

*Chaillot Paper*

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October 2005

n° 84

**International terrorism:**  

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**the changing threat  
and the EU's response**

Paul Wilkinson



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International terrorism:  
the changing threat and  
the EU's response

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*Paul Wilkinson*

**Institute for Security Studies**  
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*I*ly a quatre ans, les attentats du 11 septembre contre les Etats-Unis d'Amérique marquaient un tournant majeur dans l'appréhension de la sécurité internationale. Depuis lors, de façon récurrente en Asie comme en Europe occidentale, les réseaux terroristes de la nébuleuse Al-Qaida ont frappé aveuglément des cibles civiles, tandis que la dégradation de la situation en Irak leur a ouvert de nouveaux terrains de recrutement et de propagande. En dépit des indéniables succès de la coopération internationale antiterroriste et des multiples arrestations effectuées notamment dans les pays de l'Union européenne, le niveau d'alerte reste maximal : la menace terroriste est devenue en effet un élément structurant du système international, et peu s'en faut qu'elle n'en devienne paradoxalement le seul élément durable.

*Comment l'Union européenne a-t-elle réagi ? Est-elle un échelon pertinent pour lutter contre des « réseaux de réseaux » terroristes, ou sont-ce au contraire les structures nationales, de police, de renseignement, de répression, qui demeurent les plus pertinentes pour assurer la sécurité des citoyens européens ? Quelles leçons peut-on d'ores et déjà tirer des quatre années écoulées depuis le 11 septembre 2001 et quelles sont les perspectives d'évolution de la menace terroriste en Europe ?*

*Telles sont quelques-unes des questions qui structurent ce nouveau Cahier de Chaillot, confié à Paul Wilkinson, professeur de relations internationales, président du Centre d'études sur le terrorisme et la violence politique à l'université de St Andrews, et sans aucun doute le meilleur et le plus reconnu des experts européens en matière de terrorisme international.*

*L'Union partage, avec toutes les démocraties, le dilemme majeur de toute stratégie antiterroriste : la nécessaire conciliation de l'efficacité policière et judiciaire avec la non moins nécessaire protection des libertés fondamentales des citoyens. Sous le principe apparemment juste du « pas de liberté pour les ennemis de la liberté », se cachent en effet les fondements mêmes, depuis Robespierre, de la terreur politique et des dictatures.*

*Mais pour l'Union, la lutte antiterroriste représente aussi un certain nombre de défis spécifiques. Prévenir et combattre la menace terroriste*

*exige, d'une part, un certain contrôle des mouvements d'individus et des flux financiers ; la construction européenne suppose à l'inverse un principe fondamental de libre circulation des personnes et des biens. La surveillance des frontières fait partie intégrante, d'autre part, de l'arsenal antiterroriste ; l'intégration européenne repose quant à elle sur la mise entre parenthèses des frontières intérieures, en particulier pour l'espace Schengen. Enfin, la coopération entre services de police et de renseignement est la base de toute stratégie antiterroriste ; or ce sont là prérogatives purement nationales : il n'existe pas en effet de police européenne ni de FBI européen. Articuler l'échelon européen et l'échelon national dans la lutte antiterroriste représente donc un défi majeur, en termes de légitimité démocratique comme en termes d'efficacité. Il est clair que, face à des réseaux par définition transnationaux, l'Union représente un cadre privilégié de coopération, qu'il s'agisse de prévention ou d'investigation. Il est tout aussi clair en revanche que ce sont les Etats qui restent souverains, et donc premiers responsables en matière de sécurité intérieure : on ne saurait donc attendre de celle-ci ce qui incombe à ceux-là, ni reprocher à l'Union des retards, des atermoiements, des lacunes dans le dispositif antiterroriste lorsque la responsabilité en incombe aux Etats eux-mêmes.*

*Paris, octobre 2005*



If any Europeans observing the 9/11 atrocities in the United States had comforted themselves with the belief that Western Europe was immune from such attacks, this illusion should have been dispelled by the train bombings in Madrid in March 2004 and the July 2005 bombings of Underground trains and a double-decker bus in London, apparently by suicide bombers with links to the Al Qaeda network.

How serious is the Al Qaeda network's threat to Europe and to Europe's interests abroad? Have Europe's measures to combat the Al Qaeda network made a significant contribution to the War Against Terrorism? If it is true that Europe's national governments and the European Union have been enhancing their responses to terrorism and increasing their cooperation both internally and with the rest of the world, how does one explain the terrorist attacks in two European capitals in 2004 and 2005 which resulted in the slaughter of many civilians? What kind of strategy should Europe adopt in order to unravel the Al Qaeda network? What are the emerging trends and the future prospects for terrorism and counter-terrorism? These are some of the key issues discussed in this paper.

As one who has been engaged in studying and writing about terrorism for over 30 years, I am fully aware that Europe still suffers from terrorism committed by traditional terrorist groups such as ETA in Spain, and I strongly believe that our counter-terrorism agencies need to remain vigilant against terrorism from these more traditional sources and not to concentrate exclusively on the Al Qaeda network. However, in this paper I have been asked to concentrate exclusively on the terrorism of Al Qaeda's network, and Europe's current (and potential future) response. I have adhered to this remit, although in Part 1, section 4, I have identified and discussed some of the major characteristics of the Al Qaeda network's terrorism which clearly differentiate it from the terrorism of the more traditional groups.

Part 2 of my paper, which focuses on responses, begins by identifying some general principles which should underpin the anti-terrorism policies and measures of the member states of the EU and the EU itself. It then provides a brief historical overview of the evolution of EU cooperation to prevent and combat terrorism, an analysis of EU responses to 9/11 and the Madrid train bombings, and a brief attempt to draw some lessons from the London bombings of 7 July and the failed attempts of 21 July 2005.

In my conclusion, I look at some of the broader lessons that can be drawn from the experience of Europe and other parts of the world, and suggest some of the key components of an effective strategy to dismantle the Al Qaeda network. In case it is not made plain in my conclusion, I would like to stress that I am an optimist. Unravelling the Al Qaeda terrorist network is a very tough job and it will take a long time to complete. However, I do believe that with maximum political will and international cooperation, it can be achieved. Although Al Qaeda has suffered serious damage in the War on Terrorism, the Al Qaeda movement still constitutes a major threat to the lives of the innocent and to international peace and security, including to the peace and security of the Muslim world. It is therefore imperative that this threat be overcome.

*Paul Wilkinson,  
St Andrews, Scotland,  
October 2005.*

## Concept and typology

Before proceeding to a discussion of the problems of an international response to terrorism, including the use of international law, it is important to define the scope of the subject. It is wrong to equate terrorism with violence and insurgency in general.<sup>1</sup> Some journalists and politicians have tried to use it as a synonym for guerrilla war, but terrorism is a special mode of violence which, since the late 1960s, has more often than not been used entirely alone, in a pre-insurgency situation. And it is this type of attack – spasmodic bombings, shooting, kidnapping – which has been the characteristic modern pattern in western democracies. Terrorism can be briefly defined as ‘*the systematic use of murder, injury and destruction or threat of same to create a climate of terror; to publicise a cause and to intimidate a wider target into conceding to the terrorists’ aims.*’<sup>2</sup>

Among the many definitions of terrorism provided by governments and international organisations are the following:

‘Each Member State shall take the necessary measures to ensure that the following offences, defined according to its national law, which are intentionally committed by an individual or a group against one or more countries, their institutions or people with the aim of intimidating them and seriously altering or destroying the fundamental freedoms, democracy, respect for human rights, civil liberties and rule of law on which our societies are based will be punishable as terrorist offences.’

*European Parliament Definition: November 2001*

‘Criminal acts, including [those] against civilians, committed with the intent to cause death or serious bodily injury, or taking of hostages, with the purpose to provoke a state of terror in the general public or in a group of persons or particular persons, intimidate a population or compel a government or an interna-

1. For a useful discussion of the definition issue see Alex P. Schmid, Albert A. Jongman et al, *Political Terrorism: a new guide to Actors, Authors, Concepts, Databases, Theories and Literature* (Amsterdam: North Holland Publishing Co, 1988).

2. See Paul Wilkinson, ‘Terrorism and the Rule of Law’, *Harvard International Review*, May/June 1985, p.12.

tional organisation to do or to abstain from doing any act, which constitute offences within the scope of and as defined in the international conventions and protocols relating to terrorism, are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature ...'

*UN Security Council Resolution 1566, October 2004  
(Unanimously passed)*

Terrorism: interpretation.

- (1) In this Act 'terrorism' means the use or threat of action where
  - (a) the action falls within subsection (2)
  - (b) the use or threat is designed to influence the government or to intimidate the public or a section of the public, and
  - (c) the use or threat is made for the purpose of advancing a political, religious or ideological cause.
- (2) Action falls within this subsection if it –
  - (a) involves serious violence against a person,
  - (b) involves serious damage to property,
  - (c) endangers a person's life, other than that of the person committing the action,
  - (d) creates a serious risk to the health or safety of the public or a section of the public, or
  - (e) is designed seriously to interfere with or seriously to disrupt an electronic system.

*UK Terrorism Act 2000, Part 1, (1&2)*

Historically it is also true that most major insurgencies and civil wars have involved a mixture of rural guerrilla warfare, conventional warfare, economic sabotage, foreign intervention, and terrorism as an auxiliary weapon. But it is important to note that many rural guerrilla leaders have, as a matter of policy, sought to wage their struggles according to the rules and conventions of war. They have often consciously sought to avoid the use of indiscriminate terror against innocent civilian targets, either on moral grounds, or because they feared losing public support or provoking a massive repressive crackdown by the authorities which would endanger their own movement.

Yet although terrorism is only one among many methods of struggle, it is still a broad enough concept to encompass a wide variety of different types of applications. One fundamental

distinction made in the academic literature and the databases is between international and domestic terrorism. The former is an export of this form of violence across international frontiers or against foreign targets in the terrorists' state or origin. Domestic terrorism is confined to one specific locality or region within the frontiers of a single state. In practice, it is of course extremely difficult to find examples of purely domestic terrorism. In almost every case some cross-border movement of terrorists, or terrorist weapons and explosives, is involved. And in almost every terrorist campaign the perpetrators of violence seek to attract the attention of the international media and influence foreign opinion and governments.

Another key categorisation is in terms of perpetrators. *State regimes of terror* are as old as the history of permanent human settlement. They do not necessarily require advanced technologies to instigate repression, although modern totalitarian states have been able to exploit the new techniques of surveillance and control of information to strengthen their grip on vast populations. *State-sponsored terrorism* is used almost instinctively as a tool of foreign policy by regimes which routinely use state terror to suppress dissent at home. The recent activities of the regimes of Colonel Qaddafi and Ayatollah Khomeini provide ample examples of the use of this weapon for three major purposes: to intimidate and destroy exiled opponents and dissidents; to weaken adversary states; and to export revolution. *Factional terrorism* is that which is waged by a whole range of sub-state actors for a wide variety of aims and motives. The major types are: (i) *the extreme nationalists*, autonomists and separatists who claim that their main aim is self-determination or autonomy (e.g. ETA in Spain, PKK in Turkey and the Tamil Tigers in Sri Lanka); (ii) *ideological terrorists* who want to change the whole nature of the existing political social and economic system (e.g. the extreme left Sendero Luminoso in Peru); (iii) *exile group terrorists*, forced normally by police or government action in their home countries to operate exclusively abroad; (iv) *issue group terrorism* employed by those who seek to block or change specific policies rather than to revolutionise the entire political system (e.g. Animal Liberation Front – a UK 'animal rights' group – and the anti-abortion bombers in the USA); (v) *religious extremists groups* seeking to impose their own fanatical belief system (e.g. Aum Shinrikyo in Japan).

In any worthwhile analysis of a specific terrorist campaign it is, of course, essential to take account of the unique political, historical and cultural context and the ideology and aims of the groups involved.<sup>3</sup> One needs to interpret the role and effectiveness of terrorism in the overall development of each conflict in which it appears. Is it being used as an auxiliary weapon in a wider strategy of revolutionary warfare? What degree of popular support, if any, do the perpetrators of terrorism enjoy? How severe and prolonged is the violence? Is it merely spasmodic and small in scale and in terms of the destruction caused? Or is it growing in intensity, frequency and lethality to the point where it threatens to trigger a full-scale civil war?

Context is all in the analysis of political violence. In view of the enormous diversity of groups and aims involved, generalisations and evaluations covering the whole field of modern terrorism should be treated with considerable reserve. Over-simplified analysis of phenomena tends to induce simplistic and dangerous proposals for panaceas. It is a snare and a delusion for any democratic government to assume that there is some quick-fix solution to the whole problem of modern terrorism. For what we are really contending with is a hydra. As soon as the authorities believe they have cut off the head of one movement, another arises in its place. Terrorism is one of the ugliest manifestations of the intractability of human conflict. It is inextricably interwoven with the whole complex of interactions in the international system and the reactive behaviours of all actors in the system. One cannot envisage a world without a pervasive element of terror violence unless one assumes a change in the whole nature of the international organisation and human behaviour. Even a world under the hegemony of a totalitarian superpower would not be without terror; violence would simply become a global monopoly of the Party dictatorships. The essence of the dilemma for open and pluralist democracies is that the measures they would need to take in order to totally eradicate the threat of terrorism would mean the extinction of the basic freedoms guaranteed by the democratic rule of law and their replacement by a Big Brother state of Orwell's nightmare. Anyone who claims to have a total solution to terrorism in a democracy is either a fool or a knave. This does not mean that there is nothing democracies can do to reduce terrorist violence. There are measures of proven effectiveness which they can undertake while remaining true to their basic values. But such measures are bound

3. See, for example, Martha Crenshaw (ed.), *Terrorism in Context* (University Park: Pennsylvania State University Press, 1995).

to be limited not only by the fundamental requirement that they must be consistent with the maintenance of basic civil rights and democracy, but also by the inherent complexities in the causation and development of political violence.

Let us examine more closely some aspects of these complexities and particularly the far more severe threat to international security posed by the New Terrorism of Al Qaeda, which help to explain the manifest weaknesses of international law and democracy for dealing with the problem of international terrorism on both a global and regional basis.

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

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

Al Qaeda means 'the Base'. It evolved in the 1990s under the leadership of Osama bin Laden and his deputy, Ayman Zawahiri, and from an early stage in its development it was clear that it was not going to resemble the traditional terrorist groups with their monolithic structures and centralised control: instead it was developed into a world-wide 'network of networks'.

This 'horizontal' network structure means that although bin Laden and Zawahiri provide ideological leadership and inspiration, it is left to the affiliated networks and cells to carry out attacks against the types of targets designated in Al Qaeda ideology and combat doctrine.<sup>4</sup> The Al Qaeda movement is able to maintain its 'global reach' through its widely dispersed network of cells and affiliates in over 60 countries, making it the most widely dispersed non-state terrorist network in history. Thousands of militants from many countries had been through the Al Qaeda training camps in Afghanistan prior to the overthrow of the Taliban regime which gave Al Qaeda safe haven up to the autumn of 2001.

Another key feature of Al Qaeda is that although it uses the language of extreme fundamentalist Islam, its core ideology is a grandiose plan to wage a global *jihad* against America and its allies

4. Rohan Gunaratna, *Inside Al Qaeda: Global Network of Terror* (London: Hurst & Co, 2002); Ahmed Rashid, *Jihad: The Rise of Militant Islam in Central Asia* (New Haven: Yale University Press, 2002); Olivier Roy, *Globalised Islam: Fundamentalism, De-territorialisation, and the Search for the New Ummah*, (London: Hurst & Co, 2004), and Mariam Abou Zahab and Olivier Roy, *Islamist Networks: The Afghan-Pakistan Connection* (London: Hurst & Co, 2004).

and against all existing Muslim governments in order to bring about nothing less than a revolutionary transformation of international politics. Al Qaeda aims to expel the US presence and influence from every part of the Muslim world, to topple all existing Muslim governments on the grounds that they are all 'apostate' regimes because they maintain friendly relations and cooperation with what Al Qaeda terms the 'crusaders and Zionists' (i.e. America and its allies, including, of course, Israel). Ultimately Al Qaeda wants to create a pan-Islamist Caliphate to rule all Muslims on lines dictated by bin Laden and Zawahiri. Their ideology is absolutist and hence 'incurable', i.e. there is no basis for diplomatic or political compromise.

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

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

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

Bearing these key features of the Al Qaeda 'network of networks' in mind, we can clearly differentiate their form of terrorist threat from the typical patterns of terrorism committed by more



traditional groups. A leading example of a traditional group is the Irish Republican Army (IRA). The IRA can justifiably be regarded as the best armed, richest and most experienced terrorist group active in Western Europe between 1970 and 1996. It was responsible for killing more civilians than any other terrorist group in Europe.<sup>5</sup>

However it is clear that there are many striking differences between the terrorism carried out by the IRA prior to the Good Friday Agreement of 1998 and the threat posed by Al Qaeda. In contrast to Al Qaeda, the IRA's aims were focused specifically on their ethno-separatist objectives in Ireland. Their aim was to rid Ireland of the British presence in the North and to unite the whole of Ireland under a single Republican government. Their leaders and their political wing, Sinn Féin, have shown a degree of realism and pragmatism in recognising that they were not going to achieve their aims by terrorism, but that they would have a better chance of pursuing their political agenda by political means. They signed up to the Good Friday Agreement, and have maintained their ceasefire, finally announcing that the armed struggle was officially over in July 2005 and subsequently putting their arms beyond use. Although the peace process is still fragile it has held and has saved hundreds of lives that would have undoubtedly been lost if the Northern Ireland conflict had continued. Al Qaeda's stance is in stark contrast to this.

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

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

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

For all the above reasons the Al Qaeda network is immeasurably more dangerous than traditional terrorist groups. We are fooling ourselves if we pretend otherwise. Moreover it is a serious

5. On the history of the IRA and its terrorist campaign from the 1970s to 1998 see: Richard English, *Armed Struggle: The History of the IRA* (Basingstoke: Macmillan, 2003); Martin Dillon, *25 Years of Terror: The IRA's War Against the British* (London: Bantam Books, 1996); and Ed Maloney, *A Secret History of the IRA* (London: Allen Lane, The Penguin Press, 2002). For valuable accounts of the IRA and Loyalist ceasefires and the making of the Good Friday Agreement, see Brian Rowan, *Behind the Lines* (Belfast: The Blackstaff Press, 1995), and George Mitchell, *Making Peace* (New York: Alfred A. Knopf, 1999). A valuable symposium on the developments since the Good Friday Agreement is Rachel Monaghan and Peter Shirlow (eds.), 'Northern Ireland 10 Years after the Ceasefire', Special Issue of *Terrorism and Political Violence*, vol. 16, no. 3 (Autumn 2004).

threat to all the countries of the European Union and the security and economic well-being of the EU as a whole. It is a dangerous illusion to think Europe is immune from attack. If the Al Qaeda plot to attack the Strasbourg Christmas market on New Year's Eve 2000 had not been thwarted by police action, the first mass-killing of civilians in a western state would have been in France, not in the United States. Hundreds of suspected members of Al Qaeda have been arrested in Europe and many cells have been uncovered. Between September 2001 and December 2004 over 700 suspected of involvement in the Al Qaeda network were arrested in Europe. According to the US Congressional Research Services August 2005 Report on Al Qaeda, about 3,000 suspected Al Qaeda members have been detailed or arrested worldwide. The cells that did the major planning for the 9/11 attacks were based in Hamburg and Spain. EU countries have been repeatedly specifically threatened in Al Qaeda videotaped messages. Finally the deadly attacks on Madrid and London show that the danger is real and that we need to respond effectively, avoiding over-reaction, but also avoiding under-reaction.

### **The changing relationship between terrorism and warfare**

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

Is the Coalition Against Terrorism involved in a war against the Al Qaeda network? It would seem absurd to deny it. Al Qaeda's leaders declared war on the US and its allies. President George W. Bush declared a War on Terrorism after the 9/11 attacks. We can hardly claim that the term 'war' is being used purely metaphorically in this context. 9/11 killed more people than the bombing of Pearl Harbor in 1941. US, British and other troops have been fighting Al Qaeda militants in Afghanistan, Iraq, Yemen and other countries. It is a different kind of war, an asymmetrical war in

which one cannot judge success or failure in terms of battlefields or the numbers of tanks and aircraft destroyed or captured. The enemy is largely unseen, invisible, hiding in the civilian environment in cities around the world.

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

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

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

The key features of the terror wars<sup>6</sup> which have now become the predominant manifestation of armed conflict can be summarised as follows: there are no clear front lines; attacks on civilians become the norm; particularly savage violence is used in 'ethnic cleansing' of whole villages and communities and massacres, mass hostage-takings and mass rapes and destruction of civilian homes become commonplace. Typical examples of 'terror wars' in which

6. See Mary Kaldor, *New and Old Wars: Organised Violence in a Global Era* (Cambridge: Polity Press, 1999) and Paul Gilbert, *New Terror New Wars* (Edinburgh: Edinburgh University Press Ltd, 2003).

terror is used by all sides are the conflicts in the former Yugoslavia, the Chechen conflict with the Russians, and the genocidal ethnic conflicts in Central Africa. One key feature of such conflicts has been that non-state actors (paramilitary and terrorist groups) are often responsible for massive violations of human rights on a scale comparable to, or in excess of, the war crimes committed by the regular military forces of states.<sup>7</sup>

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

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

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

7. Gilbert, op. cit., Chapters 4 and 5, and Geoffrey Robertson, *Crimes Against Humanity: The Struggle for Global Justice* (Harmondsworth: Penguin Books, 1999).

## Is the war against terrorism inflicting major damage on Al Qaeda?

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

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

Looking at the positive items in the balance sheet, one could be forgiven for assuming that President Bush's optimistic assessment is fully justified. The Coalition Against Terrorism is the largest alliance in the history of international relations and despite the deep disagreements between members of the Coalition over the justifiability and desirability of the invasion of Iraq, it is clear that most members, including the Muslim Coalition states, are continuing to share intelligence and cooperate in the wider aspects of counter-terrorism. The divisions over the invasion and occupation of Iraq did not result, as some commentators had feared, in weakening the UN Security Council's stance on combating terrorism or undermining its key Resolution (1373) (2001) requiring that 'all states ... (c) Deny safe haven to those who finance, plan, support or commit terrorist acts, or provide safe havens; (d) Prevent those who finance, plan, facilitate or commit terrorist acts from using their respective territories for these purposes against other states or their citizens'. Nor has the UN abandoned its innovative Counter-Terrorism Committee with the proactive role of monitoring member states' compliance with UN resolutions and conventions against terrorism. In an unprecedented step, NATO invoked its collective defence article, Article 5 of the North Atlantic Treaty. Other regional organisations, including the OSCE and the OAS, have continued to attach high priority to the War Against Terrorism.

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

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

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

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

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

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

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

One of the key factors enabling them to survive their major setbacks is their fanatical belief in the ultimate success of their 'holy

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

Whatever the rights and wrongs of the invasion of Iraq it could hardly be claimed as a major victory in the War Against Terrorism – on the contrary; it provided a gratuitous propaganda gift to bin Laden, who could portray the invasion as an act of western imperialism against the Muslim world. More recruits could be mobilised for Al Qaeda's 'holy war', and more donations could be obtained from Al Qaeda's wealthy backers.

In addition, the post-war insurgency, terrorism and general lawlessness, which has resulted from the war, has provided a strategic opportunity for Al Qaeda. Thousands of coalition targets (troops and civilians) were suddenly made available in a country without effective border controls, surrounded by Muslim countries with Al Qaeda militants within their populations, or providing an easy access for terrorists in transit to Iraq.

One of the most damaging consequences of the conflict in Iraq has been the deflection of funding and military resources away from Afghanistan. President Karzai is desperately in need of security and economic development. Al Qaeda, in alliance with Taliban and local warlords, is gradually reestablishing its influence, especially in the areas bordering Pakistan and in the South East of Afghanistan. The attempt to bring stability and democracy to Iraq is likely to cost billions more US dollars and many more US, British and Iraqi lives. It is of course hugely ironic that many of the American public are still under the illusion that Saddam was involved in the 9/11 attacks and an ally of bin Laden.

Despite the failures of policy and intelligence by the US and its NATO allies and the very real continuing threat of another major

attack on the homeland of a Western state, the greater long-term danger to international security and stability is the intensification of efforts by Al Qaeda and its affiliates to destabilise and undermine the governments of some of the front-line Muslim states and to create new lawless zones which they could use as platforms to attack neighbouring states. The fragile interim government of President Karzai is particularly at risk. Pakistan's leader has been the target of repeated assassination attempts and Al Qaeda is undoubtedly trying to exploit what it sees as the golden opportunity to destabilise the new interim government of oil-rich Iraq. Some have rather cynically argued that using Iraq as a battlefield is better than having to fight terrorists at home. However, the bombs in Madrid and London undermine this theory. The fact is that Al Qaeda's network wants to wage terrorism in both the front-line states and the homelands of western countries.

In spite of the setback experienced by the Al Qaeda network of networks as a result of the War Against Terrorism, the network has remained active and dangerous both in the 'front-line' states in the Muslim world where it continues to try to find more secure bases from which it can launch more effective attacks in neighbouring countries, and in western countries where they have established fresh networks, mainly comprising diaspora Muslims, in order to plan terrorist actions within the homelands of the designated enemy. In other words, in the period 2002-2005 the Al Qaeda movement has again morphed, adapting to a situation in which it is forced by circumstances to leave the planning and implementation of terrorist conspiracies to the network affiliates and cell leaders in the relevant region or country. Bin Laden and Zawahiri still provide the ideological leadership and aspiration, but the 'core' leadership, probably from an early stage, was unable to coordinate and centrally control all the actions undertaken in the movement's name. In one sense this is an advantage: it enables them to maintain their global reach and exploit vulnerabilities in a wide range of countries simultaneously. However, this policy also entails considerable risks of fragmentation and ideological, strategic and tactical divisions between the affiliates and the Al Qaeda leadership. An interesting example of the movement's network-building in a European country can be found in the Netherlands. In November 2004 Theo Van Gogh, a Dutch film director and critic of Islam, was assassinated in the Netherlands. The Dutch police investigation discovered that the alleged killer was



linked to a larger cell of 15 extremists with links to the Al Qaeda movement. This network, labelled the Hofstad Group by the Police, planned further assassinations. The murder of Van Gogh led to the tit-for-tat burning of places of worship and schools. The Dutch intelligence service, AIVD, estimate that there are around 200 extremists liable to commit violence and roughly 1,200 who support them. This is a tiny minority of the one million strong Muslim community in the Netherlands, but small numbers of fanatics are fully capable of carrying out deadly and determined terrorist attacks.

Given that the Netherlands is one of the smaller EU states it is likely that more substantial networks already exist in the major EU countries: France, Germany, Italy, Spain and the UK. Indeed, recent arrests and trials suggest that all these countries now have a small but determined presence of the Al Qaeda enemy within.

An illustration of the movement's network-building in the Middle East came to light following investigations into the March 2005 vehicle bombing in Doha. On 19 March 2005 a vehicle bomb was detonated inside the compound of the Players Theatre in Doha. It killed one British citizen and injured 12 members of the audience. A group calling itself *Jund as Sham* (Soldiers of the Levant) claimed responsibility for the bombing. The group had emerged in 1995, was based near Sidou in Southern Lebanon and was a splinter from *Asbat al Ansar* (League of the Followers), a small group affiliated with Al Qaeda's network. It appears to have developed an Afghan 'branch' by 1999 and then came under the leadership of Abu Musab Zarqawi: members were trained at Zarqawi's camp at Herat, near the frontiers with Iran. Abu Zubeydah and al Zarqawi then began to develop *Jund as Sham* as an affiliate of Al Qaeda and spread its network not only to Lebanon but to Jordan, Egypt and Syria. Militants from *Jund as Sham* were trained in all techniques required for terrorism and political violence. *Jund as Sham* conspired to commit the Millennium Bombings in Jordan in December 1999, but they were prevented by Jordan's Intelligence Directorate. It was assumed that the group were disbanded after the fall of the Taliban regime in autumn 2001. But *Jund as Sham*, Zarqawi and their network survived as did Zarqawi and *Al Tawhid*, also one of Zarqawi's groups. This illustrates the network's resilience and durability.

Perhaps the most worrying evidence of further network-building in the Middle East is the emergence of groups of militant Pales-

tinian extremists in Gaza who wish to align themselves with Al Qaeda.

To sum up, Al Qaeda has undoubtedly suffered considerable damage as a result of the War Against Terrorism, but they have kept their network alive and remain a significant threat. It is, to say the least, premature to write their obituary. Ultimately their fate will be determined not only by their leaders' capacity to wage asymmetrical 'holy war', but also by the responses of the government and publics they are attacking. Al Qaeda's leaders certainly underestimated the backlash from Muslims angered by seeing Al Qaeda murder and injure fellow Muslims in terrorist attacks. The key questions are: will the Coalition Against Terrorism learn from its failures and mistakes? And will they start to engage more effectively in the battle of ideas against Al Qaeda's cruel absolutist ideology?

It would be a fundamental mistake to neglect the importance of the battle of ideas. A great strength of the EU's general approach to the challenge of terrorism has been its strong adherence to the principle that measures to prevent and combat terrorism should be fully compatible with the value of democracy, the rule of law and the protection of human rights. Many mistake the democratic approach to combating terrorism as a policy of weakness. In fact, the reverse is the case. If we undermine or destroy our hard-won liberties and rights in the name of security against terrorism we will give the terrorists a victory they could never win by the bomb and the gun, and we will provide the terrorists with a recruiting sergeant.

We could do far more to counter the propaganda of the terrorist organisations and to bring to justice those who directly or indirectly incite others to commit acts of terrorism. After all, terrorism is a threat to life, the most basic of all human rights. It is essential to add two essential caveats regarding the role of human rights policy:

- Governments should understand that in this field actions speak far louder than words. It is no good having fine-sounding declarations pledging adherence to high human rights standards when the world can see clear evidence of major violations of human rights and the rule of law by the officials and security forces of that same government. Revelations about the abuse of prisoners in Abu Ghraib prison and Guantanamo Bay have done untold harm to the reputation of the US.

- ▶ Governments and the public need to also be vigilant against the manipulation or hijacking of human rights slogans to defend the indefensible. Human rights principles are not meaningful if there is no individual and social responsibility. Just as the civil liberties and rights of the public are not endangered by laws against broadcasting pornography, so the public's human rights are not threatened by making it an offence to incite people to commit terrorism. We need to retain a sense of proportion about rights and the law.

### **The future of terrorism**

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In view of the dramatic changes that have taken place with the ending of the Cold War and the aftermath of the 9/11 attacks, it would be foolish to try to predict the future of politics and international relations and the future of terrorism which is so heavily influenced by the strategic environment. However, it is possible to extrapolate some hypotheses from the emerging trends.

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

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

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

It is well known that suicide bombing is one of the most difficult forms of terrorism to prevent. The very openness of democratic societies makes it all too easy for those with fanatical determination to carry out no-warning attacks of this kind. The Metropolitan Police in London and other police forces in Europe have studied the methods of other countries with experience of suicide bombings. The Metropolitan Police chiefs concluded that the public safety had to be the overriding concern. This led them to adopt what has been called the 'shoot to kill' policy: this policy involves authorizing police officers to shoot a suspected suicide bomber dead if they believe the suspect is about to detonate a bomb which would cause deaths and injuries among the public. Tragically, on the first occasion that Metropolitan Police officers shot a suspect dead at Stockwell Road Tube station they discovered they had shot an innocent young Brazilian electrician in error. It is imperative to have really precise intelligence before taking this kind of extreme measure, and this clearly was not provided in this case. There is always going to be some element of risk that an innocent person may be shot in error, but this risk should be reduced to an absolute minimum by precise and timely intelligence being passed to the officers on the spot. As in so many aspects of counter-terrorism, high-quality intelligence is the prime requisite, but it has to be admitted that on occasion this will not be available. On the other hand if a suicide bomber detonated and killed numbers of civilians and it later transpired that armed police had been within range but had failed to shoot the suspect dead, one can imagine the outcry that would follow. There is no easy way out of this predicament.

The worrying emerging trend which could confront the international community with significant additional challenges in the next decade is the move on the part of the most extreme militant Palestinian groups in Gaza to align or affiliate with Al Qaeda. Hitherto it has been clear that Hamas and the *Palestinian Islamic Jihad* have kept their distance from Al Qaeda, and have concentrated on their own agenda to destroy the state of Israel, to set up an Islamist Republic of Palestine. If some of the militants and suicide bombers begin to collaborate with the Al Qaeda movement,

there are real dangers that the Israeli-Palestine conflict will be accompanied by acts of international terrorism, and that any effort by the more pragmatic Palestinian leaders and groups to push forward to a revival of the peace process with Israel will find their efforts are derailed by the 'incorrigibles' aligned to Al Qaeda.

Another growing trend which seems set to continue is the growing collaboration – in some cases partnership – between international organised crime gangs and terrorists. These links are likely to provide much more sophisticated criminal techniques of fundraising for the terrorists leading to much larger sums being made available for the provision of weapons and other resources for terrorist groups such as Al Qaeda. This growing nexus between terrorism and international organised crime is so potentially significant and dangerous for the international community that there is an urgent need to research this aspect of counter-terrorism more thoroughly and to introduce tougher international measures not simply to freeze terrorists' existing finances but, more importantly, to dismantle their increasingly sophisticated covert fundraising/organised crime networks.<sup>8</sup>

The most worrying emerging trend which is likely to have a dramatic effect on the nature and severity of the terrorist threat is the increased interest shown by currently active terrorist groups, especially Al Qaeda and its affiliates, in acquiring WMD materials and expertise.

In view of Al Qaeda's ideology and its declared commitment to mass killing who can seriously doubt that they would not hesitate to use such a weapon? There are numerous reports in the open source literature of Al Qaeda or its affiliate groups attempting to obtain radioactive materials and also uranium. Most experts on nuclear weaponry doubt whether Al Qaeda's network has currently got the necessary expertise and resources to make a nuclear bomb. However, given Al Qaeda's known capabilities in constructing high-explosive devices and the ease with which radioactive isotopes can be acquired, Radiological Dispersal Device (RDD) attacks are well within their capacity. Documents and video captured from Al Qaeda sites in Afghanistan also demonstrate their ability to construct chemical weapons.

The Al Qaeda training manual discovered in Manchester in May 2000 during a raid on an Al Qaeda operative's flat and police investigations into the ricin-making laboratory discovered in London in 2003 also confirm the network's interest in manufacturing

8. Tamara Makarenko provides some valuable insights into the crime-terror nexus in her article, 'Crime, Terror and the Central Asia Drugs Trade', *Harvard Asia Quarterly*, vol. 6, no. 3, Summer 2002.

or obtaining poisons. It is only a matter of time before we see such methods being used, though in the next few years we are likely to see the Al Qaeda network continuing to depend heavily on using its weapons of choice, the conventional suicide vehicle bomb, the man portable suicide bomb, mortar attacks and assassinations with occasional use of Man Portable Air Defense System (MAN-PAD) attacks on aircraft.<sup>9</sup> However, as they become able to acquire the materials and the expertise to weaponise them, we are likely to see the Al Qaeda network experimenting with more exotic and potentially more deadly weapons to increase their capability for mass-killing and disruption and damage to the economic infrastructure. In the much longer term the danger is that the network will acquire more sophisticated and effective WMD capabilities. Unfortunately, the proliferation of nuclear and other dual-use technologies in a wide range of countries increases the danger of illicit acquisition by a terrorist group.

9. On this emerging threat, see Marvin B. Schaffer, 'The Missile Threat to Civil Aviation', in Paul Wilkinson and Brian Jenkins (eds.), *Aviation Terrorism and Security* (London: Frank Cass, 1999).

### Historical background to European Cooperation Against Terrorism<sup>10</sup>

It was not until terrorism became a major problem for European Community states in the 1970s that the first significant steps were taken to strengthen European Cooperation against this modern scourge. Terrorism is predominantly a political crime. Traditionally the European democracies had all upheld the principle that in cases of political crime, extradition should not be guaranteed. This position was enshrined in the Council of Europe Convention on Extradition (1957). Under Article 3.1 of this Convention, a state party to the Convention could refuse extradition in cases where the offence for which extradition was being requested was a political offence or an offence connected with a political offence.

The first step towards abandoning this principle in regard to terrorist crimes came in 1977 with the European Convention on the Suppression of Terrorism which, at least on the face of it, requires ratifying states to apply the principle of *aut dedere aut judicare* (extradite the suspect or bring the suspect before your own judicial authorities) in the case of a terrorist offence or an offence connected with a terrorist offence. Yet a closer examination of the European Convention on the Suppression of Terrorism reveals that it is full of loopholes. For example, under Article 13 any state party to the Convention can refuse extradition if it chooses to view the offence involved as a political offence or an offence inspired by political motives. Also, under Article 5, the Convention allows a ratifying state to refuse extradition if it believes that the individual sought by the requesting state is likely to be prosecuted on grounds of race, religion, nationality or political opinion. These loopholes are clear evidence of the major weakness which has bedevilled all efforts to strengthen Europeanwide cooperation

10. An earlier draft of this section was prepared for the House of Lords European Union Committee as a background paper for the 5<sup>th</sup> Report of Session 2004-05, *After Madrid: The EU's Response to Terrorism*, HL Paper 53, The Stationery Office Limited, 2005.

against terrorism right down to the present day: *European states have been determined to retain their sovereign prerogative in matters of national security and law and order.*

This is the central factor, in the author's view, which has obstructed the development of any genuine European-wide integrated approach to the combating of terrorism and other forms of organised crime. Hence, it is not surprising to find that despite the significant development of a more integrated European economic zone under the Maastricht Treaty of 1992, with the free movement of goods and persons across national boundaries within the EU, matters of justice and home affairs remained at a purely intergovernmental level, under the so-called Third Pillar.

Nevertheless, there were incremental efforts to improve EU cooperation against terrorism throughout the mid and late 1990s. For example the EU Convention on Extradition (1996) obliged Member States to abandon the right to use political exemption as grounds for refusing extradition. The establishment of the European Judicial Network (EJN) in 1998 made it easier and faster to process judicial requests by one member state to another. The EU Convention on Mutual Assistance in Criminal Matters (2000) permits the transfer of telecommunication intercepts, and enables witnesses to give their testimony by means of video-link.

These modest though useful incremental changes were followed by more ambitious EU reforms at the turn of the new century. Some of these changes have proved both prescient and highly relevant to combating the much greater terrorist threats presented by Al Qaeda, which were made so tragically evident by the 9/11 attacks. The EU Mutual Legal Assistance Convention (2000) obliges Member States of the EU to provide information on banking transactions, bank accounts and the monitoring of banking transactions. And although Eurojust, set up in 2001, has been viewed as a very modest measure to improve cooperation and coordination in the field of investigations, extradition requests and prosecutors, it is important to note that it has led to the development of potentially invaluable joint investigation teams, and the back-up of a more comprehensive and valuable database to support law enforcement and judicial cooperation in both conventional organised crime and terrorist cases. We must now consider EU responses to terrorism since the 9/11 attacks.



## EU counter-terrorism measures since 9/11

The flagship of EU counter-terrorism efforts since 9/11 was the introduction of the European Arrest Warrant in 2002. The value of this measure to combat international terrorism is *in theory* all too clear. It would make the lengthy, cumbersome and unpredictable method of extradition between the EU states unnecessary. The EU Arrest Warrant is based on the principle of mutual recognition of criminal judgements of the courts of all Member States by fellow Member States. It becomes an administrative procedure, and is aimed at being a fast-track means of transferring suspects. However, *in practice*, the European Arrest Warrant, which was supposed to come into force from January 2004, has been somewhat undermined by the reluctance or unwillingness of some key member states to ratify it, and by the continuing desire of certain member states to maintain total national political control on these matters.

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

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

This Plan was accompanied by an EU Declaration on Combating Terrorism, a powerful statement of solidarity against terrorism in the wake of the Madrid bombings. The European Council stated that it was 'deeply shocked by the terrorist attacks in Madrid' and expressed 'its sympathy and solidarity to the victims, their families, and to the Spanish people. The callous and cowardly attacks served as a terrible reminder of the threat posed by terrorism to our society'.

The most recent catalyst for promoting further action from the EU in the prevention and combating of terrorism was the coordinated bombing attack in London in July 2005 which killed 52 members of the public and injured over 700. Charles Clarke, the UK's Home Secretary, taking the initiative under the British EU Presidency, called an Extraordinary Council meeting of Justice and Home Affairs in the wake of the 7 July London bombings. After condemning the terrorist attacks on London and sending condolences to the victims and their families, the meeting declared that its immediate priority was to build on the existing EU framework 'for pursuing and investigating terrorists across borders'. The Council decided to:<sup>11</sup>

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

In addition the Council urged Member States to intensify exchange of police and judicial information, including information sharing on lost and stolen explosives. Member states were also urged to reduce vulnerability to attack by improved measures to protect citizens and infrastructures. On the issue of managing and minimising the consequences of terrorist attacks, the Council

11. [http://ue.eu.int/ueDocs/cms\\_Data/docs/pressData/en/jha/85703.pdf](http://ue.eu.int/ueDocs/cms_Data/docs/pressData/en/jha/85703.pdf).

invited Member States to undertake regular joint counter-terrorism exercises to test resilience and invited the EU Counter-Terrorism Coordinator and the Commission to report on the development of emergency response capabilities and to arrange sharing of information and coordination to enable collective decision-making in an emergency, particularly for terrorist attacks on more than one Member State.

In a key part of their press release, the Council stressed that their recommendations were to be seen as part of a world-wide agenda to develop a global counter-terrorism strategy and to help reach an agreed Comprehensive Convention Against Terrorism at the UN Summit in September 2003.<sup>12</sup> The Council and the Commission pledged to work with priority Third Countries, by increasing technical assistance and capacity-building to support them, including in the areas of countering radicalisation and terrorist financing. These matters are clearly to be given high priority in the EU's counter-terrorism strategy.

Mr Gijs de Vries, the EU's Counter-Terrorism Coordinator, has given special emphasis to the work of the EU in assisting priority Third Countries, especially in the field of capacity building for preventing and combating terrorism.<sup>13</sup> This emphasis is, in the author's view, absolutely correct, because the major form of terrorism threat we face is from Al Qaeda's transnational network. Unless we can develop an effective global strategy and coordination, and ensure that it is implemented, we will not succeed in unravelling the Al Qaeda network of networks.

In a potentially important initiative, the EU's executive is preparing a paper on the radicalisation of European youth and measures to counter this trend such as enhanced communication initiatives with religious communities and better cooperation with third countries linked to terrorist training.

A further useful initiative was the adoption in mid-July 2005 of an European Commission Communication to work on the EU plan for the enhancement of security of explosives and firearms. The 'Communication on ensuring greater security of explosives, detonators, bomb-making equipment and firearms' constitutes an integral part of the Commission's work in developing a coherent preventive strategy in the fight against terrorism and complements parallel work being done in the fight against terrorism financing and violent radicalisation and recruitment. The Communication reviews the current state of play regarding the security

12. <http://www.europa.eu.int/rapid/pressReleaseAction.do?reference=IP/05/969&fo; http://euobserver.com/?sid=9&aid=19610>.

13. Interview with Mr. de Vries conducted by the author in January 2005.

of explosives in all the fields in which the EU has competences and also makes a series of concrete proposals in all related fields – from a proposal to make the purchase of fertilisers subject to an authorisation obligation to the creation of a network of EU bomb disposal squads that would share information on new threats, particularly those associated with home-made explosives. The Communication ‘places emphasis on improving security arrangements all along the production and supply chain but particularly during storage and transport’.

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

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

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The EU Declaration on Combating Terrorism can be seen as a powerful call for solidarity and firm action from Member States, but it is clear from the language of the Declaration and the Plan of Action that the call for action is primarily directed at the Member States’ own national authorities, because in reality it is they who have the power and resources to carry out the Plan. It is true that under Objective 3, the Plan speaks of enhancing the ‘capacity of appropriate EU bodies (i.e. Europol, Eurojust and the Police Chiefs’ Task Force) in the preparation of intelligence assessments of all aspects of the terrorist threat (...)’.

However, the key source for this intelligence is inevitably the secret intelligence services and police forces of the individual Member States. The reality is that national governments are unwilling to allow other governments’ intelligence services and

police anything more than a limited access to their secret intelligence on terrorism [or indeed on other key security issues]. There are a number of reasons for this:

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

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

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

In the light of the above, the proposal by Javier Solana, EU High Representative for the CFSP, for charging the EU's Joint Situation Centre (SITCEN) with the production of intelligence analyses with a view to support EU policymaking, seems commendable.

In his statement at Luxembourg on June 8 2004,<sup>14</sup> Javier Solana reported that the Heads of the Security Services of the Member States have given their support to the proposal and that he hoped to reach 'a final consensus on the proposal in the next European Council'. Mr Solana correctly pointed out in his statement that his proposal would 'build on the existing cooperation within the SIT-CEN, established between the external intelligence services of the Members States since early 2002'.

Mr Solana put forward what he termed 'core ideas' which he hoped the Council would endorse:

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

Mr Solana argued that these measures would mean that:

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

The logic of Javier Solana's proposal seems evident. It is realistic in recognising that Member States will retain the lead in the operational field and that the proposal will simply complement 'existing bilateral arrangements'. Most of his proposals have in fact been accepted by the majority of the EU Member States by now.

14. The full text of Mr. Solana's remarks can be accessed at <http://ue.eu.int/ueDocs/cms-Data/docs/pressdata/EN/declarations/80852.pdf>.

However, there is an overwhelming counter-terrorism case which Mr Solana did not articulate but which should persuade all Member States to adopt his proposal. The threat from the Al Qaeda network is quintessentially transnational. As we saw in the investigation of the Madrid bombings and many other acts of the Al Qaeda networks and its affiliates, the terrorist cells and their support networks operate across national boundaries. We need to greatly improve our transnational networking in order to prevent and combat Al Qaeda, the most lethal network in the modern history of non-state terror.

To sum up: the EU has made small and often faltering steps towards greater counter-terrorism cooperation. The role of national governments and their counter-terrorism agencies and their *bilateral cooperation* with other States' authorities have made a far more significant and effective contribution. *But 9/11 and 3/11 have had the effect of triggering a more proactive approach by the EU.* It would therefore appear desirable to encourage this approach, viewing it as a way of adding to our existing methods of cooperation. Because of the changed nature of the threat it could develop into something very useful. Hopefully EU governments will both encourage and contribute to this process.

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

- The inclusion of biometrics in passports and the strengthening of European border controls.
- Efforts to get Member States to adhere to the commitment they made in the EU Action Plan for Combating Terrorism, especially implementation of the European Arrest Warrant and Joint Investigation Teams.
- Facilitating joint training for police and emergency services.
- Enhancing EU capabilities for combating terrorist financing and money laundering.

The recent efforts undertaken by the EU in this field are a forcible reminder to the public that the EU is far more than a powerful economic organisation: it has already made a valuable contribution to protecting its citizens from the scourge of terrorism.

It must be borne in mind, however, that national authorities of Member States carry prime responsibility for protecting their citizens. In the next section, some general principles that should underpin the counter-terrorism policies of EU member states are proposed, which are fully compatible with EU legislation and with the European Convention on Human Rights.

### **General principles of a liberal democratic response to terrorism**

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It is possible to draw from the recent experience of low-intensity and counter-insurgency operations certain basic ground rules which should be followed by liberal democracies taking a tough line against terrorism.

1. The democratically elected government must proclaim its determination to uphold the Rule of Law and constitutional authority, and must demonstrate this political will in its actions.
2. There must be no resort to general indiscriminate repression. The government must show that its measures against terrorism are solely directed at quelling the terrorists and their active collaborators and that defending society against the terrorists. A slide into general repression would destroy individual liberties and political democracy and may indeed bring about a ruthless dictatorship even more implacable than the terrorism and repression it was supposed to destroy. Moreover, repressive over-reaction plays into the hands of terrorists by giving credence to the revolutionaries' claim that liberal democracy is a sham or a chimera, and it enables them to pose as defenders of the people.
3. The government must be seen to be doing all in its power to defend the life and limb of citizens. This is a vital prerequisite for public confidence and cooperation. If it is lacking, private armies and vigilante groups will tend to proliferate and will exacerbate civil violence.
4. There must be clear-cut and consistent policy of refusing to make any concession to terrorist blackmail. If the terrorist weapon can be shown to pay off against a particular government then that government and its political moderates will find their power and authority undermined. There is abun-



dant evidence that weakness and concession provoke a rapid emulation of terrorism by other groups and a dramatic escalation in the price of blackmail demands.

5. All aspects of the anti-terrorist policy and operations should be under the overall control of the civil authorities and, hence, democratically accountable.
6. Special Powers, which may become necessary to deal with a terrorist emergency, should be approved by the legislature only for a fixed and limited period. The maximum should be six months, subject to the legislature's right to revoke or renew the Special Powers should circumstances require. Emergency measures should be clearly and simply drafted, published as widely as possible and administered impartially.
7. Sudden vacillations in security policy should be avoided: they tend to undermine public confidence and encourage the terrorists to exploit rifts in the government and its security forces.
8. Loyal community leaders, official and personnel at all levels of government and security forces must be accorded full backing by the civil authorities.
9. No deals should be made with terrorist organizations behind the backs of elected politicians.
10. The government should not engage in dialogue and negotiation with groups which are actively engaged in promoting, committing or supporting terrorism. To do this only lends the terrorists publicity, status, and, worst of all, a spurious respectability.
11. Terrorist propaganda and defamation should be countered by full and clear official statements of the government's objectives, policies and problems.
12. The government and security forces must conduct all anti-terrorist operations within the law. They should do all in their power to ensure that the normal legal processes are maintained, and that those charged with terrorist offences are brought to trial before the courts of law.
13. Terrorists imprisoned for crimes committed and professedly political motives should be treated in the same manner as ordinary criminals. Concessions of special status and other privileges tend to erode respect for the impartiality of the law, arouse false hopes of an amnesty and impose extra strains on the penal system.

14. It is a vital principle that liberal democratic governments should not allow their concern with countering terrorism, even in a serious emergency, to deflect them from their responsibilities for the social and economic welfare of the community. Liberal democratic governments must, by definition, be grounded upon the broad consent of the governed. They are inherently reformist and ameliorative: it is their citizens' natural and legitimate expectation that their representatives and ministers will respond constructively to the expressed needs and grievances of the people. The business of attending to the public welfare must go on. It is, of course, true that this is one of the greater inner strengths of liberal democracy and incidentally one reason why its citizens constitute such a hostile 'sea' for the terrorist to swim in.

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

It must be emphasized that the above general principles are not meant to be comprehensive. Much qualification and elaboration is needed to relate these ground rules to the actual problems of conducting anti-terrorist operations. Nevertheless, it is the author's belief that these broad principles embody some of the major lessons that have been learned from anti-terrorist campaigns of the past. It is now necessary to survey the strategy, tactics, measures and resources of anti-terrorist operations and to identify some of the more valuable forms of international response.<sup>15</sup> Before we do so, we must consider the vital but often underestimated role of the Private Sector.

### **The key contribution of the private sector**

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Private sector companies engaged in business and industry have every reason to make a useful contribution to preventing, deterring

15. See Paul Wilkinson, *Terrorism Versus Democracy: The Liberal State Response* (London: Frank Cass, 2000).

or combating terrorist groups, especially if it is a network such as Al Qaeda which explicitly aims to attack the economic infrastructure. Private sector organizations, especially if they form part of the critical national infrastructure, are potentially direct targets of the terrorists. They may also become direct targets because of the company's country of origin, the nationality of its management or staff or because of the nature of its business and trading links. A firm may also become an indirect target, for example as a result of being located in a business district which offers a particularly attractive soft target for terrorists.

In a broader sense all businesses, even quite small ones, have a vested interest in preventing further major terrorist attacks such as 9/11 or the Madrid train bombings. This is because in the wake of major attacks, causing perhaps hundreds of deaths and injuries, well-informed companies know that there is a serious danger that they will suffer from the knock-on effect on the wider commercial sector. Governments cannot protect everything. It should be the private sector organizations' own responsibility to meet the cost of the enhanced security and contingency plans. However, the police should be available to provide advice and guidelines in partnership with businesses.

Take for example, the airlines and the aerospace and tourist industries so closely linked with civil aviation. If one sector is hit the others will suffer a sharp downturn. In the event of a spectacular mass-casualty/mass-destruction attack, the value of their stocks and shares may drop dramatically as a result of confidence in the security of their operations and staff ebbing away.

All medium and large-scale private sector organisations located in countries or regions subject to a terrorist threat and which believe themselves to be potential direct or indirect targets need to ensure that they have the full range of measures in place to protect their staff and plant. They need proper crisis management structures, fully trained, briefed and frequently exercised. These need to be able to handle emergencies of a general nature such as bomb threats and attacks as well as threats more specific to their business. For example, companies deploying employees in crisis hotspots around the world need to train and prepare for the possibility of an employee being taken hostage, in much the same way that pharmaceutical companies or companies belonging to the food and drink industry need to plan and exercise their crisis management capabilities in the event of a product contamination or

threat from contamination. Airlines and airports need to plan and rehearse measures to deal with aircraft hijackings and ground attacks on aircraft and airports. In relatively quiet times it may be hard to persuade management to keep up with the crisis management and emergency planning activity. They need to be reminded of the appalling potential costs of failure to cope if a crisis strikes.

Government and law enforcement services are clearly unable to protect everything. Firms therefore need to resort to self-help, and develop, in close cooperation with the police, sensible measures of physical protection, alarm systems, and appropriate technologies for access control, perimeter securing and physical protection of buildings, equipment and stocks. They will also need to develop and exercise the full range of emergency plans, including evacuation, relocation, ensuring business continuity and methods of strengthening resilience and facilitating long-term recovery. In the UK and other EU countries, major companies generally have such plans and procedures in place, but many small and medium-sized businesses have not made contingency plans for major emergencies of this kind. Urgent efforts need to be made to encourage the private sector to take these measures as soon as possible. Many lives could be saved if the measures described above were to be well planned and executed. An inestimable advantage to businesses is that their emergency planning efforts to deal with terrorist attack will also assist them in the event of a major environmental disaster or other potentially catastrophic event.

There are two other major assets which the private sector can bring to bear which exploit unique expertise and technical resources in specific sectors, for example in the financial sector, in civil aviation, in the maritime industry, or in the energy industry. One of these strengths is *business intelligence* which may provide information that is simply unavailable in the public domain. *Partnership* between the public and private sector is by no means a one-way street of public sector support for the private sector. Take the field of financial intelligence: banks and other companies in the private sector often possess vast amounts of information on suspicious financial activity. Effective measures to suppress terrorist financing require an equal partnership and a readiness to collaborate not only between the public and private sectors but also *within* them, and across international borders.

A second key asset of the private sector is their *development of new and improved technologies which can make a significant contribution to*

*enhancing security*, including biometric techniques for creating forgery-proof identity documents, explosives detection equipment suitable for use in airports, technical measures to protect airlines against MANPAD attacks and interoperable communications systems for use by emergency services. These are just a few of the potentially invaluable private sector contributions to counter-terrorism. For all these reasons closer partnership with and within the private sector should be developed with much greater urgency.

### **The London bombings of 7 July 2005 and lessons to be learnt**

The UK Security Service and the Metropolitan Police have been fully aware of the seriousness of the terrorist threat to the UK and to London in particular since the 9/11 attacks. Both the Head of the Security Service, Eliza Manningham-Buller, and the former head of the Metropolitan Police, Lord Stevens, warned that it was a question of 'when', not 'if', a suicide bomb attack would take place. Despite the curious decision to lower the terrorist threat level prior to the G8 Summit, there is no doubt that the UK's counter-terrorism agencies have been on very high alert for an Al Qaeda attack for many months.

Acting on intelligence from domestic sources and from friends and allies abroad they have succeeded in thwarting or disrupting at least five major Al Qaeda linked conspiracies to carry out terrorist attack in the UK. Sadly, they did not have any intelligence on the cell responsible for the bomb explosion on 7 July which killed 52 and injured 700. Intelligence is an art not a science, and professional intelligence specialists are all too well aware that their knowledge of our major terrorist enemy is both incomplete and often inaccurate.

The bombs detonated in the London Underground on 7 July were set off almost simultaneously. The bombings were clearly aimed at causing mass-casualties in the train system during the rush hour and creating mass disruption. This type of no-warning, coordinated mass-casualty attack is typical of the Al Qaeda Network, and has close similarities to the Madrid train bombings of March 2004. While the individuals who planned this outrage and recruited suicide bombers to carry it out are still at large the new Commissioner of the Metropolitan Police is correct to warn of the

likelihood of further attacks. Clearly the investigation to identify the planners and handlers must be pursued with the greatest urgency.

The response of Londoners to the 7 July bombings was remarkable, just as the population of Madrid showed great courage in the wake of the March 2004 attacks. The general public showed determination and courage in refusing to be intimidated by the terrorists and by going back to 'business as usual' as soon as possible. The police and the emergency services put their major terrorism emergency plan into operation swiftly and efficiently and undoubtedly helped to save many lives by so doing. We should also pay tribute to the London Underground staff who returned to work as soon as possible to get the Tube system functioning again. If the Al Qaeda-linked terrorists thought they could terrorise Londoners into appeasement and defeatism they made a fundamental miscalculation.

Londoners once again displayed a determination not to be intimidated when they were faced with a copycat plot to detonate bombs on Tube trains and on a London bus on 21 July. Fortunately the bombs failed to go off. The police have claimed that the bombs were intended to kill and that if the bombs had not malfunctioned the carnage caused would have been comparable with the deaths and injuries caused on 7 July. The police investigators appear to have worked with extraordinary speed to identify those individuals who they claim were planning to carry out the attacks and all the suspects are now in custody, together with other individuals accused of withholding information about the whereabouts of the suspects. One of the suspects, Osman Hussain, who the police believe was about to attack the Shepherd's Bush Tube, managed to flee to Rome, but was captured by the Italian police. The British authorities immediately moved to seek to extradite Hussain under the Europe Arrest Warrant which had just become incorporated into Italian law. The British authorities are intensifying their investigations to discover whether other cells are ready to be activated in the UK, and, if so, who is recruiting them and planning future attacks. With the aid of friendly intelligence and police services overseas they are also investigating possible international links between the UK network and Al Qaeda's networks overseas, for example in Pakistan, Saudi Arabia or East Africa. Clearly, the investigative team have much difficult work to do before they can be said to have completed their work.

In the light of the London suicide bombings and the results of the investigations so far, it is possible to spell out some of the key lessons to be learnt:

- ▶ Despite their great efforts to enhance the quality of their intelligence on Al Qaeda's network of networks, the UK's intelligence services seriously underestimated the Al Qaeda network threat to the UK. A leaked document from the UK's Joint Terrorism Analysis Centre (JTAC), which contains representatives of all the UK's intelligence services, published in the *New York Times*, tells us that only a matter of weeks before the 7 July bombings the UK intelligence services believed that 'there is no extremist group with the current intent or capability of launching an attack in the UK'. Indeed only a matter of days before the G8 Conference in Scotland, the UK security authorities downgraded the terrorist alert state from 'severe general' to 'substantial'. Clearly the groups involved in the 7 and 21 July operations had not even appeared on the radar screens of MI5 and the police. The Spanish and Dutch authorities were similarly taken by surprise when they discovered the presence of previously unknown *jihadi* terrorist groups within their countries. Hence the first key lessons for Europeans to learn about the current terrorist threat is that we need to know far more about our enemy and to be wary of over-confident and over-optimistic claims by our intelligence and police services. Our counter-terrorism officials and policy-makers should not neglect analysis of worst-case scenarios and their implications.
- ▶ A second, extremely important, lesson is that because it is inherently so difficult to prevent terrorists from carrying out no-warning suicide attacks in crowded places it is vital to develop and exercise emergency plans for the police and other blue-light services' response to different kinds of terrorist attacks, especially for the type of coordinated mass-casualty attacks which are the hallmark of the Al Qaeda movement. More resources, training for emergency service personnel, and appropriate modern equipment, such as personal protection clothing and decontamination units, should be made available, not only in capital cities, but also at regional centres as terrorists do not necessarily exclusively restrict themselves to targeting national capitals. Good contingency planning and training could save scores of lives in the event of an attack.

- ▶ The third key lesson to be learnt, applicable to all countries in the European Union and the wider democratic world, is that to prevent future attacks from *jihadi* terrorists, recruited and indoctrinated within our countries, we need to invest far more effort and expertise in waging a battle of ideas to prevent young, angry, alienated Muslims from being recruited and trained for suicide bombing and other terrorist activities. This is not going to be a quick or easy task by it is a vital part of any effective long-term strategy to combat the Al Qaeda movement. Enlisting the help of moderate religious and community leaders is only part of this task. The education system, the universities and the mass media as well as the mosques must be enlisted to help in this task.
- ▶ Last but not least we need to bear in mind the key lesson that it is a serious mistake to focus too narrowly on measures to counter attacks on the latest type of target chosen by Al Qaeda's *jihadis*. Of course it is important to make sensible improvements to the security of underground railway systems and other forms of public transport, though they are notoriously hard to protect. But we need to bear in mind that the Al Qaeda Network has attacked or planned to attack very wide range of targets. In August 2005 a British Sunday newspaper revealed that it has seen a police document claiming that they had thwarted an Al Qaeda nerve gas attack on Ministers and MPs in Parliament. All potential targets, including the general public, need to maintain the greatest possible vigilance and emergency readiness.



## Conclusion: Possible additional EU measures to prevent and combat terrorism

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The implications for Europe are surely clear. Whatever differences may exist about the details of foreign policy, we must continue to stand shoulder to shoulder in our efforts to suppress the Al Qaeda network in all its forms. How can we most effectively fight the Hydra?

The first prerequisite for an effective strategy must be that it is genuinely multinational, not only maintaining the solidarity of the existing coalition against terrorism but expanding it. Close collaboration with and between Muslim members of the coalition is particularly important because of their greater access to intelligence on the extremist political groups active in the frontline Muslim states.

Secondly, the strategy must be multi-pronged. Military force is invaluable for certain counter-terrorist tasks such as physical protection of borders and potential targets and for bomb disposal and hostage rescue, but it is not a panacea for defeating a terrorist movement which is widely dispersed and well hidden in major cities around the world. The strategy must above all be intelligence-led and must utilise to the full all the resources of police and judicial co-operation to apprehend the terrorists and their support networks and bring them to justice. It is foolish to underestimate the role of the criminal justice system. If terrorists are convicted after a fair trial on the basis of clear and convincing evidence, justice is seen to be done and the democracies will continue to occupy the moral high ground. Compromising due process only weakens the claims of democracies to be upholding democratic principles and gives the terrorists a gratuitous propaganda weapon and recruiting sergeant.

Nor should we neglect employing the education system, religious and community leaders, and the mass media in a battle of ideas to reveal the true face of terrorism and to deter impatient, angry young Muslims from joining its ranks. It is disappointing to

discover that the US Government spends a mere 0.3 per cent of its total defence budget on public information and the battle of ideas. We have already forgotten that this was one of the most effective of all our assets in the West in winning the Cold War.

Last, but by no means least, we need to promote far more comprehensive and rigorous counter-proliferation measures to prevent acquisition of chemical, biological, radiological and nuclear weapons and materials by terrorists, and to help protect the public or at least mitigate the effects on the public in the event of a terrorist attack by such means.

If we work closely with our allies and evolve a more effective global strategy we can eventually unravel and suppress the Al Qaeda network.

In an interview on BBC Radio 4's *Today* programme on 9 July 2005, British Prime Minister Tony Blair urged that an effort should be made to identify and address the underlying causes of terrorism.

This long-term approach will strike a chord with many. There is no doubt that peace processes have saved thousand of lives. Where the underlying causes of conflict are potentially corrigible, as in Northern Ireland, terrorism can be dramatically reduced or even terminated. On July 28 2005, the IRA announced that all IRA volunteers had been ordered to pursue their goals through 'exclusively peaceful means', and in September it was officially confirmed that they had decommissioned their arsenal of weapons. This could presage the end of terrorism in Northern Ireland.

However, some terrorist campaigns are not corrigible in this way. The harsh reality is that the underlying causes of the Al Qaeda network's global *jihad* against terrorism are incorrigible. Al Qaeda has an absolutist and grandiose political agenda aiming at nothing less than the wholesale restructuring of the international system. Moreover, as shown on 9/11 and in numerous other attacks, it is explicitly committed to mass-casualty attacks, and has no compunction about killing hundreds of civilians by means of the terrorist outrages of the kind suffered by London and Madrid.

In the face of such evil cruelty and fanaticism, any form of appeasement would be disastrous and would encourage Al Qaeda and other terrorists to embark on even more audacious attacks.

However, although there is no political panacea for ending Al Qaeda terrorism, there are many measures our government and

allies can undertake which, it is to be hoped, would vastly reduce the threat from the Al Qaeda network. A much greater effort must be made to improve the quality of intelligence, especially human intelligence, on the terrorist groups and their plans.

More resources should be invested in recruiting and training high-quality intelligence officers, including providing them with the necessary language courses and cultural familiarization.

Greater effort is needed in tracing and suppressing the financing of terrorism, often itself a valuable means of tracing links. More emphasis needs to be given to winning the battle of ideas within the Muslim community against the cruel and distorted beliefs of Al Qaeda. We should be urgently reviewing ways to strengthen our justice system to help it deal with terrorist cases, for example allowing the use of intercepts as evidence in terrorist cases, while at the same time upholding basic civil liberties. Last but not least, those in charge of our counter-terrorism policy should be working with the research community to urgently review security technologies such as the latest explosive detection equipment which might be developed or made available to the rail and road transport sector to enhance public safety.

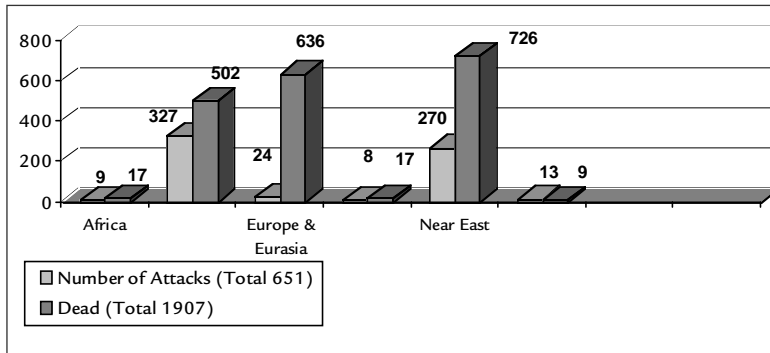
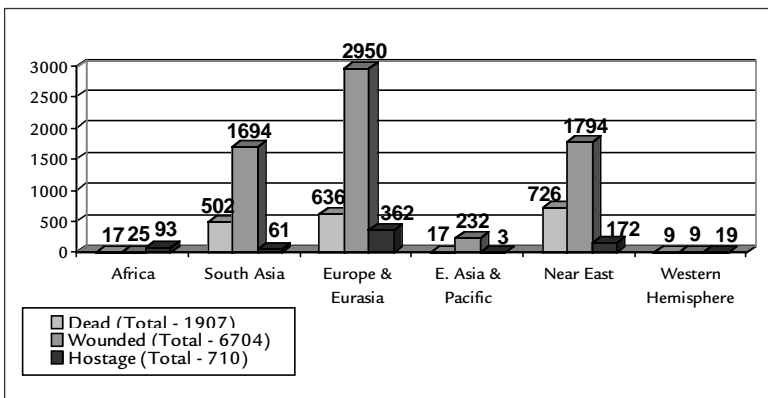
All of these are practical measures which would be of great help in the long-term efforts to suppress the Al Qaeda network. However, it will also be crucially important for the British presidency and the incoming Austrian presidency of the EU to press for full implementation by *all* EU member states of the key elements of the EU action plan agreed after the Madrid train bombings of March 2004. The measures that have not yet been fully implemented are as follows:

- Increasing the exchange of information between European law enforcement agencies.
- Monitoring of bank transactions in 'real time' so that suspicious transactions can be rapidly notified to EU allies.
- Improved databases on terrorist suspects and control of weapons.

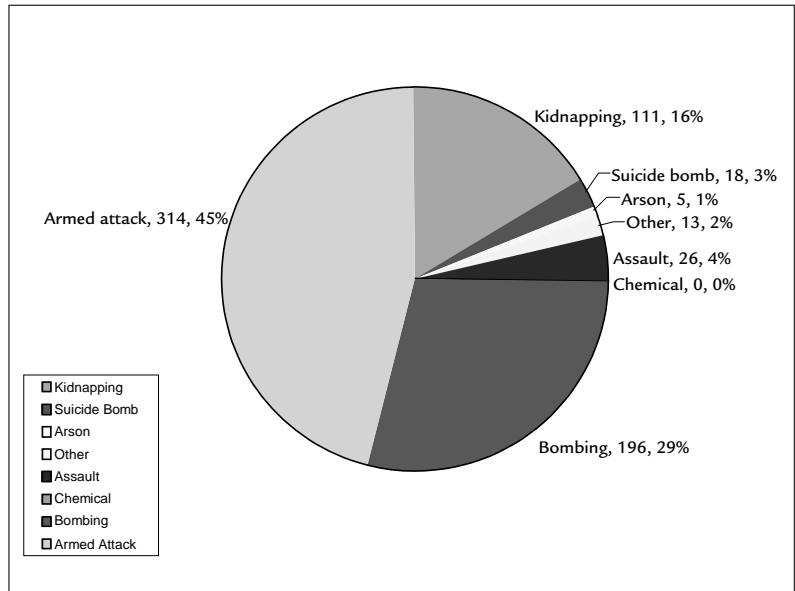
The proposal for improving the monitoring of bank transactions is a potentially invaluable measure, not only because it will enhance our ability to seize terrorist assets, but also because accurate and up-to-date financial intelligence provides an additional method of tracing individual terrorists and their links to support

networks, and a means of targeting the resources of donors and supporters who provide funding for terrorist groups. Chancellor Gordon Brown has taken a leading part in these efforts and in the initiatives of the Financial Action Task Force (FATF), so it is particularly appropriate that he should be pressing these measures forward during Britain's EU presidency.

Above all we must resist the doomsayers' pessimism about the struggle against terrorism. Such attitudes only play into the terrorists' hands. If we work together multi-nationally with a strong will and a carefully planned multi-pronged strategy we will ultimately succeed in unravelling Al Qaeda's evil network.

**Statistics:****Significant international terrorist attacks in 2004****1. Regional significant international terrorist attacks and total associated dead by region, 2004****2. Total victims of significant international terrorist attacks, by type of victim and region, 2004**

### 3. Methods used in the 651 significant international terrorist attacks involving worldwide victims in 2004



Source: US National Counterterrorism Center, *Statistics on Significant International Terrorism*; [http://www.tkb.org/documents/Downloads/NCTC\\_Report.pdf](http://www.tkb.org/documents/Downloads/NCTC_Report.pdf)

## *Abbreviations*

CTG	Counter-Terrorist Group (EU)
EJN	European Judicial Network
EU	European Union
EUROPOL	European Police Office
IGO	Intergovernmental Organisation
IRA	Irish Republican Army
MANPAD	Man Portable Air Defense System
NATO	North Atlantic Treaty Organisation
OAS	Organisation of American States
OSCE	Organisation for Security and Co-operation in Europe
PKK	Partiya Karkerên Kurdistan [Kurdistan Workers' Party]
UN	United Nations
RDD	Radiological Dispersal Device
SITCEN	Joint Situation Centre (EU)
UK	United Kingdom
WMD	Weapons of Mass Destruction

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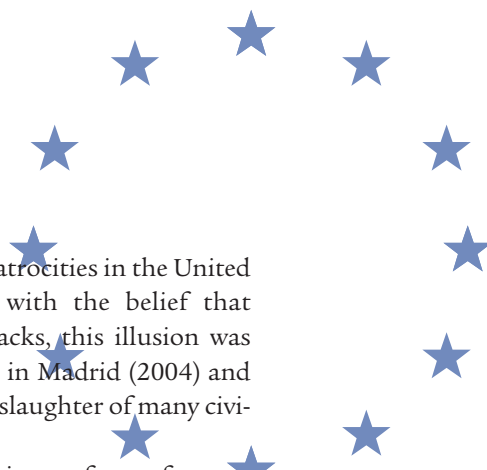
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If any Europeans observing the 9/11 atrocities in the United States had comforted themselves with the belief that Europe was immune from such attacks, this illusion was tragically shattered by the bombings in Madrid (2004) and London (2005) which resulted in the slaughter of many civilians.

How should the EU respond to this new form of terrorism which is closely related to religious fanaticism and whose explicit aim is mass killing? How serious is the Al Qaeda network's threat to Europe and to Europe's interests abroad? What kind of strategy should the EU adopt in order to unravel the Al Qaeda network? What are the emerging trends and the future prospects for terrorism and counter-terrorism? These are some of the key issues discussed in this *Chaillot Paper*.

The author seeks to identify some general principles which should underpin the anti-terrorism policies and measures of the EU member states and of the EU itself. Stressing the transnational dimension and the importance of enhanced cooperation between member states, he suggests some key components of an effective strategy to dismantle the Al Qaeda network, while also emphasising that democracies must never fall into the trap of using the methods of terror to defeat terror.

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