



## CENTRE OF EXCELLENCE DEFENCE AGAINST TERRORISM



# COE-DAT NEWSLETTER

Volume 1 / Issue 1 / April 2007

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## Editorial

**O**ur new born first issue has four main sections. First of all, we share the analysis of the data related to the terrorist incidents took place in the previous month all over the world. In addition, we have articles related to international security and terrorism concepts. A brief information about the training activities of our centre will also be provided in the bulletin. Lastly, the past and future prospects of the Centre will be summarized.

In his article, Revisiting the Concept of Deterrence in Search for an Adequate Response to International Terrorism, Assoc. Prof. Mustafa KİBAROĞLU, argues the definition of deterrence, theoretical aspects of deterrence, conventional deterrence, nuclear

deterrence, contemporary security challenges, limits of classical deterrence, and impacts of religious & cultural differences of the concept of deterrence. Lieutenant Colonel Halil SARICA introduces different approaches to counter terrorism in his article. He explains definition problems, different strategies for countering terrorism, American, European, Israeli, United Nations, and Turkish approach to terrorism.

Lastly, Major Ümit GÜLERYÜZ points out the general concept of the essays presented in the course of Legal Aspects of Combating Terrorism which was held by COE-DAT on 29 January - 02 February 2007 in Ankara with the participation of 52 experts from 24 countries.





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## Preface

**Ahmet TUNCER**

*Col. (TU A)  
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The buzzword of “global terrorism” has infiltrated into our lives just after the attacks to the twin towers in New York on September 11, 2001. So far, we all have been misguided by the perception that terrorism is a quite new phenomenon and the biggest security challenge of the 21st century. However, terrorism, being older than the emergence of the modern-nation state, is indeed as old as the humanity. Although terrorism is not a new phenomenon, what we have been confronting today as an asymmetric threat is terrorism with a changing profile. The notion of change in the nature of terrorism mainly stems from the changes in targets, weapons, and motives, the combination of which make terrorists more dangerous than ever before.

As a result of the technical progress, developed societies become more vulnerable to attack, so have the mega cities of the developing world. Traditional terrorist weapons such as explosives meanwhile became more lethal and efficient, and the technology and skills enabled the weapons of mass destruction diffusion throughout the world. During this change of the profile of terrorism, 9/11 attacks displayed that even the most powerful cannot be immune from terrorist attacks and reminded the nations of the trans-territoriality, transnationality and unpredictability of terrorism. Since no nation can ensure keeping terrorism outside of its borders, it is impossible to think of a victory against terrorism without international cooperation. The significance of Center of Excellence Defence Against Terrorism (COE-DAT) comes to the fore at this point.

Having been inaugurated on 28 June 2005 in Ankara/Turkey, COE-DAT aims to convey its subject matter expertise Defence Against Terrorism (DAT) related issues to NATO members, Partnership for Peace (PfP) and Mediterranean Dialogue Countries (MD), non-triple nations and external entities. Born out of a Turkish initiative

and currently supported by six other NATO nations (Bulgaria, Germany, Netherlands, Romania, United Kingdom and United States of America), COE-DAT provides defence against terrorism training and education at the strategic and operational levels and assists Allied Command Transformation (ACT) in concept and doctrine development efforts. The center has already been certified as a NATO Accredited COE and gained International Military Organization status with the NATO Council Endorsement dated 14 August 2006 and become the unique center of excellence on terrorism related issues. Furthermore, COE-DAT is a “multinational”, “joint” and “combined” centre of excellence, led by a military director and manned by military and civilian experts from Turkey and other NATO countries.

In addition to conducting activities ranging from seminars, symposiums and courses to mobile training courses, COE-DAT is publicizing the results of its activities through reports; preparing daily, weekly and monthly terrorism assessment reports and disseminating them to the relevant and related units. Accordingly, this Newsletter intends to provide a point of reference on the current discussions on terrorism and counter-terrorism and highlight the activities of COE-DAT that may be of interest to you.

This first Newsletter is composed of a monthly assessment of the terrorist attacks all over the world, articles on Revisiting the Concept of Deterrence in Search for an Adequate Response to International Terrorism, Different Approaches to Counter-terrorism and Legal Aspects of Combating Terrorism, introductory information about the activities of COE-DAT.

I welcome your comments on our writings and activities and I urge you to share this Newsletter with your colleagues.

## General Overview of the Month

### THE MOST SIGNIFICANT TERRORIST INCIDENT IN MARCH 2007

#### TAL AFAR BOMB KILLED 152, THE DEADLIEST OF WAR

The Iraqi government raised the death toll on Saturday from a truck bomb this week in the town of **Tal Afar to 152, making it the deadliest single bombing of the four-year-old conflict.** Also, 347 people were wounded in Tuesday's attack on a Shi'ite area. 100 homes had been destroyed in the main blast, which officials have blamed on al Qaeda. The explosion left a 23-metre (75-ft)-wide crater.

In the last month's second and third most-hit countries, **India and Pakistan**, the number of the terrorist attacks increased and made them remained in the category of the most volatile countries. The countries were hit by more than sixty times.

**In Somalia**, the attacks in the last two weeks of the month pushed the country on the edge of a new **civil war** despite the reconciliation efforts of the government and the measures of the African Union peacekeeping mission. The insurgents' mortar attacks and the alleged excessive force usage of the foreign troops in the capital Mogadishu city caused hundreds of civilian casualties which could not be tracked properly due to the lack of definite information on the exact figures. Except from Somalia; Sudan, Nigeria, Ethiopia, Democratic Republic of Congo and Benin were the other countries those hit by indiscriminate nature of terrorism in Africa.

**Algeria and Morocco** were the North African countries targeted by the terrorists in March 2007. The new al-Qaeda Organization in Islamic Maghreb in Algeria conducted four more attacks in the country and its propaganda seemed to find supporters in the neighboring Morocco.

In Middle East; **Yemen** was

#### **DEADLIEST SINGLE BOMBING OF THE FOUR-YEAR-OLD CONFLICT**

Bomb attacks killed 152 and wounded 347 people in Iraq on 27 March 2007, who died in twin truck bombings in the northwestern town of Tal Afar,\*

\* Reuters

the most-hit country during the month due to the re-emerging sectarian disputes since the beginning of the year. In the clashes between the militants of Hauthi's Group and the security forces, 21 security forces were killed. One each attack took place in Israel and Lebanon during the month while abductions of five people in United Arab Emirates in separate two incidents were the other incidents reported from the region.

In Asia, except from the countries mentioned above; Bangladesh, Indonesia, Nepal, Philippines and Thailand were the countries troubled with terrorist incidents. The number of the attacks in **Thailand** increased despite the relative soft approach of the new government and reached 45, almost 1/3 more than the last month's 29 incidents. In **Nepal**, the clashes between the Maoists and the other groups in the country claimed more than fifty lives although the Maoist has entered the parliament in the beginning of the year.

Several causes, which were marked by the ethno-nationalist Marxist Kurdistan Worker's Party's (PKK/KONGRA-GEL) terrorist aims, hit Europe again in March 2007. The militants of PKK/KONGRA-GEL conducted several arson attacks in Austria, France, Germany, Sweden and Switzerland as well as Turkey. More than 15 attacks in



the continent targeted Turkish and French enterprises. **The raid and invasion of one of the United Nations building in Vienna was the most ruthless activity of PKK.** Separately five security personnel were killed in a landmine explosion and the clashes between the PKK/KONGRA-GEL terrorists in Turkey. The other important incident reported in Europe was a **cyber terrorist attack** which was foiled in United Kingdom.

In Americas, Chile, Colombia, Ecuador and the United States of America were the countries troubled by terrorist incidents. The only incident in USA was a foiled hijacking attempt of two people disguised as police officers in the Los Angeles international airport. However, the activities of the **Revolutionary Armed Forces of Colombia** made Colombia the most-troubled country in the continent with at least six incidents killing and wounding 18.

As for the attack types the terrorists used most during the month, **the close quarter armed attacks** are again the

first choice of the terrorists with 348 separate incidents, killing 1160 and wounding 355. As the number of the bodies found dead is counted in this type, the fatalities are much higher than the casualties sustained: 632 people were found dead in Afghanistan, India, Pakistan, Somalia, Sri Lanka, and Thailand and particularly in Iraq. In the similar incidents in which the fires traded between the security forces and the terrorists, mostly during a security operation, which are categorized as **clashes**, 712 people were killed and 506 more wounded in separate 112 incidents.

However, the **devastating type of terrorist attacks** in the world was undoubtedly the **suicide attack**. Afghanistan, Iraq, Morocco, Pakistan and Sri Lanka were the countries hit by such attacks; those killed 560 people and wounded 1349 more in separate 59 incidents. **The deadliest attack was carried on in Iraq's Hilla city**, killing 130 and wounding 200 more. As the affect of this kind of attacks mainly depends on the amount of the explosives used and the capability of the terrorists to reach these explosives, as well as the time and place of the attack, the largest attacks were all carried out in Iraq where was hit for 33 times. But an attack in **Sri Lanka** killed ten in one occasion and wounded 13 more. In the other two occasions those carried out by **Liberation Tigers of Tamil Eelam** in Sri Lanka, two people were killed and six more were wounded. In **Afghanistan** where was hit 21 times by this kind of attacks, the deadliest attack killed six people and wounded 43 more in which two suicide bombers detonated the explosives they were carrying. **Pakistan and Morocco** were the remaining countries hit once by the suicide bombers.

In 236 occasions the terrorists used various types of **Improvised Explosive Devices (IEDs)**. In this kind of attacks, the number of those wounded is much higher than those killed. As a matter of fact, 1117 people were wounded and 362 people were killed in the bombing attacks in which IEDs were used. **The Vehicle Borne IEDs (VBIED)** were used in only Afghanistan, Iraq and Pa-

*Table 1 -  
Incidents in March 2007  
throughout the World*

COUNTRY	EVENT COUNT	KILLED	WOUNDED	ABDUCTED
AFGHANISTAN	94	180	293	21
ALGERIA	4	14	4	0
AUSTRIA	1	0	0	0
BANGLADESH	2	3	0	0
BENIN	1	0	0	0
CHILE	1	0	0	0
COLOMBIA	8	18	18	18
CONGO	2	1	5	0
ECUADOR	1	0	2	0
ETHIOPIA	2	0	0	15
FRANCE	4	0	0	0
GERMANY	5	0	0	0
INDIA	65	137	122	15
INDONESIA	1	0	14	0
IRAQ	485	2036	2936	55
ISRAEL	1	0	1	0
LEBANON	1	0	0	0
MOLDOVA	1	1	0	0
MOROCCO	1	0	3	0
NEPAL	15	54	57	17
NIGERIA	5	4	0	7
PAKISTAN	63	344	115	2
PHILIPPINES	4	9	3	0
RUSSIA	1	0	0	1
SOMALIA	55	173	225	0
SRI LANKA	94	162	324	1
SUDAN	5	9	1	0
SWEDEN	1	0	0	0
SWITZERLAND	4	0	0	0
THAILAND	45	59	73	0
TURKEY	4	5	4	0
UAE	2	0	0	5
UK	1	0	0	0
USA	1	0	0	0
YEMEN	3	21	1	0
TOTAL	983	3230	4201	157

WORLD	EVENT COUNT	KILLED	WOUNDED	ABDUCTED
ABDUCTION	32	0	0	94
ARMED ATTACK	348	1160	355	46
ARSON	16	0	1	0
ASSASSINATION	18	19	9	0
BOMB ATTACK	112	326	845	0
CLASH	116	712	506	7
CYBER ATTACK	1	0	0	0
HIJACKING	2	0	0	0
HOSTAGE KILL	13	30	0	0
IED	165	182	516	0
INF. ATTACK	19	0	0	0
RAID	11	61	19	10
SUICIDE ATTACK	59	560	1349	0
VBIED	57	159	577	0
VOIED	14	21	24	0
<b>TOTAL</b>	<b>983</b>	<b>3230</b>	<b>4201</b>	<b>157</b>

Table 2 - Types of Terrorist Attacks Used in March 2007

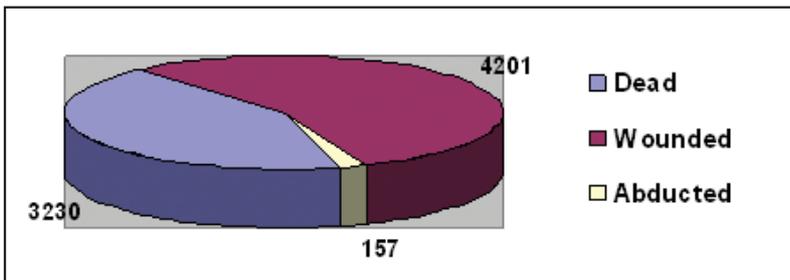


Chart 1 - The Casualty Report in March 2007

kistan while the usage of **Victim Operated IEDs (VOIED)** was also reported in Sri Lanka, India and Turkey. The general type of this tactic was used worldwide. The most brutal attack was carried out in Iraq's Tal Afar town, killing 152 and wounding 347 when an explosive-laden truck was blown up in a crowded neighborhood.

Another deadliest attack type the terrorists used throughout March 2007 was the **Indefinite Fire attack (IDF)** in which generally mortars, rockets or grenades were used. In such 112 attacks, 326 people were killed and 845 more people were wounded. Iraq is one more time the most-hit country by this kind and Sri Lanka comes the second as **the mortar usage is one of most indispensable tactics of LTTE**. The most of the casualties in Somalia were caused by mortar attacks and **Baluchistan region of Pakistan** was constantly harassed by indefinite fire attacks. Afghanistan, Colombia, India and Philippines were the other countries in which such attacks were carried out.

The casualties, terrorist incidents according to attack types, and the countries hit by terrorist attacks are shown below.

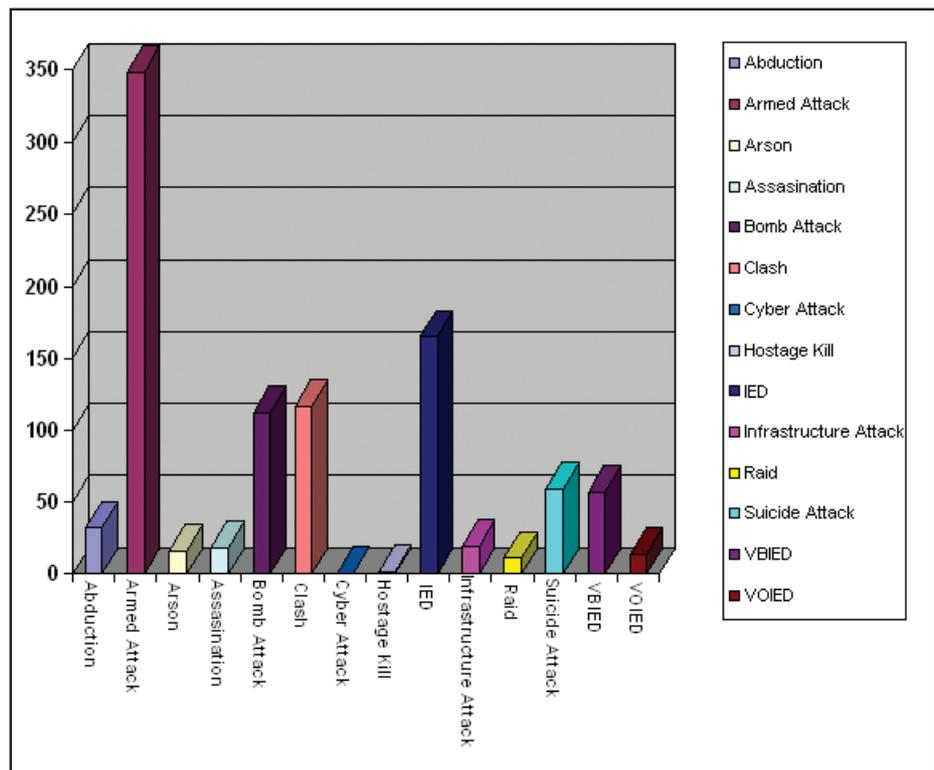


Chart 2 - The Attack types used in March 2007

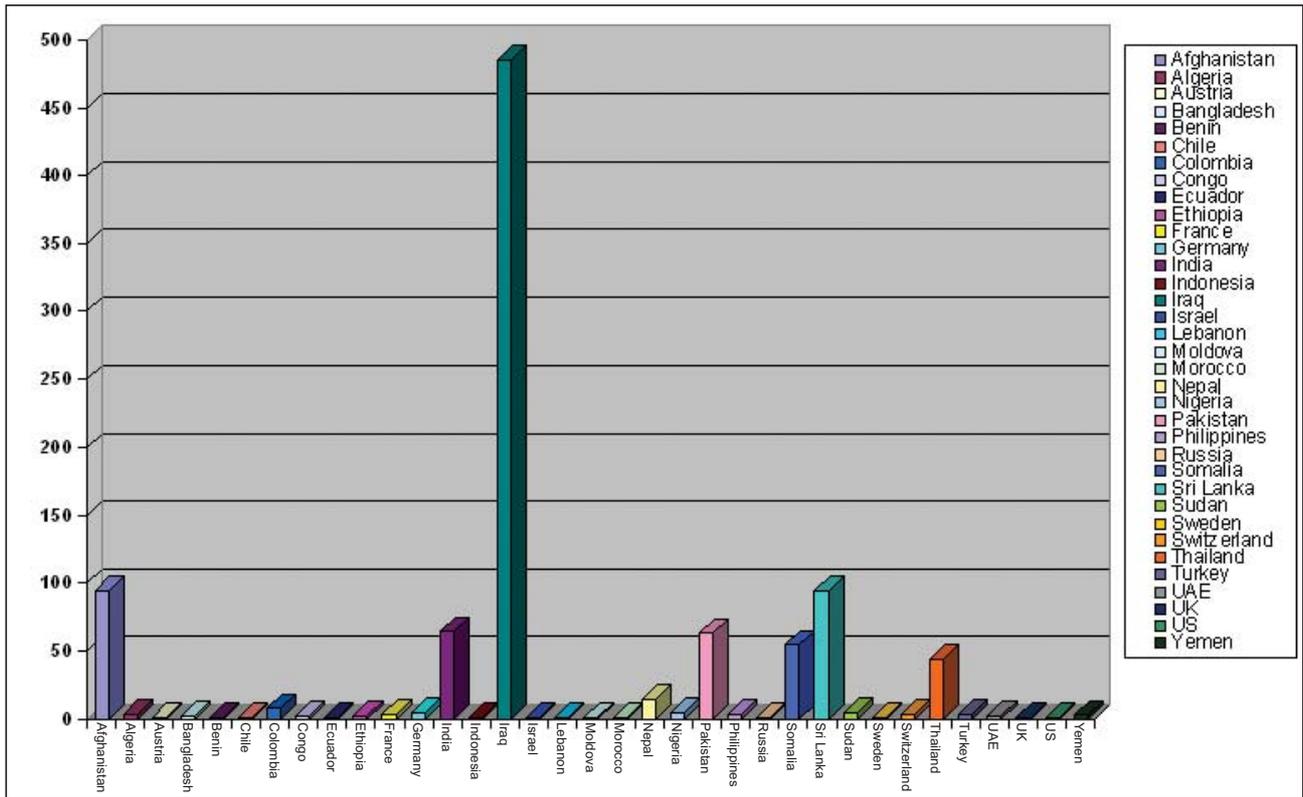


Chart 3 - The countries hit by terrorist attacks in March 2007

## Revisiting the Concept of Deterrence in Search for an Adequate Response to International Terrorism

**Mustafa KİBAROĞLU**

*Assoc.Prof.\**

### Introduction

The end of the Cold War has created an enormous sense of relief regarding the threat of nuclear catastrophe. However, the realization of the threat of worldwide proliferation of nuclear, biological, and chemical (NBC) weapons, and ballistic missiles as their delivery vehicles, soon after eradicated most hopes for a more stable and peaceful world order. Unlike the Cold War period during which the threat of nuclear annihilation was menacing but stability could be maintained thanks to the virtues of nuclear deterrence, the post-Cold War era is characterized by highly destabilizing factors such as the emergence of non-state actors (i.e., terrorist organizations, militia groups, cults etc.) as well as states with unrelenting determination to acquire all sorts of weapons of mass destruction (WMD) and their delivery vehicles.

To date, non-state actors have not been successful to stage attacks in which WMD are involved, with the exception of the Tokyo subway attack in March 1995 where sarin gas was used, causing a dozen fatalities and thousands of injuries. But, there is no guarantee that such a devastating attack may not or will not occur any time soon. There are very few parameters or indicators according to which one would base his/her analysis about the likelihood of future attacks. Unlike states whose capabilities are visible to a great extent and disseminate some intelligence, accidentally or on purpose, about their intentions to resort to force within a foreseeable time frame, for instance, by conducting unusually large scale military maneuvers, non-state actors are almost invisible that make it hard to track with their capabilities, let alone to detect their intentions about when and where they are going to stage their next assaults.

The attacks of September 11, 2001 heralded the beginning of a new era - no matter how contested this view may be - where the classical approaches to security challenges and the responses thereof are being frequently called into question by security analysts and academics ever since.

There is, therefore, an obvious need to

revisit the concept of deterrence with a view to finding out its limitations as well as to propose adequate responses to the emerging threats posed by a number of new actors in the international arena to the security of many nations worldwide.

### Definition of Deterrence

Deterrence requires rational thinking, which means the capability of a decision-maker (i.e., actor) to make cost-benefit analysis with respect to the policies suggested. Hence, if the cost of expected damage that will be incurred because of pursuing a certain policy is, in all likelihood, higher than the expected benefits, then a rational actor will most probably refrain from pursuing that policy. He will be deterred. The actor will either make changes to the plan so as to take the necessary measures to minimize the anticipated damage -- or, will wait until such a time when the expected benefits will be worth taking the anticipated risks.

Originally, the word deterrence comes from the Latin word “deterere” that means, “to frighten from.”<sup>1</sup> However, until now, many specialists and organizations have defined “deterrence” in their own words. John J. Mearsheimer, in his study entitled *Conventional Deterrence* describes plainly deterrence as a way of convincing an adversary not to fulfill a specific action by revealing him the situation in which the expected benefits would not match its potential costs and risks.<sup>2</sup> Bernard Brodie defines deterrence as attempts to create appropriate “disincentives” to neutralize “the incentives” of the opponent to destroy the defender.<sup>3</sup> These definitions correctly comprise the essential idea in the concept of deterrence, to create a perception in the minds of opponent that the expected benefits from attacking may cause a high cost. Thus, the fear about the consequences of a specific action was the main mechanism manipulated by the concept of deterrence. In simple form, deterrence is utilization of threats and threat methods to prevent undesired action of an opponent.

### Theoretical Aspects of Deterrence

Some conditions must exist to talk about an actual practice of deterrence. First,

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there must be an opponent planning to use of force against a defender. Second, there must be a defender planning to offset the potential act of opponent by exploiting threat methods.<sup>4</sup> Lastly, for the success of deterrence, the opponent must choose not to attack because of the threat posed by the defender.<sup>5</sup> In this context, deterrence requires clarifying both what the opponent must not do and the potential consequences if he does since the success of deterrence is likely to result from the opponent's conclusion to go ahead or not to go ahead. Even though the deterrer or defender is sincere to carry out the deterrent threat, deterrence might still fail because of the opponent's ignorance on the threat.<sup>6</sup>

At this point, it will be helpful to focus on two traditional problems of deterrence. One of them is to ensure that opponent gets the threat message and reads it properly. Public statements and some other methods are used to communicate the cost and risk of an action to the targeted opponent. However, the opponent may fail to take or read the threat message rationally and properly because of "cultural barriers to understanding, internal concerns, or emotional strain."<sup>7</sup> In this context, a deterrence policy fails to generate the expected outcomes. That is why, the threat message must be clear and the defender must be sure that the opponent receives the message properly.

The second one is the credibility of threat. Application of deterrence policy should contain a form of credibility based on capability, cost, and intentions. That is, the aggressor should understand that the defender has capability to take action. With this act, the cost would be over and above expected benefit from a specific action.<sup>8</sup> If the defender's statements (concerning what he may do to prevent the specific action of the opponent) seem merely suggestion and are expressed in blurred terms then the credibility of threat in particular and deterrence in general will be not persuaded.

It is clear that deterrence brings into view a psychological relationship among opposing sides. Hence, the emotions,

perceptions, and the calculations of decision-makers are at the center of a deterrence policy.<sup>9</sup> For this reason, a deterrence policy should be based not only on the actual capability and on the willpower of the defender to carry out his commitments, but also on his skill to convey this capability and determination to the opponent.

### **Conventional Deterrence**

Before the advent of nuclear weapons, if one said deterrence, it would mean conventional deterrence. That is, conventional forces are the instruments of deterrence policy. Conventional deterrence is directly concerned with the battlefield outcomes. It aims to deny an aggressor accomplishing his battlefield objective by the employment of conventional capabilities. However, even if the studies on conventional deterrence have applied different definitions and key terms, have asked different questions, and have tested different hypotheses, the outcome that came into view has not differentiated. That is, the conventional deterrence frequently fails, even though the potential respond of the defender were "clearly defined, repeatedly publicized, and defensible, and the committed state [gives] every indication of its intention to defend them by force if necessary."<sup>10</sup>

### **Nuclear Deterrence**

Nuclear weapons are only one of a kind that they have totally affected the military and security strategies in a direction different from the other weapons did.<sup>11</sup> As Bernard Brodie puts forth in his study entitled *Strategy in the Missile Age*, with the advent of nuclear weapons, the revolution in military strategy came rapidly and the past military experiences began to seem problematic to conduct the future. Hence, the theory of deterrence has also been affected from this invention. In Brodie's words, the deterrence has acquired a new value and implication.

As Kenneth Waltz expresses, the deterrent strategies gain clarity when nuclear warheads remove "the necessity of fighting" and eliminate "the possibility of defending because only a small number of warheads need to reach their targets."<sup>12</sup> In addition, as

Colin S. Gray explains, in its essence, nuclear deterrence does not differ from any other kind of deterrence. However, in its “plausible probability of success”, it is effective and almost definitely more dependable than conventional deterrence. Since, “it is very difficult for the recipients of nuclear threats to believe that they would walk away with some success from a nuclear war.”

The basis of nuclear deterrence is the reality of the damage that the actual use of these weapons may pose.<sup>13</sup> Therefore, the cost variable that has been important for the success of deterrence gains a new value with nuclear weapons. Since in no case the cost of using nuclear weapons will be low to be accepted by any opponent. Theoretically, nuclear deterrence may be used to deter both the nuclear attacks and attacks with conventional forces, and chemical or biological weapons. Hence, the “nuclear” specifies the quality of the threat that will possibly be posed by the defender against the opponent. The stability of nuclear deterrence was founded on an undeniable reality that a nuclear war could generate an extraordinary devastation for both adversaries.<sup>14</sup> Therefore, nuclear deterrence brought into the game a sort of threat that was very effective and gave no way to failure. Unambiguously, the credibility of threat was very high.

### **Contemporary Security Challenges**

With the end of the Cold War the strategic context that had long rested on a delicate nuclear balance has also come to an end.<sup>15</sup> The so-called “rogue states”, as well as non-state actors which have developed state-like hierarchical command structures started to become influential actors in the political and military arena. The appearance of these political and quasi-military entities in the center-stage of international politics has broadly disturbed the long-running stability and predictability in the international system, and also threatened the international peace and security. Especially, the break up of the 15 republics that constituted the Soviet Union brought about manifold problems, extending from the political, military and sociological to cultural and

religious aspects of life in the newly independent states of Central Asia and the Caucasus. Also equally worth considering, however, was the abolition of strict Soviet control over military installations, be they weapons production facilities or research laboratories. This has been the most serious concern of all to international security analysts in particular because a number of states, as well as non-state entities, have long been known to be in search of ways to acquire and/or develop weapons of mass destruction.

Often cited among these countries were Iran, Iraq, Libya and North Korea, which were on the record for offering former Soviet scientists a fortune to sell their knowledge to develop indigenous WMD capabilities for them. As a result of the US war on Iraq, and thanks to the radical shift of Colonel Qaddafi who decided to quit all of his country’s programs related with the development of weapons of mass destruction, these two countries are dropped from the list. Yet, numerous attempts in the illicit trafficking of material, technology and knowledge used in the development of nuclear, biological and chemical (NBC) weapons, and their delivery vehicles such as ballistic missiles continue. The security forces of various countries have foiled some of these attempts, while some others are believed to have been successful.

More importantly, however, beside these states of concern, some non-state actors are also identified as being involved in the illicit trafficking network for developing WMD capabilities. For instance, the Japanese cult Aum Shinrikyo has a long record of criminal activity, including the sarin gas attack in the Tokyo subway in March 1995. The cult is believed to be composed of a worldwide network of large numbers of scientist and experts working in many fields extending from medicine to engineering and from archaeology to natural sciences. Cult members were arrested during an attempt to buy uranium mines in Australia via the establishment of parent companies in order to conceal their activities, as well as to acquire a seed stock of the deadly

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Ebola virus under the guise of scholarly cooperation during an academic gathering in the middle of the outbreak of that disease in Africa.

Similarly, the world media was alerted soon after the attacks on the World Trade Center (WTC) in New York and on the Pentagon in Washington DC, that another non-state entity, namely Al Qaeda had also established a worldwide network reportedly in some 70 countries with the involvement of thousands of people from almost all strata of the population and with diverse professional backgrounds. The list of such non-state actors is not exhausted and includes clusters of peoples with different objectives, extending from those that uphold religious extremist principles to racist militia groups. What is of common concern to security analysts with respect to such non-state entities is their desire and the ability to gain access to WMD and/or the material used in their production. Should this happen, maintaining peace and stability in the world will become extremely difficult.

#### **Limits of Classical Deterrence**

Even though the so-called rogue states are a major case for serious concern because of their ambitions to take the "revenge" from the militarily more powerful and economically and technologically far more advanced countries of the West, the threat that they pose is still considered to be one that the Western countries can accommodate. This is because, in case of an attack by such a state, there would be a number of strategic targets of theirs (i.e., political headquarters, military installations, bases and the like) whose exact co-ordinates would be known to the countries attacked. Hence, they would be capable of striking back with their superior retaliatory forces. In such cases, the major premises of the classical theory of deterrence are likely to prove successful.

However, non-state actors, mostly the products of the 1990s, have steadily evolved in terms of organizational structures and have increased their sophistication in operational capabilities. These peoples may not always have

specific headquarters, military bases, or standing armies against which an attacked country can launch retaliatory strikes. In the absence of the original address of the aggressor, the only politically and militarily viable option today seems to be to hold certain countries responsible for giving logistical support to such entities and therefore threaten them with retaliation in kind. This has been the case in the immediate aftermath of the terrorist attacks on the American embassies in Kenya and Tanzania. Then the US held Sudan and Afghanistan responsible for giving support to the terrorists who staged the attack and retaliated by striking with cruise missiles that carried conventional warheads. But, the legitimacy of these counter strikes was discussed in the international arena.

Notwithstanding the question of legitimacy, the options become eventually rare as the spectrum of terror and terrorism grows and changes in profile. Unlike a number of terrorist groups in the past, which needed and continue to need state sponsorship to find shelter as well as logistical and financial support, developments in technology and science may soon, if they have not done so already, render such support unnecessary. Individuals with adequate knowledge in a certain scientific field and with the sufficient level of technological equipment may very well initiate terrorist attacks that may cause massive casualties and material damage beyond one's imagination.

The definition of terror and terrorism should be made as broadly as possible without limiting the profile of a terrorist to someone living in the caves over the mountains carrying MK-47 machine guns and explosives. Anybody who would be able to initiate a deliberate attack with malign purposes could be counted as a terrorist or a credible source of serious threat. There are thousands of peoples on earth who may have access to sensitive scientific knowledge and technology, who, for one reason or another, may one day decide to use such capabilities not for the good of humanity, but rather for devastating the lives of millions. A far-

fetched scenario this may be, but the idea of mailing anthrax spores worldwide was seen as almost equally unlikely until recently. These are typical “low probability, high consequences” scenarios, which must be given more serious thoughts in the “new international psyche” after the tragic events of 11 September. What is worrisome is the inability of states to trace those who would be responsible for such attacks. There may or may not be a state behind such “maverick” individuals.

### **Impact of Religious & Cultural Differences**

One other danger associated with state-sponsored or individual terrorism is that those who are involved in such activities may have motivations and/or reasoning stemming from their diverse religious, cultural or ethnic backgrounds. Or their attempts may be represented, and even justified in some circles, as being a result of such differences between their belief systems and those of the rest of the world. This being the case, especially in the face of the terrorist attacks on America, the study of international relations will require reviewing its long-established standard level of analysis, namely the *state* level. The interpretation of the tragic events that took place on 11 September is being done mainly on two grounds. First, there are those who analyze the situation at the state level and determine their political disposition with respect to their relations with the United States, while at the same time they condemn terrorism. Second, there are those who perceive the September 11 events as being a result of the clash of civilizations.<sup>16</sup> Or, to put it more simply, they see it as an outcome of a clash between Islam and Christianity as well as Judaism.

Should this be the case, the study of international relations must be shifted from the state level, where the concept of “national interest” is the ultimate determinant of the pace of relations between states and other actors, to the community (*ummah*) level where the interest of the community (e.g. Muslims all over the world regardless of their national identities) should be taken into

consideration.

### **Conclusion & Recommendations**

The new form of terrorism, which has become a global problem, should be dealt with by means of cooperation and collaboration at global level with the participation of as many countries as possible. It is quite clear that classical deterrence cannot be effective in stopping the new actors in the international arena from doing what they plan to do. New approaches are needed to prevent these groups of people from fulfilling their objectives, which may possibly cause catastrophic damages to not only the mankind but also to the environment. But, there are a number of difficulties on the way to achieving this goal, some of which seem to be insurmountable.

Unlike the case for the decision-making bodies of the states in the international arena, non-state actors and their devoted members do not make classical rational cost-benefit analysis, nor do they set their objectives to pursue some material gains. They are not interested in separatist or ideological struggle either. The greatest cost being losing one’s life is not at all considered to be a cost or something to fear. On the contrary, it is seen as a gain. That is, they believe that, once they lose their lives by committing a suicidal attack, for instance, they will gain the greatest benefit of all, namely a place in Heaven. Hence, trying to create disincentives to neutralize the incentives of such people is highly likely to fail. One effective measure might be to try to find ways to make this kind of terrorists to be concerned with what may happen to their values because of their acts of terror. In other words, if these terrorists can be convinced that what they value the most will suffer from their terrorist acts, then they may be deterred from committing those acts.

On the other hand, bearing in mind the fact that the new actors do not necessarily have specific addresses to retaliate, efforts to convey a message of determination or to display the capability to strike back will make no significant difference either. Moreover, in the absence of a clear-cut state as the aggress-

sor, the response, if at all possible, will have to be with conventional weapons, and deterrence will most likely not work for reasons that have been discussed earlier.

Hence, against this background, where classical deterrence is likely to fail in most circumstances, taking measures to be able to preempt against the terrorists as well as to prevent possible attacks gains importance. But, this must be done in such a way that they should be strictly limited to be employed only against non-state actors, not against the states. Preemptive action against states can be an option only in the case of availability of undeniable hard evidence of collaboration between states and non-state actors to stage an attack, which is believed to be eminent. All in all, preemption will be problematic and will have political implications, especially in the case of an attack against states, no matter what the reason may be. Yet, to achieve this goal, all the peace-loving countries in the world should unite their capabilities in the fight against terror coming from anybody, anywhere, anytime, while preserving their disagreements on a host of other issues.

One of the most significant and possibly most effective instruments in the fight against non-state actors is intelligence. Therefore, states being the essential actors in the international political arena should do their utmost to cooperate in the field of gathering and sharing intelligence. Nevertheless, one must acknowledge the deeply rooted difficulties in sharing intelligence among states. It is already very difficult to share intelligence within the states themselves among their national institutions. Yet, there are some examples, both at the state level and international level, which may be sources of inspiration for further collaborative action in this field. To achieve such a goal, NATO may be an appropriate venue to gather and share intelligence collectively. There already exists a very sophisticated infrastructure within the North Atlantic

Alliance which is expanding both in terms of membership, by way of admitting most of the central and eastern European countries, and also in terms of scope of its mission. NATO is no more an organization concerned with territorial defense against a clearly defined enemy. Since the end of the Cold War, NATO has been undergoing a comprehensive process of transformation to meet the emerging challenges such as those mentioned above. NATO's command and control structure as well as its planning capabilities are being upgraded steadily. Technological supremacy of NATO is being supplemented with additional elements that are hoped to enable the Alliance to expand its human intelligence (HUMINT) capability, which is more reliable in the fight against the non-state actors. Because, technological superiority does not mean too much, after a certain level, in trying to track with the individuals who are known or suspected to be members of non-state actors.

Bearing in mind such positive developments within the Alliance, more and more countries should be invited to collaborate with NATO countries, either by way of becoming full or associate members or partners. Since the threat posed by world-wide terrorist networks is global, responses should be global as well. Instead of trying to establish institutional structures anew, the existing NATO platform which has a built-in credibility earned over the years should be exploited to the most and its capabilities should be made commensurate with the challenges. The NATO Summit that took place in Istanbul in late June 2004 hinted at the possibility of exchange of information between the existing members of NATO and other nations which have both the capability and the will to collect and share intelligence. There is no guarantee that a nation which is not a target of the non-state actors at present will never be targeted in the future for whatever reason that may make sense only to the members of the terrorist organizations.

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## Different Approaches to Counter Terrorism

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### Introduction

Putting aside the misguided perception of “your terrorist versus my terrorist”, we must admit that there exists a lot of type of ‘terrorist’ threatening our lives, our values and the stability all around. There is no internationally agreed definition of terrorism. Also there are more than 300 different definition of terrorism.

Terrorism is a threat to all states and to all peoples. It poses a serious threat to our security, to the values of our societies and to the rights and freedoms of our citizens, especially through the indiscriminate targeting of innocent people. The target of terrorism is not a single society, culture or civilization but the whole “humanity and civilization”. Terrorism is criminal and unjustifiable under any circumstances.

Moreover, International terrorism is a global problem, and no country, no region; no people are completely immune from terrorist violence.

### Definition Problem

Since we have difficulty in describing terrorism within a single common definition, we should all together determine the parameters of common understanding in combating terrorism, because common parameters will eventually bring us to a common understanding.

But we are still looking for finding a working definition of terrorism and we still lack a global definition of terrorism. We are fortunately moving in the direction of a comprehensive global convention against terrorism, including a definition.

Many governments have failed to appreciate the extent and implications of the terrorist threat to modern societies. As a result, most of the countries have not developed a strategy to deal effectively with the challenge. The major reason for this failure is the definitional confusion over terrorism. We will criticize these major reasons and proposed solutions for this failure in follow on paragraphs.

In the twenty-first century, terrorism

remains a vital threat to national and global security interests. As we have seen, many different characteristics have been attributed to the twenty-first century terrorism, It is said to be motivated by religious fanaticism, use extreme indiscriminate violence and possibly WMDs, be increasingly independent from state sponsors and organize itself in network structure helped by communications technology and new amateur terrorists who only come together in ad hoc groupings.<sup>1</sup>

Terrorists and groups appear more willing to experiment with the use of non-conventional weapons such as CBRN today. The future patterns of terrorism present a grim picture.<sup>2</sup>

These conventional and unconventional challenges to the world’s stability require effective national, regional and global efforts to counter all forms of terrorism.<sup>3</sup>

The tragic 9/11 attacks have portrayed once again the transnational character of terrorism unlimited by the borders of any nation. No nation can ensure keeping terrorism outside of its borders. The developments that make political borders more and more translucent, do not allow any country to be completely immune to the social, economic and political unrest and disturbances in other parts of the world. Just like environmental problems, terrorism is no longer a problem confined to a specific country or a region and has gained a global dimension.<sup>4</sup>

### Different Strategies for Countering Terrorism

Which model of counter strategies should be adopted by the countries? Or is it possible to develop new model combining effectiveness with democratic acceptability? We survey the range of approaches that have been taken toward countering terrorism over the past 25 years and assess their relative effectiveness as well as their acceptability to democratic values.

Nations should conduct risk-based assessments of Critical National Assets which, if damaged or destroyed would

affect a country's ability to continue normal life. They should adopt a range of actions intended to prevent terrorist actions, to pursue those responsible, to protect against attacks and to develop resilience against them.

Today, a lot of professionals are working together to counter terrorism. Police officers, military personnel, intelligence personnel, public prosecutors, station and platform inspectors, customs officials, F-16 pilots, train conductors, security guards, tax experts and many others. Their organizations are in contact with each other and keep each other informed. Together they form a 'shield' against terrorism. Cooperation among the forces (Police, military, intelligence), the political system, the general public and the media is particularly important to be successful to counter terrorism.

It is also vital to achieve better coordination and cooperation between nations, international organizations, in order to counter terrorist threat. The most vital element in countering terrorism is to establish a cooperative approach by involving all the necessary bodies that works for solving the problem. This cooperation can only be possible by recognizing and evaluating every kind of terrorist organization as a common target without making any discrimination among them.

Nations and international organizations had developed certain response models for coping with terrorism. There have been a series of responses to the terrorist threat at national or international level. They have taken a number of initiatives to counter terrorism. Nevertheless, all these responses and measures are not sufficient to counter terrorism. We need an agreed international level counter terrorism strategies including political and military level measures. Let us look at summary of nations and international organizations counter terrorism strategy to compare them and to show you the differences between them.

### **American Approach for Countering Terrorism**

Since the 1970s, all US administrations have viewed terrorism, especially international terrorism, as a serious threat to national security that requires a strong response.

Although domestic there were few domestic terrorism incidents like Oklahoma bombing and bombings of abortion clinics by the extremist Christians, the main threat to the US came from abroad in the form of either to single attacks to American citizens or to the American military and civilian facilities like Beirut Marine Barracks bombings, Khobar Tower bombings or single assassination or kidnapping incidents mostly by middle eastern Terrorist Groups.

The combating strategy in domestic incidents was mainly a police approach in the lead of FBI. The reaction for the international terrorism was not so comprehensive and some argue that they were passive when one thinks the pulling out the American troops from Lebanon after the marine barracks attacks.

9/11 attacks made the US change its overall strategy from passive measures to a more proactive one as the projection of preemption strategy of Bush administration.

US recognize their strategy for combating terrorism as winning the War on Terror. President Bush underscored this during his September 15, 2005, speech to world leaders at the UN in New York. He spoke about confronting threats directly, engaging the enemy, disrupting terrorist networks, denying enemies safe haven, building international coalitions, forging treaties that reinforce the rule of law, denying the enemy weapons of mass destruction, and changing the conditions that terrorists exploit.<sup>5</sup>

They are not only planning to employ military power, but also using diplomatic, financial, intelligence, and law enforcement activities to protect their homeland and extend their defense. From the beginning, the War on Terror has been both a battle of arms and a battle of ideas. In the short run, the fight involves the application of all instruments of national powers. In the

long run, winning war on terror means winning the battle of ideas.<sup>6</sup>

It is extremely difficult, indeed impossible to eliminate terrorism by using military force only. Any strategy of counter-terrorism should take into consideration the political nature of terrorism and of war termination. Accordingly, the implementation of non-military measures (political, social, and economic) would be required to terminate terrorism.

### European Approach

On the other side, The September 11, 2001 terrorist attacks on the United States and the subsequent attacks on European countries such as the United Kingdom and Spain have prompted both sides of the Atlantic to reinvigorate their respective efforts to ensure homeland security and combat terrorism. However, U.S. and European approaches to these issues differ. European countries have largely preferred to work within their existing institutional architectures to combat terrorism and respond to other security challenges and disasters, both natural and man-made.

EU countries adopt a range of actions intended to prevent terrorist action by using police and judicial actions, to pursue those responsible, to protect against attacks and to develop resilience against them. Each should have a crises management structure that would regularly rehearse tackling contingencies. Most of the EU countries tend to stress “soft power” instruments such as diplomacy, development assistance, and addressing issues that can give rise to terrorism.<sup>7, 8</sup> Intelligence agencies have identified different level of threat to EU nations. This means perceptions of the risk arising from terrorism differed widely across the EU. Terrorism is clearly recognized as a prime danger in some member states such as Britain, France, Germany, Italy and Spain, while in others organized crime is considered to be much more direct relevance.

Our study recognizes that EU nation’s approaches will continue to differ widely, because of differing experiences,

threat perceptions, and levels of public confidence against counter terrorism. Hence their response to counter terrorist threat and strategy will be different. Consequently, it is also difficult to eliminate terrorism by using “soft power” instruments only.

### Israeli Approach

Because of ongoing suicide attacks from Palestinian and other terrorist organizations, Israel continues to have an aggressive counter- terrorism strategy. The security of the nation relies on the Israeli Defense Force (IDF), the Israeli Security Agency (ISA), and Shin Bet to counter terrorism, not outside governments. The IDF, ISA, and Shin Bet employ three different measures in an attempt to thwart terrorist attacks both in Israel and the Occupied Territories. Defensive, operative, and punitive measures are used in different phases of terrorist attacks in an attempt to protect the lives of Israeli citizens. Of all the three measures used by the IDF and other security agencies, defensive actions have by far been the most effective to date is included.

### UN Approach

If we look at UN strategy, the strategy broadly consists of five pillars or five “D’s” as referred to during the Madrid Summit;

- Dissuade disaffected groups from choosing terrorism as a tactic to achieve their goals,

- Deny terrorists the means to carry out their attacks,

- Deter States from supporting terrorists,

- Develop State capacity to prevent terrorism,

- Defend human rights in the struggle against terrorism. UN Global Strategy to Counter Terrorism, 8 September 2006.<sup>9</sup>

Although the UN strategy against terrorism in the aftermath of 9/11 almost exclusively focused on preventing the financing of terrorism, other logistical aspects in carrying out an attack are (in more detail) included in this strategy: Recruitment, training, weaponry and communication. Particular reference is

made to the use of the Internet as an instrument in recruitment, dissemination of information and propaganda.<sup>10</sup>

When we compare and see the differences of nations and international organizations counter terrorism strategy, we can easily decide that there should be political will, intelligence sharing within the international organization, a united effort and multidimensional strategy to counter terrorism.

### **Turkish Approach**

As a country suffering from terrorism for almost 40 years, Turkey developed a very comprehensive approach to countering terrorism including counter measures in realm of law, law enforcement, military and social development, the main framework being the law.

In addition to economical privileges given by the governments to the places where terrorist incidents are high in number, in military realm, Turkey conducted internal security operations authorized by the governors where the law enforcement personnel were not enough to cope with the threat. Military also provided public services like building schools, providing military personnel to the schools, opening preparatory courses for the University Entrance Exam. In every realm the law and justice were the main baseline. In short military undertook a supportive role to the law enforcement in combating terrorism inside the country, and operated in accordance with Turkish constitution and international law by striking the terrorist safe havens outside its borders in the framework of hot pursuit.

### **Recommendations**

Terrorists exploit weak states as havens where they can hide from arrest, and train or recruit personnel. Making all states more capable and responsible must therefore be a major part of our global counter-terrorism effort. This means promoting good governance and the rule of law, with professional police and security forces who respect human rights.<sup>11</sup>

Also it is very important to prevent and suppress the financing of terrorist

act by reorganizing international laws, to take necessary steps, to prevent the commission of terrorist acts and to prevent the movement of terrorists or terrorists groups by effective border controls and controls on travel documents.

Additionally, an international court for terrorist crimes should be instituted. We must deny terrorists the means to carry out their attacks. That means making it difficult for them to travel, to receive financial support, or to acquire nuclear or radiological material.

Furthermore human rights and the rule of law should be core values for our counter strategy. So we must not sacrifice them in our response. If we do, we are handing a victory to the terrorists. "Upholding human rights is not merely compatible with a successful counter-terrorist strategy. It is an essential element in it."<sup>12</sup>

UN have some efforts to counter terrorism, but as it is revealed before, there is no agreement and solution. For this reason, to promote effective action against terrorist organizations and the states that support them, a permanent, international anti-terrorism institution must be given the authority to identify nations and organizations considered to be involved in terrorism, and determine sanctions and actions to be taken against them.

This international entity should employ its own independent intelligence sources against terrorist agents throughout the world. Another form of cooperation has to do with sharing technological knowledge. There should be a united effort to develop a variety of technological means: to identify and neutralize terrorists from a distance; intelligence equipment for wiretapping, surveillance, command and control; means for locating and neutralizing explosives, as well as chemical and biological agents; methods for supervising crowds and restoring order.

### **Conclusion**

As a conclusion, without adopting an international accepted definition of the

term “terrorism”, the international community will not be able to create the necessary international institutions, and to adopt the international strategies that are needed for combating effectively the danger of terrorism.

Terrorism has not disappeared from the world scene. We are making progress in countering terrorism in some areas, but new dimensions to this problem continue to emerge with distressing frequency. There is no magic solution to this international scourge. But one can be optimistic that global terrorism threat will diminish as an

issue according to strong political will of nations and their cooperation and coordination efforts to confront the terrorists.

So it is expected to look forward to the speedy adoption and implementation of a global strategy against terrorism to promote comprehensive, coordinated and consistent responses, at the national, regional and international levels, to counter terrorism.

Today’s tactical victory, it is not guaranteed for tomorrow’s strategic success.<sup>13</sup>

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## Legal Aspects of Combating Terrorism

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### 1. Introduction

Now that terrorism has gone beyond the national framework and become a transboundary phenomenon, the state bodies come face to face not only with national but also international units. Thus, the state has to fight terrorists and forces supporting them inside as well as outside its national authority.<sup>1</sup>

As one sees it, international law should develop on the basis of modern realities if these differences are to be settled. First aspect, it is necessary to provide an international legal definition of terrorism. Up till now there are numerous definitions of terrorism. Yet, no international legal understanding on how to qualify international terrorism is in existence. Though this issue, if solved, will make it possible to avoid double standards with regard to terrorists and terrorist activities as a whole.<sup>2</sup>

**“Up till now  
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terrorism.”**

Since States are yet to agree upon a definition of terrorism, it is impossible to criminalize terrorism under international law. As a result the general practice is to prosecute individuals for the underlying criminal acts, not for the undefined crime of “terrorism.”<sup>3</sup> In other words, although individuals can be held criminally responsible for some specific forms of terrorism which are prohibited by particular treaties—for example, hijacking of aircraft, terrorist acts against internationally protected persons including diplomatic agents, the taking of hostages, terrorist acts against the safety of maritime navigation, terrorist bombing, financing of terrorism—terrorism per se is not a crime under customary international law.

The legal framework for an international legislation already exists. Over the last forty years the UN and its specialized agencies approved 13 main international treaties related to the fight against terrorism, and the Council of

Europe, seven treaties.<sup>4</sup>

It would be useful to concentrate our debate on the legal framework of the phenomenon of terrorism and on how we can combat this threat by legal means and methods.

COE-DAT organized a course to assist NATO staff to improve their skills in Legal Aspects of Combating Terrorism and to notice the impact of international agreements and institutes in legal aspects of combating terrorism. The course was planned, and, implemented in COE-DAT, Ankara/Turkey between 29 January -02 February 2007 and gathered 52 participants from 24 different countries, most of whom were currently working as legal advisors. 43 of the participants were from NATO countries.

“Legal Aspects of Combating Terrorism Course” addressed topics that include international law and treaties relating to terrorism, human rights issues, financial underpinnings, inter-agency and multinational approaches to counter terrorism, the military response to terrorism, rules of engagement in multinational operations.

### 2. Historical Process Of The Legal Aspects Of Combating Terrorism:

a) Back in 1937, the League of Nations tried to set the standards for dealing with the problem of international terrorism. They put forward the idea of a ‘Convention for the Prevention and Punishment of Terrorism’. This Convention never came into force. It was never ratified by the members of the League. The problem was, as it is today, that a proper definition of what exactly a ‘terrorist’ was could not be found.<sup>5</sup>

b) Although there is no internationally recognized definition of terrorism, terrorism itself is expressly prohibited in many treaties. The article 33(1) of the Fourth Geneva Convention of 1949 provides that “collective penalties and likewise all measures of intimidation or of terrorism are prohibited”.<sup>6</sup>

c) Under the UN Charter, Article 51, which contains the right to individual

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and collective self-defense, specifies the conditions under which individual states may resort to force. The exercise of right of self-defense is permissible ‘until the Security Council has taken the measures necessary to maintain international peace and security’.<sup>7</sup>

d) It is clear that the Article 2(4) of UN Charter prohibits all unilateral use of force – employed directly or indirectly. Thus, the prohibition of force in Article 2(4) is a general and authoritative principle: “All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any manner inconsistent with the purposes of the United Nations.”<sup>8</sup>

e) The Article 4(2)(d) of the Second Additional Protocol of 1977, on internal armed conflicts, prohibits “acts of terrorism” “at any time and in any place whatsoever”.<sup>9</sup>

f) Apart from the UN activities, there exist numerous regional instruments with respect to condemnation of terrorism, such as the European Convention on the Suppression of Terrorism, 1977. The European Convention on the Suppression of Terrorism, stipulates in its Article 1, Paragraph (e) that “an offence involving the use of a bomb, grenade, rocket, automatic firearm or letter or parcel bomb, if this use endangers persons;” shall not be regarded “as a political offence or as an offence connected with a political offence or as an offence inspired by political motives”.<sup>10</sup>

g) The UN has sought to tackle the question of terrorism in a comprehensive fashion. In December 1972, the General Assembly set up an ad hoc committee on terrorism<sup>11</sup> and in 1994 a “Declaration on Measures” to eliminate international terrorism was adopt-

ed.<sup>12</sup> Under this resolution, “all acts, methods and practices of terrorism” are condemned “as criminal and unjustifiable, wherever and by whomever committed, noting that “criminal acts intended or calculated to provoke a state of terror in the general public, a group or person or persons or particular persons for political purposes are in any circumstance unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or any other nature that may be invoked to justify them.” States are obliged to refrain from organising, instigating, facilitating, financing or tolerating terrorist activities and to take practical measures to ensure that their territories are not used for terrorist installations, training camps or for the preparation of terrorist acts against other states.<sup>13</sup>

h) An Ad Hoc Committee was also set up in 1996<sup>14</sup> to elaborate international conventions on terrorism. The Conventions for the Suppression of Terrorist Bombing in 1997 and of the Financing of Terrorism in 1999 resulted.<sup>15</sup> The Committee is also working on drafting a comprehensive convention on international terrorism.

i) According to the resolution 1566, adopted on 08 October 2004, the UN Security Council reaffirmed its resolutions 1267 (1999) of 15 October 1999 and 1373 (2001) of 28 September 2001 concerning threats to international peace and security caused by terrorism.

### **3. The General Framework Of Legal Response To Terrorism:**

a) After the bombings of America’s East African embassies in 1998, and the US response of firing cruise missiles at Al Qaeda training camps in Afghanistan, the UN passed Resolution 1267 – the UN Afghanistan Regulations (UNAR) in 1999. This created a list of what were to be considered by the international community as ‘terrorists’. According to 1267, States should freeze the financial assets and prevent the flow of funds to Al Qaeda, Osama bin Laden and the Taliban. These groups and this individual were thus to be, in the UN’s eyes, treated as terrorists.<sup>16</sup>

b) In 1999 the UN General Assembly adopted the International Convention for the Suppression of the Financing of Terrorism on 9 December 1999 which not only prohibits certain acts of terrorism but also provides a definition. This definition is two-folded: first, in Article 2(a) it refers to the acts prohibited by nine other treaties listed in the Annex ; secondly, in Article 2(1)(b) it provides a formula that completes the previous “definition by reference” and provides that terrorism is: *Any...act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing an act.*<sup>17</sup>

c) After the 9/11 attack upon the World Trade Center, this process moved into a higher level. The resolution 1368/2001 was adopted on 12 September 2001, the Council expressly condemned the attack and declared that it was regarded such attacks “like any act of international terrorism, as threat to international peace and security”.<sup>18</sup> The resolution recognizes the inherent right of individual or collective self-defence in accordance with the Charter of the United Nations. It emphasizes the need to combat by all means threats to international peace and security caused by terrorist acts. The resolution accordingly calls on all States “to work together urgently to bring to justice the perpetrators, organizers and sponsors of these terrorist attacks;...those responsible for aiding, supporting or harbouring the perpetrators, organizers and sponsors of these acts will be held accountable”.

d) In a similar vein, Resolution 1373 (2001), adopted on 28 September 2001, reaffirmed its resolutions 1269 (1999) of 19 October 1999 and 1368 (2001) of 12 September 2001 and the need to combat by terrorist acts. Depending on the power entrusted under Chapter VII, the Council made several binding decisions demanding inter alia for the prevention and suppression of the financing of terrorist acts, the criminal-

isation of wilful provision or collection of funds for such purposes and the freezing of financial assets and economic resources of persons and entities involved in terrorism. Further, states were called upon to refrain from any support to those involved in terrorism and take action against such persons, and to co-operate with other states in preventing and suppressing terrorist acts and acting against the perpetrators.<sup>19</sup>

e) After 9/11 the UN Security Council also set up the Counter - Terrorism Committee (CTC). The CTC is an instrument to monitor the implementation of Resolution 1373 by all States and to increase States’ capability to fight terrorism. Thus the committee is basically an oversight body to make sure that all States are moving forward together against what the UN is now calling terrorism.<sup>20</sup>

## “After 9/11 the UN Security Council also set up the Counter-Terrorism Committee.”

f) UN resolution 1566, adopted on 08 October 2004, includes;<sup>21</sup>

(1) The UN Security Council reaffirmed its resolutions 1267 (1999) of 15 October 1999 and 1373 (2001) of 28 September 2001 as well as its other resolutions concerning threats to international peace and security caused by terrorism.

(2) It calls upon states to cooperate fully with the Counter - Terrorism Committee (CTC) established pursuant to resolution 1373 (2001), including the recently established Counter – Terrorism Committee Executive Directorate (CTED), the “Al Qaeda /Taliban Sanctions Committee” established pursuant to resolution 1267 (1999) and its Analytical Support and Sanctions Monitoring Team, and the committee established pursuant to resolution 1540 (2004), and further calling upon such bodies to enhance cooperation with each other.

(3) It decides to establish working group consisted of all members of the Security Council to consider and submit recommendations to the UNSC on practical measures to be imposed upon individuals, groups or entities involved in or associated with terrorist activities.

(4) Recalls that criminal acts, including 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, intimidate a population or compel a government to do or abstain from doing any act must be punished by penalties consistent with their grave nature by all the states.

g) According to the resolution 1624, adopted on 14 September 2005,<sup>22</sup>

(1) States must ensure that any measures taken to combat terrorism comply with all their obligations under international law. The states should adopt such measures in accordance with international law, in particular international human rights law and refugee law.

(2) Stressing its call upon all states to become party, as a matter of urgency, to the international counter-terrorism conventions and protocols whether or not they are party to regional conventions on the matter, and to give priority consideration to signing the international convention for the suppression of nuclear terrorism adopted by the general assembly on 13 April 2005.

**“The UN must be lead  
agency to ensure  
this co-ordination and  
co-operation.”**

(3) It emphasizes the importance of the role of the media, civil and religious society, the business community and educational institutions in those efforts to enhance dialogue and broaden understanding, and in promoting tolerance

and coexistence, and in fostering an environment which is not conducive to incitement of terrorism.

(4) This resolution calls on states to report to the committee on their counter – terrorism steps, and directs the committee to continue helping governments build their capabilities.

#### **4. United Nations Conventions On Terrorism:**

Since the issue is international, the UN must set the obligations and regulations for dealing with the problem of international terrorism. The problem of international terrorism needs states to co-ordinate and co-operate. It is only through working together that international terrorism can be defeated. If the terrorist can cross borders so easily and can gain support in so many different countries then it becomes the responsibility of all states to act as if they have a common enemy – the terrorist. The UN must be the lead agency to ensure this co-ordination and co-operation.<sup>23</sup>

As, I have mentioned at the outset, we have more than 13 international conventions under the framework of UN:

- ‘Convention on offences and certain other acts committed on board aircraft’ was signed at Tokyo on 14 September 1963 and ratified by 180.

- The Convention for the Suppression of Unlawful Seizure of Aircraft’ signed at The Hague in 1970 and ratified by 181 states.

- ‘Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation’. signed at Montreal in 1971 and ratified by 183 states.

- ‘Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents’ signed at New York on 14 December 1973 and ratified by 159 states.

- ‘International Convention against the Taking of Hostages’ was signed at New York in 1979 and has 153 ratifications.

- ‘Convention on physical protection of Nuclear Material’ signed at Vienna on 3 March 1980 and has 116 ratifications.

- ‘Protocol on the suppression

of unlawful acts of violence at airports serving international civil aviation' signed at Montreal on 24 February 1988 and has 156 ratifications.

- 'Convention for the suppression of unlawful acts against the safety of Maritime Navigation' done at Rome on 10 March 1988 and has 134 ratifications.

- 'Protocol for the suppression of unlawful acts against the safety of fixed platforms located on the continental shelf' done at Rome on 10 March 1988 and has 123 ratifications.

- 'Convention on the marking of plastic explosives for the purpose of detection' signed at Montreal on 1 March 1991 and has 123 ratifications.

- 'International convention for the suppression of terrorist bombings' signed at New York in 1997 and has 145 ratifications.

- 'International convention for the suppression of the financing of terrorism' signed at New York on 9 December 1999 and has 150 ratifications.

- 'International convention for the suppression of acts of Nuclear Terrorism' signed at New York on 13 April 2005.<sup>24</sup>

### 5. Diverging Approaches To Terrorism By Nations:

Terrorism is a global phenomenon, so it needs global solutions. There is a strong need for co-operation between states in providing intelligence, arrest of individuals and hindrance of funding and general movement. However, true co-operation requires that different countries have the same approach to dealing with the 'enemy', the terrorist. This is not apparent, especially in the case of EU and US.<sup>25</sup>

### 6. Legal Basis For Targeting The Funding Of Terrorism:

In the area of counter-terrorist financing, three specific political-legal measures are vitally important. They are the International Conventional for the Suppression of the Financing of Terrorism (1999) – one of the 13 universal UN conventions dealing with specific areas of terrorist behaviour and/or activity; UN Security Council Resolution 1373 agreed on 28 September

## “Terrorism

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2001; and the Financial Action Task Force on Money Laundering established in 1989.<sup>26</sup>

A relationship exists between funding and effectiveness of terrorist activity, although it is not a linear relationship. Money or funding is a necessary prerequisite to terrorist groups carrying out acts of terrorism. Terrorists need funds to conduct operations, but they also need funds for a range of infrastructure, logistic, support and humanitarian requirements. Invariably, these costs are greater than the operational costs, as 9/11 and other terrorist attacks have demonstrated.<sup>27</sup>

It was estimated that 9/11 plotters spent between \$400,000 - \$500,000 to plan and conduct 9/11 attack over 2 years.<sup>28</sup> CIA estimates that it cost al Qaeda about \$30 million per year to sustain all its operations before 9/11.<sup>29</sup> Terrorists raise funds from a variety of sources and activities that can be broadly divided into legal (or quasi-legal) sources on the one hand and illegal sources on the other hand.

### 7. Conclusions:

1. Terrorism is a global phenomenon, so it needs global solutions. There is a strong need for co-operation between states in providing intelligence, arrest of individuals and hindrance of funding and general movement. However, true co-operation requires that different countries have the same approach to dealing with the 'enemy', the terrorist. The UN must be the lead agency to ensure this co-ordination and co-operation for dealing with the problem of international terrorism.<sup>30</sup>

2. There is no international legal agreement on how to qualify international terrorism in existence. Though this issue, if solved, will make it possible to avoid double standards with regard to terrorists and terrorist activities as

a whole. The United Nations must try to set the “comprehensive convention on international terrorism” for dealing with the problem of international terrorism.

3. There are many international organizations working together to set norms and standards, but the UN, and especially the UN Counter-Terrorism Committee (CTC), is very central to the global combating the financing of terrorism (CFT) effort.<sup>31</sup>

4. Interagency cooperation against terrorism can only be achieved by greatly expanding collaboration amongst states and maximizing the flow of information at various levels, investing in technology and educating people.<sup>32</sup>

5. In the event that counter-terrorism operations are undertaken by a multinational force, each national force involved will be bound by the interna-

tional agreements governing those operations to which its government is a party. Each national force will also be bound by customary international law. While nearly all states are parties to one or more international agreements concerning the law of armed conflict, it is likely that not all will be parties to the same agreements. As a result, there will likely be different law of armed conflict obligations among the forces involved.<sup>33</sup>

6. The Military Concept for Defence against Terrorism (MC 472) addresses two broad roles for NATO’s involvement in Counter Terrorist Operations: NATO in the lead, and NATO in support. MC472 describes 4 different roles for military operations for defence against terrorism. These roles are Anti-Terrorism, Consequence Management, Counter-Terrorism, and Military Cooperation.<sup>34</sup>

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- <sup>5</sup> See Rod Thornton, "United Nations and Terrorism", Legal Aspects of Combating Terrorism Course, 29 Jan -02 Feb 2007.
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- <sup>8</sup> See Ms. Müge KINACIOĞLU, "The Concept of Use of Force", Legal Aspects of Combating Terrorism Course, 29 Jan -02 Feb 2007.
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- <sup>10</sup> See Ms. Selda SAYGI, "Treaties related to Terrorism", Legal Aspects of Combating Terrorism Course, 29 Jan -02 Feb 2007.
- <sup>11</sup> General Assembly Resolution 3034.
- <sup>12</sup> See Ms. Selda SAYGI, "Treaties related to Terrorism", Legal Aspects of Combating Terrorism Course, 29 Jan -02 Feb 2007.
- <sup>13</sup> A supplementary declaration was adopted in 1996, which emphasised in addition that acts of terrorism and assisting them are contrary to purposes and principles of the UN. General Assembly Resolution 51/210, also Resolution 55/158, 2001.
- <sup>14</sup> UN General Assembly Resolution 51/210.
- <sup>15</sup> The report of Sixth Committee, 2002, A/56/593; also General Assembly Resolution 57/27, 2003.
- <sup>16</sup> See Rod Thornton, "United Nations and Terrorism", Legal Aspects of Combating Terrorism Course, 29 Jan -02 Feb 2007.
- <sup>17</sup> See Ms. Selda SAYGI, "Treaties related to Terrorism", Legal Aspects of Combating Terrorism Course, 29 Jan -02 Feb 2007.
- <sup>18</sup> See Ms. Selda Saygi, "Treaties related to Terrorism", Legal Aspects of Combating Terrorism Course, 29 Jan -02 Feb 2007.
- <sup>19</sup> See Ms. Selda Saygi, "Treaties related to Terrorism", Legal Aspects of Combating Terrorism Course, 29 Jan -02 Feb 2007.
- <sup>20</sup> See Rod Thornton, "United Nations and Terrorism", Legal Aspects of Combating Terrorism Course, 29 Jan -02 Feb 2007.
- <sup>21</sup> See at [http://www.mideast.web.org/UNSC Resolution 1566-2004](http://www.mideast.web.org/UNSC%20Resolution%201566-2004).
- <sup>22</sup> See at [http://www.mideast.web.org/UNSC Resolution 1624-2005](http://www.mideast.web.org/UNSC%20Resolution%201624-2005).
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- <sup>24</sup> See at <http://untreaty.un.org/English/Terrorism.asp>.
- <sup>25</sup> See Rod Thornton, "Diverging national approaches to Terrorism", Legal Aspects of Combating Terrorism Course, 29 Jan -02 Feb 2007.
- <sup>26</sup> See Tom Maley, "Legal basis for targeting the funding of terrorism", Legal Aspects of Combating Terrorism Course, 29 Jan -02 Feb 2007.
- <sup>27</sup> See Tom Maley, "Legal basis for targeting the funding of terrorism", Legal Aspects of Combating Terrorism Course, 29 Jan -02 Feb 2007.
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- <sup>33</sup> See Todd C. Huntley, "Rules of engagement in multinational operations against terrorism", Legal Aspects of Combating Terrorism Course, 29 Jan -02 Feb 2007.
- <sup>34</sup> See Jonathan Parish, "Multinational operations related to terrorism", Legal Aspects of Combating Terrorism Course, 29 Jan -02 Feb 2007.

## Coe-Dat Activities (March 2007)



1. COE-DAT conducted an Advanced Training Course on “Border Security and Transborder Crimes” in Tbilisi/Georgia on 26 February- 03 March 2007 within the framework of NATO Security through Science Programme. During five days’ training program; border security terminology, border security and management in NATO and European Union member states, effective border security and common

problem areas together with organized crime and terrorism, international cooperation and intelligence sharing were examined. Totally 50 senior officers and officials from Georgian Border Units and Defense Ministry participated in the advanced training course. There were 11 trainers composed of academicians, specialists and military personnel from various NATO countries.



2. General Valentin KORABELNIKOV, the Chief of Russian Federation Military Intelligence visited COE-DAT on 2 March 2007.

3. A team from United Kingdom (UK) composed of subject matter experts from Ministry of Defence and 20th Brigade visited COE-DAT to give a presentation on “UK Lessons Learned based on operations in Iraq and Afghanistan” on 13 March 2007. The aim of the briefing was to convey UK operational experiences to the related COE-DAT personnel to enhance the common understanding and cooperation by exchanging the information on Defence Against Terrorism (DAT) at the operational level.



## Coe-Dat Activities (April 2007)

1. COE-DAT will conduct a course on “Media and Terrorism” on 30 April - 4 May 2007. The course aims to examine the current media reporting on terrorism, to increase the awareness of the requirements of media and on dealing with the journalists, to study info ops and positive use of the media, to study the best practice in managing information and provide a fruitful platform for discussion. In this respect, the course is open to all NATO, PfP and Mediterranean Dialogue nations for participation.

## Coe-Dat Activities (May 2007)

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1. COE-DAT will carry out a NATO Advanced Research Workshop on “Train the Trainers of Amputee Players” on 7-11 May 2007 in Ankara/TURKEY. The workshop is organized by COE-DAT and sponsored by NATO Security Through Science Programme”. The workshop aims to discuss and define methods and practices related to disabled sports in order to improve the sharing of information, experience and technical means with and among the trainers who trains the amputees, especially from eligible partner countries and Mediterranean countries, develop amputee sports, establish amputee sport teams from eligible partner countries and Mediterranean countries, in which can participate in future events. After the workshop, a book composed of the papers presented by the lecturers will be published from NATO Science Series.

2. COE-DAT is organizing a conference on “Counter Ideological Support of Terrorism” together with George C. Marshall Center and NATO-Russia Council on 14-18 May 2007 in Ankara/TURKEY. The aim of the conference is to review measures to deal with terrorism and ideological support of terrorism, to provide policy suggestions for the way ahead in each dimen-

sion of countering ideological support of terrorism and to support the development of counter-terrorism initiatives within the NATO-Russia Council, United States-Russia Working Group on countering terrorism and other counter terrorism policy venues.

3. COE-DAT will conduct another NATO Advanced Research Workshop on “Motivation for Suicide Bombers” on 24-25 May 2007 in Ankara/TURKEY. The workshop is organized by COE-DAT and sponsored by NATO Security Through Science Programme”. The workshop is organized for enhancing our understandings about the background, motivation, rationales and the mechanism of suicide bombings, providing a fruitful platform to identify a general pattern of the phenomenon, to combine multilateral efforts in countering suicide bombings caused by terrorist organizations to the target regions and develop a concept which will ensure preemptive action to eliminate or significantly reduce the effects of suicide bombings to countries of greatest risk. After the workshop, a book composed of the papers presented by the lecturers will be published from NATO Science Series.

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