai Five undertook were helpful to deter the expansionist activities of the religious fundamentalism and to facilitate the protection of the interests of the concerned countries.

From June 2001 to the present, the SCO has made continuous efforts to fight against terrorism. In the course of more than seven years, three documents have been adopted by the SCO, which have set out not only the political and legal principals but also the institutional foundation for the counter-terrorism activities. The first document is the Shanghai Convention against Terrorism, Separatism and Extremism, which was signed during the first Summit of the SCO in June 2001. It happened three months prior to the tragedy of September 11, 2001. Thus, the SCO became the pioneer organization which precisely proposed fighting against terrorism on the international level. The convention offered a clear definition of "terrorism" and emphasized that all parties should cooperate in the area of prevention, identification and suppression of terrorist activities. All the parties should cooperate and assist each other through exchanges of information, various forms of training, retraining or upgrading of their experts.

The second document adopted by the SCO with regard to counter-terrorism is the Agreement on Regional Anti-Terrorist Structure (RATS) in June 2002. This agreement is the legal basis for the member states to start substantial cooperation in the security sector. It describes in detail the goal, task, status and working

principles of the RATS. It is the implementation of the Shanghai Convention 2001 and has set legal basis for the establishment of the RATS and the cooperation on fighting against terrorism. RATS, established in Tashkent in 2004, with its aim of developing and systematizing cooperation between law enforcement, border and intelligence agencies, provides a platform not only for countering the three evil forces, but also for confronting their underlying causes. Impressive results have been reported from the activity of RATS within the short period of two years since its creation. An official RATS report claims that 263 acts of terrorism and trans-border crime were prevented in the SCO area in 2005. RATS has also devoted a good deal of its activity to encouraging better information exchange, compiling intelligence data, and studying the root causes of terrorism, extremism and separatism. Beyond its role in combating three evil forces, RATS has also been active in fighting against drug trafficking.

The third document is the Working Plan of the Cooperation among SCO Member States to Fight against Terrorism, Separatism and Extremism adopted by the organization in July 2005. This working plan emphasizes that all the member countries should fight against the three "evil forces" by all kinds of possible measures within the framework of the SCO. Fighting against the three "evil forces" has been seen as a diplomatic task of utmost importance for the SCO. According to the working plan, the member countries should set common ground, improve the legal basis, find and eradicate the root cause of the three "evil forces" and eliminate the consequences of those forces in the boundary area of the member countries. The cooperation includes strengthening the capability of counter-terrorism, making a common list of the terrorist, separatist and extremist groups and coordinating their positions, and also assisting the other country's counter-terrorism actions. The member states should also have joint investigation and counter-terrorism activities and offer judicial assistance. The working plan ensured that security cooperation among the member states became more effective and crystallized.

Besides the institution building, the SCO member states have raised their capabilities of fighting against terrorism through various military exercises. Most of the bilateral and multi-lateral joint military exercises conducted in recent years in the world are themed on non-traditional security with the sight being set on dealing with issues like regional or trans-regional terrorism, national secessionism, religious extremism and proliferation of weapons of mass destruction. The joint

military exercises dealing with non-traditional challenges to security have become a major form of regional security cooperation.

Since 2002, the SCO member states have conducted a total of four bilateral and multi-lateral joint anti-terrorism military exercises. These military exercises have shown that cooperation on counter-terrorism among the member states has entered a new stage.

Here I would like to focus on the fourth one, which was the "Peace Mission 2007". It was the largest joint anti-terrorism exercise and was participated in by forces from all the member states of the SCO with the biggest ever input of forces. The exercise reveals that the SCO cooperation over security has gone beyond the issues of regional disarmament and borders, and extends to how to look closely at dealing with both traditional and non-traditional security threats and challenges with a much wider field of vision. In addition, the exercise itself mirrors the endorsement of the common strategic interests existing among the six states: cracking down on the three evil forces such as the violent terrorist forces, national secessionist forces and extreme religious forces, safeguarding regional security and stability, and promoting regional development and prosperity. This military exercise offered an important chance for the six armies to learn from each other's strong points and offset their weaknesses, and therefore it contributed to raising the combat effectiveness, improving training levels and boosting the military modernization of the six nations' armed forces.

In the third part of my presentation, I would like to focus on the future challenges for the SCO in counter-terrorism.

The SCO has now gone beyond the institution-building process and is now trying more effectively to translate all the documents and principles into practical achievements. So far the SCO has played a positive and important role in regional counter-terrorism. However, it still has the danger of becoming an ineffective organization. There are several challenges ahead.

The first is how to have more effective and pragmatic cooperation based on the existing institutions and mechanisms. As we know the SCO is a young organization, so far the Secretariat and the RATS are comparatively small in terms of what is required for fulfilling their missions. The member states should invest more in these two institutions in order to help them play more crucial role. And

with regard to the counter-terrorism activities, SCO member countries should also have more interactions with Pakistan and India, which are observer countries of the organization and have been seriously affected by international terrorism.

The second challenge is how to have a comprehensive approach to tackling regional terrorism. The SCO member states recognize that only military means, or only cooperation in the security sector, are not enough to combat terrorism. President Bakiev of Kyrgyzstan once said that "providing and maintaining security in the region should remain the prime long-term objective, but also that it should be achieved through increasing the well-being of the people." Counter-terrorism is a very complex systematic project and needs a comprehensive approach. After several years' development, the SCO has started to have three pillars as the organization's future tasks. They are security cooperation, economic development and cultural exchanges. Promoting the economic development of the regional countries in order to improve the well-being of the people would help decrease the support for the terrorist and extremist groups from the locality. So in the broader sense economic development is an important part of the counter-terrorism approach. With regard to the economic cooperation, there are two priorities at this moment. The first is to help the Central Asian member states integrate more into the world economy. The second is to promote the regional economic cooperation. It is sure that the SCO still has a long way to go in this regard.

The third challenge is how to communicate and coordinate with other regional counter-terrorism mechanisms and other regional players. The SCO proclaims itself as an open and inclusive organization and welcomes interaction with other regional players. There are several players focusing on counter-terrorism in the region, like the United Nations, the Collective Security Treaty Organization (CSTO), NATO, the United States, etc. Last October the SCO signed an MOU with the CSTO with regard to cooperation on counter-terrorism and anti-narcotics. The two secretariats will have regular contacts of intelligence sharing, and jointly fight against weapons trafficking. Cooperation with the CSTO would help the SCO raise its effectiveness and capability is counter-terrorism.

The SCO has also established contact and a working relationship with Afghanistan. President Karzai has been invited to attend the SCO summits several times. However, cooperation between Afghanistan and the SCO should be more substantial in the future.

NATO has had military relations with the Central Asian member states of the SCO for some years and it plays a crucial role in the security and reconstruction in Afghanistan right now. As far as its relations with the SCO are concerned, it has been restrained by the following factors. The first is NATO's relationship with China and Russia. To be frank, the level of mutual trust is low at this stage. The second is NATO's negative view of the SCO. Some NATO member countries perceive the SCO as an anti-western organization. However, NATO and the SCO have common interests in fighting against terrorism in Central Asia. Their communication and interaction on combating terrorism is beneficial for the region.

So far we should admit that the SCO is still an inward-looking organization, which is very much focused on the implementation of its own policies and is not fully ready for developing its external relations. And people should not overestimate the outcomes of the interaction between SCO and other regional players.

In conclusion, I would say that though the Shanghai Cooperation Organization is very young, it has played an encouraging role in counter-terrorism in Central Asia. Lao Zi, a philosopher of ancient China and a central figure in Taoism, said that a three-hundred-mile journey starts with the first step. The Shanghai Cooperation Organization has had a good start in terms of regional cooperation on counter-terrorism. I believe it will have a brighter future.

THE ROLE OF THE ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE (OSCE) IN COUNTERING TERRORISM

Mr. Raphael PERL (USA)[1]

The topic my remarks are intended to cover is broad and the time given to do so brief. Out of necessity I will not delve too deeply into individual areas. Instead I will give you a short overview and will remain at your service for any questions you may have.

Before I begin, I would like make clear how I, as Head of the OSCE Action against Terrorism Unit, view terrorism.

Terrorism, regardless of its origin or purpose, if left unchecked for long enough becomes a process, with vested interests in continuing that process. There are supply chains, salaries paid, fundraising efforts, training camps, recruitment, advertising and marketing, community services, indoctrination and many other activities that form a micro-economy.

The bottom line is that we are dealing with a process, or indeed multiple processes with various groups involved, and we need to address it as such.

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There are many facilitators to the terrorism process, falling broadly into three categories: (1) Operational, (2) logistical, and (3) ideological. It is therefore the aim of OSCE counter- terrorism activities to put pressure on a broad range of facilitators to mitigate them.

OSCE Approach to Countering Terrorism

Let me now try to outline how we at the OSCE view our role as a regional organization in the fight against terrorism and brief you on our activities.

The OSCE's approach to security is comprehensive. It encompasses three dimensions, namely (1) the politico-military, (2) the economic and environmental, and (3) the human. It is a mix of hard and soft power, with an emphasis on soft power.

It is therefore not surprising that the OSCE's approach to countering terrorism is also comprehensive in nature. Our counter-terrorism action is preventive, addressing conditions conducive to the spread of terrorism. At the same time we also focus on improving security and capacity building.

Importantly, terrorism is a common threat to all OSCE participating States. Counter- terrorism is seen as a key area of increased co-operation among participating States today and in the future. As a result support for the work of my Unit has been traditionally very strong.

Overall, we see the OSCE as playing an important counter-terrorism role in five main directions.

Political Support

The OSCE is working to raise awareness among its participating States about the terrorist threat and to mobilise political will to address it.

We generate political support for the implementation of the Conventions and Protocols related to terrorism, the relevant UN Security Council resolutions and other documents. We are also supporting the application of standards, recommendations and good practices developed by different specialized global organizations and agencies.

Within today's timeframe I cannot enumerate all OSCE programmes in this regard. Nevertheless, as an illustration I would like to mention just a few examples:

The OSCE participating States have adopted a number of commitments on enhancing the international legal framework against terrorism. We consider a major achievement the progress in becoming party to the Conventions and Protocols related to terrorism. Since

2001 the ratification rate of these instruments has increased by some 30 percent in the OSCE area, making it one with the highest ratification rate in the world.

Together with the UN Office on Drugs and Crime (UNODC) we continue to promote legislative implementation of these instruments. Moreover, the Brussels ministerial Statement on Supporting and Promoting the International Legal Framework against Terrorism encourages participating States to become parties to the International Convention for the Suppression of Acts of Nuclear Terrorism, the UN Convention against Transnational Organized Crime and regional instruments related to terrorism and international co-operation in criminal matters.

Similarly, the OSCE has developed a number of commitments which provide political support to advanced security standards, elaborated by specialized international organizations and bodies. Examples include the International Civil Aviation Organization

(ICAO) minimum security standards for the handling and issuance of passports; the Financial Action Task Force (FATF) recommendations on terrorist financing; the World Customs Organization (WCO) Framework of Standards to Secure and Facilitate Global Trade (SAFE); the International Atomic Energy Agency (IAEA) Code of Conduct on the Safety and Security of Radioactive Sources; the INTERPOL Lost and Stolen documents database.

I am glad to be able to say that many of those organizations have acknowledged that the OSCE support has made a real difference and has contributed to increased implementation of those standards.

Capacity-building Assistance

The OSCE is playing an active role in helping States improve their capabilities to respond to the terrorist threat through supporting and facilitating the capacity building programmes of specialized organizations.

Again, in line with adopted commitments, our mandates are in the areas of ratification and legislative implementation of the Conventions and Protocols related

to terrorism; legal co- operation; travel document security; money laundering and terrorist financing; border control and management, including customs control and supply chain security; as well as Public-Private Partnerships (PPP) in countering terrorism.

In all of those areas we are actively co-operating with the organizations previously mentioned. We have conducted numerous capacity-building activities, which have also won us the recognition of our partners. In particular our work with ICAO on travel document security, with the UNODC on legal co-operation, and with the WCO on container/supply chain security has been—I dare say—exemplary.

Identifying and Addressing Gaps

The OSCE is trying to complement the efforts of the international community by identifying gaps and offer possibilities for addressing them.

In 2004 the OSCE and ICAO held the first large-scale conference on countering the threat of Man-Portable-Air-Defence-Systems (MANPADS) to civil aviation around airports. In 2005 we organized an OSCE-wide workshop focusing on suicide terrorism and a conference on non-banking conduits for the financing of terrorism. In 2006 we partnered with the International Organization of Public Transport (UITP) in organizing a workshop on urban transport security. In 2007 we organized events on enhancing PPPs in countering terrorism as well as on combating incitement to terrorism on the Internet.

We consider this an important element of our contribution to the global effort against terrorism as regional organizations are uniquely well placed to know the concerns of their constituencies. Oftentimes they can also secure broader participation of relevant national officials than would be possible at similar events at the global level. A concrete example in this regard: the OSCE initiated and supported the participation of officials from the Central Asian participating States, all of which are planning an upgrade of their passports, in the annual ICAO Symposium on travel document security in September 2006 in Montreal. However, despite this support, less than half of the 56 OSCE participating States took part in the Symposium. Thus, the OSCE decided to organize an OSCE-wide event in July 2007 on the same subject, which was attended by 50 OSCE participating States and 6 Partners for Co-operation States. This represented a considerable broadening of the reach of relevant ICAO expertise and insight in this regard.

International Co-operation

There is a clear need to continuously enhance co-ordination and co-operation in the fight against terrorism in the vertical dimension—i.e. between the UN structures and other global organizations on the one hand, and regional and sub-regional organizations, on the other. We consider this very important as it serves not only to align priorities and approaches, but also to better leverage resources and avoid duplication.

With regard to high-level policy co-ordination, the OSCE contributed by co-hosting with UNODC the 3rd Special Meeting of the UN Counter-Terrorism Committee with international, regional and sub-regional organizations (Vienna, March 2004).

Moreover, regional organizations have a key role with regard to horizontal counter- terrorism co-ordination. In July 2006 the ATU organized in Copenhagen a Working Level CT-Practitioners Roundtable. This roundtable provided a unique platform for frank discussion on good practices and pitfalls of CT programmes carried out by different organizations. It focused on the implementation of the UN Global Counter-Terrorism Strategy, which was at that time still a draft, and proved to be instrumental to strengthening horizontal co-operation between regional organizations. Participants appreciated this Roundtable so much that the on 19-20 June 2007 a second such roundtable was organized, this time in Vilnius, Lithuania.

We think that this type of meeting should be conducted on a regular basis, as it provides an opportunity for attending organizations to not only learn from each other but to identify areas where concrete co-operation may be established.

I can tell you that the work of my Unit has benefited tremendously from the participation in these roundtables. Contacts established there have been instrumental in a number of subsequent ATU projects and programmes. As an example I could mention the Counter- Terrorism Network (CTN) Newsletter. As you may know, the OSCE CTN Newsletter sums up, from the perspective of a regional organization the most pertinent counter-terrorism developments of the month. It is circulated (in both English and Russian) to contact points within OSCE participating States' delegations as well as in the respective capitals. In addition, a number of relevant CT-practitioners from regional and international organizations also receive it, the total number of recipients being about 350. OSCE Institutions

and field offices are included in the Network. A very positive development in 2007, due in large part to contacts established at the aforementioned roundtables, has been the growth in the number of contributors to the Newsletter in particular from international organizations. This is also an important indicator that the CTN Newsletter is seen as a valuable medium for information sharing among peers.

Speaking of co-operation among regional organizations, it is also possible to take it a step further, as the OSCE and the Council of Europe (CoE) have done. As you may know, the OSCE and the CoE are developing enhanced forms of co-operation in several areas, one of which is counter-terrorism. The two organizations increasingly join forces in organizing important activities, especially with regard to fighting incitement and related terrorist activities, an area in which we jointly organized an expert workshop in 2006. Last year, the CoE participated in a number of ATU events dealing with counter-terrorism issues such as PPPs in countering terrorism, and international legal co-operation, several times in the capacity of expert presenter and moderated a session at the Unit' expert workshop on combating terrorist use of the Internet. The OSCE provided a moderator to a CoE international conference on addressing the conditions conducive to the spread of terrorism, while the CoE actively contributed to the CTN Newsletter.

Protecting Human Rights

In line with OSCE consensus documents, counter-terrorism measures are to be conducted in accordance with international law, in particular international human rights law, refugee law and humanitarian law.

From its inception, the OSCE comprehensive approach to countering terrorism has fully taken into account these requirements. Two aspects of the OSCE policy should be underlined in this respect. On the one hand, as previously mentioned, our Organization ensures systematically that all its counter terrorism programmes are compliant with international human rights standards. On the other hand, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) offers a significant contribution to the OSCE counter terrorism efforts by offering participating States options for technical assistance and relevant advice, and by actively promoting tolerance and non discrimination.

Future Activities

Looking ahead, there are several overall aims which I would like my Unit to achieve: First of all I would like the ATU to stay ahead of the policy curve. In

order to do so we must continue to identify cutting-edge areas and options for policy response. We must increase the pressure on terrorism facilitators and work towards turning these facilitators to our advantage.

As for specific projects, we will of course continue and further develop our established programmes, for example with regard to ratification and implementation of Conventions and Protocols related to terrorism; travel document security; legal co-operation in criminal matters related to terrorism; combating terrorist use of the Internet to name but a few.

In addition, we are currently considering initiatives aimed at countering violent extremism and radicalization that lead to terrorism. Particular attention in this regard is devoted to ideas pertaining to the prevention of radicalization of youth. We are also looking into possibilities for enhancing co-operation with the media.

For much of the above Public-Private Partnerships are an indispensable asset – an idea duly acknowledged and supported by OSCE participating States – since the States alone cannot neutralize terrorist threats in all relevant areas without joint efforts by the business community and civil society. Enhancing PPPs in countering terrorism will therefore be another focus for 2008.

In doing all of the above, we will also strive to establish co-operation with an expanding group of institutions. This is because we realize that terrorism, like piracy, is here to stay. It is a long-term process that has no comprehensive solution on the horizon.

Only by working together do we stand a chance. Events such as this one are crucial in this regard.

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FOURTH SESSION

QUESTIONS AND ANSWERS

Q: *I am Boy Rafli AMAR from the Indonesian International Police. My question will be addressed to Dr. Patricia. First of all, I would like to apologize about what I want to say. It is not about your presentation, but your position in the United Nations. As we know, we should talk in a comprehensive way when commenting on terrorism. And as we know, a new phenomenon today is the misuse of cyber space or cyber media by the terrorists. It has increased today. This is very bad situation. They can spread and effect radicalization easily. They can establish this phenomenon anytime, anywhere. Everybody can access the websites, so that means they can build up the spirit of radicalization around the world. What I like to say is that this is a bad situation. Everybody talks about the era of globalization. Then every country is talking about its sovereignty. But this is a global activity, we must aware that the situation will be bad for the future of the human life (as a whole). We have experience of the spread of radicalization by the cyber media in our country. I mean this is a global activity and a borderless activity. Can we create an international law against the misuse of cyber space? Because we cannot do anything about it in the present situation. If we have an international law, we can easily confront the criminals, because it is not only in one state. We can access them in my country, but maybe they will send this information from other country. So this is what is needed. An international policy is needed to face up to the situation. Hopefully you can bring this idea and information to the UN. Thank you very much.*

Q: *I am Retired Vice Admiral Mustafa ÖZBEY. Particularly the sentence which was spoken by Raphael is very important: "All people and all countries are in the*

same boat." But, as far as I understand it, this boat has not got any captain! This is why people suffer from terrorism. Here the speakers from different institutions have evaluated the situation. I wonder if these institutions will do some self criticism about the problem-solving issue, or about being the captain of the ship. I really wonder about this! Thank you.

Q: I am a judge, and my name is Abuzer DURAN. Mr. Chairman, although all of the institutions are against this crime, which affects everybody, how can it be that this system called "terrorism" is improving its position, increasing, and it cannot be demolished? If I can't find any answer for my question. I would like to talk about this situation, in a few words, as a judge. Thank you.

Q: My question is to Mr. Raphael, related to his region of responsibility. We are now, I mean, watching this problem of the cartoons in Denmark and in Germany. It creates hostile responses from the Arab and Islamic World. I feel also this has some connection with terrorism between these two regions. So how do you see this problem, and how do you see the western government dealing with this crisis?

A (Ms. LEWIS): Thank you very much. I am very delighted with the questions about cyber terrorism. The Russian Federation over ten years ago put in a resolution on the issue of information technology, security and cyber terrorism and cyber warfare. It is a very important subject. Back in the late nineties, looking at this issue, the UN brought experts together from all around the world, particularly from China. What happened was is that another country, the United States, was opposed to discussing this in the security channels of the UN. They wanted to discuss it where we discuss business and other things, but not in security. This is clearly a security issue. Fortunately the situation has changed due to persistence and gentle work. And we have just published a special issue of our journal on the whole topic, called ICT and international security. It came out few months ago, at the end of last year. This year, at the end of April, we are holding a tutorial workshop, bringing together people from the entire world, to discuss the issue of cyber terrorism and cyber warfare. Next year, in the UN a group of governmental experts will study this issue. So, basically, we had a ten-year period from when we first started to get to where we actually begin to set up structures to investigate it properly. So thank you very much for giving me the opportunity to comment.

I want to take up the judge's concern. I think this really is an important question. Because it seems to us that one of the reasons is that our approach to combating

terrorism has been just way off the mark. And we are very concerned about the approach the world has taken since 2001, to give this type of terrorism a special status, although terrorism is not a new issue, coming from two countries especially, and giving testimony, personal testimony, on that. Many countries in this room have experienced great deal of terrorism before and since 2001. Raphael's approach to this as a crime is particularly right. And I have been very concerned personally. I am very concerned about the approach of engaging in a war. Giving groups that kind of status, almost as countries, is what happens in war. I mean war is an engagement between states. But here we have criminals. He is the judge. I would be very keen to hear your response.

I just now want to say that the world is on the same boat, but actually we don't have a captain on this boat. I think it is a dilemma of human beings. As for international terrorism, we have talked a lot about the fact that we need a very comprehensive approach to tackling this. We need political, military, cultural, and economic solutions. But it is the dilemma, because of many country's domestic politics, that at the international level we are still short of, or lack, a comprehensive solution to tackling this problem. And globalization has brought us the moving of capital and of technology and of human beings, of people. I think moving of the people is the most difficult part, because everybody is coming from a specific cultural background. Everybody should have open heart and an open soul to the other's culture. So far I don't think we are ready for these kind of exchanges and understanding. So I don't think at this moment we can find a captain. It is a security dilemma. Thank you.

I don't agree with the analogy of the captain on a boat, even though I provided the analogy of the boat. I think increasingly, we are moving into a world, and that is the whole purpose of this panel, where we have coalitions, not captains. Particularly as an American, this is very hard-hitting, because in recent history my nation has considered itself as a captain. On the issue of why terrorism is growing so fast. This is a very important question. I can only just offer a few pieces that may contribute to understanding, from the way I think about it. A part of it has to do with the phenomenon of terrorism, and a part of it has to do with the way we respond to it. But just a few observations. One reason it is growing so fast has nothing to do with what we are doing here now. It has to do with the fact that 10, 15, 20 years ago, large numbers of youth, for various reasons, were indoctrinated in decapitalization, hatred, and use of terrorism as a general tactic. And they are

now coming of age. So they were at the beginning of the pipeline 15 years ago, and nothing we do now has anything to do with the fact that it is happening. A lot of it has to do with technology and change. Everything is happening rapidly in our lives today with technology, everything is being turned upside down. And increasingly people are looking for meaning in life, for stability, values, causes, for a place to fit in, and for idealism. Terrorists provide an outlet for idealism and fundamentalist religious groups. They provide a sense of stability and a meaning in life for people. I am not just talking about Islamic groups. There are also cults in other religious groups. They are doing the same. The third issue: How can we respond the terrorism? I suggest to you that we are not very well organized yet, not in international cooperation. But also, we very often don't think strategically in our response. I would suggest a lot of our response, even though it may be tactically wise and effective in the short term, strategically promotes and feeds the growth of terrorism in the long term. So I think increasingly, when nations take action against terrorism, they need not only to think about tactical success. They need to think about the radicalization factor. What is the impact of my act on radicalization and on the terrorism? The issue of the cartoons is a very complex issue. It has to do with different perceptions of tolerance and rights in different cultures and in different civilizations. There are differences, very clearly. But I also think we have a fire here, it is inflammatory like fire. But what is happening is a coordinated effort to pour more and more gasoline on the fire. And we need to work together not to escalate the fire but to deescalate it.

Q: *Good morning. I would like to ask two questions. The first question is to Dr. LEWIS. You talked about small arms. I would like to ask you if it is really practical to track down and to focus on the 200, 300, 400 million small arms that right now are registered in the world. Or would it be much easier and more effective to focus on the small arms that do potentially the biggest harm, like the MANPADS? The second question is to PERL. You are working in an organization that has fifty-six countries, as you said. The organizations all of the world are much smaller, and are acting much faster and can achieve much better results, from their point of view, in a short time. We are dealing with big organizations. It is, as Dr. LEWIS said, a good speed if in ten years we have some kind of results. Can we deal with those kinds of time limits, fighting the current war, or dealing with the topics to get solutions?*

Q: *Good morning. I am Major Marco CRIMI. I want to ask a question to Mr. PERL. You are stressing some points several times—about cooperation between different*

kinds of organizations. Many times the organizations in themselves are a problem, not reaching a common view. Do you think that it could be a problem in the long term to win this war against terrorism? Because everything is driven by national interest. Thank you.

Q: *Retired Lt. General Hasan KUNDAKÇI. I am asking a question to Mr. PERL. As OSCE, you are very quiet on the conflict between Armenia and Azerbaijan. There are over one million refugees in this region. I wonder if you cannot do anything, or why you keep silent? I want to learn this. Thank you.*

A (Mr. PERL): Thank you. In regard to the first question, I feel terrorists can be faster, they can be more flexible, they can be more adaptable than governments. This is the question, I am repeating the question. Governments and the international organizations are big dinosaurs and unwilling to move. I am a strong believer that we need more mechanisms for flexible and faster responses, particularly in the area of information. If something happens, like an initiative, it takes the governments a long time to organize the information response and to get it out. In news sometimes one millionth of a second counts. If the news agency has the story one millionth of a second before the other one, it is the one that controls the media and the reporting of the story. So we need flexible responses, speedy rapid response capabilities within the international community, and within the governments, that can react very very quickly. I also say we need structures that can do that. What is happening, at least for the United States government, the American government, is that our organization is very very decentralized. We have all these different organizations related to terrorism. At the time Al-Qaeda was a very centralized organization. What is happening is that Al-Qaeda has become decentralized, and the American government structure has become very centralized, with a National Counter-Terrorism Coordinator, and Director of National Intelligence. So the organizational structures never mirrored each other. In the intelligence community there is a principle called "mirroring". It means that you want to mirror, or copy, and reflect the other organization's structure. So I suggest that we should have some sort of mechanisms for multinational rapid response task forces to work on issues. I think we will be a lot more effective if we are able to do that. On the issue of the problem: Can big organizations really be effective in combating terrorism? The answer is yes and no. Everybody is good at doing something. So let's think about what we can work out, what is the value of big organizations. It is basically, the way I see it, in providing a broad consensus and

broad guidelines as to where nations should be going. I see a very important role for like-minded nations. I am talking about coalitions to work together on specific issues and cooperate together. On the issue of Azerbaijan and Armenia, the OSCE is very much divided in its functions. Crime is separated from what I am doing. Human rights is separated from what I am doing, even though it is very much part of it in terms of issues. But organizationally it is different. Regional conflicts are not part of my duty in the OSCE. I wanted to share with you where I am able to be active. So I think that is the best way that I can answer that question. But I would be very happy to talk you later on about what the OSCE is trying to do.

A (Ms. LEWIS): Thank you very much. You ask the question: Is it practical to focus on millions of small arms rather than WMDs. I think it is not "either/or". We do both, and we see both as extremely important. You said that millions of small arms are in circulation, and that sounds very overwhelming. We are not trying to track down and identify to get rid of them, of course not. It is too large a number. What we are trying to do is actually to mitigate the damage, to reduce as much as possible the damage they cause. Right now, they are causing the damage in local conflicts between countries, or used as weapons by terrorists in attacks. So they are very important. We are trying to get a handle on the illicit ones. Seeing the connections of the weapons, tracking the movements of the weapons, as soon as possible is critical for us. On the other hand we are extremely well aware that the UN is one of the few places where we have complete agreement about moving forward. There are over 190 countries in the UN. That is nothing to be sniffed at. Raphael mentioned this, the roles of different organizations. One of things where the UN comes first, which is very special, is legitimacy, international legitimacy. We can have an agreement between 192 countries. This is really remarkable thing. I am quite optimistic about moving forward on the issue, as long as we do not over-politicize it, or overload it, which is what happens. I think we can get something very sensible out of it. I want to address the issue asked to Raphael about timelines, and how long it is going to take for any of the things we are doing. We have talked about some of the causes of terrorism, and disaffection among the youth. One of the things is—I don't think we have agreed on this one, I know it from my own experiences—is the role of the community. That is something we can affect more quickly. There was one of the questions on that, I think it was the judge who spoke earlier. What is it about those communities that makes them feel that this is the right thing to do? This is not just young people. This is not just the people whose

minds are indoctrinated, or maybe they have a kind of suicide wish. This is how communities see them, as somehow symbolic of their own disaffection, perhaps. I don't know. But they are certainly providing them places to stay. We certainly may be sure that weapons get through. And certainly they are hiding them. So this is not just about the few people or organizations. This is whole communities and countries. I think we need to look at that very seriously. Thank you.

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FIFTH SESSION

AREAS OF COOPERATION IN THE INTERNATIONAL FIGHT AGAINST TERRORISM-I

Chairman   :   Prof. Dr. Ali KARAOSMANOĞLU
Rapporteur :   Dr. Özgür ÖZDAMAR

SPEAKERS
Mrs. Loretta NAPOLEONI
Prof. Dr. Louise SHELLEY
Rear Admiral Deniz KUTLUK

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TERRORIST FINANCING SINCE 9/11

Loretta NAPOLEONI (ITALY)[1]

Terrorist financing beyond 9/11 is a very important topic, too often misunderstood and even more often manipulated by politicians and the media. The methodologies used by terrorists to fund their activities are identical everywhere, therefore terrorist financing in Europe is no different from terrorist financing in North America or the Middle East. Therefore, as a phenomenon, it should be regarded in a global context. The homogeneity of terrorism financing across the world should make it easier for governments to block the flow of money, yet this has not happened.

Since 9/11 terrorist activity in the areas targeted by the jihadists, i.e. Europe and the Muslim world, has increased exponentially. The reason is twofold: on one hand, terrorist financing has been and still is a low priority for governments, on the other the unit cost of terrorist attacks has been falling. To illustrate these

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statements one can use two examples: the Fertilizer Plot and cost of terrorist attacks in Western countries.

In spring 2007, the trial of the so called Fertilizer Plot, because it involved ammonium nitrate, ended. Incidentally the September 2007 foiled plot in Germany presented remarkable similarities with it. Four people of Pakistani origin were convicted of plotting two major bombings in the United Kingdom. They were going to use 600 kg of ammonium nitrate to construct the explosive. The plot was foiled and the cell arrested thanks to a major operation which lasted 18 months, codenamed operation Crevice. Operation Crevice saw the concerted effort of the MI5, the UK secret service, the FBI and the ISI, the Pakistani secret service. Though the operation was successful and the cell was arrested before it carried out the bombing, we now know that it could have prevented the 7 July suicide mission which killed 52 people in 2005. From the trial it emerged that the leader of the 7 July attack and the leader of the Fertilizer plot had been recruited by the same individual who arranged for them to be trained in a camp in Pakistan, very likely run by al Qaeda and the Taliban. During Operation Crevice, MI5 intercepted three meetings between the two leaders and other members of the cells. Yet, MI5 decided not to pursue the future members of the 7 July cell because they were reputed to be not seriously dangerous. MI5 did not even alert the local police of Leeds, where the 7 July cell resided. The justification is shocking, during the meeting the two leaders discussed credit card fraud and ways to rip off banks, they never discussed any terrorist activity. Nobody asked the key question, why are these people seeking money? What will they do with this money? Had MI5 followed the money trail, they could have prevented the 7 July bombing and saved fifty-two lives. Even more shocking is the fact that across the world anti-terrorist units are not equipped with a financial unit whose task should be to track terror money.

Even more shocking is the analysis of the cost of terrorist activity. The execution of 9/11 cost half a million dollars, which does not include the cost of planning and plotting the attack, the cost of recruiting and training, etc.. The Madrid bombing cost only 15,000 dollars and the 7th July suicide missions less than 8,000 dollars. The assassination of Theo Van Gogh in Holland probably cost less than $100, equivalent to the cost of the knife used to kill him, but the impact has been enormous, turning many Dutch people from tolerant to intolerant towards ethic and religious groups.

Terrorist financing, therefore, is a very dynamic phenomenon and so far it has been able to adapt to counter terrorism legislations. Overall, it is the most challenging aspect of the current conflict. Since 9/11 it has mutated and by doing so it has been relatively unaffected by ad hoc measures introduced to curb its growth.

The Scenario before 9/11

Since the end of World War II, armed organizations have been able to build their own economic system. I have isolated three main transitions which illustrate how terror groups fund themselves:

- State sponsored terrorism
- The privatization of terrorism
- The globalization of terrorism

State sponsored terrorism was common in the post war years and during the Cold War. Both superpowers fought war by proxy along the periphery of their sphere of influence by funding armed groups. The Contras in Central America are a clear example of this type of activity. So are the Marxist groups in Latin America, backed by the USSR.

State sponsored terrorism used a mix of legal and illegal activities to bankroll armed groups. So the Contras were legally funded by the US Congress and illegally sponsored by the Reagan administration via covert operations such as the Iran Contra affaire.

State sponsored terrorism was exclusively aimed at pursuing the interests of the sponsors. In the aftermath of World War II the USSR provided weapons and training to both the Jewish and Arab armed organizations fighting against the British in Palestine. The aim was to weaken British influence in the Middle East.

Today state sponsored terrorism is still a feature of the financing of armed organizations. We know for example that Iran has bankrolled the Shia militias in Iraq, provided the Hizbollah in Lebanon with new missiles and sections of the ISI in Pakistan are still bankrolling the Taliban.

The privatization of terrorism took place during the late 1970s early 1980s. It coincided with the desire of armed organizations to gain independence from the sponsors and to meet the rising costs of terrorist activities. Armed groups developed strategies to self finance themselves, strategies they had learned from

the sponsors. Again a mixture of legal and illegal activities constituted the core of their funding activities. The most successful organizations were the PLO, the IRA and ETA in Spain. The PLO, in particular, under Arafat was able to create the economic and social infrastructure of the Palestinian state without having a state. In Jordan, in Lebanon and in Gaza and the West Bank, the PLO acted as a legitimate state, for example it controlled the territory and levied taxes.

A few figures illustrate the economic power of the PLO: by 1990 the CIA estimated that the PLO had a wealth ranging from $8 to 14 billion. If we take this as an indicator of the Palestinian GDP it was higher than the GDP of Arab legitimate states such as Bahrain ($6 billion), Jordan ($10.5 billion) and Yemen ($6.5 billion).

The type of state created by the PLO is a state shell, a proto-state held together by the economic infrastructure of a state, which lacks the political core of it, the national element. As in the case of the PLO and the Palestinian people, this is a state without the right of self determination. State shells blossom in war zones, where there is political destabilization, Chechnya, Afghanistan and today Iraq are ideal breeding grounds. Sadr City in Baghdad is a state shell controlled by the Shia militias. Quetta, the new headquarters of the Taliban and al Qaeda is also a state shell. The way a state shell takes shape is the following: armed groups move in, gain control of the territory and destroy the existing socio-economic infrastructure and replace it with their own. In Sadr City Shia militias patrol the streets and conduct ethnic cleansing, they run hospitals and schools, they de facto rule the territory. The aim is to force the population to be economically and socially dependent upon the war economy of the armed group, to become part of it.

The globalization of terrorism took place in the 1990s, with the deregulation of the international financial markets. As economic and financial barriers came down, armed groups were able to become trans-national, that is they were able to raise money in more than one country and to operate across borders. Al Qaeda is a striking example of this phenomenon. Again a combination of legal and illegal activities, this time conducted at international level, is the core of its funding.

It was thanks to the deregulation of the international economic and financial markets that armed organizations were able to link up with each other and with the illegal and criminal economy. They began doing business with each other.

The deregulation of the international financial markets has also facilitated the merging of the New Economy of Terror with the international illegal and criminal economy and together they had before 9/11 a turnover of $1.5 trillion dollars, higher than the GDP of the United Kingdom.

A breakdown of this economy shows the following:

- $500 billions are capital flights, money which moves from country to country undetected, unreported and illegally;

- $500 billions is what is commonly known as the Gross Criminal Product, money generated primarily by criminal organizations;

- $500 billions constitute the New Economy of Terror, money produced by terror organizations.

The New Economy of Terror includes wealth generated by all armed organizations as well as the economy of state shells.

1/3 of the New Economy of Terror was generated by legitimate businesses, ranging from donations from businessmen to salaries of members of armed organizations; the remaining 2/3 was produced by criminal and illegal activities whereby the most important source of revenues was smuggling of narcotics.

Al Qaeda's finances represented a very small fraction of the New Economy of Terror. Al Qaeda revenues were as follows:

- Money invested, generated from bin Laden's personal international portfolio which included participation in multinationals;

- Donations from charitable institutions which had been infiltrated by the organization;

- Funds gathered by sympathisers ranging from Imams and preachers in European mosques to donations from rich people;

- Financial Aid from ISI, the Pakistani Secret Service;

- Money generated by the opium trade in Afghanistan.

Until 9/11 the currency used inside the terror economy was the US dollar, the most common denomination was the 100 dollar bill and the bulk of the $1.5 trillion of illegal, criminal and terror money was recycled in the US.

Policies to Counter Terrorism Financing

Following 9 11, the two main policies implemented to counter terrorism financing were the Patriot Act and the Terror Lists. Neither of these pieces of legislation were part of a multilateral response to 9 11; instead they were the result of America's decision to take the lead in all aspects of the war on terror, including countering terrorist financing.

The Patriot Act was approved in October 2001 by the US congress. Essentially it made money laundering of terror and criminal money in the US and in dollars much more difficult. Offshore shell banks have been abolished, much tougher controls have been introduced inside the US, today, for example, it is not as easy as it was to open a bank account. In addition it allowed US monetary authorities to monitor dollar transactions across the world. It is in fact a criminal offence for a US bank and a US registered foreign bank not to alert such authorities to suspicious transactions in dollars anywhere in the world.

The Patriot Act is primarily anti-money laundering legislation which blocked the entry of dirty and terror money via offshore facilities into the US. Because it was introduced only in the US, the Patriot Act did not reduce flows of criminal and terror money but rather caused a shifting of the epicentre of the money laundering activity of crime and terror from the US to Europe. The flows of money to be laundered simply moved to Europe. As a consequence, Europe has become the most important international hub for the criminal, illegal and terror economy and the Euro has become the currency used to conduct most money laundering activities.

This process was facilitated by the absence In Europe of a homogenous and comprehensive legislation to regulate offshore centres. The United Kingdom, for example, with its offshore facilities and attractive fiscal legislation, became an ideal money laundering hub. In 2004, Saudi money sent from Dubai to bankroll the radical mosque of Via Quaranta in Milan, for example, entered Europe via British offshore banks.

Al Qaeda's financiers who invested money in dollars and in the US simply moved away from the dollar area and reinvested in Europe and in Muslim countries, such as Malaysia, Saudi Arabia and Iran, where Islamic finance was well developed.

The Terror Lists, or blacklists—registers of people and companies suspected of bankrolling terror organizations—were supposed to track the financiers of armed organizations. As with the Patriot Act they were never implemented globally. Several countries, amongst them France, did not participate in this initiative because of the unconstitutionality of blacklisting people only on suspicion; others were forced to back off after being taken to court by people whose names appeared in the lists; some countries simply did not comply with the lists. To date a comprehensive list of lists does not exist. Above all, several Muslim countries have not complied with the lists and continue to harbour people who fund al Qaeda.

Overall, these two polices have done very little to curb terrorist financing. Proof of it is the fact that since 9/11 only 90 million dollars have been frozen across the world and only three people brought to justice for terrorist financing. Above all these pieces of legislation have not affected the dynamism of terrorist financing.

Terrorist Financing an Asymmetrical Warfare

The best example of this dynamism and of the difficulties in dealing with it comes from Iraq and Pakistan. A secret inter-agency report commissioned by the US government and released in June 2006 warned that the Iraqi insurgency today is self-funded. By Iraqi insurgency I mean both Shite militias and private armies, the Sunni armed groups, including the jihadists of al Qaeda in Iraq. Only two years ago, these groups were bankrolled by Iran, Saudi Arabia, Iraqi exiles, private sponsors and supporters of their cause. Yet today, according to the report, the insurgency is able to generate between 70 and 200 million dollars a year, certainly more money than they will spend in Iraq in one year. Thus a surplus is available, a surplus which can be used to fund terrorist attacks outside Iraq.

How did the insurgency manage to become financially self-sufficient? The answer is simple—by exploiting the war economy of the country. According to the US report, the largest source of revenue comes from:

- The theft of imported petrol. Iraq imports between 4 to 5 billion dollars worth of petrol per year and about 30% is stolen and re-sold on the black market at home or in the neighbouring countries.

- The second largest inflow comes from kidnapping; in fact, the report talks specifically of the booming economy of the kidnapping industry. This is a local industry, i.e. most of the people who are kidnapped are

Iraqis. However, foreigners, especially journalists, can be exchanged for large sums of money. The report mentions that the French and Italian governments have paid large ransoms to free kidnapped journalists.

• Smuggling of arms is also a profitable business; Iraqi arms have already reached Somalia and Lebanon.

Not only is terrorist financing a dynamic phenomenon, the fight against terror money is asymmetrical, that means that terrorism is a much cheaper business than counter-terrorism. This is again well illustrated by the situation in Iraq.

While for the Iraqi insurgents 200 million dollars is more than enough to sustain the fight against coalition forces as well as a civil war, the cost for the US is astronomical. The Pentagon alone has a monthly budget of 8 billion dollars!

A similar scenario is today emerging in Pakistan and Afghanistan. In November 2006, al Zawahiri announced to the world the spring campaign to be waged by the Taliban in Afghanistan. This fact is indicative of the new alliance between al Qaeda and the Taliban: while before 9/11 al Qaeda was a guest in Afghanistan and paid a fee to reside there, today they have forged an alliance to re-conquer the caliphate of Afghanistan.

The campaign started with a series of suicide bombings, a new phenomenon in the country, in Kabul. It included an attack against a US military base while Dick Cheney, the US vice-president, was visiting it. The spring campaign in Afghanistan is funded using well experimented financing techniques:

• state sponsored terrorism,

• the drug and counterfeit trade,

• kidnapping,

• funds from individual sponsors.

Since the fall of the Taliban regime, al Qaeda's leadership has taken refuge in the tribal belt, along the border between Pakistan and Afghanistan. Tribal leaders have used funds allocated by the government and coming from US financial aid to support the Taliban and their friends from al Qaeda. Sections of the ISI which are close to these groups have funnelled the funds. The headquarters of the Taliban regime in exile is the city of Quetta. Quetta is well known for its market of fake

products which are bought and sold all over Central Africa. The Taliban receive a percentage of the business because they control the territory.

The Taliban also benefit from the booming drug business of the Afghani warlords who are opposing the new regime. The warlords control 70% of the country's territory where 90% of the global supply of opium is produced. In 2006, the UN estimated that the opium trade accounted for 40% of the Afghan GDP, yielding 6100 metric tons of opium in 2006, almost double the figure of the previous year. This is a multi-billion dollar trade.

Finally the Taliban have access to al Qaeda private finances coming from personal sponsors located in the Middle East.

The last element to mention to illustrate the asymmetrical nature of the financial war on terror in Europe and in the Muslim world is the use of suicide missions which are the cheapest and most deadly weapon in the hands of terrorists. Often the people are recruited outside Iraq or Afghanistan, and their travel expenses are paid by the recruiter. The cost of the operation can be as low as the cost of the explosive plus the cost of transportation to where they will detonate themselves. Yet the cost of military security against suicide bombers is very high, both in human and financial terms.

Conclusions

The asymmetrical nature of the financial war on terror should make us reflect on the importance of combating terrorist financing. We simply cannot afford not to stop the flow of money because in the long run the cost of the war on terror may be prohibitive and damage our economies.

Governments should consider alternative ways to combat terrorism, focusing on the money trail and avoid having to use primarily the military to fight against jihadists. Though cutting the funds will never end completely the activity of organizations such as al Qaeda, it will reduce the asymmetrical nature of the present conflict; above all it will reduce the cost of such war and save lives.

Finally the role of the private sector is paramount. Government must engage the private sector in tracking terror money.

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ADDRESSING THE LINKS OF CRIME AND TERRORISM

Prof. Dr. Louise SHELLEY (USA)[1]

There are numerous ways in which crime and terrorist groups intersect. Although much attention has been given to the financing of terrorism through criminal activity, there are many more links between crime and terrorism. These links include both operational and situational links. Operational links may include the fact that the same smuggling routes are used by criminals and terrorists to move people, the same personnel and organizations may be used by both to launder money and the same specialists from the information technology community may serve both criminals and terrorists[2]. There are also situational links. For example, terrorists and criminals may interact because they are in prison together, are recruited from the same neighborhoods or are in conflict regions where the line is often thin between criminals and terrorists[3].

Different strategies can be used to break the operational links between criminals and terrorists. The operational links can often be addressed by traditional law

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[1] Dr. SHELLEY is the founder and Director of Terrorism, Transnational Crime and Corruption Center and a Professor in the School of Public Policy at George Mason University. Dr. SHELLEY has a Ph.D. in Sociology from the University of Pennsylvania. Her expertise in transnational crime and corruption includes money laundering and illicit financial flows, the links between crime and terrorism, human smuggling and trafficking, and national security issues. Since 1995, Dr. SHELLEY has run programs in Russia, Ukraine and Georgia with leading specialists on the problems of organized crime and corruption.

[2] See Louise SHELLEY and John Picarelli, "The Diversity of the Crime-Terror Interaction," *International Annals of Criminology* Vol 43-1/2 (, 2005), pp. 51-81.

[3] Ian Cuthbertson, "Prisons and the Education of Terrorists," *World Policy Journal* Vol. 21, Fall 2004, 15-22; Tamara Makarenko, "The Crime – Terror Continuum: Tracing the Interplay between Transnational Organised Crime and Terrorism," *Global Crime* Vol.6, no.1, 2004, pp.129-45.

enforcement strategies as well as intelligence led policing.. These techniques can be used to detect and interdict the producers of false documents who can facilitate human smuggling and analyze the money laundering and financial strategies used to support both crime and terrorism. Police can also establish links with the business community that closely watch the smuggling and counterfeiting of their products by crime and terrorist groups to help combat the phenomenon[4].

Breaking the situational links between criminals and terrorists is more difficult because the reasons that individuals are recruited into criminal and terrorist groups often reflect deep seated problems within the community. Profound changes to address underlying causes that make individuals vulnerable are required. Furthermore, strategies to counter recruitment are difficult because terrorists and criminals often interact in environments that are not easily subject to scrutiny. Recruitment for criminal and terrorist behavior often occurs where individuals are vulnerable such as in prison or in communities with high levels of frustration and limited opportunities for advancement. Therefore, efforts must be made to decrease the susceptibility of individuals to recruitment.

There are many strategies that can be applied to break the links between crime and terrorism and many diverse national and international organizations can help implement such strategies. Breaking the facilitating links includes disrupting the financial links, the communications links and the facilitating activities which are often non-financial in nature that help terrorists and transnational criminal to operate. If this is done, it will contribute to the reduction of terrorism overall.

The paper will first focus on the operational activities of the crime-terrorism relationship indicating what is needed to disrupt these activities. Then it will look at the situational links of these two types of illicit actors. Lastly, significant attention will be paid to what can be done to ensure that different international and domestic organizations understand the need and are capable of addressing the crime-terror relationship.

Activities

Financial Activities

A diverse range of criminal activities facilitates terrorism and it has been amply

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[4] See the actions of the International Chamber of Commerce, http://www.iccwbo.org/bascap/id1127/index.html, accessed March 20, 2008.

discussed in the scholarly and public policy literature[5]. Activities include the most profitable crimes such as drug and arms trafficking, and people smuggling. Drugs have been so pervasive that the term narcoterrorism was coined. Although their role has been key in supporting the activities of the Sendero Luminoso, the FARC, PKK, Islamic Movement of Uzbekistan and many other terrorist groups, there is much more diversification of funding opportunities presently than was previously known[6].

However, terrorist financing through criminal activity is not limited to large scale criminal activity. Even such seemingly small scale crime activity as cigarette smuggling can generate significant revenues for terrorists. For example, such disparate locales as the tri-border area of Argentina, Paraguay and Brazil, in the United States, and between Iraq and Turkey are areas in which significant revenues for terrorism have been generated from the sale of cigarettes[7]. Often the significance of this phenomenon is overlooked or misunderstood because it seems only like small scale petty crime rather than a larger criminal acts that can promote terrorism.

Other important financing activities include oil smuggling, credit card fraud, and extortion of diaspora communities. The latter is a familiar technique of the PKK and the Tamil Tigers. A stolen car-insurance fraud scheme in Los Angeles helped fund an important financial cell for Chechen terrorists[8]. Smuggling of contraband and of counterfeit commodities whether they be cigarettes, car parts or CDs is especially lucrative for terrorist groups in the Middle East and the Balkans. Counterfeit cigarettes and car parts produced in China may prove an important funding source in the Middle East. The commodities that generate funds for the terrorists may be secured or produced thousands of miles away from where they are converted into profits for the terrorist organization. The Los Angeles car theft ring and the Chinese counterfeit cigarettes illustrate the enormous distances that

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[5] See for example *Terrorism Financing and State Responses: A Comparative Perspective,* eds. Jeanne Giraldo and Harold Trinkunas (Stanford: Stanford University Press, 2007).
[6] See en.wikipedia.org/wiki/narcoterrorism, accessed March 29, 2008.
[7] Louise SHELLEY and Sharon Melzer, The Nexus of Organized Crime and Terrorism: Two Case Studies in Cigarette Smuggling, forthcoming in *International Journal of Comparative and Applied Criminal Justice.*
[8] Robert Block, "Criminal Intent An L. A. Police Bust Shows New Tactics for Fighting Terror Officers use Local Laws to Arrest Small offenders with High-Risk Potential Foiling a Chechen "Charity," *Wall Street Journal,* December 29, 2006, p.A1.
[9] Nikos Passas, "Informal Value Transfer Systems, Terrorism and Money Lau ndering, January 25,www.ncjrs.

exist between the funding sources for terrorism and the locale of the actual terrorist act. There is also an enormous diversity of illicit funding sources for terrorism. In reality, almost every kind of organized crime activity can be used to fund terrorism from the most petty to the most lucrative.

The money laundering and underground banking systems can also converge. The same money launderers may be used by al Qaida and drug traffickers. Members of the Los Angeles police reported that their investigations revealed that the 9/11 hijackers from their area used some of the same channels as the drug traffickers to move their money. Underground banking used to move money for many outside the traditional banking community, can be exploited by both criminals and terrorists[9].

Communications

Non-state actors such as criminals and terrorists have been major beneficiaries of the revolution in telecommunications. They have managed to exploit this system that is not bound by geographical confines. Terrorists and criminals communicate freely and easily through cell phones and satellite phones, chatrooms and instant messenger. Terrorists recruit through websites that appeal to the young who are particularly vulnerable[10].

Many of the best IT specialists are found in developing regions of the world where there is not sufficient employment or financial reward for the level of skill that individuals possess. These specialists often work for those who compensate them well, including members of organized crime and terrorist groups. Drug related communications from Colombia at the beginning of this century were so well encrypted that they defied conventional strategies to decode their messages. In Kashmir in the same period, the police reported that local IT specialists were retained by both criminals and terrorists[11].

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gov/pdffiles1/nij/grants/208301.pdf, accessed March 29, 2008.

[10] Cheryl Bernard, "Cybermullahs and the Jihad – Radical Websites fostering Estrangement and Hostility among Diaspora Muslims," in *A Future for the Young Options for Helping Middle East Youth Escape the Trap of Radicalization* ed. by Cheryl Bernard, Santa Monica, California: Rand, 2005 pp 92-104; Bruce Hoffman, "The Use of the Internet by Islamic Extremists," Testimony to the House Permanent Select Committee on Intelligence, May 2006, Rand Testimony, p. 12.

[11] Transnational Crime, Corruption and Information Technology , conference report, policy-traccc.gmu.edu/resources/publications/various01.pdf, accessed March 29, 2008.

At the present time, complex analyses of IP addresses that flow through isp providers reveal that malicious addresses can be used both by criminals and terrorists. These malicious addresses can be used to launch attacks on banks, be exploited by criminal banks or disseminate pornography. This reveals that the same computer source can be exploited for pernicious acts by different non-state actors such as terrorists and criminals.

Facilitating Activities

There are many interactions between criminals and terrorists that go beyond the widely recognized financial links. For example, the same people smugglers may move individuals who are being smuggled to new labor markets, women trafficked for sexual exploitation, and terrorists who need to be moved to new locales. Terrorists may move not just to commit their acts, but also to relocate to more lucrative markets where they can raise funds for their terrorist activities. This has been seen in both Europe and the United States, where the supporters of terrorist organizations have been found raising money for their organizations.

In addition, the same individuals who engage in document fraud can serve both criminals and terrorists. For example, a language school in Los Angeles provided visas for prostitutes who had arrived illegally in the United States. But it had also given visas to two of the 9/11 hijackers who needed to legitimize their stay in the United States. Another example of this is that the same group that procured drivers' licenses in the Department of Motor Vehicles in Northern Virginia also provided the licenses for two of the 9/11 hijackers who used these false identity cards to board the planes that they commandeered[12].

These examples from the United States are representative of a problem that is prevalent in many parts of the world. It is part of the reason that many prison officials do not understand who is incarcerated in their facilities because the terrorists have acquired false documents from criminals who specialize in the production and movement of the documents needed by criminals and terrorists.

There are also professional facilitators who serve both types of organizations. They can be lawyers, accountants, bankers and real estate agents. By taking

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[12] Louise SHELLEY, "Countering Terrorism in the US: The Fallacy of Ignoring the Crime-Terror Nexus," in Robert W. Orttung and Andrey Makaychev (eds,) , *National Counter-Terrorism Strategies Legal, Institutional and Public Policy Dimensions in the US, UK, France, Turkey and Russia.* Amsterdam: IOS Press, 2006, pp.203-212.

advantage of these professional services, criminals and terrorists can hide the origins of their funds, and place them in investments where they are protected from confiscation in safe havens where the groups can withdraw the funds needed for their operations and ongoing support activities[13].

Situational Links

The situational links of criminals and terrorists are more difficult to break because they   are ongoing relationships. Often these relationships occur over time as individuals are recruited or trained to work for both criminal and terrorist groups. Therefore, the prevention or disruption of these links requires much different strategies than those applied to the operational links. In   poor   neighborhoods where some young men are recruited for terrorism, there needs to be much more support for these communities in providing schools, employment and other opportunities for advancement. Without that, there is a pervasive frustration and anger that often serve as fruitful recruiting grounds for terrorism[14]. This requires financial investment, a reduction in the level of societal corruption that drains resources from developing countries, and efforts to address the fundamental imbalance between the concentration of resources in the developed world where birth rates are low and the developing world where there is much less capital and birth rates are high.

Prisons are a fundamental link for criminals and terrorists. As mentioned previously, many individuals confined in western prisons are there under false identities. Therefore, the officials managing these prisons are not able to isolate the terrorists from the criminals as many terrorists are arrested for committing the small scale crimes that support their terrorist activities[15]. Further, high levels of corruption exist in prisons in many western European countries, allowing inmates access to cell phones and computers where the criminals and terrorists can continue their activities without disruption. The same phenomenon exists in many other regions of the world where levels of corruption are even higher than in

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[13] Margaret Beare, " Money Laundering: A Preferred Law Enforcement Target for the 1990s," in *Contemporary Issues in Organized Crime ed.* Jay Albanese, Monsey, New York: Criminal Justice Press, 1995, pp.171- 187.
[14] Petter Nesser, "Profiles of Jihadi Terrorists in Europe," in *A Future for the Young Options for Helping Middle East Youth Escape the Trap of Radicalization*" ed. by Cheryl Bernard, Santa Monica, California: Rand, 2005 p. 36.
[15] Cuthbertson.

Western Europe. Therefore, the prison often becomes the corporate headquarters for the criminals and a key link in the criminal-terrorist nexus.

Two examples from different parts of the world illustrate the centrality of the prison in the relationship between crime and terrorism. The investigations by Spanish authorities after the attacks in March 2003 on the Madrid trains revealed that the recruitment of criminals to the terrorist organization and the planning of the terrorist acts had occurred in prison.[16] In 2006, a major attack on the city of Sao Paolo was launched from within 70 prisons in the Sao Paolo region. This attack took the city completely by surprise, resulted in 115 deaths, and shut down the city. During the 5 day attack, 40 police stations and the transport system were attacked, paralyzing the city[17]. The attack on state institutions, in particular the police reveals the political nature of this criminality. But little is understood of how criminals within the prisons could launch such a coordinated attack and why they were so successful in striking at the power of the Sao Paolo government.

Actors Who Can Address the Links of Crime and Terrorism:

Sectors

Addressing the links of crime and terrorism requires the interaction of many different sectors of society, including police, military, prison authorities, intelligence organizations, international businesses, bankers and financial institutions and multinational organizations, i.e. UN, FATF, IMF, regional development banks, journalists and civil society. Furthermore, it requires an understanding that crime is not a peripheral issue but a central one. Addressing both local and transnational crime is necessary to lessen the threat of terrorism because crime plays such an important role in financing and facilitating terrorism. Although the threat to national and international security is broadly understood, much less attention is paid to the role of crime which should command more attention in the national security agenda.

Many of the diverse organizations and institutions needed to address both crime and terrorism already pay attention to these phenomena. But few understand that they must more directly address the relationship between crime and terrorism

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[16] Ibid.

[17] Paolo Prada, "5 Days of Violence by Gangs in Sao Paolo leaves 115 Dead before Subsiding, May 17, 2006, *New York Times,* http://www.nytimes.com/2006/05/17/world/americas/17brazil.html?_r=1&scp=2&sq=Sao+Paolo+under+attack&st=nyt&oref=slogin, accessed March 20, 2008.

if they are to address terrorism effectively. Combating and disrupting the link between crime and terrorism requires the participation of government, the private sector and multinational organizations, journalists and the community. It requires greater international cooperation than presently exists.

To understand the relationship between crime and terrorism, much more fundamental research has to be done as well as the more applied research that is needed by specific government agencies or corporations. For example, the military before an intervention must understand the threat that domestic crime groups may pose to the arms caches of the military force. Without this understanding, the criminals may rapidly disseminate available arms to terrorists as happened on the first days after the US invasion of Iraq. Corporations also need to do research to understand how the counterfeiting and dissemination of counterfeit products contributes to the revenues and the capacities of terrorists. Without conducting such analyses, they may have difficulty in convincing law enforcement to act against this piracy.

Research and analysis are needed not just before actions are taken as in intelligence led policing but they must be ongoing to understand the impact of the measures that are taken. Without this evaluation of countermeasures, it is not possible to understand whether actions against the crime-terror nexus are effective.

The military is involved in many parts of the world where there is a key interaction between crime and terrorism. Apart from the previously cited Iraq example, the Colombian military has combated the FARC, a terrorist group that is funded by drugs and kidnapping. The Peruvian military fought the Sendero Luminoso that derived significant revenues from the drug trade[18]. In Sri Lanka, the military has fought the Tamil Tigers who derive significant revenues from the drug trade. The Turkish military has fought the PKK that is supported by the drug trade, human, cigarette and arms trafficking[19].

NATO since the end of the Cold War has been deeply involved in military situations in which there were important links between crime and terrorism. Prior

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[18] Susan C. Bourque and Kay B. Warren, "Democracy without Peace: The Cultural Politics of Terror in Peru, *Latin American Research Review* Vol. 24, No. 1. (1989), p.198
[19] Louise SHELLEY, "Countering Terrorism in the US: The Fallacy of Ignoring the Crime-Terror Nexus."

to NATO participation in Kosovo and Afghanistan there was insufficient attention paid to the pervasive crime problems and the extensive criminal organizations operating in these two regions. In the Balkans, peacekeepers encountered both a very serious domestic crime problem but also a transnational crime problem as the groups from the former Yugoslavia interacted with groups from Italy such as the Sacra Corona in Bari across the Adriatic as well as more established groups. Furthermore, these groups also cooperated with groups from the former Soviet Union who trafficked in women who were forced to work in the brothels of Kosovo, Bosnia and Hercegovina. Drugs, counterfeit CDs and DVDs trafficked through the region often supported criminal and terrorist groups.

In Afghanistan, before the intervention insufficient attention was paid to means to combat the drug trade by NATO forces. Rather, a pact was made with the devil that tolerated the drug trade of the warlords if they did not disrupt the formation of a government. But since the NATO intervention, the drug trade has grown to levels not previously observed and is a major funding source for terrorist groups not only in Afghanistan but those operating in Uzbekistan, the tribal areas of Pakistan, Pakistan itself and even western China[20]. Even terrorists groups as far away as Turkey have exploited the growth of the drug trade as members of the PKK or crime groups that fund the PKK are key conduits of the Afghan grown drugs into the affluent markets of Western Europe.

Furthermore, it is necessary that the peacekeepers not act in ways that allows the criminal-terrorist groups to enrich themselves and further embed themselves within the community. When the peacekeepers buy drugs or frequent brothels that may be the subject of extortion by terrorists, they are undermining the very principles that they are there to uphold—to maintain order and return the society to a sense of normalcy and stability. Yet there has not been enough attention by NATO, UN peacekeepers or others to this problem. The sense that men have a right to frequent brothels not only negates the human rights of the women victims but undermines the goal of the military's mission[21].

The military also has a role in trying to prevent, analyze and track the crime-terror

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[20] See un.odc.org/afg/index.htm , accessed March 29, 2008.
[21] H. Richard Friman and Simon Reich, *Human Trafficking, Human Security and the Balkans,* Pittsburgh: University of Pittsburgh Press, 2007.

nexus that facilitates smuggling of WMD. This is often a role that is not confined just to the military but involves other governmental agencies and multinational agencies such as the International Atomic Energy Agency (IAEA) that have responsibility for preventing proliferation of nuclear, chemical and biological weapons.

Military planners in preparing and planning a military intervention must address the problem of the crime-terror relationship in their operation planning. The crime-terror relationship must be on the checklist of the issues they consider just as military planners must pay attention to the provisions, arms and entry routes of their troops. As they work through this checklist, they must ensure not only that they are not aggravating the crime activities but are also are taking steps to counter the crime-terror interaction. The growth of the Afghan drug trade is a prime example of the absence of such planning. As a consequence, the terrorist situation in the region as well as much farther away is worsened because the enormous and ready supply of drugs yields huge profits and can be used to buy arms needed by the terrorists.

The police have a major role in disrupting the links between crime and terrorism. These interactions between crime and terrorism can encompass such seemingly petty crime as pickpocketing and small time sellers of counterfeit cigarettes to such large scale criminal offenses as kidnapping and drug trafficking. Because most criminal departments have a network of informants that exist within the criminal world, they have the capacity to detect the interactions of criminals and terrorists. These interactions would not necessarily be detectable if one were trying to understand the funding and operations of a group of terrorists whose network would be less penetrable by law enforcement bodies.

Cooperation between both anti-organized crime and anti-terrorist units is essential in breaking the relationship between crime and terrorism The cooperation of the counter-crime and terrorist units is a key element of policing in the Los Angeles police department. By combining analysis and the skills of these operative units, the police in Los Angeles were able to link a major car theft ring to a funding cell for Chechen terrorism. Likewise, different regional branches of the Turkish police may combine the counter-terrorism and the anti-organized crime units in specific operations where they suspect that they can reach the terrorist group through their criminal associates or associations.

A key role for police and related law enforcement bodies such as customs and border patrol is to detect the cross-border smuggling that is often conducted by crime groups to fund their activities. There is a diverse array of commodities that can be used to support terrorism. Apart from the previously mentioned cigarette, drugs and arms trade, terrorists can also fund their activities by such profitable smuggling activities as oil, counterfeit car parts and the movement of people. The latter is doubly valuable because this trade not only generates revenues but also can be used to facilitate the movement of terrorist operatives who will raise funds or actually execute attacks.

Intelligence led policing can help police understand the diverse crime and terrorist networks and address them. Only by mapping the involvement of the diverse facilitators associated with this activity such as the producers of false documents, bogus identities and money launderers, will it be possible to round up the entire crime-terrorist group. Often the understanding of the terrorist link is only apparent at the end of the criminal investigation as the police unravel the money flows of the crime group and the ultimate beneficiary of its profits.

Prison authorities deserve a much larger role in unraveling the connection between crime and terrorism. At the present time, there are many terrorists confined in prisons for short periods of time because they are arrested for the petty crimes that facilitate their terrorist activities. Others who support the terrorist activity are "sliders" who go in and out of prisons acting as courier sand intermediaries for the confined terrorists. Because members of terrorist groups so often mask their true identities by means of fictitious documents, prison officials cannot know the actual identities of the individuals confined in their institutions. Therefore, prison officials must use informants, surveillance and wiretaps if permissible under law to ascertain who is confined in their institutions. Analytical support must be provided to prison officials that allows them to map the networks of their inmates. This mapping will help prison administrators isolate those affiliated with the terrorist organizations. Monitoring will help ensure that recruitment does not occur among the common criminal population or that terrorist support activities do not continue within the prison.

Significant corruption within prisons allows both criminals and terrorists to bribe prison guards and prison officials to provide them with cell phones and allow

them access to computers. Blackmail is also used against certain professionals or religious officials who serve the inmate population forcing them to facilitate the communications of the criminals and terrorists with their networks outside the prison. Therefore, there is a need for prison officials to be much more vigilant in stopping or preventing the corruption of staff personnel.

Intelligence organizations can provide needed analytical support to all the previously mentioned branches of government—the military, law enforcement and prison officials. They can combine intelligence from a variety of sources including government, the private sector as well as intelligence bodies of different countries that are ready to share information with them. The intelligence bodies, drawing on information from the police, border officials and banks, for example, can then help construct the entire network rather than focusing on the isolation of a single cell.

For the intelligence bodies to achieve successful analytical results on the crime-terror networks, it is necessary for them to retain analysts who are multi-lingual, have broad cultural skills and can integrate insights from many different disciplines such as finance, psychology and anthropology. They also need to be able to think with the same flexibility as the criminals or terrorists who find new ways to cooperate effectively.

Banks and financial institutions have an important role to play in detecting and disrupting the interaction of criminals and terrorists. International financial institutions, as will be discussed later, also have an important role to assume in this area. Know your customer rules need to be effectively enforced. All too often the due diligence that is performed on potential clients does not reveal the risk because the review of the potential client is too cursory. Furthermore, those in the compliance departments even of leading banks do not have the language, cultural or political knowledge to accurately evaluate a client. Under pressure to produce new business, they do not always provide adequate scrutiny of the "high status individuals" who may seek to use their services but who in fact may be the facilitators of money laundering by crime and/or terrorist groups.

It is necessary for banks to coordinate with financial intelligence units of governments to allow them to monitor suspicious transactions. For example, Swiss authorities hired external money laundering specialists to track suspicious financial transactions after finding accounts in a Swiss bank owned by Osama Bin Laden. Financial intelligence units may then be able to map the illicit flows of

the terrorist group. They may also be able to find funds generated by crime that support terrorism by following wire transfers into accounts. Such analyses may also help locate additional accounts of terrorists in financial safe havens.

Financial analyses based on reporting from banks, investment advisors or even real estate firms can identify new trends in money laundering in new financial sectors such as real estate. By identifying these trends, governmental authorities can freeze the funds that help facilitate terrorist acts and organizations.

Banks also must exercise more caution in establishing relationships with corresponding banks. With the review of correspondent banks that followed the passage of the Patriot Act, even some leading American based banks found that they had correspondent bank relationships with institutions that have been identified as conduits of terrorist funds. Banks in other countries must also be vigilant in cutting off relationships with questionable correspondent banks.

Private businesses can help disrupt the crime-terror relationship. IT corporations can help track malicious IP addresses that facilitate crime and terrorism. By helping isolate the criminals and terrorists who use these addresses, it may be possible to remove pernicious websites or prevent damaging communications.

Multinational corporations can identify actors involved in counterfeiting and piracy that supports crime and terrorism. This has been done by cigarette, car part manufacturers, as well as movie companies. By developing evidence of this misuse, law enforcement can be convinced to act against the criminals-terrorists. Often the private sector has the resources to document these links that the less equipped and funded law enforcement cannot detect.

There have been cases in which cigarette manufacturers have established direct relationships with both criminal and terrorist groups to disseminate their commodity. In a notable case initiated by ECLAF, the European Union anti-fraud body forced cigarette manufacturers to pay enormous sums (for one company the fine was a billion dollars) to support European police efforts after it was found that cigarette companies had sold cigarettes to both crime and terrorist groups. The payment of such a considerable fine resulted in one of the cigarette companies developing a well staffed and funded corporate security and counter-counterfeiting unit to police its own commodities.

Interaction with different sectors of the business community can help identify

new activities of crime and terrorist groups in different sectors of the legitimate economy. Cooperation of business with law enforcement can help identify the smuggling of dual use technology that may be exploited by terrorist groups.

Public-private partnerships can help understand trends and concrete actors involved in supporting terrorism. Government can target facilitating activities of terrorists by tapping into analyses and operational work of corporate private security divisions that are often large, well funded and international in scope.

The international financial community also has a significant role in addressing terrorist financing. The guidelines of the Financial Action Task Force and its requirement that governments establish Financial Intelligence Units help curb the possibility of crime and terrorist financing. The international financial institutions and regional development banks in recent years have set up departments to combat money laundering and work against terrorist financing, but there has not been much institutional commitment to fulfill this role. Both the International Finance Corporation that funds private business in the developing world and the IMF have downsized their anti-money laundering units after they have been established. The World Bank has done more to combat the corruption of its loans and problems of abuse of loan funds that might lead to their misuse by criminals and terrorists. However, the number of personnel needed to investigate the misuse of World Bank funds is inadequate to the task. The IMF has published training materials for practitioners on countering terrorist financing and has provided legal support, training and technical assistance[22]. But these efforts are now being downsized and there is a need for member countries of these international institutions to identify terrorist financing as a priority.

Multilateral institutions outside of the international financial community also have an important role in combating the crime-terror nexus. UN peacekeepers operate in areas where the crime-terror nexus is great. Therefore, they can assume a significant role in identifying and combating the crime-terror relationship. NATO forces should assume a key role in countering the illicit drug trade in Balkans and Afghanistan that assumes a key role in the financing of terrorism. The United Nations Office on Drugs and Crime (UNODC) has offices in many regions of the

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[22] Legal Department, Suppressing the Financing of Terrorism Washington, D.C.: International Monetary Fund, 2003.

world where it monitors the drug trade and tries to counter its development. They have field offices in many areas where terrorists have or are operating such as Uzbekistan, Afghanistan, and Thailand. The UNODC operates as well in regions where the purchase of drugs provides funding for the terrorist organizations[23]. The OSCE (Organization of Security and Cooperation in Europe) addresses the crime-terror links in vulnerable regions within its mandate such as the Balkans, Central Asia, Caucasus, and Russia.

The IAEA, as previously mentioned, maintains a data bank on nuclear smuggling and conducts site visits to countries and regions where the possibility of crime or terrorist groups having access to nuclear materials is great.

Other international organizations also have a role in preventing child recruitment into terrorist groups or as child soldiers in conflict regions. The possibility of coordination among different member states through these multinational organizations can prove effective in combating terrorism. But for many of them, these are secondary or tertiary issues not seen as central to their mission.

Journalists have an important role in combating the links of crime and terrorism. Through investigative journalism, they can raise public awareness of the problem. By exploring its dynamics, good journalism can help citizens identify manifestations of crime and terrorism within their community. For example in Georgia where there have been several serious incidents of serious smuggling of nuclear materials by criminals, there has not been concomitant public awareness raising by the media that might alert citizens to this threat.

The media can also make citizens aware of the social costs of crime and terrorist funding within their communities. Many citizens are willing to buy counterfeit goods because they believe that they are getting a bargain. But not infrequently, counterfeit cigarettes, DVDs or even purses are used to fund terrorist organizations. Without press discussion of the social costs of these seemingly cheap products, citizens will continue to consume goods that are disseminated by terrorist groups. Journalists can also raise community awareness on other vulnerabilities such as the recruitment of youth into crime and terrorist organizations.

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[23] See www.unodc.org, accessed March 29, 2008.

Moreover, journalists can mobilize citizens to demand further action to counter the crime-terrorism problem in their community. This may provide the impetus for the passage of new legislation, the effective enforcement of new laws or greater efforts to combat the drug trade that funds terrorist groups.

In addition to the media, private citizens and civil society can do much to counter the crime-terror relationship. Communities can counter the recruitment of youth into terrorist and criminal organizations. If they fail to prevent such recruitment, citizens can cooperate with law enforcement in identifying suspicious activity that might reveal the presence of the crime-terror relationship within their communities. Gameen banks and microcredit institutions that provide capital for small scale businesses can provide hope in poor communities that are such fertile grounds for recruitment by terrorists. This alternative funding for development is needed if citizens of poor regions are to have access to capital other than that provided by the drug traffickers or terrorist groups that ingratiate themselves in needy communities by providing needed employment.

Conclusion

Effectively combating the relationship between crime and terrorism requires the interaction of many different actors. While many associate the combat of these phenomena with the police and the military, there are many more sectors of society that need to be involved if there is to be an effective and integrated strategy to address these phenomena.

The involvement of the diverse sectors of government, multinational organizations, business, finance, the media and civil society is now apparent in many regions of the world. There is a growing awareness within these sectors that they must do more. Particularly in the financial sector, there is not only an understanding but a requirement imposed on them by the governments of many advanced economies to do more.

Although much is being done to combat terrorism, there is much less being done to address the relationship of crime and terrorism. This is a consequence of the fact that many non-specialists as well as an alarming number of specialists fail to understand the diversity of interactions between crime and terrorism. Moreover, there is a failure to understand that relationships between criminals and terrorists are becoming more important as a consequence of the anti-terrorist efforts that have restricted funding for terrorist groups through banks and charities.

The United States has not understood the importance and centrality of the crime-terror relationship. Too many policy makers view these as separate and unconnected phenomena. The failure of the United States to understand the importance of the crime and terror phenomena is exemplified by the report of the 9/11 Commission[24]. Yet the failure of the United States government to understand the importance of this relationship is manifest in many regions of the world where the enormous financial and military reach of the United States extends. The lack of insight is not confined to the United States and is missing in many of the analyses and action plans of NATO. Therefore, if NATO and other multinational organizations are to become more effective in combating terrorism, they must develop a paradigm of the links between crime-terrorism paradigm and implement policies accordingly.

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[24] Louise SHELLEY, "Countering Terrorism in the US: The Fallacy of Ignoring the Crime-Terror Nexus."

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ENERGY SECURITY AND TERRORISM

Rear Admiral Dr. Deniz KUTLUK (TURKEY)[1]

Thank you for the opportunity to address this distinguished audience.

I have volunteered to talk about "Energy Security and Terrorism" and I will express my own opinions freely today. My remarks should not commit my authorities or my organization.

I would like to define the term "Energy Security" on two different grounds. Once I complete the elaboration of these, and energy resources, the flow of discussion should eventually bring us to the intersection with terrorism.

Introduction

The concept of energy security, and more specifically security of supply, became an area of interest for policy-makers and analysts, with the first oil shock in the aftermath of the 1973 Arab–Israeli war.[2]

Recently, energy security has once again become the center of attention in global relations. It featured in G-8 agenda last year, appeared in the NATO agenda

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[2] Chantale La Casse and André Plourde, 'On the renewal of concern for the security of oil supply,' *Energy Journal* 16: 2, April 1995, pp. 1–23.

at the Riga Summit in 2006 and preoccupied many EU capitals. This should be no surprise considering the soaring oil and gas prices, based mainly on excessive demands,[3] disruption of energy supplies due to natural disasters,[4] some attacks against energy infrastructure,[5] and fluctuations in the petrochemical market,[6] and the usage of energy as a political tool.

There are different views on what energy security really means. Various aspects shape the perceptions. Some are driven by the demand perspective, such as the skyrocketing energy consumption of China and India, which intensifies the competition over scarce global hydrocarbon resources. Some are shaped by the supply perspective, with the concern that existing oil fields decline by around 5-6 million barrels a day,[7] and instabilities in oil rich regions, like the struggle in Iraq, deprive energy companies of the possibility to explore and exploit new reserves.

Definition of Energy Security

As a result, we see different approaches to energy security. The European Commission defines it as "the ability to ensure that future essential energy needs can be met, both by means of adequate domestic resources, and by calling upon accessible and stable external resources." To quote a recent study:

"For many American leaders, it means producing energy at home and relying less on foreigners ... For China ... it means buying stakes in foreign oil fields—in Sudan, Nigeria, Angola, and so on … For Russia, energy security has yet another meaning: restrictions on foreign investment in domestic oil and gas fields, and using it as a foreign policy tool when appropriate."[8]

All in all, the various definitions offer us two aspects of energy security: one being *more commercial* and sometime driven by politics, whereas the other representing its *physical protection*.

Commercial Definition

At the bottom line for the commercial sense of energy security is the availability

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[3] Based on the requirements of new actors, such; as China and India.
[4] i.e. the Katrina hurricanes in the Gulf of Mexico.
[5] i.e. the explosion of Georgian gas pipelines and attacks in Iraq to oil pipelines and/or Nigeria-based oil reserves.
[6] G-8, "*Global Energy Security, Analysis*", Moscow, 2006.
[7] Christophe de Mergerie, "Face Value", *the Economist*, p. 57, January, 2008.
[8] Gawdat Bahgat, "*Europe's energy security: challenges and opportunities.*"

of energy; at all times, in various forms, in sufficient quantities, and at affordable prices, without an unacceptable and irreversible impact on the environment. [9]

So, for the purpose of this forum, energy security might then be defined as "continuous access to energy sources" at "sufficient levels" and with "reasonable costs".

Physical Security

When it comes to the physical protection perspective, I would like to refer to a public announcement by Al Qaeda[10] encouraging its followers to attack oil pipelines and facilities in Muslim countries but not oil wells.[11]

This is a simple fact indicating what kind of risk elements the oil and gas industries and their infrastructure could be exposed to. This risk could not be limited just to hydrocarbon resources only. It could well be expanded to hydroelectric dams, nuclear and other type power generating centers, and other relevant assets.

In my understanding this constitutes the physical aspect of energy security, which is the security of the energy infrastructures that lie between the energy resources and the consumer—with resources, tankers, pipelines, etc., in brief the long line between the supply and demand ends.

I feel the discussion of physical security fits much better to the context of this conference, notably when the attackers are identified as terrorists.

These commercial and physical approaches to energy security are more or less interlinked, in fact inseparable. We will see to what extent they are towards the end of this paper.

What Kind of Energy?

The energy sector is currently dominated by oil, natural gas and coal, with lesser contributions from nuclear power and various renewable sources.

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[9] "*World Energy Assessment, Overview 2004 Update,*" p. 42, UN Development Programme, UN Department of Economic and Social Affairs, World Energy Council, New York, 2004.

[10] *Washington Times*, March 3, 2006, p. 18.

[11] They further stated that: "The harm caused by targeting oil wells in the lands of Muslims outweighs the benefits because of health and environmental damage and because this will deprive Muslims of the benefit when God allows victory." They also urged Muslims to attack pipelines and refineries instead.

Oil

Over a period of time, oil became the primary energy resource compared to the others, and it is still the single most important energy source. More or less 85 million barrel oils are consumed every day.[12]

Almost the same amount of production meets the market demand, leaving no or very little margin for market fluctuations.[13] Putting this in an energy security perspective, this tense balance is of great concern from a price standpoint.[14] In fact, in respect of price, energy security involves achieving a state where the risk of rapid and severe fluctuation of prices is reduced or eliminated.

Spare capacity has traditionally played a significant role when there have been temporary severe interruptions of oil supplies as it ensured stability in global markets. It is notable that Saudi Arabia's 2.5 mb/d surplus oil production[15] has recently been reduced to virtually zero.[16]

Stocks of refined oil are also a market-regulating element against price fluctuations. For example, all International Energy Agency (IEA)[17] countries have the obligation to hold emergency oil reserves equivalent to at least 90 days of net oil imports of the previous year.

Another concern is the concentration of oil deposits (reserves) in limited geographical areas.[18] This is the single cause for oil transportation and raises concerns in terms of the physical security of transportation, with its embarkation ports, chokepoints, port of arrivals, storage and distribution networks, etc.

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[12] According to IEA data, 75% of conventional oil reserves are situated in OPEC countries (the OPEC's website itself mentions 79%). According to the IEA scenario, world demand for oil is expected to grow by 40% between 2006 and 2030 (from 85 mb/d to 118 mb/d) and more than two thirds of this increase in production will come from OPEC countries. Armel Laferrère, *"Energy Security: the Groundwork for a New Western Alliance?",* Hudson Institute, May 29, 2007.

[13] Whereas three years ago daily supply had always been above the demand, at a minimum of one million barrels a day, allowing some price stability (it was 83.4 million barrels per day vs the demand of 82.5 mbd in 2004). *"Oil Market Report",* International Energy Agency, December 13, 2007.

[14] With the quick growth rate of the Chinese and Indian demand and the relatively low investments by oil companies in the last ten years, the capacity of oil export is now more or less equal to the world demand.

[15] *"What role for the Alliance in oil security?"*, NATO Defense College Publication, prepared by Course 107, Committee 2.

[16] A. Correlje, C. van der Linde, "*Energy Policy",* (2006): www.elsevier.com/locate/enpol.2005.11.008.

[17] The International Energy Agency (IEA) is the key organization to deal with the risk of oil disruption. The IEA is an agency of the OECD and is composed of 26 countries, of which 17 from NATO and 5 from the PfP (23 member NATO Partner Group). Among the ten largest importing countries, only China is not part of it.

[18] Worldwide oil reserves amount to 1,292 billion barrels, of which 743 billion accounts for the Middle East and only 316 billion exist in the Western Hemisphere.

Oil demand is growing: The IEA estimates roughly 40% increase by 2030, ranking oil in first place in the future.

Turning to the physical security of oil type energy resources; oil infrastructures; fields, wells, refineries, ports, tankers, pipelines are all subject to terrorist acts.

Gas

The share of natural gas in global primary energy consumption had increased from 18 percent in the mid seventies to 24 percent today.[19]

The top ten gas producers[20] provide 65.5% of the total gas.[21]

The EU's dependence on foreign natural gas is huge, and up to 40% of its gas is imported from Russia, the EU's main natural gas supplier.

Pipelines are an important means for transporting natural gas, as long as cross border passages are available. Since they are impractical across the Oceans, gas is also transported by special tankers in liquefied form as LNG, which is a capital-intensive process increasing the market cost of gas.

Turning to the physical security of gas type energy resources, pipelines can be made the target of vandalism, sabotage, or even terrorist attacks, and gas storage sites, pumping stations, LNG tankers, LNG ports, and urban distribution hubs are also highly vulnerable to terrorist acts.

Coal

Coal provides 25% of global primary energy needs and generates 40% of the world's electricity.[22]

Deposits of coal, unlike oil and natural gas, are in abundance across the globe, with over 70 countries providing over 155 years of stocks.[23] From the energy security perspective, coal prices have stayed stable at a low level for a long time.

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[19] Majid Al-Moneef, *"The Changing World of Energy Security"*; January-February 2007/Geopolitics of Energy, Volume 29, Numbers 1 and 2, January-February 2007.
[20] Russia, USA, Canada, Qatar, Iran, Norway, Algeria, UK, Netherlands, Indonesia and Turkmenistan.
[21] Russia (131.8 bcm), Canada (98.6 bcm), Norway (68.4 bcm) and Netherlands (33.1 bcm) and Algeria (33.1 bcm) are significant gas export countries.
[22] *"Key World Energy Statistics 2007,"* IEA.
[23] www.worldcoal.org.

Although it is a viable alternative to oil and gas, it is the most air polluting, and by far the worst emitter of carbon dioxide of all hydrocarbon energy sources.

Technologies avoiding such pollution by capturing the pollutants almost double the price of burning coal, making it uncompetitive in producing electricity compared to nuclear and gas.

Since underground mines do not allow easy access to terrorists and coal itself is not explosive, it is resistant to terrorist acts.

Nuclear

Concerns about the availability as well as the fluctuating prices of oil and gas have led to a drive for nuclear energy because of its inherent characteristics:

- First, nuclear energy is economically competitive. Although nuclear plants are expensive to build, they provide the cheapest kWh of all sources of energy.

- Second, the resources nuclear energy is dependent on can be found overwhelmingly either in Western countries or in stable countries.

- Third, the most advanced skills in nuclear engineering and operations can be found in North America, in Europe, especially in France, Japan and India.

- Fourth, the new so called "fast breeder reactors" generate as much plutonium as they burn, which can then be reused hundreds of times.[24]

Nuclear power generators are immensely well protected and they are correspondingly less vulnerable to terrorist actions.

Others

In the meantime, renewable energy can be provided by many means, wind, solar, geothermal, bio-fuels, etc., but they are still at their infancy in respect to output and required resources.

Terrorism: What is it? Why?

At this juncture, we can have a look at terrorism. Although various aspects

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[24] Carlos Pascual, "*The Geopolitics of Energy*: *From Security to Survival*", Brookings Institution.

of terrorism have been discussed in this forum, I need just to highlight some characteristics to underline its relevance to energy security.

The aim of terrorism is to affect the masses with its activities. An activity for a terrorist is a nasty message disseminated from the area where it is committed, to a broader region, and from that region to the whole world.

The more outrageous, shocking, unexpected and attention-grabbing an attack is, the more the terrorist gains, or believes he gains, "power".

Therefore, use of indiscriminate attack is a common weapon in the terrorist arsenal, seeking innocent targets for broader, shocking effects and publicity. Such attacks create fear in a larger group. As one academic puts, the basics of terrorism are "1% bang, 99% publicity" and "small deed—large consequences".[25]

The Terrorism Threat and Energy Security

From an energy perspective, we mostly see the reference to Bin Laden's statement with respect to the terrorist threat to energy security.

He had urged mujahedeen "to strike supply routes and oil lines … to plant … mines [at oil targets] that leave behind no wounded, and to assassinate company owners."[26]

At this point I ask myself: Would the terrorists really show interest in disrupting energy security? Does that match with their aim and modus operandi?

We could first deduce that the terrorists' interest in posing a threat to energy structure is limited. This is because terrorists can hardly have political or economical gains in the aftermath of disrupting energy production or stopping its flow to customers. However, they can create indirect effects by doing so.

For instance, any successful attack to disrupt significantly the production or flow of energy could result in a rise of the energy market price. A simulation, called *Oil Shock Wave*, concluded that if the daily production/flow of oil is reduced by 4% (by terrorists), the price of oil would rise up by $103 per barrel.[27] This means in current prices over 200 US dollars per barrel cost of oil. That would seem to be unaffordable for most economies.

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[25] Alex P. Schmid, *"Terrorism and Energy Security—Targeting Oil and Other Energy Sources and Infrastructure,"* MIPT (Memorial Institute for the Prevention of Terrorism), Insight.
[26] *Ibid.*
[27] *Ibid.*

If the target of terrorism is the economic wealth of modern countries, then the current value of energy assets is worth an estimated ten trillion dollars. Therefore by attacking those infrastructures, terrorists could cause high-cost damage to the countries concerned.

Calculating these huge consequences with the eyes of terrorists, one can conclude that the energy infrastructures may be perfect targets.

However, is it that simple to attack the whole energy infrastructure or some fragments of it? Would they all bring the intended results? And, could terrorists ensure intimidation of people by doing so?

I am not sure of this …

Yes, it is widely accepted that certain vulnerabilities exist at *both* the source of the energy and at the delivery means. But, in energy management all infrastructures are backed up by redundant systems, and huge stocks reinforce the oil and gas markets. Thus, terrorists could not cause a supply shortage impacting on the public consumption, yet their eventual target is the public. There seems to be a mismatch between the terrorist objectives and their achievable end state.

On the other hand, an effective assault on huge infrastructure would be quite a difficult task for a terrorist planner, since sites are well protected within the provisions of homeland security or by constabulary forces and private security firms.

The attacks could come in different forms such as blowing up pipelines, oil wells, and other oil infrastructures; attacking tankers; threatening the maritime routes through the "chokepoints"; blowing up the offices of oil companies and kidnapping or killing their personnel, etc.

Let us turn to an examination of what is seemingly the most vulnerable part of the energy substructure, which is the transportation, in order to have an idea of whether a considerable disruption of energy transfer is feasible.

Vulnerabilities of Oil Transportation with Regard to Terrorist Actions

55% of oil and 30% of gas produced is exported. About 2/3 of the traded oil is transported by sea with tankers, which is about 43 million barrels a day. While the oil tankers are the means for essential maritime transport, the pipelines are the choice for moderate-scale oil movements. Therefore, SLOCs (Sea Lines of

Communication), through which these oil and gas tankers transit, have great significance.

Possibilities of Clogging Chokepoints

There are a number of major routes for oil transportation and chokepoints. Some tend to think that these chokepoints are vulnerable to terrorist actions that disrupt energy flow.

Are Chokepoints Really Vulnerable?

One matter to bear in mind is that many major waterways are deep enough for sunken vessels to pose no problem.

Take, for instance, the Strait of Hormuz, which leads out of the Persian Gulf. Through it transit between 16.5-17 million barrels per day (bb/d) oil,[28] which is roughly 20% of the world's daily oil production, making it the most important chokepoint.

Some put forward that sinking some of those ships through deliberate collisions, sea-mines or torpedoes could create hundreds of billions of dollars costs from would-be disruption and delay. [29]

Similar statements are made about the Strait of Malacca, through which transit 11.7 mb/d oil to major Asian markets.[30] 20% of the world trade moves through this narrow seaway in around 130 ships every day.

Nevertheless, contrary to this view, the navigational features of these two straits make it almost impossible for them to be blocked by sunken ships and even by mining. The narrowest point in the Hormuz and the Malacca Straits are 26 and 4.6 miles wide respectively. If a ship is sunken at these passages, other ships could easily navigate around and continue to pass through the strait. So, clogging the transit would be quite a difficult task for any terrorist group.

Other chokepoints also have comparable characteristics. Nevertheless, the consequence of an attack would be to create fear among shipping agencies, ultimately affecting market price of oil.

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[28] *"World Oil Transit Chokepoints",* November 2005, www.eia.doe.gov.
[29] *"Strategic Warning Issues review (SWIR)",* http: www.strategypage.com/htmw/htterr/articles/20060515.aspx;
[30] *"World Oil Transit Chokepoints",* November 2005, www.eia.doe.gov.

One significant concern is that terrorists could use oil or gas tankers as floating boats to crash into ports or to sink other ships. But an analysis of these scenarios shows that the crude oil itself is difficult to ignite and the natural gas, in its liquid state, is not explosive. Liquefied gas is shipped via refrigerated tankers and once in the open air, it quickly evaporates and forms a highly combustible visible cloud. So, the potential damage would be limited somewhat to the tanker's location and it seems not that easy for any terrorists to blow up a "sea-jacked" oil or gas tanker at sea as the conclusion such an analysis would show.[31]

Having mentioned the depth and navigational width of the waterways, and the capabilities of terrorists, I come to the conclusion that closing critical maritime routes and world chokepoints associated with them by some limited or improvised terrorist "means" is far beyond the reach of terrorist groups.

Security of Other Energy Infrastructure

Other elements of energy infrastructure may be more susceptible targets for a group of determined terrorists.

Numbers of such elements can reach into the thousands, constituting a very complex system like a neural network.

For example, in Saudi Arabia alone there are 16,000 km of pipelines. Russia has over 45,000 km, and Iraq has around 6,000 km. Other elements of the infrastructure could be listed.[32]

Without any prejudice, we can easily say that in one way or another these infrastructures have to be protected. This is because the production and distribution assets of energy resources are the critical energy elements in security, political and commercial terms.

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[31] One analysis I looked at concludes: "The threat posed by maritime terrorism lies not only in an assessment of the capabilities and motivations of the terrorist groups themselves, but also in an understanding of the maritime environment, shipping practices, the vulnerabilities of the commercial shipping industry and the response capabilities of those agencies tasked with safeguarding the region's shipping lanes." 'Maritime Threat', http://jamestown.org-04 Apr 2004.

[32] In Europe, railroad, motor carrier and pipelines mainly transport the domestic petroleum products. (*"What role for the Alliance in oil security?"*, NATO Defense College Publication, prepared by Course 107, Committee 2.) In the United States, Critical Energy Infrastructures include 104 commercial nuclear power plants, 2,800 power plants, 300,000 oil and natural gas producing sites, 1,400 gas product terminals, and so on. There are 160,000 miles of crude oil transport, 2 million miles of pipelines, 80,000 dams, 170,000 water systems and there are more than 50,000 oil wells, 148 refineries and 400 offshore platforms. NATO itself has 9 separate military storage and pipeline systems, which run around 11,500 km through 12 nations. (Alex P. Schmid, "*Terrorism & Energy Security—Targetting Oil and Other Energy Sources and Infrastructure*," MIPT Insight.)

The pipelines, for example, carry most of the gas, and 1/3 of the oil traded worldwide.

They are vulnerable to terrorist attacks, since they stretch over long distances. In fact, there have been over 600 attacks on pipelines since 2003 in Iraq. We should accept the exceptional conditions there. However, there have also been some incidents in sovereign territories as well.

For instance in Nigeria, the MEND organization forced a 25% decrease in oil production through sabotages.[33]

In Abqaiq (Baqiq), Saudi Arabia, in February 2006, two explosives-loaded vehicles attempted to penetrate the world's largest oil processing facility. Although no damage was caused, an immediate increase of $2 per barrel in the oil price was observed in the aftermath.[34]

Nevertheless, an analysis of 54 Jihadi attacks in 19 countries between 1998 and 2006 showed that attacks on the oil industry came only fifth in rank.[35] This could support the view that threatening the energy resources may not be seen as a primary area for international terrorism.

Besides, oil infrastructure could even be a hard target for terrorists.

For instance, gas and oil pipelines are embedded in the soil where possible. They are mostly remote from the public, and thus attract less attention from terrorists, who are seeking a media impact and public horror. Moreover, pipelines are remotely monitored and permanently kept under surveillance. They are protected in case of emergencies with cut off and shut off valves. Sophisticated techniques are being installed to control pipelines better, such as tectonic sensors and employment of UAVs for effective surveillance of their immediate vicinity.

Although the risk seems to be low, possibilities always exist.

Then What Can Be Done Collectively to Limit the Effect of Terrorism On Energy Security and Infrastructure?

Numerous international initiatives to fight against terrorism have made indirect

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[33] Alex P. Schmid, "*Terrorism and Energy Security—Targetting Oil and Other Energy Sources and Infrastructure*," MIPT Insight.
[34] *Ibid.*
[35] *Ibid.*

contributions to energy security. The UN conventions, protocols and Security Council Resolutions (UNSCR)[36] are among them.

IMO

As the world's oil is transported essentially at sea, the International Maritime Organization (IMO), to give but one example of an international organization, adopted the ISPS[37] and SOLAS[38] amendments requiring shipping companies to take new security measures against threats which include long-range identification and tracking of ships against sea-jacking by terrorists.

NATO

On the other hand, NATO demonstrated specific interest in energy security at the Riga Summit in 2006. NATO declared its support for international efforts to assess risks to energy infrastructures and to promote energy infrastructure security. The allies initiated studies to identify the areas NATO may add value to safeguard their security interests.

The first results of NATO studies might appear at the Bucharest Summit on 2-4 April. I have the feeling that those NATO efforts could cover partly the areas of "exchange of intelligence on terrorists", supporting consequence management if a terrorist attack occurs, supporting protection of critical infrastructure and certainly also promoting regional and international co-operation within this area.

Among all the initiatives, NATO could be the only platform studying the physical security of the infrastructure and delivery systems. However, NATO attempts can only be sure of helping a member state when the security requirements are beyond that member's national capabilities, because the underlying principle

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[36] The UN has negotiated 16 conventions and protocols against terrorism since 1963. By now there are numerous conventions and protocols adopted in that context. In The Millennium Declaration of 2000, the UN articulated the fundamental values essential to international relations, which leave no room for accommodating violent actions to resolve any kind of differences among parties, and resolved to take concerted action against international terrorism. The UN Security Council adopted UNSCR 1368 (2001). Subsequently, in UNSCR 1373, it has taken anti-terrorism measures (including denying safe haven, preventing movement of terrorists and freezing funds and other assets); this was further continued in the UN with UNSCRs 1377 and 1566, the declaration on the global effort to combat terrorism and additional measures preventing terrorists (their entry into or transit through the States' territories, also preventing the supply, sale or transfer to those individuals of all kinds of material, logistics and weapons and ammunition). The UN also called upon all states to cooperate fully in the fight against terrorism irrespective of the motivation, whenever and by whoever committed.
[37] ISPS: The International Code for the Security of Ships and Port Facilities.
[38] SOLAS: International Convention for the Safety of Life at Sea, like the ISPS effective on July 1, 2004.

is that it is the nation's responsibility to protect its own energy resources and infrastructure, and the involvement of any international organization can only take place in ungoverned areas or international waters.

What Could the Military Offer in Safeguarding Energy Security?

Regardless of the interests or the capabilities of terrorists, the inherent capabilities of the military can certainly contribute significantly in safeguarding energy security efforts. The space-based, airborne, maritime, and ground surveillance assets could provide the situational awareness of developments along the energy transportation routes, along the pipelines or at the energy production sites. Coupling this with intelligence fusion and sharing capability could provide an efficient alert system for the energy producers.

Rapid reaction capabilities could contribute to preventing any potential terrorist attack. They could also be used for mitigating the consequences of an attack with fire fighting units, CBRN teams, medical units, etc. We could easily add to this list of services the military could offer for securing energy lines.

But is this appropriate?

To what extent would this additional responsibility require compromising the primary role of the military, which is providing deterrence and defending the country? Are there no assets available from civilian, police or commercial sections of our government structures such that there is a need to employ military capabilities for the physical security of whole energy systems?

I believe we should address these questions before drawing a reasoned conclusion.

First and foremost, civil workforces have been providing the necessary security for all assets of energy subsystems for long time.

If those assets are located over the territory of a state with good governance, they enjoy a general protection through the state's police forces. Police provide law and order in all residential areas, and special units provide the same in rural areas, and the coastguard or maritime police guards the national straits and coastal waters. In the meantime, the military continues to fight with terrorism in a broader context, thereby indirectly contributing to the physical protection of energy assets.

However, international waters, ungoverned spaces or unstable regions and territories of failed states might require a different approach. Since these areas are usually non-governed, hence not properly managed, instabilities there could render outsider assistance necessary. Under these circumstances the use of the military could be considered justified. However, I am not referring to a global police role for armies, which would go far beyond their capabilities.

It seems neither possible nor necessary to patrol all these routes, due to both the vastness of the area involved and the nature of terrorists capabilities and intentions, as discussed before.

Conclusions

To conclude, all energy production is supplied to a sole global market, and shortages could worsen the security paradigm of energy, which could also be affected by terrorist actions or by other, economical reasons.

Although vulnerabilities exist in the energy system, the threat posed by terrorist attacks to energy infrastructure could well be challenged.

Inter alia, the capabilities and the knowledge of terrorists to conduct such coordinated attacks, their modus operandi and potential gains from such attacks are quite limited and unlikely to succeed.

General protection provided by sovereign states for their indigenous energy infrastructure leaves less room to outsiders' interventions.

Energy companies' long proved efforts for physical protection are worth considering.

The geographical, physical and bathymetric conditions of maritime energy routes lessen the vulnerabilities of chokepoints.

In short, there are many elements for deeper discussions and all suggest the need for a cautious approach to the issue.

From a legal perspective, the security of energy infrastructure appears to be an internal business in sovereign countries and should normally be dealt with by commercial forces. If this does not suffice, law enforcement units could complement them.

Therefore, the likely involvement of international organizations in securing

energy infrastructures could only be limited to the cases where the capacity of a sovereign state is overwhelmed by terrorist actions. Even then, their involvement is only possible by a host nation invitation.

However, the matter becomes complex when one thinks of those responsibilities in non-governed territories. In these cases the physical security of the infrastructure and delivery systems could require the involvement of foreign security forces.

Additionally, one should not rule out the potential contribution of the military in those incidents which might take place in high threat environments, i.e. in crises, zones of instability, or conflicts.

However, in my opinion, the military role in energy security is no more or no less than its role in protecting the territory, people and national assets of their country.

At the end of the day we can all agree that to eliminate terrorist organizations and their activities is a must, whether or not they are linked with energy security. Success in fighting against terrorism indirectly contributes to the physical security of the energy infrastructure as well.

This concludes my presentation and I thank you for your attention.

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FIFTH SESSION SESSION

QUESTIONS AND ANSWERS

Before opening the floor I'd like to benefit from the privilege of being the chair and ask a few question to the speakers.

Q: First of all, I have a question for Doctor NAPOLEONI. Dr. NAPOLEONI did not mention the PLO in her oral presentation. However in my file there is a paper written by her and in the paper there are actually certain explanations and remarks related to the financial aspects of terrorism and the PLO. However, those who read that paper would probably have doubts about the nature of the PLO, and whether it is a terror organization or not. I think the reason for the probable doubts is that the PLO is recognized by Israel as the representative of the Palestinian people, and also recognized by the US, and it has observer status in the organs of the UN. So the PLO has a quite high degree of legitimacy, actually. Probably, mentioning the PLO was for the purpose of better comprehension of the paper on the financial aspects of terrorism, but probably Dr. NAPOLEONI will have a better clarification about that.

The second question again to Dr. NAPOLEONI, and Professor SHELLEY.

About the PKK, actually the PKK and the financial resources of the PKK, especially in Western Europe. How come that no adequate measures can be taken by the European allies against the PKK? Where is the difficulty? And, can this difficult be overcome?

Another question is about cooperation, probably related to the PKK question, and the cooperation between transnational organizations and governments. We know even from yesterday's and today's presentations that it is difficult for

governments even to cooperate with other governments. How can transnational organizations, the banks and NGOs, enter into cooperation with governments? I imagine that there must be some difficulties, and what are the ways for getting over these difficulties?

I have a question to Admiral Deniz KUTLUK about security measures taken to protect gas and oil pipelines, because, as I understand from your presentation, the pipelines are very much exposed to terrorist attacks. Could you give us some information about the protective measures for gas and oil pipelines.

Q: *Thank you, Mr. Chairman. Good afternoon. I'm Ion Stanciu of the General Staff of Romania. And have a question for Ms. NAPOLEONI. First of all, thank you very much for your interesting presentation. I ask firstly for a very very short comment on the hawala system. And the question is: Which are, in your opinion, the steps which must to be taken in the future by international, multinational, and national organizations in order to control or to reduce or to stop the access of terrorist organizations to the money coming from hawalas? Thank you very much.*

Q: *Assoc. Prof. Çınar ÖZEN from Gazi University. I read in a European Commission report that an American tobacco giant was involved in a tobacco-counterfeiting affair in Northern Iraq in cooperation and collaboration with the PKK. This is something new. I think multinational corporations as well can sometimes get involved in organized crime in cooperation or in collaboration with terrorist organizations. In that case what kinds of law, and what kinds of international frameworks, can function to impede these kinds of criminal activities?*

Q: *So, brilliant speeches. I'm very glad to say that my question will be for Dr. SHELLEY. Being a brigade commander, I'm an assistant EUFOR brigade commander, dealing with peace-keeping missions. I was, let's say, surprised by a new mission which could be for the military: Controlling the crime problem before military intervention. My opinion is that this kind of mission could be not only challenging but could be every distorting the meaning of the military being used for peacekeeping missions. Would you like to elaborate more on this kind of mission? Thank you.*

A (Dr. NAPOLEONI): Right. The PLO. In my paper I was talking about the second stage of the development of the economic system created by the armed organizations, which is the privatization of terrorism. Now that took place in the mid to late 1970s, and this was when the armed organizations managed to gain

independence from their sponsors. So they set up their own system of self-funding, and in that paper I talked about the PLO, I talked about the IRA, and ETA, and so on and so forth. The PLO is particularly important because, when the PLO was based in Lebanon, it managed to create its own economy. An economy that progressively destroyed the economy of Lebanon, so it assimilated to the economy in Lebanon. In fact, I talked specifically of a state shell. A state shell is a state that does not have a national identity because it is not recognized as a real state. However, it has the infrastructure, the economic infrastructure, of the state. This is essentially what the PLO did when it was in Lebanon. I was not referring to the PLO today, which is a completely different reality. However, the concept of a state shell is very important, because we do see today the proliferation of these prototypes of state in many parts of the world. The territory which is controlled by the FARC in Colombia is a state shell. The same thing goes for areas in Afghanistan controlled by warlords. The same thing happens in Congo. So it is a sort of entity which does not have a political legitimation, however it acts as a state, and people who are inside this state are trapped. They have to be part of the economy of the organization which controls the territory, and this economy is based on activities which are criminal or terrorist, as in the case with the FARC and its links to the narco-traffickers, and it is also based upon the maintenance of the armed struggle. That was the reference to the PLO.

As for the PKK and the measures taken by the European allies, well, this goes back to what is the difference between a freedom fighter and the terrorist. It depends on the point of view. I mean, the European Union, so far, it's not taken the necessary steps. And I'm sorry about that. If we look at the situation in Kosovo, of course, you all know that we had the Kosovo Liberation Army which was introduced into the State Department terrorist list and taken out twice, depending on the changes of policy. That's tragic, I think, and this is why a definition of terrorism is needed. Then we go on to the relations between the governments and transnational banks. There is no willingness to get to a state whereby we have an international organization which supervises what is really happening between international banks, governments, and organizations which are fighting against terrorism. And the reason why there is no willingness is because that would imply a certain type of control on international finance, which is not going to be accepted by international financial institutions and organizations. Modern financial capitalism needs the maximum degree of freedom and this is the price

we are paying, basically. I mean, at the Club de Madrid, at the conference in 2005, we actually put down a proposal for an organization which was a part of the UN which was going to have exactly this task: to supervise the relationship between all these organizations and to track the money. That proposal still today has not been answered by the states. Then, finally, the hawala system. That is a very very good question because the hawala system, as you all know, is a system which was created during the time when the European and the Arab traders used to travel to the Far East. They were afraid to carry money so they carried a sort of promissory notes which then were exchanged at the end of their journey. It's a system which is widespread in Asia and the Muslim World. And it is a system which is actually quite good. Because many people think about Somalia that there is no banking system in Somalia. Somali immigrates in the United States actually send money to their families through the hawala system. Without the system, you couldn't basically do anything now. The hawala system, for sure, has been penetrated by Islamic extremist financiers. So have the Western economic system and the Islamic banking system. But, what is interesting about the hawala is that it is not under the jurisdiction of any monetary authority. Because it is a voluntary trust. You trust the individual to whom you go and give your money, and that individual has a correspondent individual somewhere else who will give money to the person to whom you want to send money. There is no way that we can control it. But one thing I want to say is that, when in the UK the Bank of England started introducing very tough restrictions on foreign banks in transferring money outside the UK, I had a conversation with several Turkish banks who used to transfer the money of people who had small businesses, like a restaurant, for example, or a food shop, and these people every day would go to bank bringing mostly cash and use the bank to transfer the money back into Turkey. Now, those people were forced to use hawala after the introduction of that tough legislation because they couldn't prove all that cash, every single penny of their cash, had been actually earned legally. So the Turkish banks came to me and they said what were they supposed to do, and I said there is nothing we can do. You see, I mean, this is the problem. We need legislation, we need measures, which are globally applied, which take into consideration the consequences of what we are doing, because sometimes by introducing one piece of legislation we may actually be doing more damage.

A (Dr. SHELLEY): I was asked three very complex questions and I'll try to answer them as briefly as possible but they deserve a lot more attention. The first was on

the question of the PKK and Western Europe. I think that there was a comment made yesterday by somebody from Austria, I believe, about the extortion that is applied against members of the Turkish community there and the failure to engage law enforcement. I think there is also a problem not just of extortion but of drug trafficking into Western Europe that supports the PKK, and this is quite large-scale. But I think there is a failure by many law enforcers in Western Europe to understand who these crime organizations are that are behind the drug trafficking. They don't have Turkish speakers. They do not understand much about this part of the world. And they don't understand that there is a crime-terror axis in this. I think that requires much more engagement, much more cooperation, and I think it needs conferences which people sit in and talk about what these problems are and raise awareness. Because, otherwise—I was just at a very very high level conference in Britain about six weeks ago with some of the top people of law enforcement. What they were describing to me, I was sure, was some part of the PKK organizations in Britain that are trafficking drugs. But they just talked about this as being some Turkish crime problem. I think this in some part needs mutual engagement, and with that an understanding can come, and some effort to target this phenomenon, which the Europeans may work to their benefit, to understand what is happening in their society as well, because it has enormous consequences for them. Dr. NAPOLEONI has talked a lot about the financial side and banks cooperating with governments. There are lots of reports of banks filing suspicious transactions up to the government, but not enough government analysis of the suspicious transactions, which is why there are so few people who have actually had terrorist funding frozen. It is an enormous burden on the banking sector but there is not enough analysis by the government of this information that they have. The third question, which was on peacekeeping. I am not suggesting that one deal with the crime problem. Before intervention as peace-keepers, people have checklists of what they need to do when they intervene, and when they arrive. But what I am suggesting is that crime be part of this checklist. What are you doing about your peace-keepers' involvement in markets that may be supporting terrorism? What are you thinking about your role in stopping the drug trade that may be supporting terrorism? This is not a peripheral issue. It needs to be moved to a more central part of your understanding in your planning prior to an intervention and needs to be monitored during the period of intervention.

A (RADM. KUTLUK): Much shorter than that, let me tell you. Of course the public perception is somewhat different—what are we to do with these pipelines used to carry one third of the oil and gas? Whereas, from the terrorist perspective, if you look at the target analysis, it is quite a hard target because they are rural, because they are in soil, in many respects. You have to dig, you have to get there, you have to put explosives, then you will be caught because when it explodes then there will be pressure lost and the pressure system will come into service and will identify your location. Then they will launch their air assets and understand where you are. The protection forces of those pipelines will attack the terrorists. This is my first reaction. The second one is that this oil and gas area is quite a lucrative area. They make quite good profits out of it. For instance, when you look at Exxon Mobil's profits of last year it exceeds 40 billion dollars, only for a single company. Imagine a position in which a company could not make provision for the security of its work! It doesn't work like this. They can launch huge investments to this area. They monitor the service from the air, therefore, and they try to identify those attacks that are imminent around their facilities. If an attack happens it wouldn't require more than one or two days to repair it anyhow. Therefore it's quite safe. Thank you.

Yes probably I should give you just one minute.

A (Dr. SHELLEY): I was asked also, I forgot to answer the question, on the corporate involvement in cigarette smuggling. There has been the very effective action by the European Anti-Fraud Commission of fining over one billion dollars one of the multinational corporations that had been involved. There have been extensive fines, and hurting of public reputations. One of the ways we address this issue in the corporate world is for a collective action through financial fines and reputation issues that will make the corporation invest in policing of itself and of its commodities.

SIXTH SESSION

AREAS OF COOPERATION IN THE INTERNATIONAL FIGHT AGAINST TERRORISM-II

Co-Chairman : (R) MG. Mihail IONESCU
Rapporteur   : Dr. Burak TANGÖR

SPEAKERS
Dr. Gabriele KRAATZ-WADSACK
Assoc. Prof. Motohiro TSUCHIYA

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MEASURES AGAINST THE THREAT OF WMD TERRORISM

Dr. Gabriele KRAATZ-WADSACK (GERMANY)[1]

The task of preventing WMD terrorism is clearly one of the most challenging undertakings facing all countries—yet it is also a burden that no one country can bear entirely alone. A network of mutually reinforcing global norms and innovative approaches is needed to deal with the global threat. The threat of criminal acts involving nuclear, chemical, radioactive or biological and toxin materials has grown since the last decade. The use of such weapons or materials as weapons by terrorists could have devastating consequences, resulting in many casualties and causing panic and instability in society. In 1995, the Aum Shinrikyo cult released sarin, a deadly chemical nerve agent in the Tokyo subway, which killed twelve people and affected over 5000. In 2001, biological agents, namely anthrax spores, were disseminated in letters in the United States and killed five people and affected mail and postal services not only in the United States but worldwide. Most recently there were multiple terrorist bombings using chlorine gas in Iraq, which wounded or sickened hundreds of people.

The United Nations has a key role to play in combating terrorism, by using and strengthening its substantial capacity to work with governments, other

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international organizations, and civil society—each using their comparative advantage to supplement the others' efforts. The Secretary-General has spoken repeatedly about the need for enhanced international cooperation against all types of terrorism. The UN has a specific mandate "to take effective collective measures for the prevention and removal of threats to peace". Its mandate derives from several multilateral treaties, countless General Assembly and Security Council resolutions, and the UN Charter, which identifies the maintenance of international peace and security as the first official purpose of the United Nations, and twice refers to the advancement of "disarmament" as a UN goal. The Charter also states that the UN is "to be a centre for harmonizing the actions of nations" to achieve their common ends. The UN also seeks to strengthen the "rule of law", which involves promoting universal membership in key multilateral treaties and encouraging a high standard of compliance. Efforts against WMD at the UN can only succeed, however, with the full cooperation of its Member States and strong support from civil society. The United Nations' universal membership also gives it an indispensable role in the debate and deliberation of global norms, including those relating to our subject today.

In 1999, the Security Council established a Sanctions Regime[2] which covers individuals and entities associated with Al-Qaeda, Osama bin Laden and/or the Taliban. In 2001 a mechanism to monitor the implementation of these measures and a monitoring group in New York were established.[3]

The Security Council adopted further wide-ranging anti-terrorism resolutions in 2001, such as its resolution 1373,[4] which obligates all Member States, under chapter VII of the Charter of the United Nations, to take specific actions to combat terrorism toward the prevention and suppression of financing of terrorism, as well as the criminalization of the wilful provision or collection of funds for such acts. The Security Council established a Committee to monitor States' implementation of this resolution. With the adoption of Security Council resolution 1535,[5] which established the Counter-Terrorism Committee Executive Directorate (CTED), the Committee expanded its activities to include visits to Member States.

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[2] S/RES/1267 (1999).
[3] S/RES/1363 (2001).
[4] S/RES/1373 (2001).
[5] S/RES/1535 (2004).

Since 11 September 2001, all export control regimes have acted to address the issue of terrorism. For example, the Australia Group,[6] which is an informal forum of countries which, through the harmonization of export controls, seeks to ensure that exports do not contribute to the development of chemical or biological weapons, has declared counter-terrorism as an official purpose of the regime and added a number of items to its control list in an effort to control the types of items that terrorists, rather than States, would seek in order to develop chemical or biological weapons. These items include toxins, biological equipment, and the transfer of information and knowledge that could be used for chemical and biological weapons purposes. In addition, in June 2002, the Australia Group adopted a provision in its new guidelines for licensing sensitive chemical and biological items that made it the only regime to require its members to adopt "catch-all" controls. "Catch-all" controls authorize a government to require an export license for items that are not on control lists but that could contribute to a WMD proliferation programme if exported. However, export control regimes are not universal and the degree to which norms in trading are being observed varies widely around the world.

In 2002, the General Assembly adopted a resolution on "Measures to prevent terrorists from acquiring weapons of mass destruction"[7] where the Secretary-General is requested to compile a report on measures already taken by international organizations on issues relating to the linkage between the fight against terrorism and the proliferation of weapons of mass destruction and to seek the views of Member States on additional relevant measures for tackling the global threat posed by the acquisition by terrorists of weapons of mass destruction.

In 2004, the Secretary-General's Panel on Threats, Challenges and Change noted that terrorism attacks the values that lie at heart of the Charter of the United Nations: respect for human rights; the rule of law; tolerance among peoples and nations; and the peaceful resolution of conflict.

Also in 2004, the United Nations Security Council recognized the potential threat of the acquisition of nuclear, chemical and biological weapons and related materials, as well as their delivery systems by non-State actors and mandated in its

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[6] www.australiagroup.net.
[7] UNGA A/RES/57/83 (2002).

resolution 1540[8] that States be legally obliged to provide for necessary legislation to counter such threats. Pursuant to the requirements of the resolution, States shall adopt and enforce appropriate effective laws that prohibit that any non-State actor develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, as well as prohibiting attempts to engage in, participate in as an accomplice, assist or finance any of these activities. The resolution also includes illicit trafficking as a form of proliferation threat to international peace and security, widening the category of the potential non-State actors to include traffickers, brokers, technicians and scientists that have direct access to related materials. Resolution 1540 (2004) is the first United Nations Security Council resolution that is directed at non-State actors' potential use of weapons of mass destruction (WMD). The Security Council's 1540 Committee has continued to monitor the Resolution's implementation by gathering national reports and by issuing letters asking for clarification and additional information. With the full implementation of Security Council resolution 1540 it will achieve major goals in non-proliferation as it involves a number of coordinated approaches to prevent the proliferation of nuclear, chemical and biological weapons, their means of delivery and related materials for terrorist purposes.

World leaders at the 2005 World Summit condemned "terrorism in all its forms and manifestations, committed by whomever, wherever and for whatever purposes, as it constitutes one of the most serious threats to international peace and security."

In 2005, a General Assembly Resolution entitled "preventing the risk of radiological terrorism" was adopted[9] calling upon Member States to support international efforts to prevent the acquisition and use by terrorists of radioactive materials and sources.

In September 2006 the United Nations General Assembly adopted a Resolution entitled the "United Nations Global Counter Terrorism Strategy".[10] The adoption of this resolution marks the first time that Member States have agreed to a comprehensive and global strategic framework to counter terrorism. The "UN Global Counter Terrorism Strategy" in its Annex contains a "Plan of Action" which

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[8] S/RES/1540 (2004).
[9] A/RES/60/73 (2005).
[10] A/RES/60/288 (2006).

identifies a wide array of measures for Member States to strengthen their individual and collective capacity. Those measures range from practical means by which States can improve their individual and collective capacity to fight terrorism, to the prevention of terrorists from acquiring weapons of mass destruction. The plan of action is a global instrument that will enhance national, regional and international efforts to counter terrorism.

In order to support Member States in the implementation of the Plan of Action, the United Nations for its part strengthened and deepened its efforts through the Counter Terrorism Implementation Task Force, which currently brings together 23 entities of the UN system.

The International Weapons of Mass Destruction Commission, chaired by Hans Blix,[11] emphasized in its report published in 2006 that weapons of mass destruction pose significant and real threats to international peace and security. Terrorists look at weaknesses of States and explore possibilities to access materials for illicit purposes. Efforts to redress this through treaties and national implementation measures provide the most effective antidote against such exploitation. Only universal adherence to international/multilateral disarmament and non-proliferation agreements and full and effective implementation of their provisions by the States Parties can provide assurance of an effective prohibition of biological and chemical weapons, and contribute to the non-proliferation of weapons of mass destruction.

Multilateral arms control conventions are a part of the global response to counter effectively chemical and biological weapons proliferation. The global market for materials and equipment, the global availability of requisite know-how, the fact that dangerous pathogens do not carry flags marking their national origin, the irrelevance of national boundaries for containing the spread of disease—all these are just some of the reasons why purely unilateral, national initiatives cannot alone suffice in meeting the challenge of preventing WMD terrorism. There is a growing awareness that threats to health and living conditions can compromise a country's stability and security. Scientists, public health, legal, security and law enforcement experts from around the world have worked together to explore ways to improve coordination and cooperation to increase security, without limiting the

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[11] WMD Commission, Weapons of Terror, Freeing the World of Nuclear, Biological and Chemical Arms (2006).

research necessary for improving life, such as the development of medication and vaccines. Most recently, the Secretary-General of the United Nations by General Assembly resolution 60/288 was encouraged to launch a bio-forum to address the advances in life sciences, especially in biotechnology. The exponential growth of technological advances provides unprecedented opportunities to improve human life while it generates new potential threats. Advances in biological research in particular are providing new tools to fight disease, hunger and pollution, but the rapid expansion of biological research, and the increasing accessibility of technologies, could have the potential to cause severe harm. Private philanthropy has been increasingly taking action on these global issues. The main objective of such a "bio-forum initiative" would be to bring together the major biotechnology stakeholders, including industry, the scientific community, civil society and Governments, into a common programme aimed at ensuring that biotechnology advances are not used for terrorist or other criminal purposes but for the public good, that know-how can be protected from being exploited for malicious purposes, and a culture of awareness, responsibility and accountability among the scientific community can be built.

The entry into force on 7 July 2007 of the International Convention for the Suppression of Acts of Nuclear Terrorism[12] is another example of international action to counter terrorism using weapons of mass destruction. It is intended to protect against attacks on a range of targets, including nuclear power plants and reactors. It is also applicable to threats and attempts to commit such crimes. The Convention, which has been signed by 115 countries, promotes cooperation among countries through the sharing of information and the providing of assistance for investigations. "Nuclear terrorism is one of the most serious threats of our time", declared UN Secretary-General Ban Ki-moon in a statement calling upon all States to ratify or accede to this Convention without delay. "Even one such attack could inflict mass casualties and create immense suffering and unwanted change in the world forever. This prospect should compel all of us to act to prevent such a catastrophe."[13]

Other international organizations are also engaged in activities to counter the proliferation of dual-use goods and weapons related materials. In addition

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[12] On 14 September 2005, the Convention was opened for signature by the Secretary-General in his capacity as Depositary at United Nations Headquarters in New York.
[13] UN Secretary-General on 13 June 2007, United Nations, New York.

to its safeguards activities, the International Atomic Energy Agency (IAEA) also undertakes to assist states in improving physical protection controls over nuclear materials, while the Organization for the Prohibition of Chemical Weapons (OPCW) has the unique advantage of possessing an intrusive system of verification to confirm compliance with a fundamental norm of non-possession. Collectively, these actions testify to the depth of worldwide support for extending and strengthening the rule of law against the production or use of deadly weapons.

All these international actions reflect and reinforce concerns about chemical, biological, radiological and nuclear weapons, their delivery means and related materials.

The tasks of reducing the risk of WMD terrorism requires initiatives at all levels of international society, including national policies, bilateral and plurilateral agreements, regional arrangements, and fully multilateral undertakings. With clear mandates from multilateral treaties, General Assembly and Security Council resolutions, and the Charter, the United Nations will continue to assist its Member States in seeking the elimination of WMD, and in minimizing future proliferation and terrorist risks involving such weapons. This work will also require close engagement with civil society. The United Nations will continue to attach high priority to the goals of eliminating WMD. The danger that terrorists may one day acquire such weapons only underscores the urgency of new efforts to hasten their elimination everywhere, while strengthening non-proliferation controls and expanding international cooperation against any future terrorist acquisition of weapons of mass destruction.

In conclusion, the prohibition, non-proliferation, prevention of terrorist use, and disarmament of unconventional weapons require a multidisciplinary effort. Science and technology play a vital role in this effort for security and protection and to keep verification measures up to date. A web of interaction is needed and must involve networks of scientists, policy makers, industry, civil society and the public at large. These efforts can substantially reduce—but never entirely eliminate—this risk, yet that is itself a worthy goal. International peace and security for generations to come will depend on the success of this collaboration.

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DEFENCE AGAINST CYBER TERRORISM

Motohiro TSUCHIYA (JAPAN)[1]

The topic I will be speaking about today is "Defence against Cyber Terrorism". Although it is not a well known fact, the term "information society" was originally coined by Yoneji Masuda, a futurologist from Japan. When Masuda first used the term nearly 20 years ago, the Internet had not yet spread to the general public, though at present, one billion users around the world use the Internet. It can be concluded that his vision is in the process of being realized.

However, the Internet itself is merely a technology. The Internet is based on the belief that humans are intrinsically good, and that belief leaves the potential for abuse. Computer viruses and junk email are such examples.

Though the term "cyber terrorism" has become widely used, the range of meanings attributed to it is extensive. In order to differentiate between various similar concepts, try imagining a two dimensional plane separated into four quadrants by two axes, one vertical and one horizontal. The horizontal axis signifies the intent

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of the user, ranging from "good" to "malicious". The vertical axis signifies the number of users in question, which ranges from "individual" to "group". The four categories created in this method show four different entities.

Entities in the first category are individual users that possess good intentions. The users of this sector are mistakenly called "hackers". The term "hacker" originally meant an individual with considerable computer knowledge, and did not signify malicious intent. In modern language, they may also be called "geeks". A geek is defined as "a peculiar or otherwise odd person, especially one who is perceived to be overly intellectual".

Net culture, which is developed by geeks, is quite different from government culture. One of famous geeks, Prof. Dave Clark of MIT (Massachusetts, Institute of Technology) in the U.S., once said, "We reject kings, presidents, and voting. We believe in rough consensus and running code." Rough consensus means that they keep on discussing issues until almost all of the members agree, even it takes several years. And running codes implies that they try to be as practical as possible. They don't accept abstract idealism and unworkable codes. It might be difficult for government agencies to work with geeks. However, these geeks are increasingly controlling our social systems.

The second category entities are groups with good intentions. They are known as netizens, which is a combination of the words "net" and "citizen", or alternatively as "smart mobs". These users utilize technology and knowledge shared over a network to achieve group objectives.

The problem consists of users with malicious intent. Groups of users that possess malicious intentions can be dubbed "cyber warriors". They may be sponsored by governments or non-government entities. Either way, they are users who abuse network technology in order to achieve organizational goals.

Lastly, there are individual users with malicious intentions. These users were once known as "crackers" rather than "hackers". However, users who conduct destructive activities with political motivations rather than mere personal enjoyment can be labeled "cyber terrorists". It should be assumed that in general usage, the term "cyber terrorist" includes "cyber warriors" as well.

Activities conducted by users with malicious intent can be divided into two categories depending on their content. Researchers John Arquilla and David

Ronfeldt of the US based Rand Corporation differentiate between the terms "netwar" and "cyberwar". Netwars consist of societal-level ideational conflicts, and take place between both countries and societies. Their aim is to disrupt, damage, or modify what a target population "knows", by the targeting of public or elite opinion, or both. Simply stated, the objective of netwar is to mess with people's heads.

In contrast, cyberwar is the conducting of military operations according to information-related principles. Put frankly, it consists of the physical disruption of information and communications systems.

In order to clarify the difference of meanings between netwar and cyberwar, I would like to call the former "head war", because netwar is trying to modify something in your head. In contrast, the latter could be called "body war", as cyber war means physical damage.

To sum up what has been said so far, the concept of cyber terrorism can be broken down into multiple categories based on the subject being a group or an individual, and the target being mental or physical.

The more our social system becomes dependent on computers, the more vulnerable our society becomes to attack by cyber terrorists. The problem is, computers and networks remain "black boxes" to many of us. It is becoming increasingly difficult to understand the inner workings.

As a result, the danger exists that we may not even know that an attack is taking place. Attacks such as the demolition of a dam via remote control over a network are obvious to anyone. On the other hand, if a computer database is covertly accessed with the objective of modifying its records in order to wreck havoc, it is quite likely that the time and perpetrator of the attack may go unknown. This is the reason that cyber terrorism has become a difficult concept that evokes unease.

Though at first it may appear contradictory, technology regarding the Internet is widely shared, and possesses the characteristic of being exploitable by anyone if so desired. Though it remains a black box to the uninitiated, it may in fact appear easy to the trained eye. The Internet is also a gigantic copying machine, and such technology spreads rapidly. In addition, the methods of distribution are varied, and the possibility of all variations being traced is highly unlikely.

However, it is not enough to stir up danger. The Internet leaves more information as a paper trail than many assume. For example, when you access the Internet, your computer's IP address is recorded at various intervals. An IP address is not static, and differs depending on both time and location, but it is not impossible to identify an individual user by combining various records.

I would like to show the data recorded by software placed on my homepage. It is information regarding users who have visited my homepage. By analyzing this data, it is possible to find out specific information such as from what page they arrived, from which country and by way of which ISP they connected, the operating system and browser they used, and what keyword search brought them to my site.

By analyzing this IP address even further, information regarding the user can be brought to light. If the ISP can be determined, information of that ISP can be obtained through a public server known as "WHOIS".

On a similar note, the emails we send on an everyday basis contain more information than what we intend to transmit. For example, information such as the operating system, the name and version of email software, and the email server used in sending the email in question. It is often said that a user can act anonymously on the Internet, but complete anonymity is impossible, and it is safe to assume that terrorists also leave various footprints.

Of course, it is possible to fake and fabricate such footprints. A layman may not be able to see past such lies, but if the pursuers are professionals, it is not outside the realm of possibility.

I mentioned before that the Internet was constructed based on the belief that users were intrinsically good, but efforts are under way to remake it based on the belief that they are inherently malicious. Countries such as my homeland of Japan, England, and others are currently undertaking the development and construction of Next Generation Networks, or NGN for short. The NGN is more of an evolution from the telephone than the Internet. In the age of the telephone, telephone companies maintained the entire network, which guaranteed both high quality and safety. However, the Internet utilizes a completely different architecture from that of the telephone, which resulted in the sacrifice of a certain degree of both quality and safety. An attempt is being made to merge the strengths of both types and create a safe and easily maintained network.

The NGN is a somewhat company-oriented network. Though there are concerns that it may impede the degree of innovation that resulted from the user-oriented development of the Internet, it will surely work in our favor in the fight against terrorism.

Another point to consider is the fact that terrorists don't necessarily utilize cutting-edge technology. The terrorists involved in the 9/11 attacks sent email using plain text without encryption. As long as their plot goes undiscovered before an attack, simple technology is enough to meet their needs. They can hide secret messages in ordinary-looking texts and graphics, or spread their message through video-sharing sites such as Youtube. What is most vital is how to differentiate what is harmful from what is not in an overflowing river of information.

Terrorists also set up many websites that tend to possess the following characteristics; they frequently change both their URLs and hosting services, have a tendency to disallow linkages in order to prevent their pages from being copied by search engines, and use methods such as cryptography and steganography to hide messages.

With that said, what can we do to defend against cyber terrorism? I would like to offer three observations.

Firstly, we must win at headwar. Terrorists not only attack physical targets, but also our minds. The human mind is intangible, but once damaged, may prove to be difficult to heal. In the long run, attacks against hearts and minds can be more destructive than physical targets. Psychological and sociological insight will prove vital in dealing with cyber terrorism. We must understand the intention and organization of terrorists to defend our society.

Secondly, we must connect the dots. Since terrorists utilize networks, our response must also be based on network principles. We must look for clues spread across the network, connect them, and understand their significance. Terrorists leave clues to their activities in many places.

Finally, we must involve "geeks". Without their knowledge and skill, it will be impossible to deal with cyber terrorism. Their culture differs vastly from that of government. We must accept the fact that involving resources from other cultures will be costly from an organizational point of view. However, we must realize that the failure to obtain resources that possess abilities that more than match those

of the terrorists will not only increase the vulnerability of government systems, but also that of social systems as well.

Data traffic that flows through electronic networks such as the Internet will continue at an ever-increasing rate. New breakthroughs in information communication technology now affect national security. Masuda, who coined the term "information society", predicted that with new information communication technology we would find new opportunities to fulfill our dreams and carry out thoughts. The same can be said for terrorists as well. Our society is becoming increasingly dependent on computer networks, and it is safe to say that there is no turning back. We must conceive defence policies that will guarantee that these new opportunities remain beneficial advancements for society.

The Internet is a global existence. Cyber attacks easily go beyond national borders. And they are already under way in secret ways. For defence against cyber terrorism, it goes without saying that we need global cooperation among governments, private businesses and civil societies. An example of such a multi-sector approach is the WSIS (World Summit on the Information Society) under the ITU (International Telecommunication Union) to combat global digital divide and to think of a better way of Internet governance. I understand that WSIS has several problems, but still I believe that its global approach is hopeful. Geeks might not be so friendly to governments, but it is desirable that they can easily communicate with each other on global issues, because they always care for the health of the Internet, which is connected globally. As I said earlier, new communication technologies could help malicious people. However, we should not give up using these wonderful technologies to make our lives better and make our global communication easier.

SIXTH SESSION

QUESTIONS AND ANSWERS

Q: Thank you. My name is Şebnem UDUM. I am with the Bilkent University International Relations department. My question is to Dr. KRAATZ-WADSACK. I am wondering if, in your department with the United Nations, you deal with the weapons of mass destruction as a whole. I mean with the WMD equal focus, nuclear, chemical and biological, or do you have a hierarchy of focus for them because of the convenience of acquisition and delivery due to their nature for convenience of terrorist use. Second, it is related to that what are the mechanisms to deal with the dual use nature of some chemical and biological agents whether there are those that you have developed. Thank you.

Q: I'm Kadir ERCAN, from Sabah newspaper. I have a question to Professor Motohiro Tsuchiya. As we all see, how to make bombs are taught to the terrorists via Internet. People with bad intentions could make bombs easily with these instructions and plan bomb-attacks against children and civilians. Can it not be banned?

Q: Thank you very much. Thank you to both Gabriel and Motohiro for excellent presentations. My name is Patricia LEWIS, and I was a speaker in an earlier session. Both of you referred in your presentations two aspects of science technology and engineering and I wondered if you share my concern, or if you could give your views on the lack of scientific and technical information in many of our leaderships around the world, where there are experts than knowledge. I have noticed that in many European countries and North American countries, for example, most of our leaders have backgrounds in law, history, international politics all of which are very important, very necessary. So few have science and engineering backgrounds. So I

wonder if this is a limiting factor in understanding of the significance, particularly the rate of change of science. I wonder how many of them can much understand how the computer works and what we mean when we talk about genetic modification and so on. Would you think that it is significant? Thank you.

A (Dr. KRAATZ-WADSACK): Thank you. I answered to the first question about the priorities of our mandate in the Office for Disarmament Affairs and just want to elaborate a little bit. We were renamed the Office for Disarmament Affairs in 2006, excuse me, in 2007. We have high representatives to promote disarmament. The member states have provided us with their priorities. The priority is nuclear disarmament. That's been the same from the first resolution of 1946 from the first committee calling for the–and I read this–"for elimination of national armaments of atomic weapons and all other major weapons adaptable to mass destruction." On the biological side, what I referred to in my presentation was to the participation of the counter-terrorism task force in issues related to biological matters which are not being dealt with under the Biological Weapons Convention, which has the member states gathering in Geneva twice a year. On chemical issues, you have an international organization of at chemical weapons organization for Prohibition of Chemical Weapons who deal with disarmament itself. So they have an operation where they verify and destroy and supervise the destruction of chemical weapons. So there are priorities. That's one thing. The dual use nature for chemical and biological weapons we have not elaborated on. We have not a department office as such on the dual use nature. We know, of course, how complicated the dual use nature of chemical and biological materials is, and we have seen a lot of reference has been made to other entities and export control regimes to define what that means. Dual use in this context is that it could be used for civilian and military purposes. And the problem is that in biology I would say that everything is dual use, besides a weapon. But everything can be used for civilian purposes. Because you can produce vaccines and then you could also produce a weapon. So, it's very complex issue. On Patricia's question, the aspects of science, technology and engineering are very important to broadcast, in fact, to everybody, to civil society, to leadership, to governments everywhere. Because it makes a difference if you speak the same language. In my case, I'm a microbiologist, I have always to think how my terminology being perceived. So I modify my terminology to make it not scientific. For the mass media and most of the people what that means is I say "it's food for microorganisms" although a scientist would just say "oh God,

you can not say this." But just to elaborate what it is; I think the terminology is very important and I think awareness. raising in this is also very important. And I think some activities are meant to do that. Thank you

A: (Dr. TSUCHIYA): Thank you very much for two great questions. They are connected closely, so I want to answer in one way. I want to answers two questions at the same time. There are no clear solution for these questions. These things are being discussed in Japan too. The Japanese government is now trying to introduce a censorship role concerning the intentions over the intent of the content. Because some minors, children are becoming the victims of cyber criminals. The parents and teachers want to stop them and they are trying to introduce censorship for the Internet. But people and online activists say it is against the free speech. In 1996 the same things happened in the US, so the United Congress tried to introduce CDA (the Communications Decency Act). So the Congress tried to stop the pornography on the Internet. But they couldn't make a law. A law was enacted but after that Supreme Court said it was illegal. So, it was struck down. There is an ongoing debate about how to regulate the Internet or whether we should not regulate Internet. So there are currently two models. One model is a China model. China is introducing very strong censorship. So you can not type in–I don't know how to say–an anti-governmental group in China. So if you use Google in China you can not search any anti-governmental information. And Middle Eastern countries are adopting Chinese model. This is one model. The second model is the Wikipedia model. So everybody can write anything. You can write how to make a bomb or how to kill people. But it's stupid. If someone thinks that it's stupid they can rewrite it. So rewrite everything. They are fighting over the Wikipedia. They are trying to make a better understanding, better information to everybody. So there are the two models. I'm thinking the second way. I want to think in my life about how can we maintain the health of Internet and how can we maintain the possibilities of new information technology. I am not sure. If you want a quick response effect you can adapt a Chinese model, but I think it's somehow boring and it's not attractive for me, but I'm not sure. So each government can decide about it. I mentioned SSIS, where the summit on information society, and they are discussing the issue very much. Some governments, China, Brazil and some Middle Eastern countries, try to adopt global regulation of the Internet. But some people in United States and Japan are against it. I do not know what the future will

hold, but this is an ongoing debate. I'm sorry I can't give you a clear solution, but we need the second way, the second model.

Q: I would kindly ask Professor Tscuhiya. I have the impression- hearing your paper- that in the new era the terrorists are acquiring a kind of edge, namely in comparison with the previous era. The facilities which are provided by the new web era are giving them more weapons to win asymmetric war, am I right or not? Do they have more capabilities now in the new era or, will the nation states adopt the necessary measures in order to tackle this, and will they for sure prevail from the very beginning of that? And I have also a question for you if you'd like. You have said that the July Convention has been signed by 115 countries. Are there any important countries missing in this list?

A (Dr. TSUCHIYA): I think governments are loosing a battle now, because, they can not include geeks in government agencies. So we are dependent on geeks. I think many geeks are around here, in this room but they are hiding at the back. They are helping us very much. Without them this conference wouldn't work. If they are employed by enemies they will be at an advantage. We have to include the geeks and we have to be friends with geeks. But sometimes it's very difficult for the government, which is a very hierarchical structure, so everybody must follow the instructions of the boss. But geeks sometimes do not understand torder, and they try to be very independent and they try to be very free so there are serious battles between net culture and government culture. Government must adopt new thinking on how to combat terrorism, and network principles.

Q: General Hilmi ÖZKÖK, retired. I congratulate especially you, Chairman and both of the speakers for their interesting speeches. I, as a retired chief of general staff, would like to ask a question to Motohiro Tsuchiya–pardon me If I mispronounced. He focused on Internet as cyber terrorism. According to him, Internet does not show major vulnerability since the terrorists also use Internet so they will give no virtual harm or little harm during the terrorist acts. However, we are, ever increasingly, getting dependant on the electronic means. For example, all the banks, armed forces use electronic material and all are vulnerable to cyber terrorism. For example, the soldiers used to take their helmets and weapons, but now they take their diskettes and computers in the case of alarm. On the other hand, we witness great technological developments against these systems. For example we see that some of the explosives spread very extensive electromagnetic

pulses. Therefore, if the terrorists get such kind of weapons and explode it near the central bank, the electromagnetic pulses from the bomb are said to disrupt the whole electronic system, unless the bank is not well-protected. Could you please say a few words about this issue?

A (Dr. TSUCHIYA): Thank you General. This is a good question. It is a very important aspect of the RMS revolution in military affairs and I've talked to military people in Japan who worry about the electromagnetic effect as you do. And this is a serious problem, actually. Information industry people realize that they are trying to convert technologies a little bit, because we are using compact cable or electromagnetic cable. Now they are trying to develop optic fiber everywhere, and optic fiber can not be affected by such kind of weapons. It is a problem with the computer and devices as you said. A computer is made by a semi-conductors. Semi-conductors need electricity. It's a big point, big critical point. We have to think about new ways to protect them. So the government is now trying to make a committee all over the world. The Japanese government is making a committee for that, and the US is doing its job. It will be a big issue some time from now, although maybe it isn't now a big issue. I was thinking about it. I have no clear solution for that. I am not a technologist, I am just a social scientist, but I will think about this. I hope we can discuss these things in the future with you all.

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THE CLOSING SPEECH OF GENERAL ERGIN SAYGUN, DEPUTY CHIEF OF GENERAL STAFF, IN THE SYMPOSIUM "GLOBAL TERRORISM AND INTERNATIONAL COOPERATION"

My honoured commander, esteemed guests,

In the first place, I would like to offer my gratitude to you for being so kind as to find time to share with us your knowledge and experience on such an important issue, despite your busy schedules.

On this occasion, I would like to thank the speakers who have delivered their papers, the chairpersons who have presided so successfully over the sessions, the rapporteurs who have explained the significant results achieved by the sessions, as well as all the participants who have contributed to the symposium.

During the symposium, anti-terrorism has been discussed in its various dimensions. The different approaches of states and organizations to the issue have been highlighted, current and possible areas for cooperation have been investigated and encouraged, issues have been set out, guidance and studies on the concept and doctrine of anti-terrorism have been offered, and some useful outcomes have been achieved with the help of your invaluable contributions.

As my honoured chief of general staff emphasized in his opening speech, nobody is in any doubt about the urgency of the need for international cooperation in the struggle against terrorism, a scourge which has acquired a global dimension. However, as has also been mentioned at the symposium, at the point where we find ourselves today the fact is that the international political will, which concerning anti-terrorism has been demonstrated at the highest level, has no correspondence in reality so as to make execution to the extent required possible. As a natural outcome of this fact, terrorism continues to be a pressing problem on a global scale.

During the symposium, the aforementioned points have been discussed in detail. Nevertheless, encouraged by the well-known saying that "all that can be said has already been said, but not by everybody", I would like not only to summarize the issues dealt with during the symposium but also, with your permission, to share with you some of my observations and assessments with regard to anti-terrorism and international cooperation.

Esteemed guests,

As was also stated during the symposium, a number of significant international organizations, among the most important being the United Nations, NATO, the European Union, and the Organization for Security and Cooperation in Europe (OSCE), have put in place various arrangements for this struggle. They have formulated various instruments and declarations, and have developed concepts as to the nature of the struggle. For instance, in the United Nations Security Council Resolutions 1368 and 1373, the participation of all states in the struggle against terrorism, and against support for terrorism, was made obligatory, and it was stated that it was necessary to deny the right of political asylum to those who finance, plan, facilitate, support, and commit terrorism, to prosecute those who took part in those activities, and to duly reflect the seriousness of terrorist acts in the sentences served.[1]

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[1] In line with United Nations Security Council Resolution 1373, dated 28 September 2001, as also stated in the United Nations Security Council Resolution 1368, dated 12 September 2001, states have the right of individual or collective self-defence against terrorist attacks. All states shall prevent and suppress the financing of terrorist acts, criminalize such acts, freeze financial assets or economic resources related with terrorism and elements as such, and prohibit activities related to the commission of such acts. In addition, states shall refrain from providing any form of support, active or passive, to entities or persons involved in terrorist acts, including by suppressing recruitment of members of terrorist groups and eliminating the supply of weapons to terrorists.

In the same manner, in the NATO Council (NAC) resolution dated 03 October 2001, the allied states agreed to enhance intelligence sharing and cooperation relating to the actions to be taken against the threats posed by terrorism and to provide assistance to allies and other states which are subject to terrorist threats.[2]

Similarly, the European Union has also a resolution which stipulates that "member states shall prevent the terrorists from planning terrorist attacks, finding recruits, establishing cells, providing financial resources, procuring materials for organizing terrorist attacks and ensure that terrorists will be brought to justice."[3]

It would be possible to give many more examples concerning the resolutions embodying such decisions made by those international security and cooperation organizations, but there is no need to do so. The respected speakers at this symposium have already emphasized that issue and cited a variety of examples.

However, I would like to refer to the 9/11 attack which was also mentioned during the symposium. It would not be proper to consider 9/11 as the beginning of terrorism. 9/11 is a clear challenge in which the terrorists displayed their means and capabilities. Through that blow, terrorists proved that they have the ability to strike the economic and military bases of the only superpower in the world in its own territory beyond the Atlantic and thus they showed that they can strike any place in the world whenever they desire to do so. All over the world people observed with terror an incredible destructive power which they had not much taken into consideration up to then.

The messages that can be deduced from the 9/11 attack could be listed as follows:

- None of the states of the world is exempt from terrorism,
- Terrorism occupies a position that cannot be confined to a single state or region, that is, it has acquired an international aspect, and therefore
- International cooperation is required in struggling against it.

It was only after 9/11 that people all over the world were able to comprehend what terrorism was, and what they were confronted with. As a result the call for

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[2] Articles 1 and 2 of the NATO Council (NAC) Resolution, dated 03 October 2001.
[3] The Council of European Union, The European Union Counter-Terrorism Strategy, paragraphs no. 6, 8, 28, and 29 European Union Strategic Objectives to Combat Terrorism (Annex I to Declaration on Combating Terrorism).

global cooperation in antiterrorism was able to have such a great effect that a certain consensus was established between and among the states that had become aware of the threat terrorism posed. Most significant of all is that NATO brought into force Article 5, which stipulated collective defence for the first time in its history and the organization launched the Active Endeavour operation in the Mediterranean. This is the only operation which NATO conducts for anti-terrorism, and it continues today.

If everybody agrees upon the need for cooperation in anti-terrorism, what is the problem? Why has cooperation not reached the desired level? Invaluable advice has been given about this issue, and significant have been made during the symposium.

Today there are some who state their serious concern that Europe is increasingly turning into a safe haven and a centre for the expansion of terrorism. The continent has begun to be the area where terrorism and the threat of terrorism can establish its base.[4]

It is clearly true that wanted terrorists can manipulate the freedoms provided to them by the democratic system for their own ends, using as a pretext the basic shared values of the civilized world such as minority rights, individual rights and liberties, and freedom of speech, as it was mentioned during the symposium as well.

On the basis of the points mentioned up to now, it is evident that the main problem does not stem from the fact that there are not international legal arrangements on this issue. The real problem is that the national legal systems are not backed up with a corresponding international political will. In this context, we observe that in general terms there are no arrangements that make it possible to put into practice the aforementioned will to combat terrorism in the liberal system of Europe, with the exception of some European states which are engaged in a direct struggle against terrorism.[5]

This fact has led to a situation where many states use their right to make judgments concerning the terrorism issue arbitrarily, on the grounds that there is

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[4] "Europe: Major Staging Area for Islamic Extremists" Sher ZIEVE, 23 January 2008, New Media Journal www.NewMediaJournal.us (the aforementioned interview was made with Michael Chertoff, US Secretary of Homeland Security).

[5] "PKK Criminal Networks and Fronts in Europe" Policy Watch 21 February 2008.

no shared opinion as to the definition of terrorism. Indeed, as was also stated in the symposium, the fact that there is no commonly held opinion on terrorism as yet should not be regarded as an excuse for not engaging in the struggle against terrorism. Even if there is not such a commonly held opinion, there are the lists of terrorist organizations, drawn up by institutions such as NATO and the EU, which could form a basis for that struggle.

It is also a fact that among the reasons for not respecting the international political will to implement anti-terrorist measures, and for the reluctance to take the necessary national steps, are that some states prefer not to deal with terrorist organizations and terrorists by whom they are not threatened directly, they may even protect and patronize them, and in some cases they favour using the terrorists as a means to actualize their political ends. Dramatic illustrations of this fact have been provided at the symposium.

It is within this context that I see the efforts to label global terrorism as limited to "radical Islamic terror", in the own words of these states, whereas they define other terrorist organizations using a variety of names and titles, dissociating them from their quality of being terrorist, or these states remain indifferent to some terrorist activities and indicate that it is the internal problem of the relevant states.

This approach makes international cooperation on anti-terrorism impossible or at least ineffective at the very beginning.

Using the same method of induction as Mr. Çitlioğlu on this matter, I would like to express my views on a few points which were mentioned during the symposium by citing as an example the PKK/KONGRA-GEL terrorist organization, which constitutes a threat not only for Turkey but also for the international community at the same time.

Some European states continue to turn a blind eye to the activities the PKK, and protect it, going so far as to offer a safe haven to the press agencies of that terrorist organization,[6] and they thus provide support for terrorism.

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[6] Denmark: Roj and Mezopotamya TV, Mezopotamya Radio ve Radio Hawar, Mezopotamya Publishing Company / Germany: A-MEZ Radio, Yeni Özgür Political Newspaper, Zülfikar, Ronahi, Kürdistan Iro, Kurdistan Report and Inanç Magazines, Serxwebun Publishing Company / Sweden: Rojhelat TV, Komala TV, Isveç State Radio, Kürt Konseyi Bülteni Magazine, Kürt Enstitü Publishing / England: Radio Rojbaj, / Belgium: Radio of Mezopotamya'nın Sesi , Gençlik Yıldızı and Renyo Hira Magazines, / France: Roja Kürdistane Magazine / The Netherlands: Serxwebun and Kadının Ezgisi Magazines / Greece: Kürdistan'ın Sesi Magazine, / Romania: Mezopotamya'nın Sesi Magazine.

Terrorists who are wanted, and given a red notice, are granted safe haven or civil rights in European states. They are provided with diplomatic protection. Those terrorists who are seized are not prosecuted, or else they are arrested and set free without being prosecuted. Organizations which were previously declared to be terrorist are judged to be not terrorist after all. Schengen visas are granted to wanted terrorists, enabling them to travel freely in Europe. And some states ignore the fact that the camps of the terrorist organizations exist in their territories.

It would be possible to cite more examples, but there is no need. The attitude and the practices of the states mentioned here, nearly all of which are our allies, and which have signed all the instruments I have referred to above, are sufficient if you want to gain an idea of the situation in which Turkey is left in its struggle against terrorism. I hope some exceptionally modest actions, which we have observed lately, will turn into a total struggle against terrorism in the near future.

It should not be forgotten that, sooner or later, many terrorist groups target the nations and states that protect them, patronize them, and fail to regard them as a threat. Examples of such from our recent history are still fresh in our minds.

When it comes to the effects of patronizing and protecting terrorism in such states, these effects range from the international shame associated with being shown to be covering up terrorists, to becoming the subject of the terrorist acts of the organization which these states protect.

Esteemed guests,

Another result we may deduce from the points that were raised and established during the symposium is that it is obligatory to stop all kinds of support given to terrorism, above all political and financial support, in order to be able to conduct a comprehensive and determined joint action in the international struggle against terrorism.

Today, profiting from the opportunities presented by globalization, terrorist organizations form a mafia-like relationship with cross-border criminal organizations, and take advantage from the activities of those organizations. For example, it is evident that PKK/KONGRA-GEL has become an organized criminal

group with a mafia-like structure as well as being a global terrorist organization at the same time. This point has also been proven in various international reports.[7] The terrorist organization provides itself with funds through illegal activities such as drug smuggling and human, tobacco, fuel oil, and arms trafficking, extorting money from people by force, forgery, and money laundering. In addition, they provide funds through seemingly lawful businesses and donations with the help of front companies, societies, and foundations. It is estimated that the annual income of the terrorist organization is roughly 400-500 million euros, and of that income 200-250 million euros are provided through drug smuggling and 100-150 million euros are provided through smuggling (fuel oil, tobacco and human trafficking), while 15-20 million are procured from donations and 20-25 million from other activities.[8]

A significant point in arms trafficking is that the terrorist organization provides arms not only to its sympathizers but to other terrorists abroad as well.[9] That is significant in the sense that it reveals how the organization is connected to other terrorist organizations in different parts of the world, and how it gives terrorism an international aspect, which establishes the necessity for international cooperation.

PKK/KONGRA-GEL elements not only provide funds for the organization through the illegal activities they conduct, they also use illegal methods in the recruiting process. As has been pointed out in reports issued by some international organizations, and in the first place by the United Nations, they engage for example in kidnapping children, including girls. Especially in Europe the terrorist organization offers ideological and military training in its training camps to such children.[10]

The point which should be kept in mind by those who offer support to this terrorist organization, using whatever pretexts, is that the terrorist organization

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[7] See the 2007 EU Terrorism Situation and Trend Report of the European Police Office (EUROPOL), the Control Strategy of International Drug Trafficking Report issued by the United States and 2002 The Nexus among Terrorists, Narcotics, Traffickers, Weapons Proliferators and Organized Crime Networks in Western Europe.
[8] June 2007 Anti-Terrorism Briefing by the Ministry of Interior.
[9] The report prepared by the Regional Research Division of the Library of the US Congress in December 2002.
[10] For more information, please see www.geocites.com/badeplt/24th0203_1.htm-6k

which they support poisons their own nation. Indeed, it controls 80% of the drug trafficking in Europe.[11]

Therefore, it appears that another negative factor in struggling against terrorism effectively stems from not evaluating terrorism as a whole and ignoring the connections between the cross-border organized crimes.

Esteemed guests,

In our contemporary world, another factor which hampers anti-terrorism is that terrorists can make extensive use of well-developed communications opportunities. This point has been demonstrated clearly during the symposium. Today, the level reached by the communications media, such as the Internet or satellite communications, provides the terrorists with all kinds of facilities: It offers them the options they need for communications over great distances, propaganda, and even for training. Also, these media are abused by the organizations as an element for weakening the control of the state institutes over information. It is undeniable that international cooperation is required in this area as well.

Esteemed guests,

The terrorist organizations try to prove that their terrorist acts are legitimate, that their acts are supported by large masses of people, and that they are engaged in justifiable conflicts, by alleging that they represent large groups, whether the adherents of a religion or a ethnic group, and they seek to identify their acts with concepts such as jihad, Islam, national independence, or democratic rights and liberties. It is of crucial importance that we do not fall into the trap of taking them at their word. At this stage let us refer to our country once more. During the antiterrorism efforts which Turkey conducted over the years, Turkey has made a distinction between the terrorists and general public in an extremely proper manner. It has avoided all kinds of practices, attitudes, and expressions which may lead to different interpretations, and it has never stigmatized a people as potential terrorists. Nevertheless, unfortunately, it can be observed that both some people in our country, and in some countries and communities in Europe, strive

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[11] François Haut, the Director of the Department for the Study of the Contemporary Criminal Menace in Paris, stated that 80% of the drugs sold in the suburbs of Paris are in some way connected to PKK in a press release in 2002. Also, according to the 1992-1996 Control Strategy of International Drug Trafficking Report issued by the U.S. Bureau of International Narcotics, PKK terrorist organization controls the drug cartel in Europe.

more and more to form a connection between everybody with Kurdish origins and the PKK/KONGRA-GEL terrorist organization. Indeed, such people have no objection to the participation of terrorists, members of the terrorist organization and wanted criminals, in the conferences which are held by the European Parliament, or the parliaments of different European states, nor do such people object to the terrorists paying visits to senior authorities in Europe.

Accordingly, a terrorist who was wanted with red notice by Interpol[12] participated in "The European Union, Turkey, and the Kurds", an international conference which was held by the European Parliament. He was allowed to make some declarations as if he was the representative of our people with Kurdish origins. I would like to offer for your attention, as non-laymen, the threat that is posed by that mentality, and the fact that our citizens with Kurdish origins are being used in accordance with the will of the terrorist organization.

Esteemed guests,

Turkey, which has been struggling against terrorism for decades, is one of the states which are most distressed by the difficulties experienced during international anti-terrorism efforts.

I hope that the issues that were discussed and the outcomes that were achieved during "The Symposium on Global Terrorism and International Cooperation", held here for the second time, will establish a good basis for overcoming the problems that I mentioned during my speech, and for commencing an international joint action on the issue.

Esteemed guests,

In the presence of you all, I would like to thank the Centre of Excellence Defence Against Terrorism, which has taken great pains in the organization and execution of this platform, which has brought you together, esteemed guests, who are committed to the continuity and significance of international cooperation in anti-terrorism, and which has staged an event which, I believe, has formed a basis for reaching extremely valuable results for the future of international anti-terrorism efforts.

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[12] Ahmet Gülabi Dere was one of the three people who, as "Kurdish Representatives", had an interview with Terry Davis, the General Secretary of the Council of Europe, on 23 May 2007, see: http://www.ntvmsnbc.com/news/409668.asp

In conclusion, I would like to thank all of the esteemed participants, the academics, scholars, and experts who shared their views and suggestions with us by presenting their papers, and you, our valued guests, for your participation and contribution. I would like to salute you and offer you my best regards. Also, I hope our foreign guests will return to their countries with good impressions after the two days they spent in Ankara, and I wish them all a good journey back.

With best wishes, and thanks.

> Ergin SAYGUN
> General
> Deputy Chief of Turkish General Staff

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